

# Evaluation Report of the Implementation of Illinois Public Act 100-0105:

*Early childhood programs' knowledge of and responses to the 2018 expulsion legislation*



**This report was prepared by:**

Dr. Katherine M. Zinsser  
H. Callie Silver  
Qaswa Hussaini  
Courtney A. Zulauf

Questions and Comments can be directed to Dr. Kate Zinsser [kzinsser@uic.edu](mailto:kzinsser@uic.edu)

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**Cover Image Attribution:**

“Clementon - Sgt. Russell Toof, a public affairs specialist assigned to the U.S. Army Reserve's 326th Mobile Public Affairs Detachment in Reading, Pennsylvania, reads to children at a preschool in Clementon, New Jersey May 12 as part of a military appreciation day at the school.” Photo by: Staff Sgt. Shawn Morris. The appearance of U.S. Department of Defense (DoD) visual information does not imply or constitute DoD endorsement.

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## EXECUTIVE SUMMARY

Nationwide, preschoolers are being expelled at alarming rates, upwards of 250 a day by some accounts. Given the critical role of early childhood education (ECE) in supporting children's school readiness, there is a grave concern that these children are being excluded. Furthermore, there is consistent evidence of racial and gender disparities in who gets expelled.

Recently, Illinois became one of only a handful of states to pass legislation to curtail the overall rates and disproportionality of early childhood expulsion. As of January 1, 2018, programs funded by the Illinois State Board of Education or licensed by the Department of Children and Family Services must make every possible effort to retain a child, document their use of any and all available resources, services, and interventions. Additionally, programs are required to report on the characteristics of all children served by their program, turnover, and separations, as well as utilization of resources. If and when a program has exhausted all available resources and made substantial efforts to retain a child, only then, and with parental permission, is it now permitted to transfer the child to another program.

Unlike in other states and municipalities, this new law, Public Act 100-0105, represents unprecedented coordination across state agencies, advocacy groups, and service providers. However, it remains to be seen whether this coordination will continue throughout the implementation process and dissemination of information regarding the law.

To that end, we sought to conduct a preliminary investigation of Illinois early childhood programs' current and prior expulsion practices, in addition to their understanding of and responses to the new law. Our investigation leveraged a coalition of ECE community partners who informed the design, implementation, and interpretation phases. Findings broadly point towards systematic variance in programs' level of knowledge of the law, comfort, and confidence complying with its stipulations, perceived benefits, and unintended consequences, as well as past and expected disciplinary procedures and experiences accessing evidence-based resources and supports.

### **Based on these findings, we recommend the following:**

- Future communications regarding the implementation of or compliance with legislation and forthcoming ISBE and DCFS rules should specifically target programs that are 'least connected' especially private center-based and home-care programs.
- Increase access to mental health consultants state-wide and reduce wait time for initial consultations and observations. This may necessitate adaptations to service delivery models to include remote/video-based consultation.
- Research and curate programs' creative use of resources, problem-solving, and systems reform to disseminate to other programs through centralized resource or online community where programs can seek advice, resources, and supports.
- Given pervasive misunderstanding of the legislation, it will be particularly important to ensure that rules (especially around planned transitions) are clear and feasible for programs at all resource and support levels (home-based through public school districts).
- Forthcoming state-wide coordinated data collection systems will need to be carefully planned to ensure accuracy of expulsion rates and child demographic characteristics. A system for auditing the accuracy of reports and/or tangible consequences for poor or missing reports will be necessary to ensure data quality for future research and evaluation.

## BACKGROUND

Nationwide, 17,000 three- and four-year-old children are expelled or suspended from preschool each year (U.S. Department of Education, 2016). Preschoolers are three times more likely to be expelled than children in kindergarten through 12th grade. Further, boys and Black children are at heightened risk of being expelled from early learning programs due to biased perceptions of their behavior as inappropriate or dangerous (Meek & Gilliam, 2016). This means that thousands of children each year enter the so-called 'school-to-prison pipeline' (Christle, Jolivette, & Nelson, 2005) before they have even begun kindergarten.

Research has consistently shown that high-quality preschool programs significantly improve children's academic and social-emotional school readiness (Child Trends, 2018). That is, the children who are being expelled because they struggle to manage their strong emotions and behaviors are exactly the children who can benefit the most from preschool. Expulsion denies children access to opportunities to practice these skills. Children struggling in math are not told to sit in the hallway during math lessons. Yet, rather than fully supporting their social-emotional learning, children who struggle to manage strong emotions or control their behavior are quickly excluded from classrooms and opportunities to practice the skills they will need for kindergarten (e.g., being able to listen and follow instructions, regulate one's feelings and behaviors, make friends, and ask for help).

But what does it take to retain a child who is seen as struggling behaviorally or emotionally? Teachers faced with children biting, throwing chairs, inconsolably screaming, or otherwise disrupting the classroom, are put in very difficult situations. Unlike in high school, children this young do not have the cognitive capacity to understand the consequences of their dangerous choices and behavior, let alone the regulatory skills to manage it. Preschoolers are not the ones choosing to be expelled. A small but growing body of literature (e.g., Gilliam & Shahar, 2006; Zinsler, Zulauf, Nair Das, & Silver, 2017) indicates that in early childhood, expulsion is the result of a series of adult decisions: exhausted and underpaid teachers deciding how to expend their limited attention and energy in a chaotic classroom; administrators on razor-thin budgets deciding among hiring additional personnel, providing high-quality training, or investing in adequate classroom resources; fragmented state agencies separately deciding on standards and policies and allocating funds for early intervention and consultation services, etc. Each child's expulsion is symptomatic of a much larger problem – an overburdened, underfunded, undervalued, and fragmented early education system.

As such, curtailing the expulsion crisis will require addressing the shortcomings of each aspect of this system – from teacher-preparation to intervention-service allocations. Unfortunately, this is not the approach currently being implemented. In complying with stipulations to curtail expulsion in the 2014 Child Care Block Grant, states across the country are finding ways to ban the expulsion of young children from preschool and early learning programs. Some, such as Colorado and Louisiana, address expulsion by denouncing the practice in their reporting and reimbursement requirements and administrative guides, while at least 15 other states have or are working towards passing legislation (Grossman-Kahn, Reyes, Maupin, & Gilliam, 2018). These efforts vary with regards to the types of programs that regulations apply to (public Pre-K, publicly funded child care, etc.). One of the most progressive and potentially influential policies is Illinois Public Act 100-0105 which went into effect on January 1, 2018, and stipulates that in any of the nearly 11,000 state-licensed child care or early education program (birth through age 5), expulsion cannot be the first or only option explored. Instead, programs must exhaust all resources and supports (especially mental health consultation) before planning the transition of a child out of their care with a parent's consent. It also requires that programs address implicit bias in disciplinary practices. This sweeping legislation will impact nearly every program in the state from public pre-kindergarten programs in elementary schools to for-profit center-based child care to home-based child care programs.

*The passage of this law represents an unprecedented level of coordination among state agencies, including the Department of Children and Family Services, Board of Education, and the Governor's Office of Early Childhood, as well as advocacy groups and service providers.*

Though this groundbreaking legislative momentum is important and exciting, many of the laws aiming to ban expulsion have been passed quickly and are not grounded in research. Rather, they are legislators' "best-guesses" at how to solve this problem (Grossman-Kahn, Reyes, Maupin, & Gilliam, 2018). It is evident that Illinois, in particular, is concerned about curtailing the high rates of and discrimination in exclusionary practices system-wide; but from an ecological lens, it is also clear that unless the underlying systemic issues are addressed, this new law's impact may be muted and could result in unintended consequences. It

is crucial, therefore, that the implementation and impact of such legislation are carefully studied. Unfortunately, there is currently no state-wide coordinated data system in Illinois to allow for such an evaluation, and, although IL Public Act 100-0105 requires programs to report on expulsion practices annually, there is no plan to collect such data from programs until 2021 at the earliest and there has yet to be any funding allocated for such efforts. Without a coordinated data system in place at the time of passage, the state has no means by which to judge the effectiveness or impact of the expulsion ban.

