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Founding Executive Director
Children’s Equity Project, Arizona State University
- **Our Mission:** Dismantling systemic racism in learning settings and closing opportunity gaps so that all children thrive.

- **Our Work:** Research - Policy - Practice

- **Our Issues:** Racial equity, discipline, disability and inclusion, health equity, dual language learners, tribal
THREE KEY POLICY AREAS
that strongly influence children’s experiences in the classroom:

HARSH DISCIPLINE
and its disproportionate application in learning settings

LACK OF INCLUSION
of young children with disabilities in learning settings

INEQUITABLE ACCESS
to high-quality learning opportunities for dual language & English learners
X Cutting Themes - What We Know

✓ Racial disparities exist across issues, ages, and states
✓ They are fueled by bias, bad policy, poor monitoring, lack of accountability & lack of investment
✓ Teacher preparation & development inadequately addresses equity
✓ Segregated learning is common for children with disabilities and English learners
✓ Programs that serve historically marginalized children are severely underfunded
✓ Large policy differences exist between/within states
✓ Federal & state equity monitoring is inadequate or altogether absent
✓ Data gaps obscure our understanding
X Cutting Themes - What We Recommend

- Fully fund programs designed to support children from historically marginalized communities
- Require states to report & make progress on equity plans in federal funding applications
- Incorporate equity into monitoring and accountability
- Prioritize inclusive learning
- Reinstate and fund targeted equity technical assistance
- Support educator preparation and development grounded in equity
- Fund longitudinal disaggregated data collection on child wellbeing
- Include funding in upcoming economic stimulus bills on equitable access to quality early education

CHILDREN’S EQUITY PROJECT
Corporal Punishment

Expulsion

Suspension

Seclusion

Restraint
What We Know

✔ It starts **early**, it happens **often**, and its **disproportionate**.

✔ Rates in preschool **dropped sharply** between 2016-17 and 2017-18, but **racial disparities remained**.

✔ Small research base indicates that it occurs in infant/toddler child care, and at higher rates than in preschool or K-12.

✔ **No** evidence that it works.

✔ **Abundant** evidence that it has negative effects.

✔ Rates and disparities vary between and within state lines & across systems

✔ Driven by bias *(no evidence Black children have worse behavior)*; inadequate training, misguided policies, poor working conditions, lack of supportive resources & school climate

✔ Handful of interventions decrease exclusionary discipline, very few shown to reduce disparity

✔ Largely unregulated federally

✔ Large influx of state and community-level policy development since 2014, but quality of policies vary
Racial disparities in disciplinary action are vast, even in preschool.

**Preschool Suspensions, Black Boys**
- 19% of public preschool enrollment
- 45% of male preschool suspensions

**Preschool Suspensions, Black Girls**
- 20% of public preschool enrollment
- 54% of female preschool suspensions
On average, the rate at which young Black students are excluded is more than double that of their peers.
70,833 children were physically or restrained in a single school year

A 2009 Government Accountability Office investigation found that a 4-year-old girl, who was restrained to a wooden chair with leather straps to resemble an electric chair, was later diagnosed with post traumatic stress disorder. The catalyst for the restraint was “uncooperative behavior.”

19 states have no limits on restraint of children, and 12 states have no limits for restraint of CWD.
Seclusion

- **27,538** children were secluded in the 2017-18 school year
- Children with disabilities are vastly over-represented.
- An elementary-school aged boy with a learning disability was locked into a seclusion room **75x** over a 6-month period for multiple hours at a time. The reasons cited for the seclusion included **whistling, slouching, and hand waving**. - 2009 GAO Investigation
Seclusion Policy

- **States that ban seclusion outright**
- **States that ban seclusion for children with disabilities**
- **States that limit seclusion for children with disabilities**
- **States that explicitly limit seclusion for all children to incidents involving a serious safety threat**
It is legal in private school settings in **every state in the country** except New Jersey & Iowa.
# Rhode Island K-12 Discipline by Race 2017-18 Federal CRDC

