



# Discipline Reform Task Force Report

Tennessee Department of Education | July 2018

# Introduction

Chapter 204 of the Public Acts of 2017 directed the Tennessee Department of Education to conduct a review of all current laws and policies related to exclusionary discipline practices in public schools for students in pre-K and kindergarten (pre-K-K) as well as to review current discipline data; the impact of exclusionary discipline; the benefits of utilizing restorative practices; and what resources are available for teachers and parents.

In response to this directive, the department convened a pre-K-K Discipline Reform Task Force to review current laws and discipline practices. The task force members included juvenile court officials, judges, a representative from the Tennessee Commission on Children and Youth, a director of schools, and other local education agency (LEA) representatives (see [Appendix A](#) for a full list of task force members). This report is the culmination of the work of the task force and includes guidelines and standards for alternatives to exclusionary discipline practices.

## ***Impact of Exclusionary Discipline Research***

High-quality early childhood education lays the foundation for a child's educational career and sets the trajectory for the relationships and successes they will experience for the rest of their lives. In a time of rapid brain growth, early childhood education should foster children's healthy development. The use of exclusionary discipline practices (e.g., suspension and expulsion) in pre-K-K can negatively impact the long-term educational success of children.

In December 2014, the U.S. Department of Health and Human Services and U.S. Department of Education released a joint policy statement on expulsion and suspension policies in early childhood settings. According to the joint statement, students who are expelled or suspended in early childhood are as much as **10 times** more likely to drop out of high school, experience academic failure and grade retention, hold negative school attitudes, or face incarceration than those who are not expelled or suspended. Boys are expelled 4.5 times more than girls, and the majority of children expelled, at least 42 percent, are African American boys. Nationally, children in state-funded preschool programs are being expelled at three times the rate of children in kindergarten through 12th grade.<sup>1</sup>

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<sup>1</sup> U.S. Department of Health and Human Services, U.S. Department of Education (2014), Policy state on expulsion and suspension policies in early childhood settings.

In March 2017, the Center on Enhancing Early Learning Outcomes (CEELO) released a policy report to assist states in developing policies and practices on early childhood suspension and expulsion. The report states that preschool behavior problems are the single best predictor of adolescent delinquency and adult imprisonment, and early childhood aggressive or non-compliant behavior may be a signal that mental health intervention is needed. The report recommends state policy be developed in a way that balances restrictions on expulsion, emphasizes appropriate interventions when children exhibit aggressive or challenging behaviors, and provides resources and supports to educators and families to prevent behaviors that trigger suspension or expulsion.<sup>2</sup>

Suspensions and expulsions in pre-K–K education threaten the development of positive, supportive relationships and can be a result of the lack of positive relationships between educators, families, and children. The use of exclusionary discipline in pre-K–K education disrupts the learning process, promotes the re-victimization of children affected by trauma, and can increase inequality by prohibiting the child and family access to meaningful supports. The state’s responsibility is to facilitate equitable access to high-quality, developmentally appropriate, and culturally responsive early childhood education programs that help families and communities in Tennessee thrive.

### ***Tennessee Discipline Laws and Voluntary Pre-K and Kindergarten Discipline Data***

T.C.A. § 49-6-3401 defines exclusionary discipline as the suspension or expulsion of a student from attendance at the school, including its sponsored activities, or from riding a school bus, for good and sufficient reasons. A student determined by the school to have brought a firearm; committed aggravated assault against a school employee; or found unlawfully possessing any drug, controlled or legend, shall be expelled for one calendar year, which can be modified by the director of schools. Tennessee law gives the authority to suspend and expel students in grades K–12 to principals and assistant principals. However, Tennessee law does not address the use of exclusionary discipline in pre-K.

Acknowledging that consistent attendance in pre-K will increase students’ chances of success in all future school experiences, the department adopted attendance guidance (see [Appendix B](#)) to help inform local attendance policies in Voluntary Pre-K (VPK) programs. The department utilizes this

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<sup>2</sup> Connors-Tadros, L., & Hammond, J. (2017). *Information and resources to assist states in developing policy on early childhood suspension and expulsion* (CEELO Policy Report). New Brunswick, NJ: Center on Enhancing Early Learning Outcomes.

guidance when reviewing a district's request to dismiss a student from a VPK program due to attendance. Currently, the guidance does not address a student's dismissal from a VPK program due to behavior violations; however, the department requires all VPK programs to secure permission from the department before expelling a student for a behavior violation.

Despite the research on the negative effects of exclusionary discipline, some districts are still using exclusionary discipline to punish their VPK students. During the 2016-17 school year, **74** of Tennessee's 18,680 **VPK students** were involved in **110** incidents resulting in either in-school (23) or out-of-school (87) suspensions. These incidents were spread out over 25 districts, which represent about 20 percent of all districts offering VPK. In terms of length, about 35 percent of exclusionary discipline incidents lasted more than one day. In terms of the reasoning for discipline, 80 percent of all incidents were the result of a "violation of school rules." Voluntary Pre-K exclusionary discipline data is included as [Appendix C](#).

Current discipline data for **kindergarten students** in Tennessee shows that **1,669** students were involved in **3,178** incidents resulting in exclusionary discipline. Roughly 68 percent of these infractions were served by out-of-school suspension, and over 40 percent of exclusionary discipline incidents resulted in multiple days of disciplinary action. In addition, 75 percent of all exclusionary discipline incidents were the result of a "violation of school rules."<sup>3</sup> Of those students involved in exclusionary discipline incidents, 81 percent were male and, while African American students make up one quarter of kindergartners, they constitute 54 percent of those suspended, reassigned, or expelled. Data further shows that schools that assign exclusionary discipline to more than 10 percent of their kindergarten students have a much higher median percent of African American students than those that assign exclusionary discipline to less than one percent of their students. Kindergarten exclusionary discipline data is included as [Appendix D](#).

In recent years, Tennessee has worked to ensure early learning programs, such as VPK, provide children the opportunity to develop school readiness skills and a strong foundation for learning. To further support this work, Tennessee must appropriately address the use of exclusionary discipline in pre-K-K by defining exclusionary discipline—including dismissals, suspensions, and expulsion—and whether these practices should be used as an appropriate intervention for some children. As a best practice, districts should develop policy and guidance for schools to prevent and reduce suspension and expulsion.

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<sup>3</sup>Schools code disciplinary violations into different categories, such as "Fighting," "Vandalism/Damage of Property," and "Possession, use, or distribution of alcohol." A "violation of school rules" doesn't fall into any of the 21 other categories available in the state's Education Information System (EIS) and represents a "misbehavior that violates school policy."

## ***Alternatives to Exclusionary Discipline***

The CEELO policy report suggests that the root cause of behaviors that result in suspension and expulsion in early childhood could be prevented or ameliorated with high-quality early childhood educational practices. The use of exclusionary discipline is **not** a solution to challenging behavior and should only be utilized as a last resort. Effective discipline policies and practices should take a systemic approach to classroom management and positive discipline, provide a culture of positive social and personal development, and recognize that some children may need more intensive mental health supports. CEELO recommends the following research-based practices that have been shown to be effective in reducing or eliminating suspension and expulsion and increasing children's positive pro-social behaviors.<sup>4</sup>

- Professional development and training for teachers on effective classroom management that promotes a school-wide culture of positive discipline that includes RTI<sup>2</sup>-B and restorative practices
- Individualized behavior plans to address children's behavior challenges that include access to mental health resources and services
- Developing social and personal competencies that emphasize the five core competencies of self-awareness, social awareness, self-management, relationship skills, and responsible decision-making
- Creating a system of support for teachers and families that focuses on trauma-informed care to have a greater understanding of how chronic stress, family or community trauma and violence, and substance abuse and mental health in the home influence children's behavior

## ***Recommendations***

Given the negative impact of exclusionary discipline in early education, **the use of suspension and expulsion in pre-K-K should not be viewed as an intervention.** Rather, it should only be reserved as a last resort. Exclusionary discipline disrupts the learning process and impacts the social and personal development of a child. A proactive approach to addressing this issue can be achieved by engaging stakeholders, providing guidance, and promoting evidence-based strategies.