***Racial and gender disparities in discipline.*** Black children only make up 19% of preschool enrollment but comprise 47% of preschoolers suspended or expelled and are 3.6 times as likely to receive one or more suspensions relative to White preschoolers (U.S. Department of Education, 2016). Likewise, boys are disproportionately represented among those asked to permanently leave early childhood programs. Research suggests that the disparate rate at which Black boys, in particular, are being expelled is likely the result of teachers' inaccurate perceptions of their behavior as more disruptive or dangerous (Gilliam et al., 2016) and/or the result of implicit biases towards these children's families (Zulauf & Zinsser, 2018). Although the Illinois legislation acknowledges the role of implicit bias in expulsion rates and disparities, stating that programs must train teachers accordingly, it is unclear whether or how programs will comply with the training requirements.

One anticipated consequence may be that some programs will change their enrollment practices; denying admission to children perceived as likely to need more resources and supports (i.e., costlier). Based on prior research, we expect these biased admissions decisions to disadvantage boys, especially boys of color, whose behavior is viewed as more challenging, thus exacerbating the gender inequities in child care quality (Buchmann, DiPrete, & McDaniel, 2008; Magnuson et al., 2016). As a result, these children could be increasingly excluded from the care that is most convenient, affordable, and/or the best care for their families' needs.

***The early childhood workforce.*** In its current state, the early childhood workforce is ill-equipped to single-handedly overcome and persevere through the emotional labor of complying with this legislation. Teachers in this workforce are disproportionately suffering from stress and depression (McGrath & Huntington, 2007; Whitaker, Becker, Herman, & Gooze, 2013), are so poorly compensated that one in seven live in families below the poverty line (Curbow et al., 2001), and receive limited training (if any) in the skills that would best support them in these challenging situations (Schonert-Richel, Hanson-Peterson, & Hymel, 2015). Poor workplace climate, a lack of psychosocial safety, and the physical and emotional strain of caring for young children all negatively affect teachers' ability to not only retain children in their classrooms despite challenging behaviors, but also to positively impact their development (Lower & Cassidy, 2007; Jennings & Greenberg, 2009; Buettner et al., 2016; Marzano, Marzano, & Pickering, 2003).

In our prior study of expulsion practices among Chicago private preschool teachers, we saw that over 25% of teachers had tried to have at least one child expelled in the prior year (before the legislative ban), and 10% had requested that three or more children be expelled (Zinsser, Zulauf, Nair Das, & Silver, 2017). Teachers requesting expulsions were more likely to report high levels of stress and depression, utilized existing behavioral supports less frequently, and experienced less support from administrators in their engagement of families around challenging behaviors (Zulauf & Zinsser, 2019).

***Using an ecological lens to study early childhood expulsion.*** The question of whether and how to intervene in the expulsion crisis is well aligned with the core values and competencies of community psychologists, as it is at the intersection of racial and gender discrimination, workplace health and safety, and the need for macro-level change. From an ecological perspective, we see this legislation as a systems-level change that may radically alter the way children and adults experience ECE settings. As this is an initial investigation of Illinois program administrators' understanding of and responses to the legislation, we designed a mixed-method study to address the specific aims outlined below.

## Study Aims

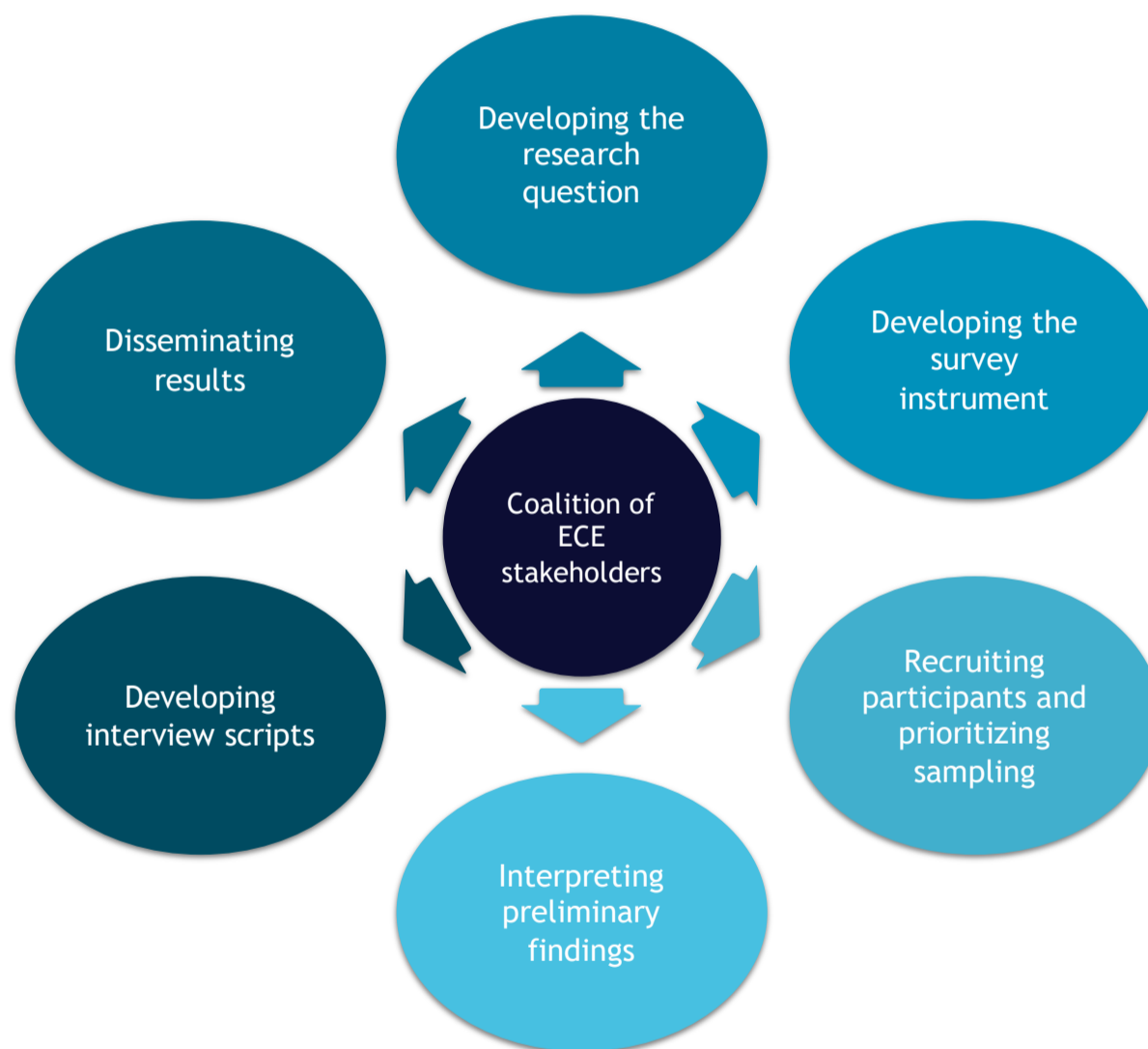
1. Describe the contexts of and approaches to exclusionary discipline in Illinois early childhood programs in the 2017-2018 school year.
2. Determine the level of administrators' knowledge about the law and how knowledge varies by program funding source, location, and population served.
3. Identify administrators' concerns or anticipated challenges to compliance and which supports and resources they can or are accessing.

## METHOD

### Stakeholder Coalition

To inform the analysis and interpretation of survey data, a coalition of early childhood community stakeholders was convened. This coalition included staff from the Governor’s Office of Early Childhood Development, the Illinois Head Start Association, the Ounce of Prevention Fund, and Illinois Action for Children, as well as higher education faculty, master practitioners, and administrators. The first coalition meeting was held in October of 2018. Agenda items included a review of initial survey results, discussion of priority analysis questions for survey data, and a review and critique of the planned qualitative interview script and analysis plan. A second coalition meeting was held after the preliminary coding of follow-up interviews (March of 2019). This meeting entailed a fuller presentation of results and yielded additional analytical priorities.

