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## MEMORANDUM

TO: Act 166 Prequalified Private/Public Pre-Kindergarten (PreK) Education Programs, Principals and Superintendents  
FROM: Kate Rogers, Early Learning Team Manager  
SUBJECT: PreK Suspension and Expulsion Data Collection and Reporting  
DATE: September 13, 2018

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### **PreK Suspension and Expulsion Data Collection and Reporting Requirements**

The AOE is providing this memo to inform you of school district obligations related to PreK suspension and expulsion data collection and reporting. Under Vermont law, 16 V.S.A. §829(e)(10) requires AOE and AHS to jointly monitor and evaluate prequalified PreK programs regarding outcomes and collect data that will inform future decisions. Please share with relevant staff and personnel.

The State Board of Education's PreK rules, SBE Rule 2606(1)(h) requires any prequalified PreK program to adhere to state and federal laws and "complete reports for enrollment, attendance, child assessment, costs of PreK education, finances and other areas as required by state law and the Agency of Education. Expulsion and suspension are categories of PreK-12 data collected by AOE to monitor outcomes and progress in these programs.

As of September 1, 2018, all prequalified private and public PreK programs must complete [Public/Private PreK Suspension and Expulsion Incident Form](#) for each child whenever a child is:

- 1) Requested to permanently leave (expulsion) a PreK program, or
- 2) Removed from a PreK program (suspension) for two or more hours out of the 10 entitled PreK hours per week, due to behavioral or disciplinary reasons. This applies to the child's enrolled daily sessions and/or program hours per week.

### **Defining PreK Suspension and Expulsion**

- **In-program suspension** is the placement of a child in a specified supervised location (e.g., director's office, alternative classroom, other space in building) other than the child's regular classroom for two or more hours out of the 10 entitled PreK hours per week, due to behavioral or disciplinary reasons. The child's absence shall not stop the school district payment to program under Act 166.
- **Out-of-classroom/program suspension** is the removal of a child from program (off premises) for two or more hours out of the 10 entitled PreK hours per week, due to behavioral or disciplinary reasons. The child's absence shall not stop the school district payment to program under Act 166.
- **Expulsion is the permanent removal of a child** from the PreK program. This permanent removal does effect the family's Act 166 tuition. This permanent removal of the child will stop school district payment to the program under Act 166.

It is important to note that all private and public prequalified PreK programs must also comply with Child Development Department's (CDD) expulsion criteria as defined in [Childcare Licensing Regulations 6.2.8.4 \(1\)\(2\)\(3\)](#). *The licensee shall support continuity of care and education. In the event that a child's continued enrollment is at risk the following shall apply: 1) consult with child's parents, 2) provide parents written notice at least five days prior to expulsion, 3) when child is expelled, a full copy of child's file must be provided to family and documentation retained by program.*

### **Data Collection and Reporting to SU/SD**

- 1) Beginning September 2017, all prequalified private and public PreK programs are required to complete and submit a PreK Suspension and Expulsion Incident Report to the SU/SD of child's school of enrollment within 5 school calendar days from the date of incident.
  - a. If the child is on an IEP and receiving special education services, the PreK program must contact the SU/SD early childhood special education staff and/or director of student support services. If a child is suspended or expelled for more than 10 days (consecutive or cumulative) the LEA must convene a manifestation determination hearing to determine if the removal is considered change of placement for the child. A meeting of the child's IEP team is required to determine appropriate services and placement.
- 2) PreK programs must submit individual incident reports to the child's public school of enrollment and its respective SU/SD administration office.
- 3) School Principals are responsible to ensure that PreK incident report/s are entered into the school district's system of record for these data.

### **Publicly-Funded PreK Partnership Agreement**

[Publicly-funded PreK partnership agreement](#) established between SU/SD and prequalified private and other public PreK programs should be revised to include process and procedures for reporting PreK suspension and expulsion incidents. Agreements should include the following:

- 1) SU/SD and school of enrollment designates appropriate points of contact for submitting the suspension and expulsion forms including phone, email, mailing address.
- 2) PreK program designates point of contact (director) including phone, email, mailing address.
- 3) Assurance that prequalified private/public PreK program will submit suspension/expulsion report within 5 school calendar days of incident to SU/SD.