To ensure the fair and equitable treatment of students, and to reduce the use of exclusionary discipline practices in pre-K-K, the Discipline Reform Task Force recommended that:

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<sup>4</sup>Connors-Tadros, L., & Hammond, J. (2017). *Information and resources to assist states in developing policy on early childhood suspension and expulsion* (CEELO Policy Report). New Brunswick, NJ: Center on Enhancing Early Learning Outcomes.

- The department develop Tennessee-specific policy and guidance for schools to prevent and reduce suspension and expulsion.
- The department develop guidelines for alternatives to suspension and expulsion (See [Appendix E](#)).
- Districts reserve suspension and expulsion as a last resort except when non-accidental conduct causes serious physical harm to a student or school employee, or when required by law.
- When an out-of-school suspension is imposed, the district takes steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to their classroom as soon as possible so the disruption of the student’s academic instruction is minimized.
- The department provide technical assistance, training, and support on the development and implementation of a multi-tiered system of support to address challenging student behaviors through a trauma-informed lens.
- With department support, districts explore the possibility of increased access to mental health resources to determine the behavioral supports necessary for children to succeed or have access to a program better able to meet their needs.
- Districts provide training for faculty and staff on alternatives to suspension and expulsion to include RTI<sup>2</sup>-B and restorative practices. In addition, training on trauma-informed care or ACEs (adverse childhood experiences) and implicit bias should be provided.
- Districts promote the social and personal development of young children by utilizing the Pyramid Model and/or the [Tennessee Social and Personal Competencies Resource Guide](#).
- The department expand and enhance the [Student Supports in Tennessee](#) website to include resources and information on prevention of suspension and expulsion in pre-K–K for educators and families.

## ***Resources***

The following are free resources for educators and families to address children’s behavioral challenges and to support the healthy development of children.

### [Tennessee Department of Education, Voluntary Pre-K](#)

The VPK initiative provides Tennessee’s four year-old children an opportunity to develop school readiness skills (pre-academic and social skills).

### [Tennessee Department of Education, Office of Safe & Supportive Schools](#)

The office of safe & supportive schools offers training on Building Strong Brains: Strategies for Educators on adverse childhood experiences (ACEs), restorative practices, and multi-tiered systems of support to reduce misbehavior while improving the overall climate for learning.

#### [Kidcentral TN](#)

Kidcentral TN is an online listing of state-operated and state-funded programs available to Tennessee families, children, and parents.

#### [The IRIS Center at Vanderbilt University](#)

The goal of the IRIS Center is to improve educational outcomes for all children, especially those with disabilities. Resource topics include early intervention/early childhood and are organized by modules, case studies, video vignettes, etc.

#### [Collaborative for Academic, Social, and Emotional Learning \(CASEL\)](#)

The mission of this collaborative is to advance the practice of promoting academic, social, and emotional learning for preschool to high school kids. The website has many resources for educators and families at the state and local levels.

#### [Birth to Five, Watch Me Thrive](#)

This federal effort through the Office of the Administration for Children and Families was created to help families and providers learn more about child development and developmental and behavioral screenings for children.

#### [Center on the Social and Emotional Foundations for Early Learning](#)

The focus of this national resource center, funded by the Office of Head Start and Child Care Bureau is to promote social-emotional development and school readiness for young children within Head Start and Child Care programs. This center provides [Parent Training Modules](#), which consist of evidence-based practices and resources that are useful in addressing the social-emotional needs of young children.

#### [Positive Behavioral Intervention & Supports](#)

The goal of this technical assistance center, established by the U.S. Department of Education, is to develop, design, and evaluate positive behavioral interventions and supports. The [Pyramid Equity Project](#), operated by the center, helps to change adult responses to challenging behaviors to reduce the risk of preschool suspensions and expulsions.

### [Early Childhood Mental Health Consultation](#)

Georgetown University's Center for Child and Human Development provides activities as well as resources around the topic of early childhood mental health consultation. This strategy supports social-emotional development and addressing challenging behaviors and provides several modules to learn how to help children who have experienced trauma.

### [National Child Traumatic Stress Network](#)

The center provides services, programs, and information for traumatized children, their families, and communities.

## ***Appendix A: Discipline Reform Task Force Members***

Judge Shelia Calloway – Davidson County juvenile court

Dr. Tony Majors – executive officer, student supports, Metro Nashville Public Schools

Beth Cruz – attorney, public defender’s office

Mary Louise Hemmeter – pre-K childhood development, Vanderbilt University

Melody Hobbs – pre-K teacher, Lenoir City Schools

Momodou Keita – student services supervisor, Bartlett City Schools

Johnny McDaniel – director of schools, Lawrence County Schools

Ben Torres – deputy general counsel and director of government relations, TSBA

Dr. Angela Hargrave – director, office of S.E.E.D., Shelby County Schools

Dr. Deanna McClendon – office of early childhood, Shelby County Schools

Art Fuller – Knowledge Academy

Dale Lynch – director, TOSS

Steve Petty – legislative liaison, Tennessee Commission on Children and Youth

Representative Raumes Akbari – Tennessee House of Representatives, Memphis

Representative Mark White – Tennessee House of Representatives, Memphis

Senator Reginald Tate – Tennessee Senate, Memphis

### **Department of Education Participants**

Elizabeth Alves – assistant commissioner, early learning

Candace Cook – director of pre-K programs, early learning

Pat Conner – executive director, safe and supportive schools

Mike Herrmann – executive director, healthy, safe, and supportive schools

Annie Freeland – legislative liaison

Aleah Guthrie – legislative liaison

Zachary Stone – research analyst, research and data use

Alison Gauld – behavior and low incidence disabilities coordinator, special populations

Rachel Wilkinson – executive director, IDEA data services, special populations and student support

## ***Appendix B: Voluntary Pre-K (VPK) Attendance Guidance Policy***

Young children's growth and development is maximized through consistent participation in a high-quality environment. Establishing consistent attendance routines in pre-K will increase students' chances of success in all future school experiences, K-12. With this in mind, the department has adopted this pre-K attendance guidance to help inform local pre-K attendance policies. The department will utilize this guidance when reviewing a district's request to dismiss a student due to attendance.

### **Excused Absences:**

Attendance is a key factor in student achievement, but certain situations can require a student to miss school. The following are examples of acceptable reasons for excused absences:

1. The child has a personal illness or injury;
2. The child has other ongoing health-related ailments which temporarily prevent attendance;
3. The child contracts a communicable disease (virus or flu);
4. Religious observances;
5. Death in the family;
6. Limited medical/dental/therapy appointments (these should be made outside school hours unless necessary).

The department also recognizes that there are additional circumstances or emergencies that may arise. In these situations, the site-level administrator should consult their district-level pre-K attendance policy and determine if the justification given by the parent/guardian provides a valid reason for the student's absence.

### **Procedures:**

Each site or district should have a contact person. This is the person with whom parents can address attendance concerns. Contact information should be distributed with the district's pre-K attendance policy.

If a child has four (4) or more unexcused absences within one (1) month—the site-level administrator should contact the family and determine the child's participation status. The site-level administrator should document attempts to contact the family and the outcome of those attempts and/or communications.