All research methodology was approved by the UIC Institutional Review Board and are in compliance with the ethical principles of the American Psychological Association.



*Figure 1: ECE stakeholder coalition informed all aspects of the study design, implementation, interpretation, and dissemination.*

## Online Survey of Illinois Program Administrators

An online survey was launched in July of 2018 and disseminated via multiple regional and state-wide child care and early childhood provider listservs available through existing partnerships (e.g., Ounce of Prevention, Illinois Action for Children, The Illinois Association of Infant Mental Health, and The Child Care Resource and Referral Agencies). Surveys took approximately 15 minutes to complete and covered topics including:

- Program characteristics (funding, program type, quality rating)
- Characteristics of children and staff
- Suspension and expulsion rates in the prior 12 months
- Preventative measures
- Transitional practices
- Staff professional development topics
- Infant/Early Childhood Mental Health Consultation experiences
- A measure of preschool expulsion risk (adapted from Gilliam & Reyes, 2018)
- Knowledge of and responses to the legislative change

Valid responses were collected from 154 program administrators. This analysis sample does not include 12 excluded responses that were either duplicates (multiple respondents from the same program) or extreme outliers (more than two standard deviations above the mean on enrollment reports). A full copy of the survey can be found in Appendix A.

## Follow-Up Interviews

All survey participants who indicated an interest in being contacted for a follow-up telephone interview were sent an email invitation to schedule a call. Twenty-seven administrators completed the online scheduling survey, and 25 were successfully interviewed. Three research team members conducted the interviews, all female and all with multiple years of experience studying ECE expulsion in Illinois. Participants received Amazon gift cards as compensation for their time. All interviews lasted between 30 and 60 minutes and were audio recorded for transcription with the participants' consent. Interviews were conducted between November of 2018 and January of 2019 and addressed the following topics (full script in Appendix B):

- Knowledge of legislative stipulations
- Documentation practices
- Experiences transitioning children in and out of their program
- Experiences with and barriers to use of Mental Health Consultation
- Reporting requirements and capabilities
- Benefits and possible consequences of the law
- Administrators also detailed how their program would have responded to the following standardized vignette if it had happened before the legislative change in January of 2018 and how their response is/would be different now:

*"There is a new four-year-old child in a classroom at your center that displays unpredictable and challenging behaviors. This child has difficulties napping, following instructions, sharing, and taking turns. This child's behavior escalates quickly and disrupts other children's play and learning. On the playground, this child ignores rules about the safe use of the playground equipment and interacts roughly with others, sometimes leaving visible scratches on children's arms. Recently, a teacher reported being kicked repeatedly by this child and feeling unsure about how to handle the behavior and disruption going forward."*

## Qualitative coding

Interview transcripts were initially deductively coded to address the primary questions emerging from the fall Coalition meeting. Two coders (the PI and one advanced graduate student) coded transcripts for their knowledge of the legislation and the sequence of actions in response to the structured vignette. Coders used a Qualtrics form to quantify responses to various questions asked throughout the interview and to capture direct quotes. After developing the coding system and codebook, the two coders coded a subset of transcripts ( $N=5$ ) to check reliability. The inter-coder agreement for this subset was 86%, and the discrepant codes were discussed until consensus was reached. The remaining transcripts were then randomly assigned to the



two coders. When a coder felt unsure of how to apply a code, excerpts were shared and discussed until a final code was agreed upon.

## Participants

*Online survey respondents* were administrators from 154 Illinois early childhood programs. A majority of respondents worked in center-based programs (either for- or non-profit), as opposed to preschool programs situated within schools (e.g., district pre-kindergarten) or home-based/family care. Programs categorized as “Other” typically were faith-based programs.

Programs served on average 58 children (SD = 52.19), and together the responding programs served over 9,000 children across Illinois.

A quarter of responding programs were located in the City of Chicago. Over a third (36%) were in Cook County (which is home to Chicago). A majority of the sample were serving urban communities (72.4%) statewide. Urbanity was dichotomously coded using the 2013 Census tract definitions such that Counties in metropolitan areas with a population over 1 million were considered urban, and all other locations were considered non-urban.

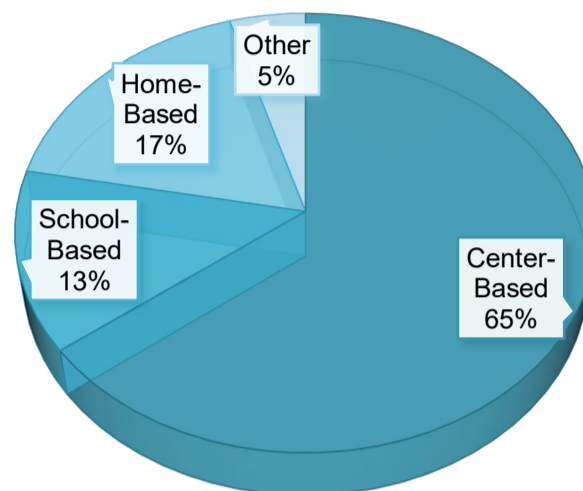


Figure 2: Survey Respondent Program Types.

*Follow-Up interviews* were conducted with 25 administrators who were stratified based on Stakeholder Coalition priorities of reflecting the voices of those higher and lower in their self-reported knowledge of the legislation and those serving urban and non-urban populations. Almost half of those interviewed (48%) had expelled at least one child in the prior 12 months. Similarly, just over half (52%) had no prior experience working with a mental health consultant.

	Low Knowledge	High Knowledge
Urban	8	9
Non-Urban	3	5

Table 1: Interview Participant Stratification.

## RESULTS

### Discipline and Expulsion Rates

Administrators provided information about their discipline and exclusion practices between July 2017 and August 2018. Specifically, they reported the total number of children sent home early, suspended, or expelled due to behavioral concerns in the 12-month period preceding the survey. Nearly half of all programs had sent at least one child home and about a third of programs had suspended and/or expelled at least one child during that time period. Administrator-reported total enrollment rates were used to calculate the proportion of children in their programs experiencing each disciplinary action (Figure 3 below).

Although averages remain relatively low, there were several extreme cases. One program reported that there were two times as many early dismissals due to behavior than children enrolled in their program. Another suspended the equivalent of half of its students in the year-long period. Finally, a different program expelled nearly a third of its total enrollment. Notably, for dismissals and suspensions, we cannot account for multiple removals of the same child.