<table>
<thead>
<tr>
<th></th>
<th>Black</th>
<th>Latino</th>
<th>White</th>
<th>Asian</th>
<th>AI/AN</th>
<th>2+ Races</th>
<th>Hawaiian /PI</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Enrollment</strong></td>
<td>9%</td>
<td>26%</td>
<td>57%</td>
<td>3%</td>
<td>1%</td>
<td>5%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td><strong>Suspension</strong></td>
<td>15%</td>
<td>34%</td>
<td>42%</td>
<td>1%</td>
<td>2%</td>
<td>6%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td><strong>Expulsion</strong></td>
<td>16%</td>
<td>16%</td>
<td>55%</td>
<td>0%</td>
<td>6%</td>
<td>6%</td>
<td>0</td>
</tr>
<tr>
<td><strong>Restraint</strong></td>
<td>15%</td>
<td>22%</td>
<td>54%</td>
<td>0%</td>
<td>1%</td>
<td>7%</td>
<td>0</td>
</tr>
<tr>
<td><strong>Seclusion</strong></td>
<td>13%</td>
<td>16%</td>
<td>52%</td>
<td>1%</td>
<td>0%</td>
<td>19%</td>
<td>0</td>
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</tbody>
</table>
### Promoting Positive Discipline: Solutions Begin with Policy Change

<table>
<thead>
<tr>
<th>Congress should:</th>
<th>Federal agencies should:</th>
<th>States should:</th>
<th>Districts should:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pass legislation to end corporal punishment, seclusion and exclusionary discipline, and limit restraint across programs that serve young children and receive federal funding.</td>
<td>Raise awareness about the negative impacts of harsh discipline and family rights</td>
<td>Prohibit corporal punishment, seclusion, and exclusionary discipline in learning settings serving young children and limit restraint</td>
<td></td>
</tr>
<tr>
<td>Eliminate the 10-day suspension allowance for children with disabilities</td>
<td>Tie federal funds to state progress reducing harsh discipline and disparities in its use</td>
<td>Invest in data systems and professional development</td>
<td>Ban harsh discipline even in states where it remains legal</td>
</tr>
<tr>
<td>Increase funding for mental health interventions and personnel</td>
<td>Reinflate guidance that discourages the use of exclusionary discipline and address racial disparities</td>
<td>Develop infrastructure to receive, investigate, and act on parent complaints</td>
<td>Ensure that young children never have negative interactions with school resource officers via intimidation, inappropriate restraint, handcuffing, or arrest</td>
</tr>
<tr>
<td>Prioritize child mental health and positive school climate over punitive discipline in budgets</td>
<td>Require states to report their use of harsh discipline and its disproportionate application in child care</td>
<td></td>
<td>Invest in systems for training, coaching, and evaluating the use of positive discipline and anti-bias approaches</td>
</tr>
</tbody>
</table>
Digging Deeper - State Recommendations

- Restrict the use of public funds by programs, districts, or schools that engage in harsh and inappropriate discipline.

- Set an appropriate minimum age for criminal liability, no younger than 14.

- Build & expand data infrastructure to collect disaggregated data on equity indicators, starting in infancy/toddlerhood through K-12.

- Sharpen focus on bias and anti-racism work in coaching infrastructure and PD systems.

- Incorporate discipline indicators into QRIS:
  - Required anti-racism training
  - Equitable access to SEL
  - Policies that eliminate harsh discipline
  - Collecting, analyzing, and using disaggregated data for CQI, policy reform, and PD.
PIVOTAL POLICY AREA 2:

SEGREGATED LEARNING

FOR YOUNG CHILDREN WITH DISABILITIES
“Inclusion in early childhood programs refers to including children with disabilities in early childhood programs, together with their peers without disabilities; holding high expectations and intentionally promoting participation in all learning and social activities, facilitated by individualized accommodations; and using evidence-based services and supports to foster their development (cognitive, language, communication, physical, behavioral, and social-emotional, friendships with peers, and sense of belonging. This applies to all young children with disabilities, from those with the mildest disabilities, to those with the most significant disabilities.”

Inclusion Policy Statement, U.S. Departments of Education and Health and Human Services
What We Know

✓ Children of color over-represented in K-12 SPED; under-represented in EI & preschool special education.

✓ Research + law support inclusion

✓ Inclusion of CWD, especially preschoolers, has not increased in decades

✓ Preschool: Less than 50% included. Varies by age, minor differences by race.

✓ K-12: Latino, Black & AAPI children spend the least amount of time in gen ed settings

✓ Race x Disability: Black children served under ID + ED categories = half of all Black CWD. Incidence vs. documentation of disability.