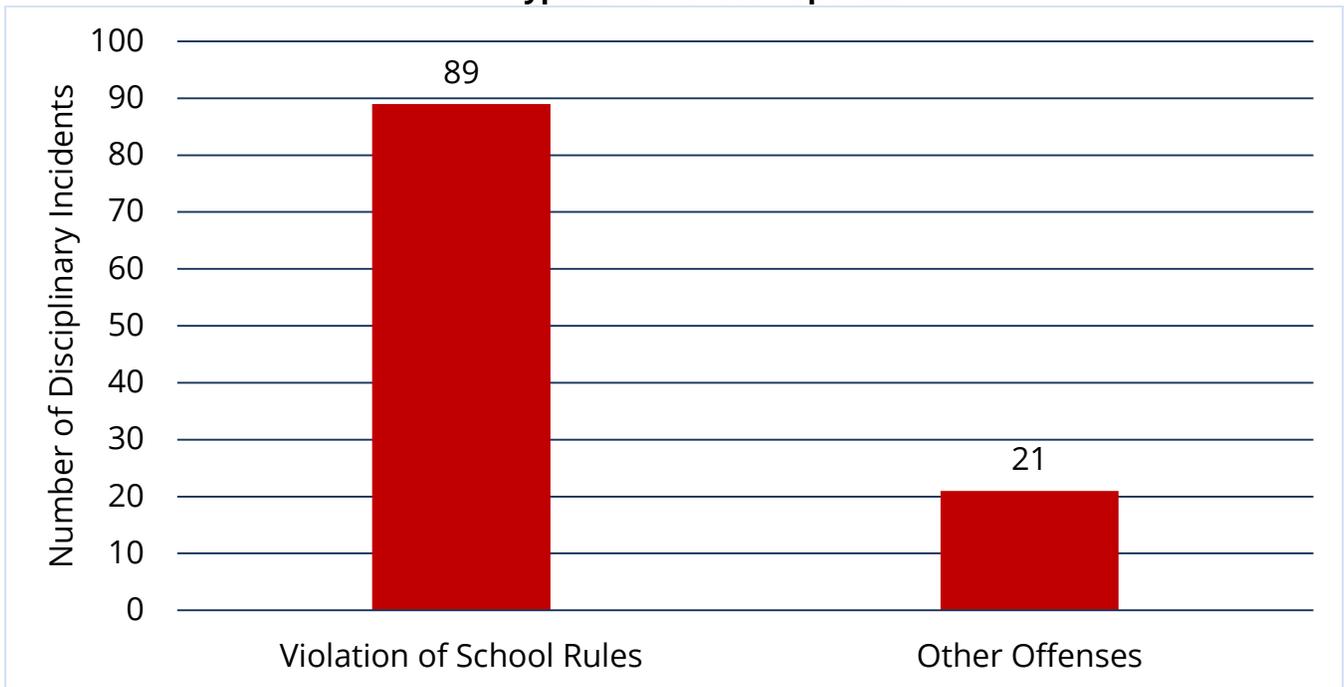
If a child has five or more unexcused absences in a three-month period, the site-level administrator should contact the family to develop an attendance plan.

The attendance plan should be designed to help the family establish regular attendance or, if necessary, to plan for alternative services. The attendance plan should be developed by the family and appropriate school personnel, including, but not limited to: the child's primary pre-K teacher; the site-level administrator; the IEP team (if applicable); and additional staff serving the school and family.

### **Appendix C: 2016-17 Voluntary Pre-K (VPK) Discipline Data**

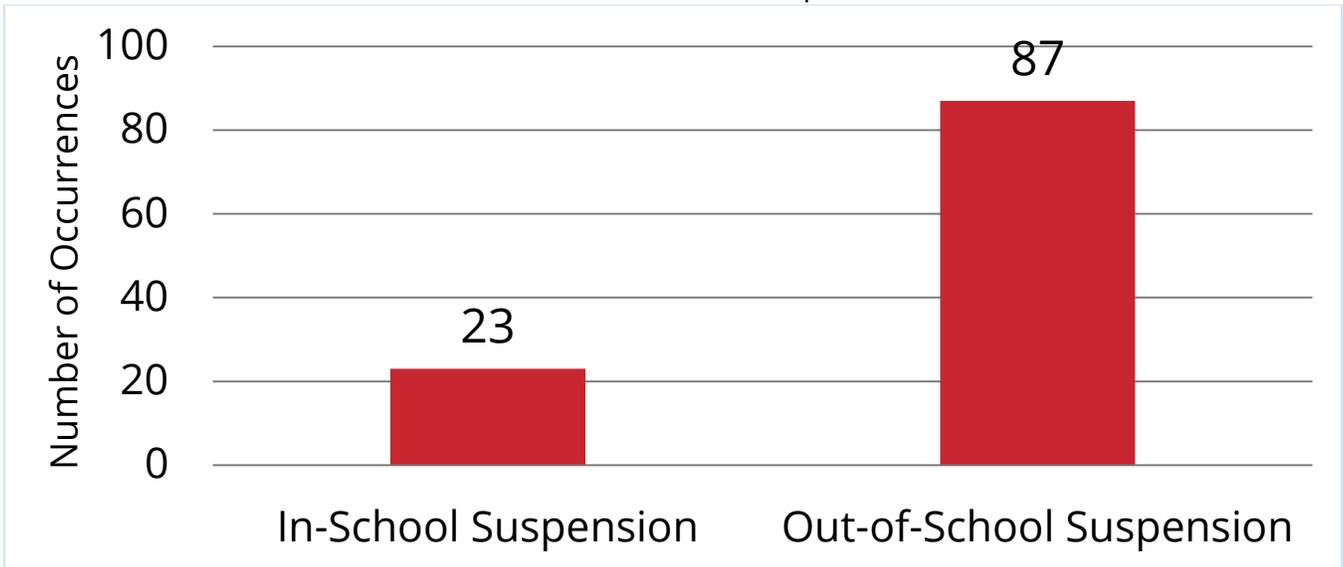
- 18,680 students enrolled in the VPK program in 135 districts.
- 110 districts reported 0 pre-K students for disciplinary infractions.
- 25 districts reported 74 students for disciplinary infractions.
- These 74 VPK students were involved in 110 reported discipline incidents.
- The actual number of children reported by district ranged from 1 to 9.