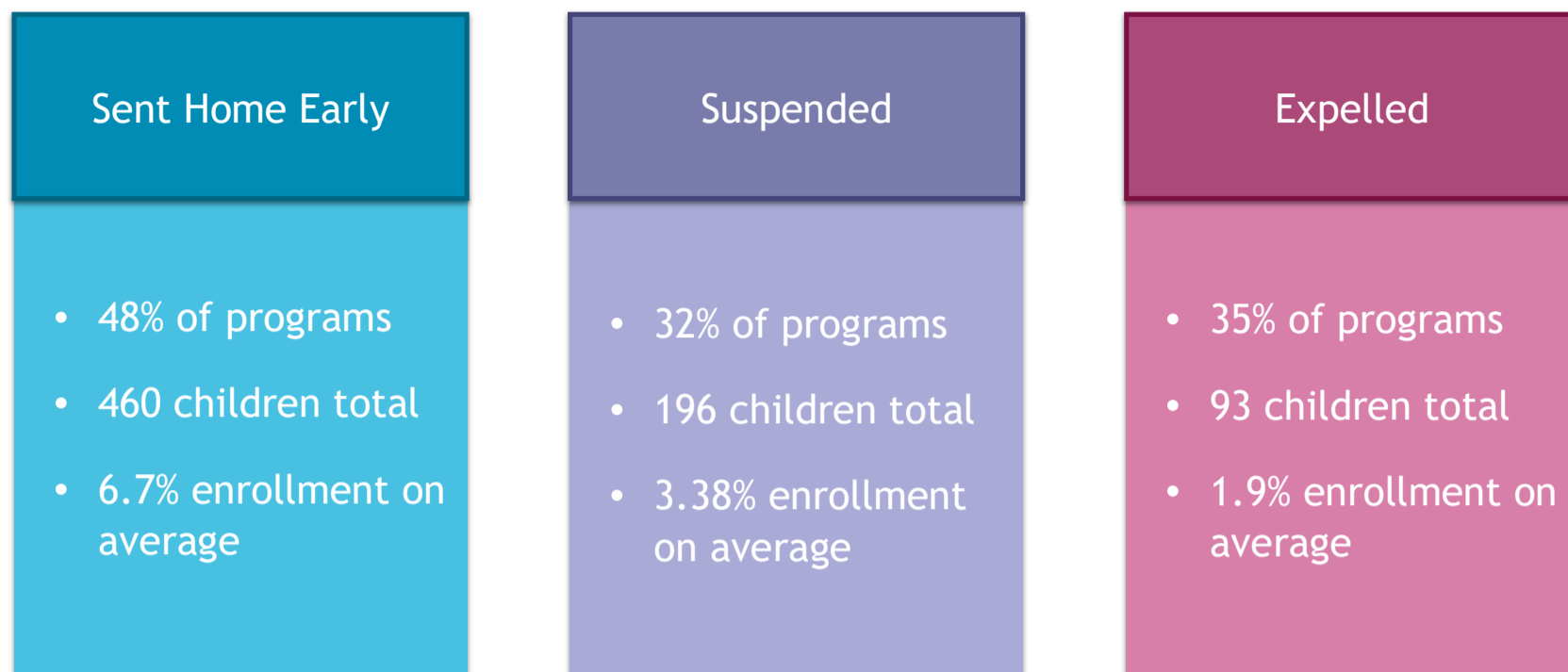


Figure 3: Rates and proportions of disciplinary actions.

### Variations in expulsion by program characteristics

To understand whether and how rates of expulsion varied by the program, we tested for mean differences both in the total number of children expelled (regardless of program size), and the calculated proportion of children expelled from a program (dividing by total enrollment) using analysis of variance.

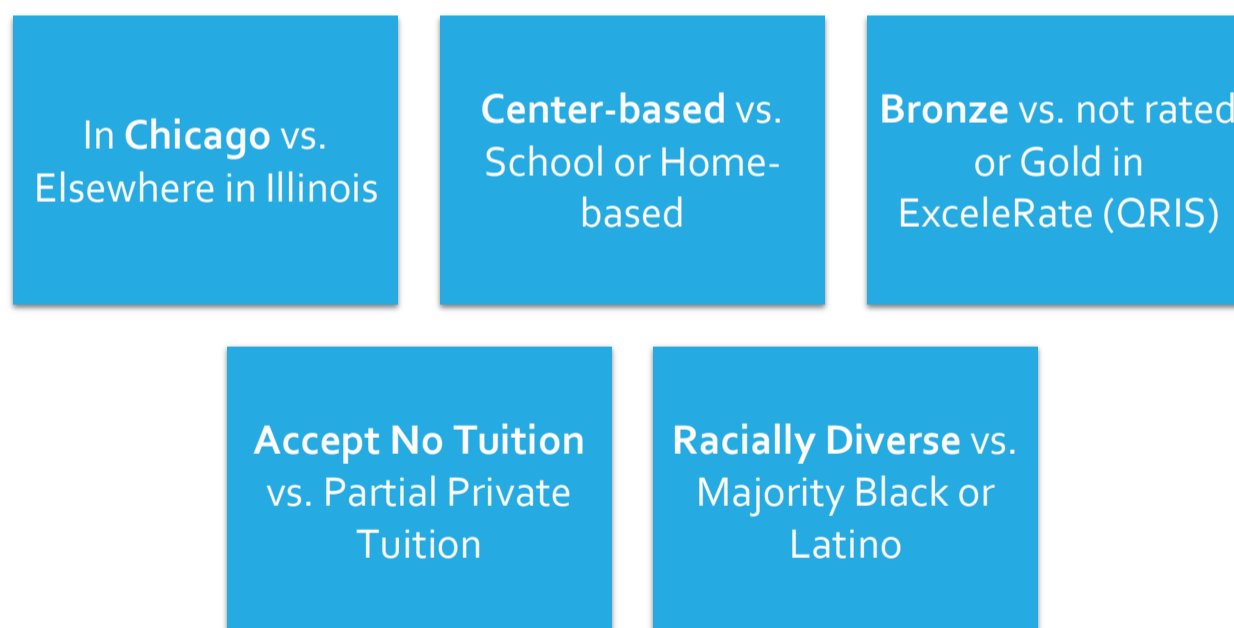


Figure 4: Program characteristics associated with higher proportional rates of expulsion.

Programs in Chicago expelled on average almost 4% of their enrollment, a rate almost triple that of programs outside of Chicago,  $F(1, 148) = 8.01, p = .035$ . School-based programs and Head Start programs had the lowest rates of expulsion (0.16%) and along with Home-based programs, had expelled a significantly smaller proportion of their enrollment than Center-based program,  $F(3, 145) = 3.59, p = .02$ .

Analyses showed a trend in which funding type was somewhat associated with the proportion of a program's enrollment expelled in the prior year,  $F(2, 146) = 2.90, p = .058$ . Post-hoc analyses showed a significant association such that programs in which no parents paid tuition expelled a significantly larger proportion of their enrollment than did those where some parents

paid tuition ( $p = .45$ ; 3.19% of enrollment vs. 0.99% of enrollment, respectively). Programs that were fully tuition-funded did not differ significantly from those that were fully publicly-funded.

Illinois maintains a quality rating improvement system (QRIS) called ExceleRate that rates programs statewide across a variety of indicators. Programs are then graded by medal color (Bronze, Silver, and Gold). While participation is not mandatory, many programs do participate, and the survey included questions about program ratings. We found overall a linear trend between expulsion rates and program quality with Bronze-rated programs expelling 4% of their enrollment on average, Silver programs expelling 2.5%, and Gold-rated programs expelling close to 0.05%. Notably, programs not participating in the ExceleRate program also had comparably low expulsion rates (1.4%). While the overall model trended towards significance,  $F(3, 141) = 2.50, p = .062$ , post-hoc comparisons of Bronze programs vs. Gold programs were significant, ( $p = .05$ ) indicating that lower rated programs in the QRIS expelled a greater number of children in the prior year.