✓ Disability category associated with inclusion: Children w/ multiple disabilities, ID, ED, ASD, & deaf/blindness included less

✓ Inclusion right + effective: academically, socially-emotionally for children w/ and w/o disabilities

✓ No “bad candidate” for inclusion

✓ Rates vary across & within states

✓ Barriers:
  ✓ Ableism
  ✓ Lack of teacher prep, skills, & efficacy
  ✓ Perceived policy & financial barriers
  ✓ Uncoordinated systems
  ✓ Lack of oversight & accountability
  ✓ Lack of will to change status quo.
### Setting in which Part B, Section 619 services are received, by age

<table>
<thead>
<tr>
<th></th>
<th>Age 3</th>
<th>Age 4</th>
<th>Age 5</th>
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</thead>
<tbody>
<tr>
<td>% of all children</td>
<td>24%</td>
<td>35%</td>
<td>42%</td>
</tr>
<tr>
<td>served</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% receiving services in home</td>
<td>4%</td>
<td>2%</td>
<td>1%</td>
</tr>
<tr>
<td>% receiving services in separate settings</td>
<td>61%</td>
<td>55%</td>
<td>46%</td>
</tr>
<tr>
<td>% receiving services in regular EC programs</td>
<td>35%</td>
<td>44%</td>
<td>53%</td>
</tr>
</tbody>
</table>

Percentages may not total 100% due to rounding

### Setting in which Part B, Section 619 services are received, by race/ethnicity

<table>
<thead>
<tr>
<th></th>
<th>AI/AN</th>
<th>Black</th>
<th>Latinx</th>
<th>Other races</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of all children served</td>
<td>1%</td>
<td>13%</td>
<td>27%</td>
<td>9%</td>
<td>51%</td>
</tr>
<tr>
<td>% receiving services in home</td>
<td>&lt;1%</td>
<td>1%</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>% receiving services in separate settings</td>
<td>46%</td>
<td>54%</td>
<td>52%</td>
<td>55%</td>
<td>52%</td>
</tr>
<tr>
<td>% receiving services in regular EC programs</td>
<td>52%</td>
<td>45%</td>
<td>46%</td>
<td>43%</td>
<td>46%</td>
</tr>
</tbody>
</table>

Percentages may not total 100% due to rounding
States provide services to preschool children in regular early childhood programs at widely varying rates.
It is clear that the public Pre-K system is not being used to its full potential to include children with disabilities.

There is no correlation between states’ public Pre-K access and the % of CWD receiving services in inclusive settings.
Rhode Island

Preschool Special Education Screening, Eligibility, and Inclusion Rates, Rhode Island, June 2019

Source: Rhode Island Department of Education, 2018-2019 Child Outreach Screening and Referral Rates and June 2019
Statewide, **52%** of children receive preschool special education services in inclusive settings, slightly higher than national average.

Wide variability locally, ranging from **22%** to **100%**.

Of the “Core Cities”, **Woonsocket** has the lowest level of inclusion by over 30 percentage points.
Individuals with Disabilities Education Act

- Federal law has mandated free and appropriate public education in the least restrictive environment for CWD for 4+ decades.

- IDEA presumes that the 1st placement option considered is the regular classroom a child would attend if they did not have a disability.

- U.S. Department of Education monitors states for compliance, but does not include preschool indicators – including LRE- in state determinations.

- Federal government has never “full funded” IDEA. Programs for all ages are severely underfunded.
## Increasing Inclusion of Children with Disabilities in Learning Settings: Solutions Begin with Policy Change

### Congress should:
- Fully fund IDEA
- Increase funding for infants and toddlers with disabilities
- Increase funding for training, monitoring, and accountability
- Request 3 GAO reports on the costs of funding inclusive services, the effects of failing to fully fund IDEA, and implementation of the Equity in IDEA rule
- Give the Dept. of Ed. authority to hold states accountable for funding their share of IDEA services, in line with findings from the above GAO studies

### Federal agencies should:
- Monitor and hold states accountable for placement practices that ensure students are served in inclusive settings
- Incentivize inclusion through grants
- Use federal funds to incentivize states to develop and test teaching models that support inclusion
- Ensure early learning programs are ADA compliant

### States should:
- Monitor districts on inclusion and hold them accountable
- Increase funding for inclusion
- Require 10% of early childhood enrollment across programs to be for children with disabilities or delays
- Ensure IEP teams are well-trained and accountable for inclusion
- Deploy teams to work on this issue locally

### Districts should:
- Make meaningful reforms to expand access to inclusive learning for children with disabilities, including restructuring budgets, physical space, and staffing structures; training IEP teams on inclusion; formalizing partnerships with community-based early childhood providers; and requiring joint training for early and special educators

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*Start with Equity: From the Early Years to the Early Grades*

Produced by the Children’s Equity Project and the Bipartisan Policy Center

See page 108 for a complete policy agenda.
States

1. States should monitor districts on placement patterns in the least restrictive environment, including preschool, and develop accountability structures tied to funding. They should accompany this with technical assistance to remediate deficiencies.