**VPK Types of Offenses Reported**

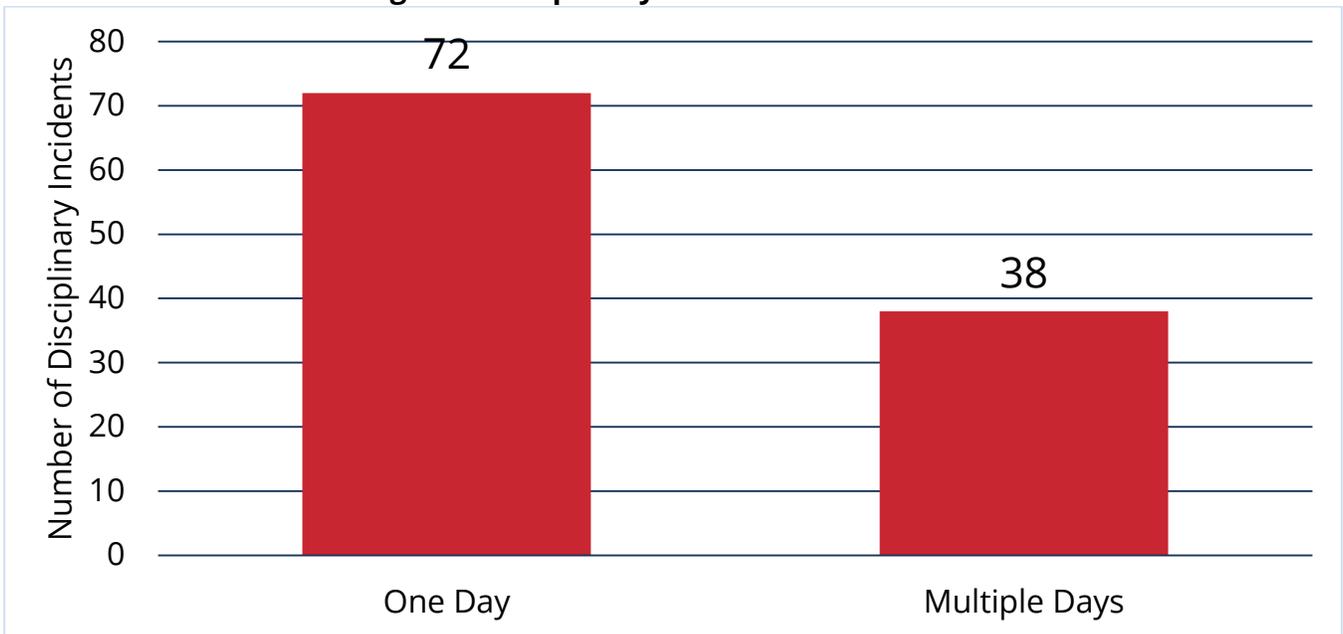


### Exclusionary Discipline Assigned to VPK Students

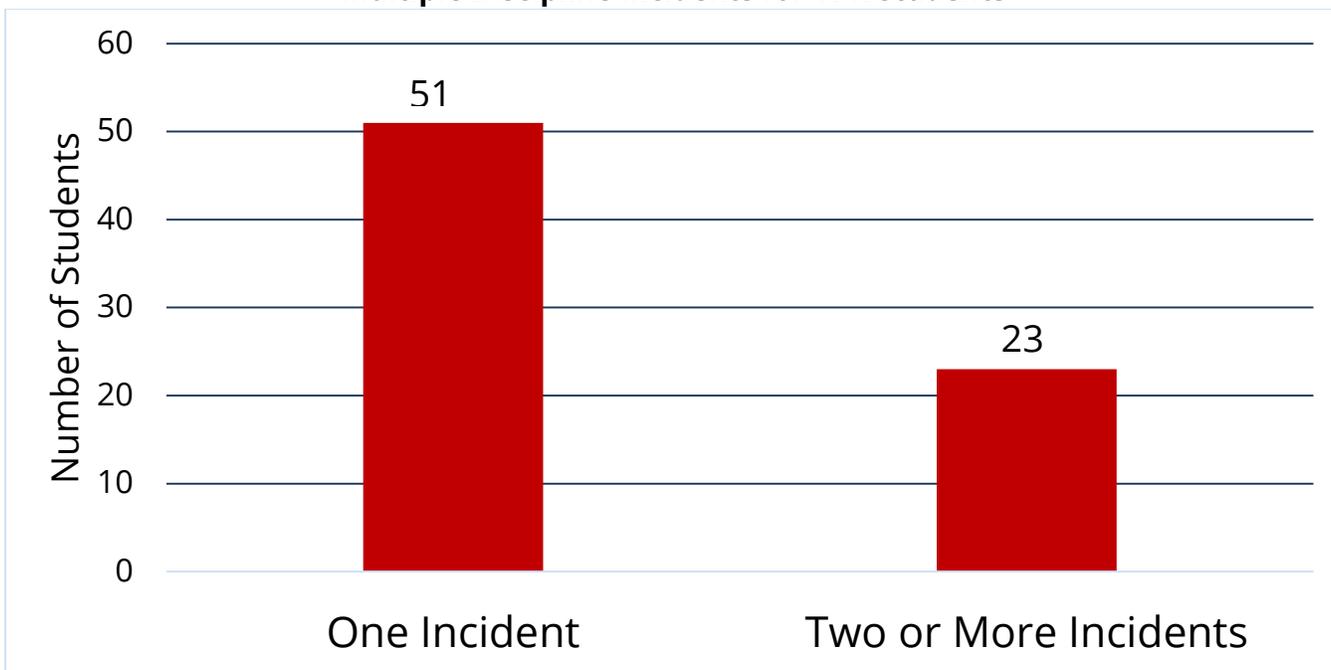
79% of offenses resulted in out-of-school suspension for VPK students.



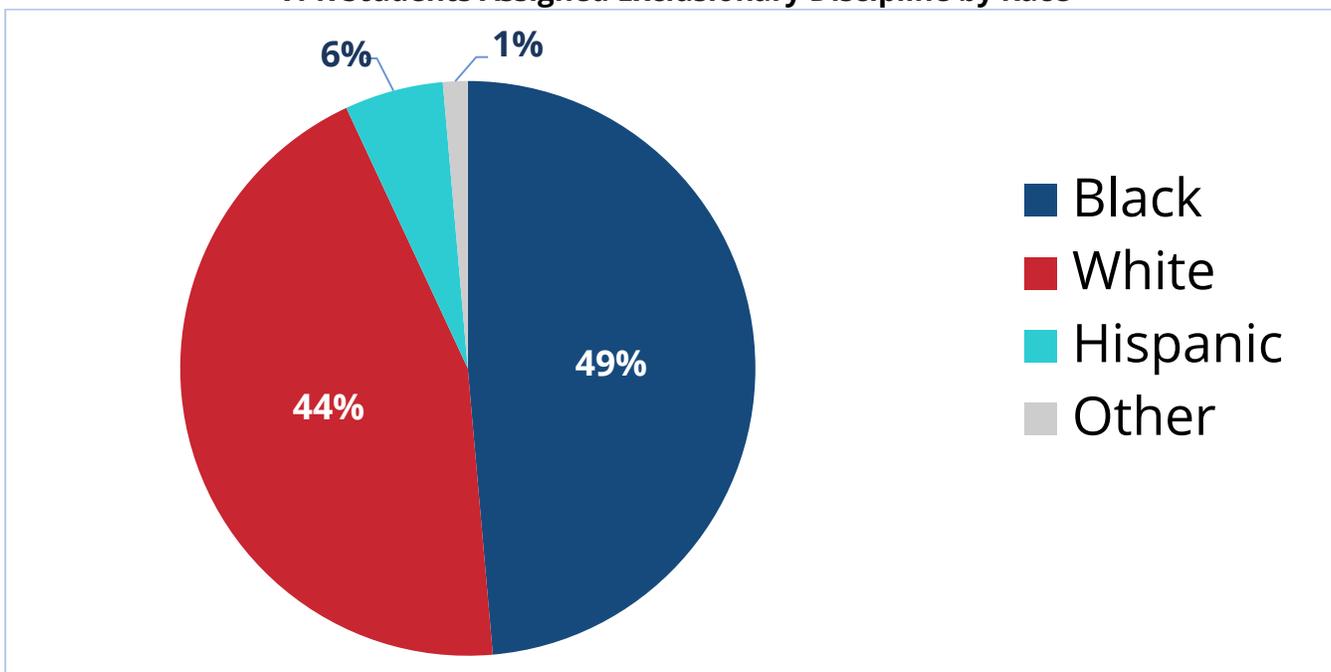
### Length of Disciplinary Action for VPK Students