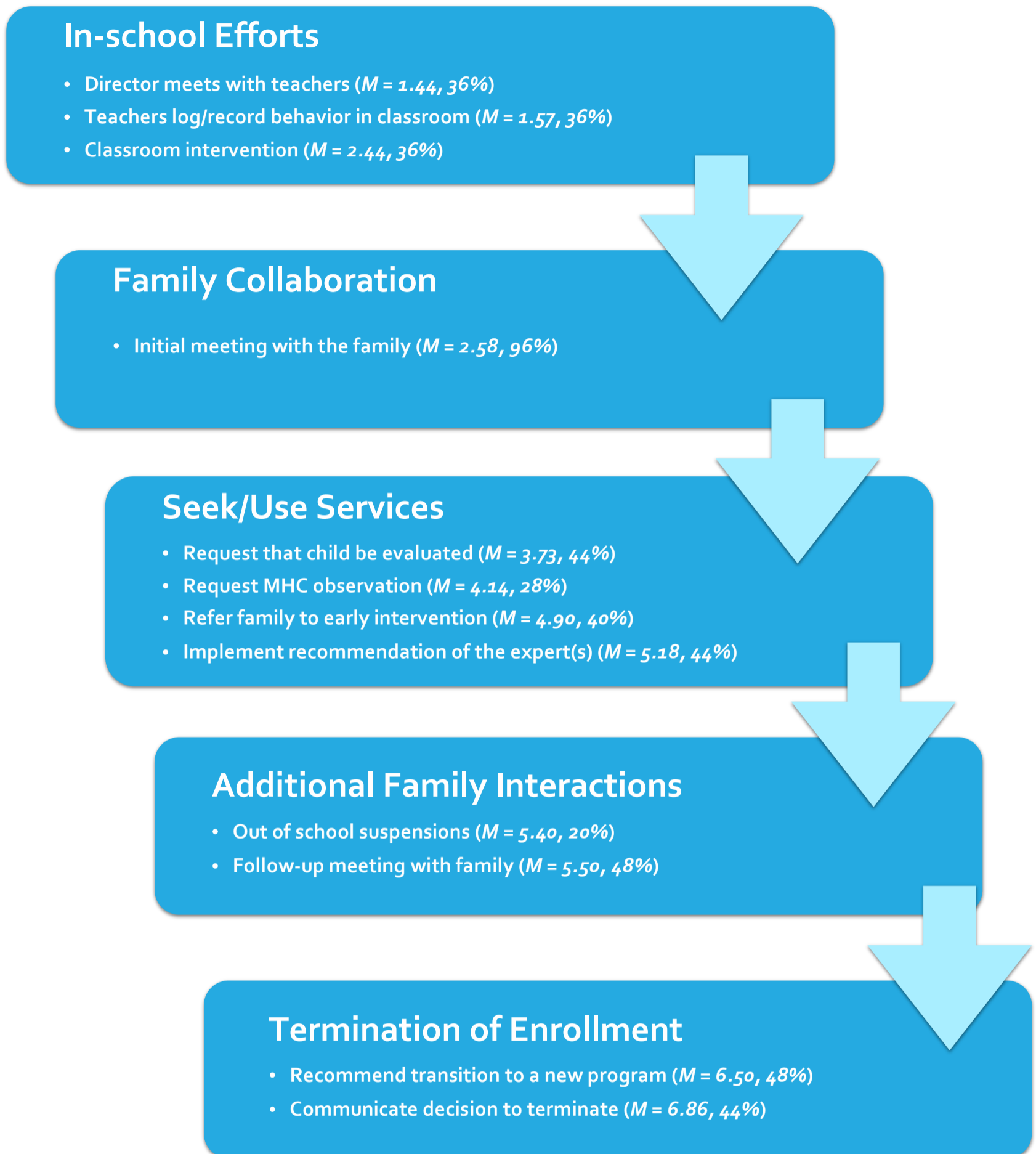
Finally, rates of expulsion also varied by the racial-ethnic makeup of students enrolled by the program. Specifically, diverse programs with no racial/ethnic majority, expelled on average more children than programs with a majority racial or ethnic group,  $F(4, 123) = 4.33, p = .003$ . Post-hoc analyses show that an average number of expulsions from diverse programs is more than three times higher than for majority Black programs and over ten times higher than for majority Latinx programs. Similarly, they are twice as high as for majority White programs, and this comparison trends towards significance. Notably, only two programs were coded as majority Asian, and therefore a comparison was inappropriate to test. Additionally, these analyses also excluded the 26 programs that failed to provide demographic data for at least 80% of their enrolled students.

## The Expulsion Process

In the follow-up interviews, administrators were read a structured vignette about a child displaying challenging behaviors (see appendix B) and were asked to detail their programs' typical response prior to the passage of the law. Scripted probes were used to understand how programs would respond if the behavior persisted and what would have to happen for the program to consider removing the child. The questioning ended when the administrator indicated that the family would either voluntarily withdraw and go to another program, or they would terminate the child's enrollment.

Responses were coded for the total number, order, and type of action taken by programs. Figure 4 summarizes the typical order of actions and the proportion of respondents who indicated their program would engage in each action. On average, programs would engage in 7.56 actions ( $SD = 2.26$ ). The lowest reported number of actions was five and the greatest was 14.

Centers typically tried one or two in-school efforts (including logging behavior in the classroom or implementing a classroom intervention such as Conscious Discipline) before reaching out to families for an initial meeting. Nearly all programs would have the first meeting with families to discuss the concern. References to the use of outside services varied greatly, and only a small proportion (28%) indicated that they would request the services of a mental health consultant. Out-of-school suspensions were relatively uncommon (20%), and the total duration of a removal process could take anywhere from a few weeks to over six months according to interviewed administrators.



**NOTE:**  $M$  = average sequence ranking (1st, 2nd, 3rd...), % = proportion of 25 interviewees who specifically referenced action.

*Figure 5: Typical order of program responses to structured challenging behavior interview vignette task.*

## Variability in expulsion processes

Although there were overarching themes across programs' responses to challenging behavior as depicted in Figure 4, there was also a great deal of variability. To highlight the differences in approach to the vignette task, we qualitatively compared bottom and top quintile of actions taken in response to the vignette. Programs that took only five actions in response to the vignette were labeled as "low effort" responders, and those taking 10 or more were labeled "high effort" responders.

The callout boxes below highlight themes at these extremes and provide example quotes from administrators in response to the vignette. Notably, all the five respondents with the fewest qualitatively coded actions in response to the vignette had not expelled a child in the prior school year, whereas 60% of the top five highest effort qualitative coded transcripts were from interviews with an administrator who had expelled a child last year. As this was a hypothetical scenario and not a recounting of actual events, these findings may actually be picking up on how prior experience drives programs' development of policies and procedures and a deeper toolbox of possible solutions in the face of persistent challenging behavior problems.

"Low Effort" Responses	"High Effort" Responses
<ul style="list-style-type: none"> <li>• Tended to focus on internal actions and parent actions (vs. seeking outside help)</li> <li>• Limited references to referral, evaluations, or specialists</li> <li>• Often cited parents as needing to do the work at home</li> <li>• Some referenced conducting their own observations of child behavior and making in-class adjustments</li> </ul>	<ul style="list-style-type: none"> <li>• Tended to reference more iterative processes and cite multiple sources of information and feedback</li> <li>• Involved more teacher-level actions (providing additional training and support)</li> <li>• Some had multiple internal steps before meeting with families</li> <li>• Often referenced developing an individualized plan with families</li> <li>• Referenced multiple types of evaluations, almost assuming EI and MHC were givens</li> </ul>

Another way we assessed variability in use of supports and resources in the expulsion process was via the survey. For programs that reported expelling at least one child in the prior school year ( $n = 53$ ), administrators reported the likelihood that their program would engage in each of six prevention activities prior to the expulsion including meeting with families, requesting external evaluations, and referring a child to the school district for early intervention or special education services. Unsurprisingly, these practices were significantly correlated with each other (range from 0.29 to 0.73, and Cronbach's alpha = .774). Given this collinearity, items were collapsed into a single aggregate prevention activity score. Programs on average reported being somewhat to extremely likely to engage in these prevention activities ( $M = 4.23$ ,  $SD = 0.72$  on a five-point scale).

Further analyses tested for differences in response by program characteristic including funding type, QRIS rating, program size, diversity, and urbanity. Programs that accepted no tuition were significantly less likely to engage in prevention activities than programs that had blended funding (tuition + public funding;  $F = 9.71$ ,  $p < .00$ ). Program size was not significantly associated with the likelihood of prevention activities but the association trended positive ( $r = 2.40$ ,  $p = .084$ ) such that as program size increased so did their reported likelihood of prevention activities. Prevention activity likelihood was not significantly different across programs' QRIS levels, urban/rural location or the primary race/ethnicity of children served. Notably, a limitation to these analyses is that they only capture the actions of programs who had expelled a child in the last year and therefore cannot speak to the success of these activities in preventing expulsion outright.

## Administrators' Knowledge of PA 100-0105

### Levels of knowledge of the law

Rating scales and open-ended questions were used to understand the depth and accuracy of administrators' knowledge of the about the new expulsion legislation. In the survey, administrators rated how familiar they were with the contents of the law and how confident they were that they could comply with the new stipulations. Respondent's average self-reported level of knowledge was 2.99 (SD = 1.28) on a 5-point Likert style scale.

Administrators with more self-rated knowledge were more likely to be programs that were partially funded by public dollars as opposed to private, fully tuition-funded programs. Home-based programs were the least knowledgeable. Total enrollment was also positively associated with knowledge ratings, as was prior experience working with a mental health consultant. Finally, rates of expulsion in the 2017-2018 school year were positively associated with knowledge, such that administrators who indicated they felt very knowledgeable about the law had also expelled the greatest number of students. Notably, administrators of programs that had expelled more children also indicated that they felt the most confidence in their ability to comply with the new law's stipulations.