2. States should ensure individual education program (IEP) and individual family service plan (IFSP) teams are trained and held accountable for making inclusive placement decisions that align with the natural and least restrictive environment provisions in the law.

3. States should align their early learning systems with the Head Start Program Performance Standard that 10% of enrolled children be children with disabilities or developmental delays.

4. States should encourage Parent Training Information Centers to prioritize inclusion, which should include sharing information with families about child rights for inclusive learning and protections against segregated placement and harsh discipline.

5. States should use existing infrastructure, such as State Advisory Councils or State Councils for Developmental Disabilities to build and deploy teams that work at the community level to expand inclusive learning. These teams should prioritize communities with high rates of segregated placements, work to adjust funding models, staffing structures, and personnel training, and build and formalize connections with community-based early learning settings to expand inclusive slots.

6. States should review all written early childhood policies and integrate inclusion of children with disabilities throughout, including quality rating improvement systems, early learning guidelines, Pre-K standards, state child care subsidy policy, early care and education licensing standards, and early childhood personnel standards and credentialing/certification.

7. States should ensure that all early childhood coaches, including quality and behavior coaches, are trained in inclusion practices and work explicitly to advance the success of children with disabilities in inclusive settings.

8. States should ensure that all classrooms are assessed on inclusion practices, as part of any classroom quality monitoring, and include the results of the assessment in their accountability framework.

9. States should use state or federal funding, such as IDEA, Title I of ESSA, or child care quality funds, to transition self-contained classrooms to inclusive classrooms across systems.
PIVOTAL POLICY AREA 3:

INEQUITABLE ACCESS

TO HIGH-QUALITY LEARNING OPPORTUNITIES FOR DUAL LANGUAGE AND ENGLISH LEARNERS
What We Know

- 0-8 DLLs: 11 million or 32% of children under 8 y/o
- Most are U.S. citizens, identify as Latino/a, and speak Spanish
- ELs: 4.9 million or 9.6% of the total K–12 population; larger numbers in early grades
- Major data gaps exist
- Diverse by every measure
- DLLs have cultural, linguistic, & cognitive strengths, including cognitive advantages associated with bilingualism
- DLLs & ELs do better in high-quality DL or bilingual models, compared to English dominant models
- Limited data show that ELs may be under-represented in dual language models
- Segregated learning is harmful and ineffective
- Major gaps exist in child and global classroom quality assessments
- Policies and standards vary by system, state
- Head Start has the most comprehensive standards
- No state Pre-K program has comprehensive, high-quality standards for DLLs
- 18 have no policies specific to DLLs
- Funding for ELs is insufficient. Title III has been stagnant & has not kept up with inflation or increase in EL population
The Bilingual Advantage

- Infants are born with the capacity to learn an unlimited number of languages.
- Neuroscientists have observed advantages in bilingual children, as early as 7-months, in problem-solving, executive functioning skills, attention shifting, perspective-taking, and self-regulation.
- Bilingual exposure = greater neural plasticity & grey matter density.
- Grey matter contains most of the neurons in the brain & the brain regions involved in memory, emotions, speech, decision making, and other cognitive functions.
- Switching back and forth between languages may explain it, in part.
Dual Language Immersion (DLI): Two languages of instruction, split across day or week.

The goal is bilingual/biliterate development.

Dual language instruction creates lasting, wide-ranging benefits for all students.

DUAL LANGUAGE LEARNERS ENROLLED IN THESE INSTRUCTIONAL MODELS ARE MORE LIKELY TO:

- Become proficient in English more quickly
- Outperform peers in both math and reading
- Reach national academic performance norms
- Become biliterate
DLI is Not a Reality for Most DLLs

- Instruction across ECE is primarily in English.
- Where the home language is used, it is for behavior support, which does not confer the same benefits.
- Exposure to home language in ECE generally goes down as children grow older.
- More likely to have a provider who speaks home language in non-center settings - though, providers’ bilingualism does not equate to DLI instruction.
The history of language as a tool for exclusion & “Mexican Schools”

Using national achievement data, a study found that the degree of segregation was the greatest predictor of disparities in achievement between EL & non-ELs.

Teachers have lower academic expectations for ELs that grew over time, but this is not the case in bilingual schools.

Bilingual teachers are more effective with DLLs.