**Multiple Discipline Incidents for VPK Students**

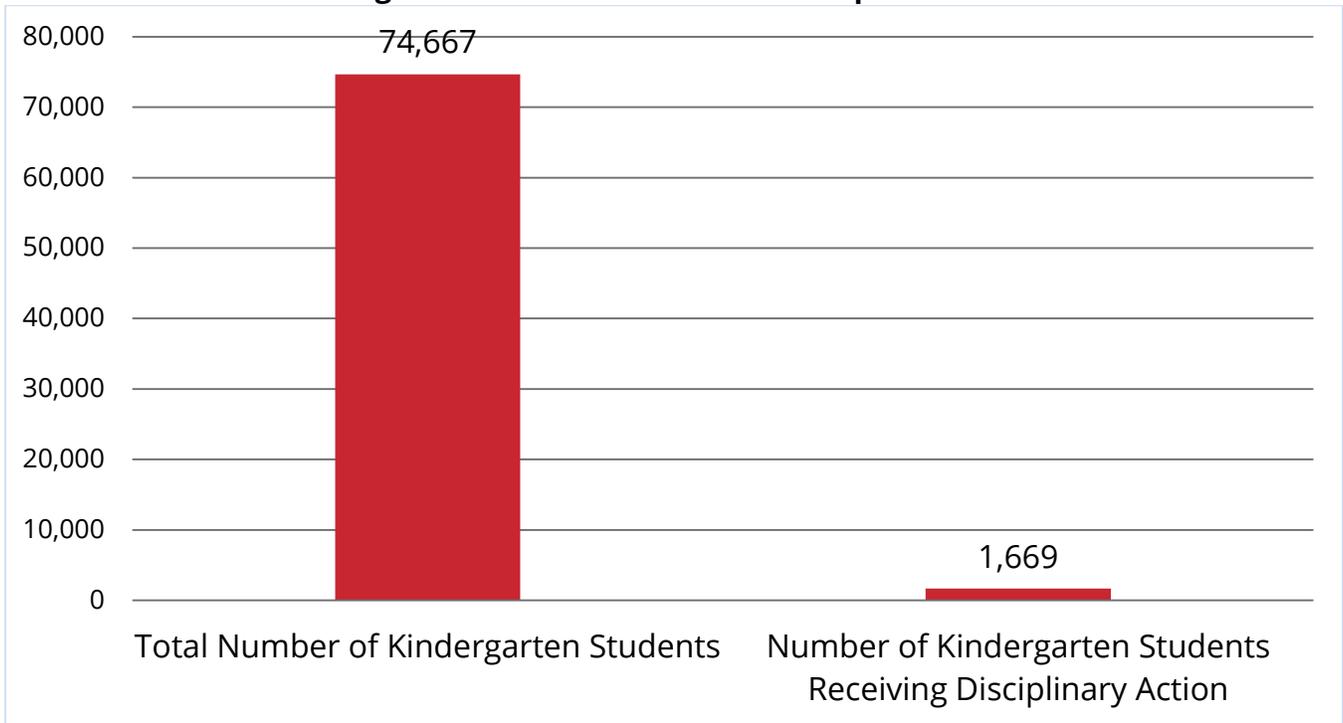


**VPK Students Assigned Exclusionary Discipline by Race**

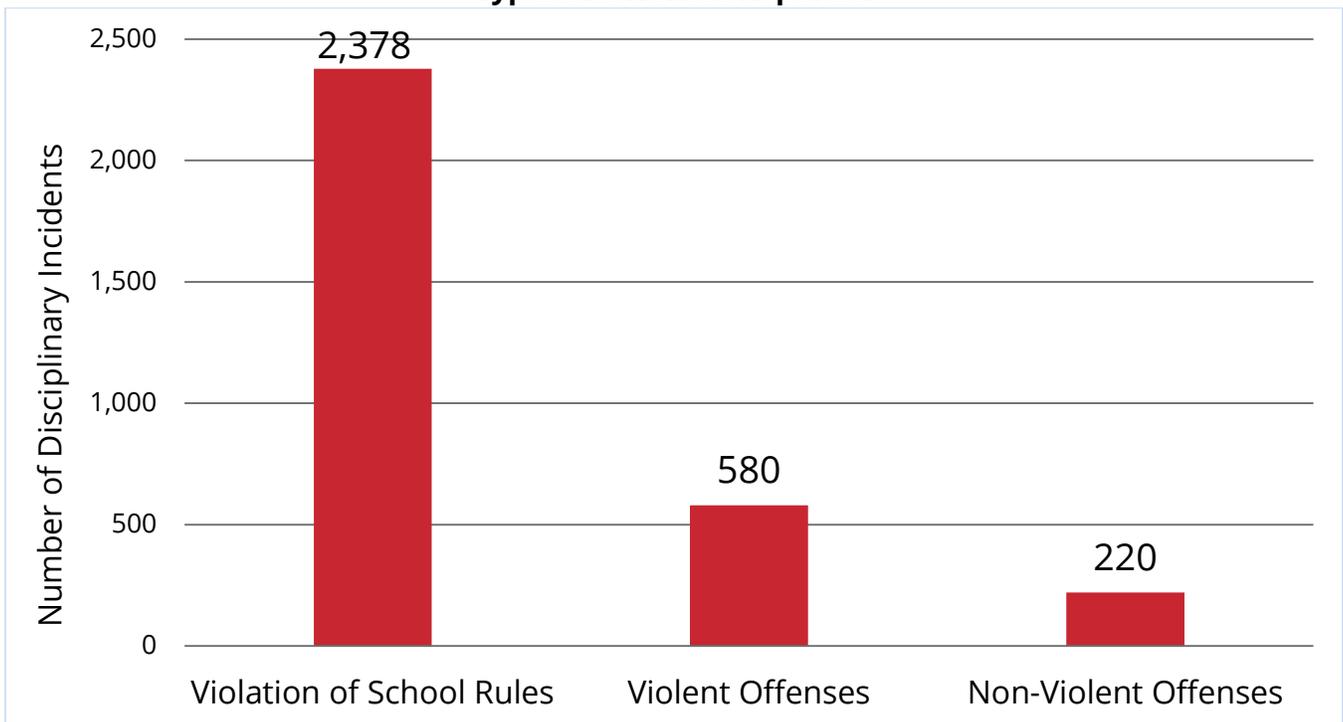


## Appendix D: 2016-17 Kindergarten Discipline Data

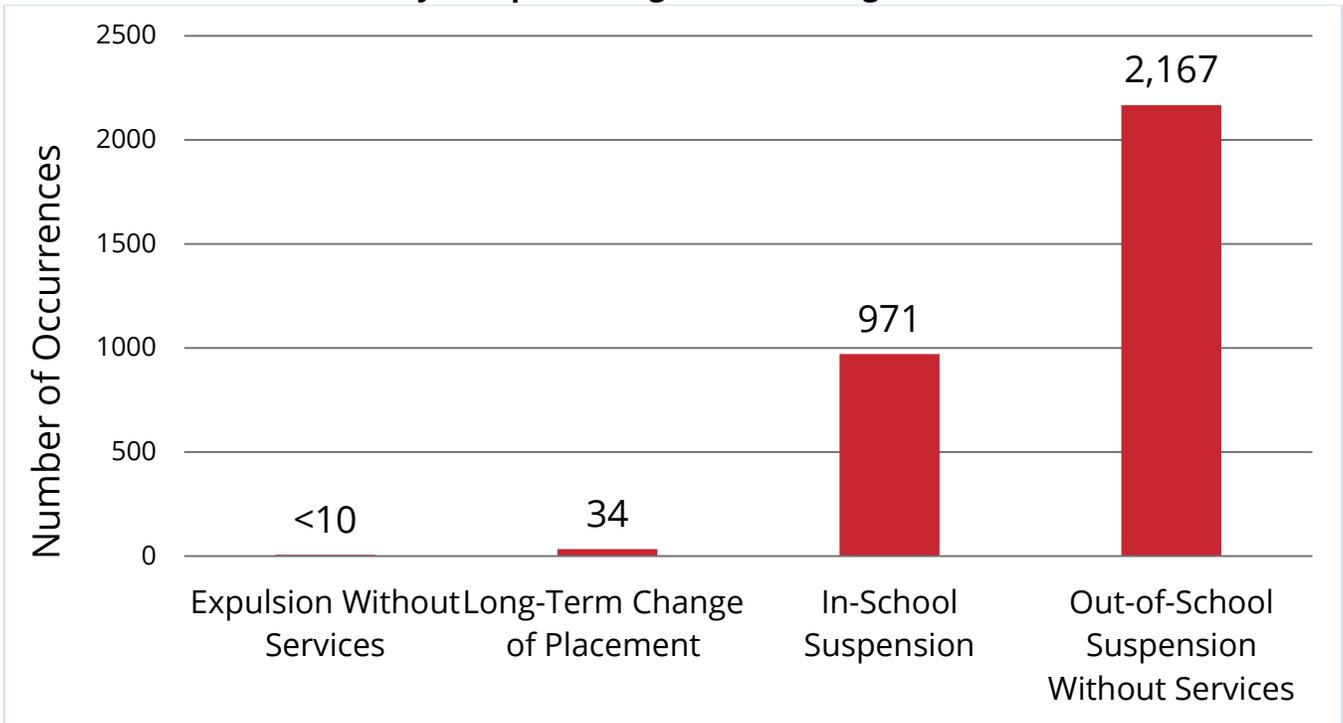
### Kindergarten Students Involved in Discipline Incidents