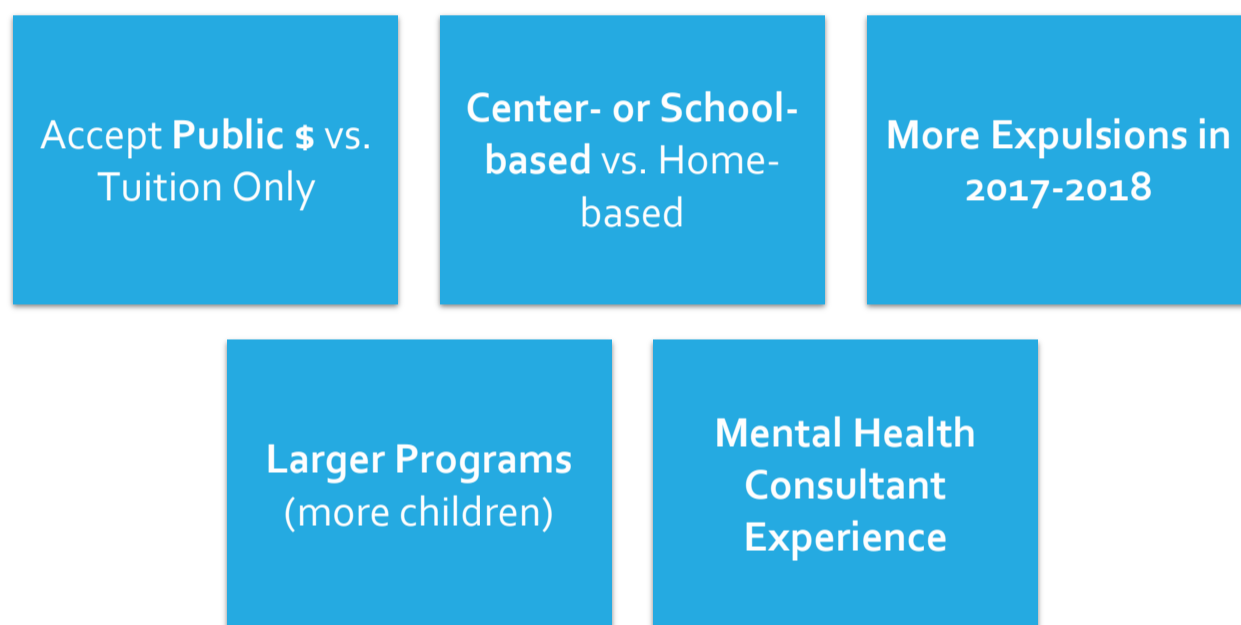


Figure 6: Characteristics associated with greater knowledge.

### Specific content knowledge

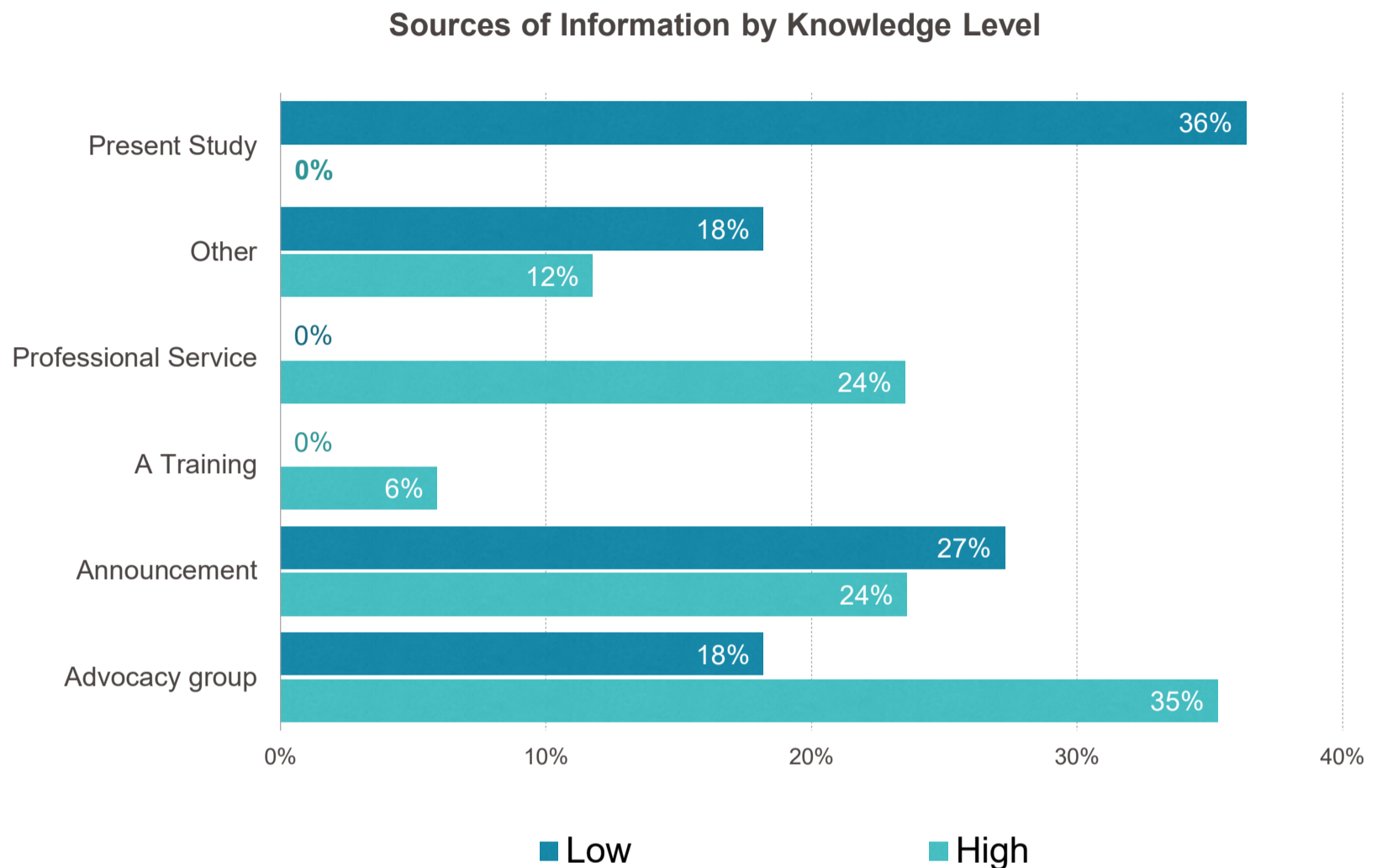
In the follow-up interviews, administrators were asked to recall the details of the legislation in an open-ended question. The subsample included both high and low self-rated knowledge administrators, and overall, those self-reporting higher knowledge could recall more aspects of the law. Across the full interview sample, 60% of respondents recalled that expulsion cannot be the first or only option explored in response to a child's challenging behavior. Those recalling this basic tenant of the law were disproportionately ones that had self-identified as having higher knowledge. At the same time, 32% of the sample had inaccurate information about the law, such as one respondent who reported that "you can only expel a child with a chronic illness", and these were equally likely to be self-reported high- or low-knowledge administrators. Just around a quarter of those interviewed referenced specific aspects of the law such as documentation or resource use requirements.

### Sources of knowledge

A notable trend emerged when examining from who interviewed administrators reported learning about the new law. Those who rated themselves as highly knowledgeable were much more likely to have learned about the law through professional connections, announcements from agencies such as DCFS, ISBE, or Caregiver Connections, or by receiving information from an advocacy organization, most often, The Ounce of Prevention Fund.

In contrast, a third of those with self-reported lower levels of knowledge about the legislation indicated that the recruitment materials for this study were their first notification about the legislation. In addition, several administrators in this group cited learning about the law from parents of children in their center (captured under “Other”).

Figure 7: Sources of Information about PA 100-0105.