Assessment bias is prevalent.

In multilingual societies, the achievement gap between native language speakers and their peers is small or non-existent.
Most robust standards x system. They include:

- Home language + English support for infants/toddlers
- English + continued home language support in preschool
- Bilingual staff who speaks children’s home language if 50%+ children share same home language
- Assessments in English + home language
- Culturally responsive family engagement
Child Care

Data is scarce.

As of 2017, only 40% of **Quality Rating and Improvement Systems** included any indicators specific to DLLs.

Even when DLL indicators *were* included, the standard of quality was often low (e.g., providing resources for families in home language).

<table>
<thead>
<tr>
<th>Policies and Supports for DLLs in State Child Care Plans</th>
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</thead>
<tbody>
<tr>
<td>State references DLLs in their professional development plans</td>
</tr>
<tr>
<td>AL, AR, CA, CO, DE, FL, NM, KA, MI, NH, NJ, OK, OH, OR, PA, RI, WA, DC</td>
</tr>
<tr>
<td>States provide trainings to workforce in languages other than English</td>
</tr>
<tr>
<td>AK, CT, DE, NE, NV, OR, WA</td>
</tr>
<tr>
<td>State requires communicating with families in the home language</td>
</tr>
<tr>
<td>AK, CT, DE, NE, NV, OR, WA</td>
</tr>
<tr>
<td>State uses bilingual caseworkers for recruitment, outreach, and support</td>
</tr>
<tr>
<td>AL, AK, CA, CT, DE, FL, ID, IL, IA, NE, NV, NJ, NM, NY, OK, PA, UT, VA, WA, WV, WI, DC</td>
</tr>
<tr>
<td>State leverages public and/or private funds to provide quality coaches who focus on DLLs and other populations with unique needs.</td>
</tr>
<tr>
<td>CA, CO, CT, IL, NJ, SC, WI</td>
</tr>
</tbody>
</table>
State Pre-K Systems

- Fewer than half of state Pre-K programs collect data on home language use (e.g., AZ, FL, NY)

- Of those that do, 29% of children enrolled are DLLs.

As of 2016-17, 18 states had no policy supports related to preschool DLLs specifically.

- Only Illinois explicitly requires bilingual instruction if there are 20 or more DLLs of the same home language background enrolled in the same program, although the mandate is for transitional bilingual education—not DLL or similar models;
- 14 states require monitoring of the quality of bilingual education;
- 17 states require an approved written plan for how programs will support DLLs;
- 19 state programs have policies for assessing children in their home language;
- 7 state programs require staff to have training or qualifications for working with DLLs;
- 33 state programs have a policy that specifies communicating with families of DLLs in their home language for recruitment and outreach and/or program- or child-related issues.
## Equitably Expanding Access to Bilingual Learning: Solutions Begin with Policy Change

<table>
<thead>
<tr>
<th>Congress should:</th>
<th>Federal agencies should:</th>
<th>States should:</th>
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</thead>
<tbody>
<tr>
<td>At least double funding for students learning English through ESSA Title III and any other relevant funding streams</td>
<td>Pilot and invest in strengths-based bilingual education and linguistically diverse workforce preparation programs</td>
<td>Discontinue segregated programs for ELs</td>
</tr>
<tr>
<td>Request a GAO study on federal funding for DLLs/ELs</td>
<td>Invest in classroom assessment tools to assess the quality of dual language approaches</td>
<td>Discontinue all “English-only” programs</td>
</tr>
<tr>
<td>Align policy with research and prioritize dual language and strengths-based approaches, and tie prioritization to federal funding. Phase out ineffective English-only approaches</td>
<td>Invest in child-level assessment tools for DLLs and ELs in languages other than English</td>
<td>Use federal funds to expand bilingual programs and prioritize DLLs and ELs in expansion</td>
</tr>
<tr>
<td>Hold hearings on best practices and funding models that optimally support ELs and DLLs and use GAO reports and hearings to inform additional investments</td>
<td>Require states to report their plans to equitably expand access to dual language programming</td>
<td>Adopt Head Start dual language learner standards in state-funded Pre-K, incorporate into accountability frameworks, and make funding contingent on adherence to these standards</td>
</tr>
<tr>
<td>Fund a national effort to expand the number of qualified bilingual educators.</td>
<td></td>
<td>Improve existing—and create new—workforce preparation programs to expand linguistic diversity and knowledge</td>
</tr>
</tbody>
</table>
Thank You!

https://childandfamilysuccess.asu.edu/cep/start-with-equity