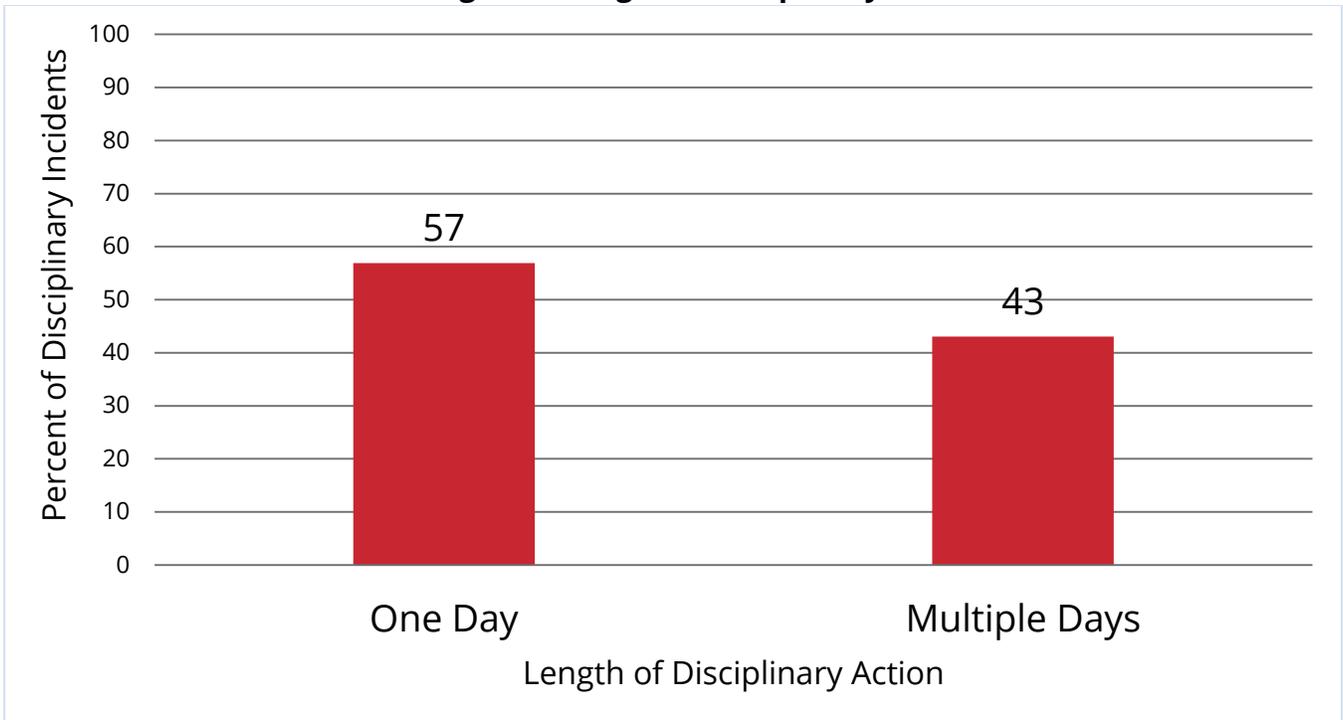
### Types of Offenses Reported



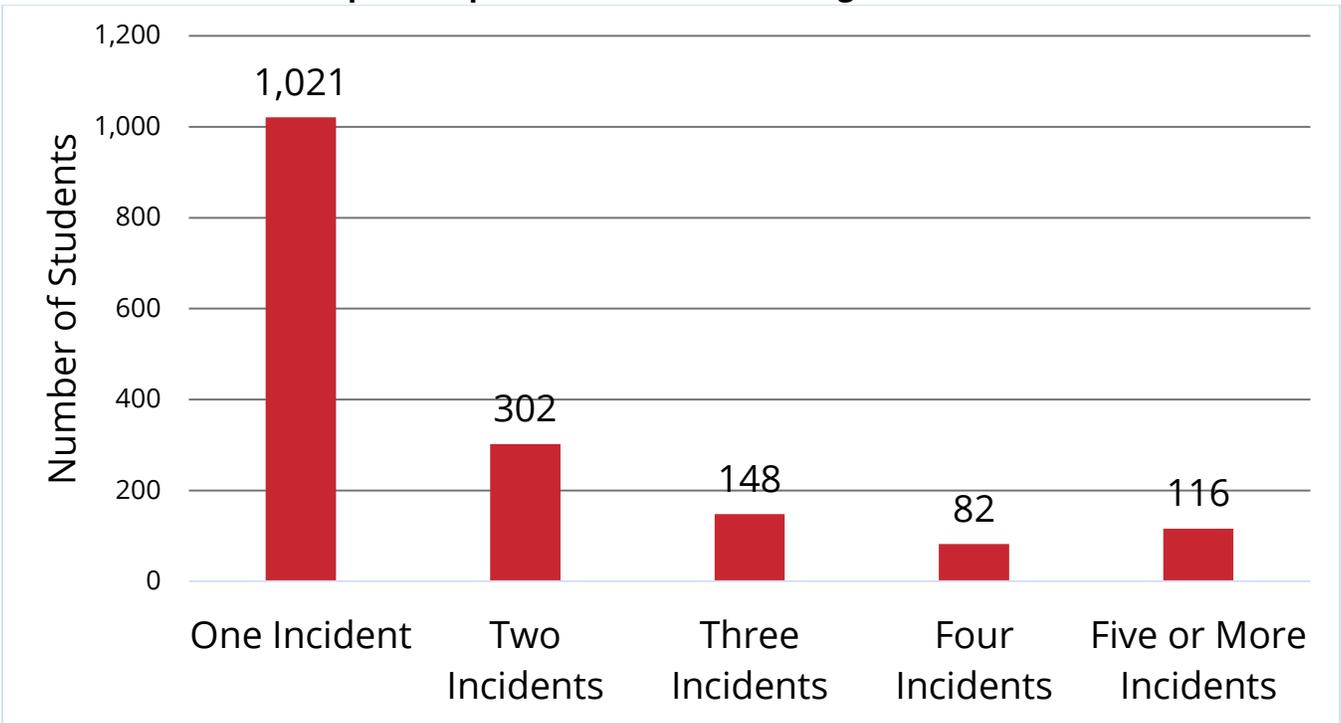
**Exclusionary Discipline Assigned to Kindergarten Students**



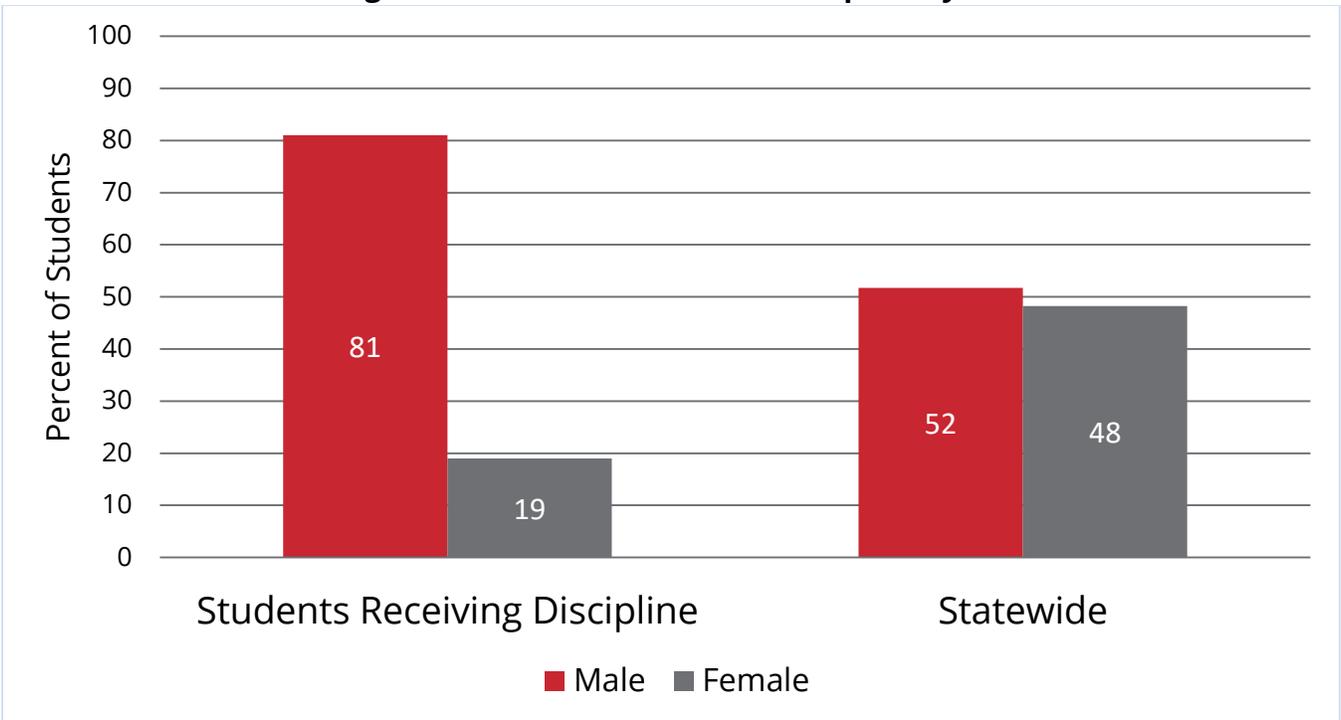
**Kindergarten Length of Disciplinary Action**