## Use and Perception of Mental Health Consultation

### Mental health consultation and expulsion rates and risk

Based on input from our stakeholder coalition, surveys, and interviews specifically probed for an understanding of how programs were using one of the most widely acclaimed interventions to reduce expulsion, infant, and early childhood mental health consultations (MHC). Nearly half of survey respondents (44%) indicated that their program had previously worked with an MHC. However, the use of MHC services was positively associated with expulsion rates at a trending level,  $p = .08$ . That is, programs who reported using MHC services reported slightly more expulsions. Further, programs who used consultants had, on average, sent twice as many children home early for behavioral concerns than those programs that had no prior MHC experience.



One likely interpretation of this unexpected finding is that programs contact consultants too late when they are having a difficult time with an individual child who is already at-risk for expulsion. One administrator even admitted that she contacted the MHC primarily so the consultant could attend the final meeting in which the child's enrollment termination was going to be explained to the parents. Consistent with this interpretation, these programs with MHC experience scored significantly higher, on average, on the adapted Preschool Expulsion Risk Measure than did programs without MHC experience (e.g., "my program currently serves children whose behavior is not likely to improve,  $F(2, 146) = 7.84, p = .06$ ). Further, those who had MHC

experience did not report engaging in more pre-expulsion prevention activities, such as referring children to early-intervention or special-education screenings, compared to those without MHC experience.

### *Programs' experiences and expectations*

In addition to survey ratings, interviews provided a better understanding of administrators' perceptions of mental health consultation, including the benefits and challenges with a consultation, as well as the need for more consultants.

Of those interviewed who had prior MHC experience, most (58.8%) reported positive experiences. About half as many had neutral or mixed impressions of the impact consultants left on their programs and teachers. Only 11.7% reported negative experiences.

 <b>Positive Guidance</b>	 <b>Mixed Experience</b>
<ul style="list-style-type: none"> <li>• "It's someone from the outside saying, 'Yes. This little one is difficult.' Just getting a little validity; knowing you're not alone in the classroom with no one paying attention to your suffering."</li> <li>• "I'm just a daycare provider, you know? They can educate me on certain things with children, what to look out for, what not to look out for. You know maybe why this is happening."</li> </ul>	<ul style="list-style-type: none"> <li>• "But, as to the next steps, we don't find them very helpful--at least the ones we're working with. They could do so much more for us but it's just skimming the surface and I think it's because they are overworked too. They have too much on their plate."</li> <li>• [They] didn't have the realistic vision...[The MHC] was just so wishy washy...It honestly backfired for us."</li> </ul>

## Benefits and challenges of consultation

In our interviews, the most commonly mentioned benefits of MHC were that the consultant provides recommendations or ideas for working with a specific child (70.6%). Additionally, administrators who had worked with MHCs indicated that they were helpful when it came to communicating with parents (58.8%), having a fresh or extra pair of eyes (29.4%), providing support (29.4%), conducting staff training (29.4%), and connecting to outside resources (29.4%). Additionally, several (29.4%) specifically said that they saw MHCs as enabling their programs to retain a child displaying significant challenging behaviors.

Although there was a consensus around the benefits of consultation, several challenges were also cited. Specifically, several (29.4%) referenced the significant wait time and a limited number of consultants available. Some of these administrators noted that they had had to wait several months before seeing a consultant. In some regions where consultants are unavailable or less accessible, administrators indicated that the fee-for-service consultants were too expensive for their programs to use regularly (23.5%). Other challenges included unrealistic suggestions from consultants and the requirement for parental buy-in (referenced by 17.6% of respondents each). One creative solution that two interviewed administrators cited was asking all parents to sign the required parental consent form for consultation at admission so they never had to wait to bring in a consultant to observe a specific child.

### *Consistent calls for more high-quality, free mental health consultants*

- "We would ask for mental health consultation before all this happened, before this legislation, and it would take a couple of weeks. Now, it's like, **months** to get someone because it is required."
- "I would welcome someone visiting every day if I could **afford** it. Come visit, assess what we do, give us suggestions."
- "Well, it's an **integral** step in the whole thing. I mean you can't [prevent expulsion] without it."



- “We absolutely **need** those mental health consultants. We **absolutely need them** because we get so frustrated that we're at our wit's end, and sometimes can't see the forest for the trees. So we absolutely have to have someone come in and observe.”
- “So for me, any of those resources that come in that know what they're doing, **we grasp onto that**. We make changes where we need to. We are actually at times begging for that help. The child I just mentioned, we tried to get people in to help us up. Tried to get him the help, but people that really know what they're doing in that field is hard. It's hard to find good ones.”
- “But if there were, by the grace of God that the State of Illinois allowed more staffing for them, I think that they could be a tool used by centers far more often than they are...I mean **any help is greatly appreciated**.”

## Responses to PA 100-0105

### Changes to admissions & hiring practices

To help stakeholders anticipate needs and responses to the legislative change, the survey queried administrators to rate how likely it was that they would change their admissions and/or hiring practices in response to the new law. Over a quarter of survey respondents (25.5%) indicated that they would probably or definitely change their admissions practices. Additionally, 16.9% of administrators surveyed said that their hiring practices would probably or definitely be impacted by the implementation of the legislation. Open-ended questions provided examples of anticipated changes. With regards to hiring, many indicated despondences because they were already struggling to hire qualified candidates and even when they are well-trained and skilled, **“Teachers are quitting due to the stress and physical abuse by these children. Teachers are not enjoying their job.”** Others lamented the challenge of accommodating on-the-job training for newer teachers given the new resource and reporting expectations stating that, **“Teachers that are novices will be required to start off jogging. No slow starts allowed.”**

#### *Associations with expulsion practice and risk*

Notably, those programs that indicated they were likely going to change their admissions and/or hiring practices were also more likely to report that their programs were at risk of future expulsions ( $r_{admit} = 0.34$ ;  $r_{hiring} = 0.46$ ) and those anticipating hiring changes were likely to have expelled more children in the past year ( $r_{admit} = 0.34$ ). This possibly indicates a more systemic sense of being overwhelmed and the bidirectional effects of workforce shortages coupled with inadequate or underutilized resources.

#### *Changes to expulsion process & documentation*

Another way we assessed how programs have been responding to the legislative change was through the vignette activity in the interview. After describing the process of expulsion prior to the 2018 law change (as detailed in Figure 5), administrators were then asked to detail how their programs response to the vignette had or would change based on the law's stipulations.

Overall, most administrators indicated that they likely would not make any changes to their practices or policies in response to the law's new stipulations (58.33%). As one said, **“Nothing will be different. We would go about the same way.”** Another similarly said, **“I really don't think we'd change anything.”**

The remaining interviewed administrators (41.66%) indicated that they had or would be implementing changes. However, when asked to detail these changes, they exclusively referenced changes to the documentation of their existing practices. As one said, **“The only difference I know that we weren't doing in the past is documenting the meetings that we would have with parents.”** Of concern, this indicates that, at least of the subsample interviewed, there were no planned specific changes to core practices or policies to diminish the risk that a child would be expelled. There were no references to implementing prevention programming (e.g., SEL) or increasing their awareness or use of services and supports. Instead, programs are, as one administrator said in relation to documentation, going to have to **“be a little more diligent before we [remove] the child.”**

### Skirting the law

Another way programs could respond to the law is by ignoring it and continuing to expediently expel children displaying challenging behavior. We asked interviewed administrators to hypothetically suggest how a program could still get away with expelling children despite the law. The most commonly cited workaround was to actually use one of the laws required actions in their favor – by forging documentation (e.g., exaggerating the severity of behavior). Many also pointed out that since there was no mention of auditing, no clear rules (yet), and no consequences (e.g., expulsion rates were not tied to funding or QRIS ratings) they could see many programs just not worrying about it. Several administrators also cited actions that would fall under ‘soft expulsion’ definitions such as repeated early pick-ups, coercing parents to remove the child voluntarily or finding another reason to remove the child (e.g., missing medical records or late payment by parents).