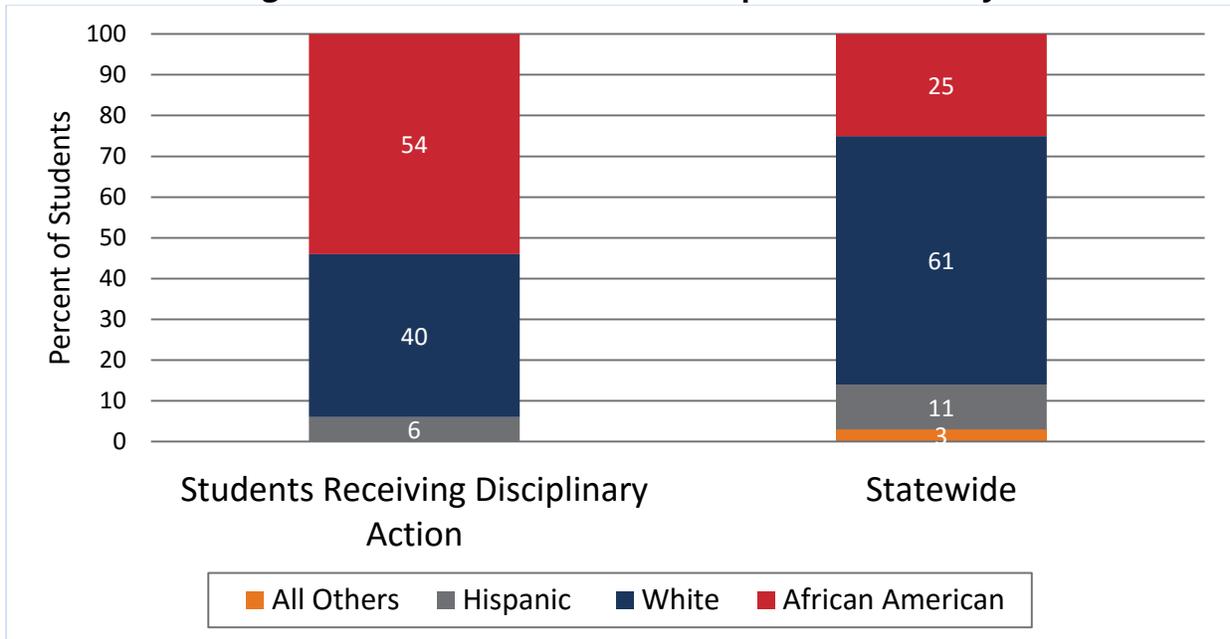
**Multiple Discipline Incidents for Kindergarten Students**



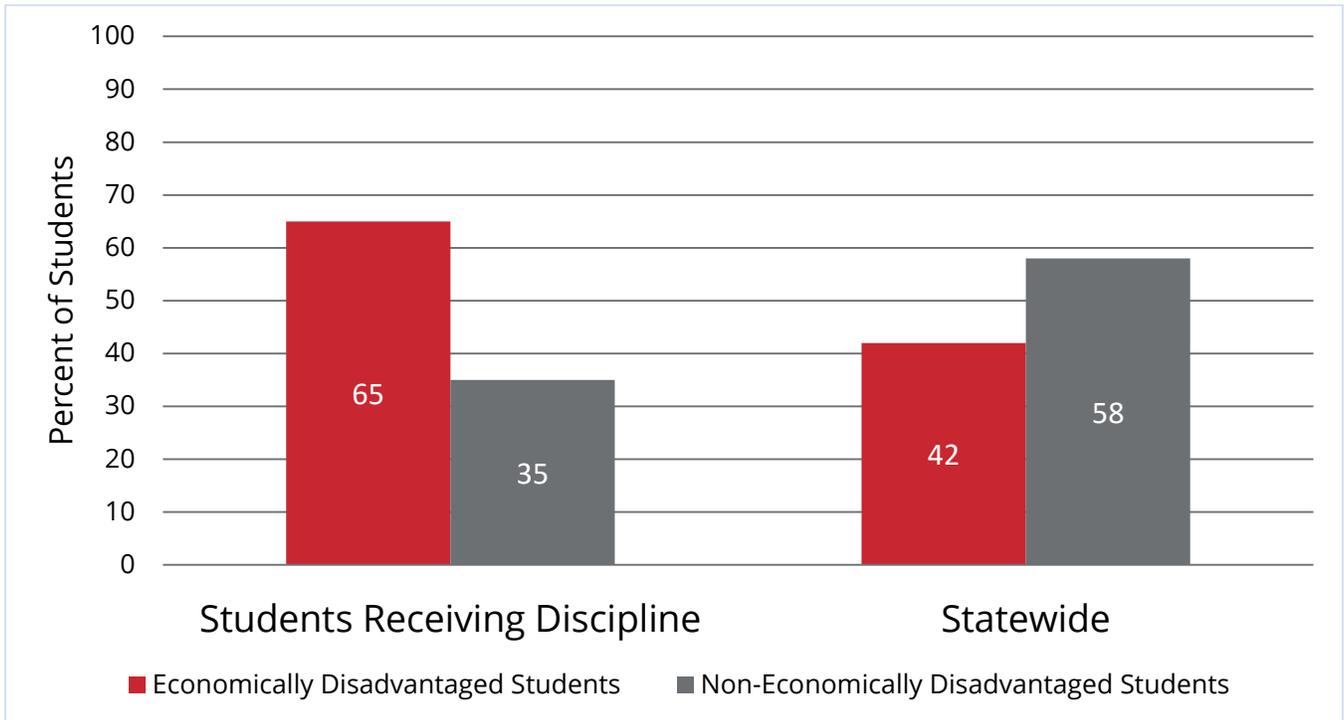
**Kindergarten Students Involved in Discipline by Gender**