### Ways to “get away” with expulsions

1. Forging documentation and exaggerating child behavior
2. Ignore it due to a lack of consequences, rules, or auditing
3. Coerce parents to remove the child
4. Blame family for lack of compliance or payment

## The Planned Transition

Of particular interest to our ECE stakeholder coalition was how programs have been preparing to accommodate the new stipulations around planned transitions. The new legislation states that if, after exhausting all resources, a program still needs to remove a child from their care, they must, in collaboration with parents, create a transition plan that “ensures the continuity of services” with another program. The coalition co-wrote a set of interview questions to capture how administrators interpreted and planned for both the receiving of transitioning child from another program and the process of transitioning a child out.

### Transitioning a child out.

In reviewing programs’ historic transition practices (in response to the vignette exercise), we asked how and if their program would assist a family in finding alternative care after they decided to remove a child. A clear majority (72%) indicated that they previously had to transition a child out of their program, but far fewer had engaged in the planned and coordinated activities stipulated in the law. About half indicated that they recommend options to parents (52%), while many would actually help contact potential sites (44%). Despite the legislation, about a third (32%) indicated that parents would have to find a center for their child to transition into on their own.

There was great variability in the timeframe for the transition process, with equal proportions of the interviewed administrators saying it could take 1-4 weeks, several months, or just “a long time.” In the meantime, about 50% of those responding would continue to accommodate the child in some way. Just as many said the child’s dismissal would be effective immediately.

#### Accommodating the child

“In the past what we’ve done is a shadowing plan with them. We will make sure one teacher is assigned to that child and they stay with them.”

#### Immediate Dismissal

“It’s not for me to do anything, they’re not in my school, they’re not in my program. I have no authority and no responsibility, basically.”

Figure 8: Example quotes about accommodating transitions out.

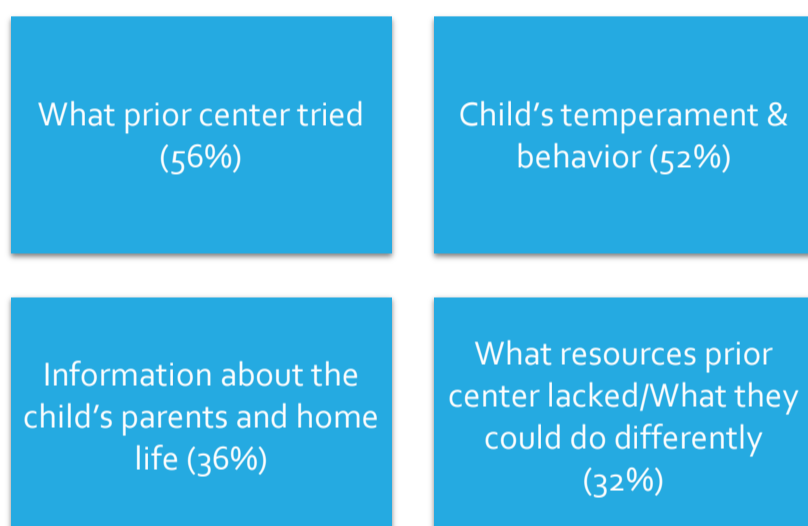
### Destinations of transition

In discussing how they may approach a transition in the future, administrators were asked what type of program into which they may try to transition the child. Many respondents indicated they would initially try the school district (if eligible) or local Head Start program (44%). About a quarter (24%) of interviewed administrators also indicated that their program had a partnership (e.g., with the school district or park district program) that could guarantee a slot for a child. A sizeable number (20%) also thought that Home-based care programs would be a good option for children with challenging behaviors, as they provide a “home feel” with “smaller groups.” However, not all administrators interviewed felt knowledgeable of where to direct parents to for alternative care. As one said, **“You know, I mean I might recommend, definitely recommend the public-school program; But really other than the public school, I’ll be honest, I don’t really know where.”**

“It’s just not going to happen. I’m going to tell them you have a few weeks and they will have to find something else.”

*Figure 9: Example quote. Many administrators had no plans to assist with the transition process.*

### Transitioning a child in



*Figure 10: Information administrators would request if a child was transitioning to their program.*

Interviews also included a line of questioning related to how administrators would handle a request to transition a child into their program from another. This question was added when coalition members indicated that there were no clear guidelines in place for this process and it would be beneficial to know what kinds of information programs would request and how the transition would be managed. If they were called upon to accept a child who was transitioning out of a program that could not meet his or her behavioral support needs, administrators indicated that they would most likely ask for information about what that program had tried. They would use this information to determine if they were going to be able to do anything differently. Only about half would also ask for specific information about the child’s behavior and temperament.

In contrast, a small group (16%) indicated that they would want as little information as possible about the child so that they didn’t form biased opinions. Another commonly mentioned area of interest was parents, especially their compliance and cooperation with the center, in addition to information about the child’s home life (e.g., if the family was going through a divorce, etc.). It was also important for a third of programs to find out what resources the prior center didn’t have access to assess whether they could address such a gap.

Considering whether to accept a child who is transitioning out of another program, administrators indicated several factors that would drive their ultimate decision. Consistent with the above information, the primary determinant was whether they felt that their program could provide something that the other program could not (32%). Examples included: better ratios, more space and flexibility, embedded social-emotional curricula, and specially trained staff. Another key factor that was mentioned by 20% of those interviewed, was simply space – did they have an available slot? To a lesser degree, some administrators (16%) also said that they would require that the child’s parents be on board with the transition (16%) or that the child’s behavior was not so severe it would harm other children (16%). Notably, 16% also mentioned that they would never accept a child through a planned transition.

## CONCLUSION

The passage of IL public act 100-0105, the “expulsion law” is the result of an unprecedented level of coordination among state early childhood education stakeholders and policymakers, all of whom are incredibly hopeful that it will curtail the reliance on exclusionary discipline strategies for the state youngest learners. High rates of expulsion, in particular, persist despite the fact that there no evidence of its effectiveness in changing behavior, especially among young children (American Psychological Association, 2008; American Academy of Pediatrics, 2013).

### Summary of Findings

Findings from this preliminary investigation of the implementation of the new legislation point to several key recommendations. Specifically, our mixed-method study has identified systematic variance in programs’ disciplinary practices by location, program type, funding sources, QRIS rating, and populations served. Further, there was systematic variance in how knowledgeable programs were about the new law across characteristics including funding source, program size, mental health consultation utilization, and expulsion history. Programs varied widely in their approach to removing a child and their utilization of resources in preventing a child’s removal. Despite the law’s stipulations to exhaust resources, however, there is little evidence that programs intend to change their practices, save for increasing documentation. The one resource that did receive consistent praise was mental health consultation and many programs expressed a desperate need for increased access and reduced wait times to have a consultation. One component of the law that appears least well understood is the planned transition requirement. Many programs reported feeling ill-equipped to accept children from other programs as well as uninformed about how to assist families to locate new programs. Further, there was wide variability in their understanding of how (or if) to accommodate the child while a new program is identified.

### Preliminary Recommendations

Based on these findings, we can posit several recommendations that will be revised in consultation with our stakeholder coalition. We anticipate that many of these recommendations are already planned or being implemented. Firstly, it is clear that the dissemination of information regarding the law’s components must be expanded and targeted to the programs least connected (e.g., privately funded and home-based programs). To increase access to consultation, there may be a need to increase the flexibility in service models, such as by experimenting with remote observation systems and video conferencing. Especially in rural locations, drive times between centers drastically reduces hands-on hours for consultants. Programs would likely benefit from having model responses including a menu of possible resources or supports that could be implemented. This may decrease the variability of responses and could reduce biases in the application. There is much anticipation of the release of rules and guidelines that are being drafted. One particular area where clarity will be critical is around both sides of the planned transition requirements. Finally, the ease with which responded were able to generate hypothetical workarounds indicates that there will need to be careful planning for accountability systems and anticipation of concealed expulsions once the annual data collection and reporting process is finalized.

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Contact Dr. Kate Zinsser (kzinsser@uic.edu) for Appendix A (online survey) and Appendix B (follow-up interview script)