**Kindergarten Students Involved in Discipline Incidents by Race**

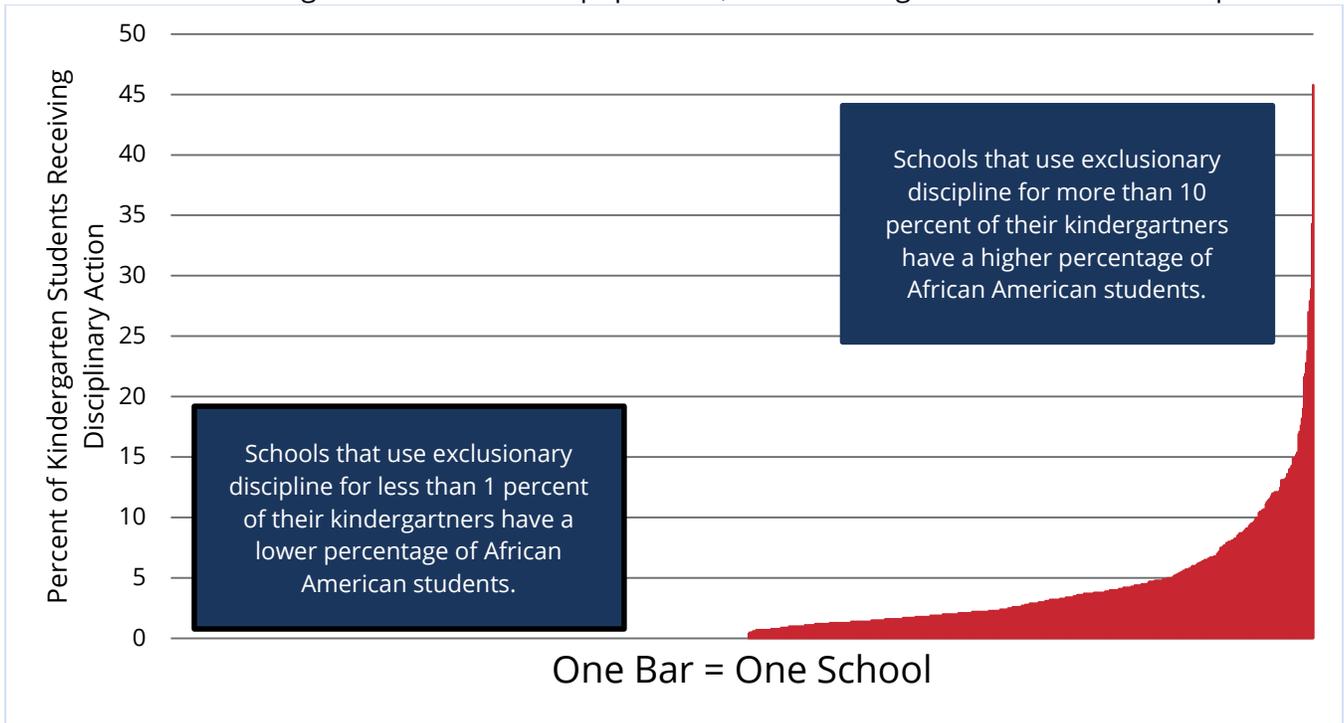


**Kindergarten Students Involved in Discipline Incidents by Economically Disadvantaged Status**



## Students Assigned Exclusionary Discipline by School

In schools with a larger African American population, more kindergarten students are disciplined.



### Kindergarten Exclusionary Discipline by District

District Name	District Kindergarten Enrollment as of Oct. 1, 2016	Total Number of Exclusionary Discipline Incidents	Number of Students Receiving Exclusionary Discipline	Percent of Kindergarten Students Receiving Exclusionary Discipline	Average Number of Instructional Days Missed Due to In-School Suspension	Average Number of Instructional Days Missed Due to Out-of-School Suspension
Achievement School District	1019	105	69	6.8	1.5	2.9
Anderson County	377	29	12	3.2	1	1.3
Bartlett	610	18	12	2	-	2.2
Campbell County	365	25	13	3.6	2.1	2.5
Cleveland City	402	27	12	3	1	1.6
Davidson County	7117	206	115	1.6	1	1.4
Dickson County	598	23	10	1.7	1.6	1.6
Fayette County	286	26	12	4.2	1.9	2.1
Greene County	425	32	11	2.6	1	1.7
Hamblen County*	758	36	20	2.6	1.1	2.1
Hamilton County	3421	198	102	3	1.4	2.8
Hardeman County	270	67	31	11.5	1.5	3.2
Hardin County	289	39	18	6.2	1.4	3.3
Jackson-Madison County	998	458	156	15.6	1.3	2.3
Kingsport City	545	14	10	1.8	1	1.2
Knox County	4405	111	60	1.4	1	1.3
Lauderdale County	277	26	16	5.8	1.2	-
Lawrence County*	540	33	21	3.9	1.6	3.11
Lebanon SSD	422	14	12	2.8	1.1	1.5
Marshall County	405	22	12	3	1	1.2
Maury County	1035	66	33	3.2	1.1	2.4
Montgomery County	2820	141	74	2.6	1	1.3
Murfreesboro City	1163	14	11	0.9	1	1.7

District Name	District Kindergarten Enrollment as of Oct. 1, 2016	Total Number of Exclusionary Discipline Incidents	Number of Students Receiving Exclusionary Discipline	Percent of Kindergarten Students Receiving Exclusionary Discipline	Average Number of Instructional Days Missed Due to In-School Suspension	Average Number of Instructional Days Missed Due to Out-of-School Suspension
Robertson County	796	63	28	3.5	1	1.5
Rutherford County	2792	66	46	1.6	1	1.2
Sevier County	1152	20	14	1.2	1	1.5
Shelby County*	8980	658	326	3.6	0	1.7
Sumner County	2134	65	31	1.5	1	1.8
Tipton County	743	91	57	7.7	1.2	1.4
Union City	135	23	15	11.1	1.2	4.6
Weakley County	338	13	11	3.3	-	2.5
Wilson County*	1167	12	12	1	1.2	1.5

**NOTE: Any districts with less than 10 students receiving disciplinary action were excluded from this table.**

**\*Districts marked with an asterisk provided updated discipline numbers that may vary from the data extracted from EIS.**

### **Business Rules for Discipline Data Analysis**

- Three students age 10 or greater appeared in the kindergarten data and were dropped due to uncertainty about their true grade level.
- An incident is defined as any offense that results in a disciplinary action. If a student has multiple offenses occurring in the same day, they are counted as separate incidents if the disciplinary action beginning date and disciplinary action ending date do not overlap.
- Any students missing a disciplinary action end date were provided with a disciplinary action end date based on the average number of instructional days missed for the punishment type.
- If multiple incidents are identical except for the disciplinary reason, the most severe disciplinary reason is kept. The least severe reason for all incidents is "violation of school rules."
- If multiple incidents are identical except for the punishment, the MOST severe punishment is kept. The punishment types in order from LEAST severe to MOST severe are as follows: in-school suspension, out-of-school suspension, long-term change of placement, and expulsion.

- The average number of instructional days missed is based on the disciplinary action beginning date and disciplinary action end date provided by individual districts. It does not account for students who withdrew midway through their punishment and enrolled in a school in a different district (i.e., students who did not miss as many instructional days as their school indicated due to a change in enrollment).
- District kindergarten enrollment was pulled from the [2016-17 school-level membership file](#). The membership file provides enrollment as of Oct. 1 of the applicable school year.

## ***Appendix E: Guidelines for Alternatives to Suspension and Expulsion***

High-quality early childhood education lays the foundation for a child's educational career and sets the trajectory for the relationships and successes they will experience for the rest of their lives. In a time of rapid brain growth, early childhood education should foster children's development. Exclusionary practices in pre-K–K—such as dismissal, suspension, and expulsion—reduce or eliminate opportunities to learn and should only be utilized when the safety of students and staff requires a short-term separation.

The foundation for pre-K–K discipline policy and practice should be based upon an understanding that the primary purpose is to help children develop the social and personal competencies needed for school success. Policies and practices should prevent the use of exclusionary discipline and reflect the unique developmental needs of young children.

To prevent the need for suspending or expelling pre-K–K students, teachers, administrators, and parents need additional knowledge, skills, and support. The guidelines for alternatives to suspension and expulsion provide evidence-based strategies to prevent the suspension and expulsion of children in pre-K–K in three broad areas: effective classroom management/positive discipline, social and personal development, and resources.

### **Classroom management/positive discipline**

- Review district discipline policies.
- Provide professional development and training for teachers on effective classroom management that promotes a school-wide culture of positive discipline that includes RTI<sup>2</sup>-B and restorative practices.
- Provide training on trauma-informed care or ACEs (adverse childhood experiences) and implicit bias.
- Develop individualized behavior plans to address children's behavior challenges that include access to mental health resources and services.

### **Social and personal development**

- Develop social and personal competencies that emphasize the five core competencies of self-awareness, social awareness, self-management, relationship skills, and responsible decision-making.

- Promote the social and personal development of young children by utilizing the Pyramid Model and/or the [\*TN Social and Personal Competencies Resource Guide\*](#).

### **Resources**

- Increase access to mental health resources to determine the behavioral supports necessary for children to succeed or have access to a program better able to meet their needs.
- Create a system of support for teachers and families that focuses on trauma-informed care to have a greater understanding of how chronic stress, family or community trauma and violence, and substance abuse and mental health in the home influence children's behavior.
- Provide training and support on the development and implementation of a multi-tiered system of support to address challenging student behaviors through a trauma-informed lens.
- Utilize the Tennessee Department of Education website for [Student Supports in Tennessee](#) for resources and information on alternatives to suspension and expulsion.

The evidence-based strategies emphasized in the guidelines will ensure the fair and equitable treatment of students and reduce the use of exclusionary discipline practices in pre-K-K.