

Delaware Institute for Excellence in Early Childhood

Delaware's Early Care and Education Expulsion and Suspension Policy Landscape:

Opportunities to Build on Current Strengths



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Issue Series Overview

The Delaware Early Care and Education Expulsion and Suspension (DECEES) project is funded by the Delaware Department of Education and is a collaborative effort between the Delaware Institute for Excellence in Early Childhood (DIEEC), the Department of Human Development and Family Sciences, the Delaware Department of Education, and the Delaware Department of Health and Social Services. The DECEES project is designed to examine past and current Delaware initiatives that support continued enrollment of young children under age 5 in state-licensed early care and education programs; seeks to understand the state landscape for tracking the expulsion and suspension of young children; and gives rise to families' voices through a three part brief series. In this brief series, we define expulsion and suspension in accordance with the definition outlined by *Caring for Our Children*¹ that is used in the Delaware Department of Health and Social Services policy, *Best Practice Statement for the Prevention of Expulsion and Suspension In Delaware Early Programs*,ⁱ as shown in Box 1.

This brief is the first in a three part series that detail: 1) the current landscape of expulsion and suspension in early care and education, 2) information on program level suspension and expulsion practices in Delaware and the strategies programs use to prevent exclusions, 3) and how expulsion and suspension affect Delaware families. We frame each brief around the joint *Policy Statement On Expulsion And Suspension Policies In Early Childhood Settings* issued in 2014 by the U.S. Department of Health and Human Services and the U.S. Department of Education, and endorsed by the Administration for Children and Families Office of Child Care and Office of Head Start. This brief begins the series by providing an overview of the issues surrounding expulsion and suspension in early childhood programs and how the early childhood system in Delaware has addressed this issue to date. Children and Families Office of Child Care and Office of Head Start. This brief begins the series by providing an overview of the issues surrounding expulsion and suspension in early childhood programs and how the early childhood system in Delaware has addressed this issue to date. Introduction of Expulsion and Suspension in Early Childhood Programs

Box 1: Expulsion and Suspension Definitionsⁱⁱ

Expulsion-terminating enrollment of a child or family in the regular group setting because of a challenging behavior or a health condition.

Suspension-all other reductions in the amount of time a child may be in attendance of the regular group setting, either by requiring the child to cease attendance for a particular period of time or reducing the number of days or amount of time that a child may attend.

¹ American Academy of Pediatrics, American Public Health Association, & National Resource Center for Health and Safety in Child Care and Early Education. (2011). *Caring for our children: National health and safety performance standards; Guidelines for early care and education programs*. (3rd ed.). American Academy of Pediatrics.

Early Care and Education (ECE) programs serve two purposes. First, **ECE programs support children's development.** Birth to age 5 is a critical developmental period. Healthy development is supported by programs and policies that reduce negative experiences and enhance opportunities that optimize growth and development. One means of optimizing development is to ensure that all children have access to high quality ECE programs. Secondly, by providing safe and consistent care, **families are supported to work or attend educational or vocational training.** When child care is difficult to find, access, afford, or does not meet a family's expectations for quality, it impedes their ability to successfully participate in the workforce and/or gain the educational training needed for career success.ⁱⁱⁱ

For many young children **exclusionary discipline practices through expulsion and suspension pose a significant barrier** to their successful participation in high quality ECE programs.^{iv} These practices also prevent families and caregivers from consistent participation in the workforce because of the need to care for, or seek alternative care for a child that has been excluded from a program.

Overview of Expulsion and Suspension in Early Childhood Programs

Young children are suspended and expelled at higher rates than K-12 students. Nationally, children under five years of age are suspended—at least once—from public preschools at over three times the rate of K-12 students.^v Children who are Black or African American, children with disabilities, and children who are male are disproportionately suspended and expelled from publicly-funded preschools.^{vi,vii,viii} Findings from an analysis of the 2016 National Survey of Children's Health suggests approximately 17,000 children attending privately and publicly funded preschools were expelled and about 50,000 preschoolers were suspended at least once.^{ix}

Data on expulsion and suspension rates for children birth to five is limited. While data exists pertaining to the rates of expulsion and suspension of children ages 3 to 5 years attending publicly funded preschools (e.g., Head Start) and Pre-K programs that operate within the K-12 system, there is less data available on expulsion and suspension among children under three years of age attending ECE programs.

Further, there is **no coordinated system of collecting expulsion and suspension data among licensed center-based and family child care programs** for any age group. The lack of a coordinated and centralized ECE system has led to a dearth of reliable ECE data at the program level. This lack of program data limits our understanding of the extent of the expulsion and suspension of all young children and most acutely very young children (birth to age 3). The expulsion or suspension of young children from any type of program is concerning and requires federal and state agencies to address the issue through legislation, funding, and oversight.

Delaware Early Care and Education Systems Response to Federal Child Care and Development Fund Policy Requirements

A 2014 revision to the federally funded Child Care and Development Fund (CCDF) program required state CCDF administrators to describe their state’s policy on reducing expulsion and suspension of children. **The CCDF final rule published in 2016 required Lead Agencies to provide information about policies that prevent expulsion and suspension**, and service denial due to the behavior of children birth to age 5 attending an ECE program receiving CCDF funding.

The Delaware Department of Health and Social Services (DHSS) responded to the final CCDF ruling by establishing a working group to determine proactive and systematic approaches to addressing early childhood expulsion and suspension and by committing to ensure that the youngest Delawareans receive the best early care and education possible. Statewide initiatives are highlighted in Box 2. In 2017, DHSS began drafting the *Best Practice Statement for the Prevention of Expulsion and Suspension in Delaware Early Childhood Programs* (referred from here as the *Best Practice Statement*).

Box 2: Timeline of Recent Statewide Initiatives

2016	Initial Working Group convened to address the expulsion and suspension of young children
2019	Delaware Best Practice Statement published and officially issued by Delaware Health and Social Services and disseminated to all Purchase of Care (Delaware’s child care subsidy program) providers
	Licensing regulation instituted requiring licensed programs to have a suspension and expulsion policy
2023	HB202* legislation took effect requiring licensed child care providers to implement developmental screening for children birth to age 5

*This Act is designed to increase the opportunity for Delaware children to undergo developmental screening with a research-based screening tool at an early age in order to identify children who may be eligible for Early Intervention or special education services. It requires any applicant for a license or renewal of a license to operate a child care facility on or after July 1, 2023 to commit that each child between the age of birth and 5 years old (who has not yet entered kindergarten) enrolled by the child care provider will undergo developmental and social emotional screening. The screening mechanism to be used is the screening system approved by the Department of Education and will be administered by the parent or guardian of the child seeking to be enrolled in the child care facility. This Act permits an operator of a child care facility at a YMCA to be appointed to the Provider Advisory Board, changes references from “day care” to “child care” in the existing law and makes other changes consistent with the Legislative Drafting Manual.

The *Best Practice Statement* was presented to the Delaware Early Childhood Council (DECC) in November 2017 and the Interagency Resource Management Committee (IRMC) in April 2018. It was officially issued in 2019 as a joint statement from the Delaware Department of Health and Social Services (DHHS), Division of Social Services Programs, Policy and Program Development Unit (PPDU), the state child care subsidy program known colloquially as Purchase of Care (POC) that rests within PPDU, and the Delaware Department of Education (DOE). **The statewide *Best Practice Statement* requires licensed child care programs serving children under five years of age who accept children whose attendance is supported by subsidy to have expulsion and suspension policies.**

Further, the child care program’s expulsion and suspension policy must be available for staff at time of hire and for families at program enrollment. Licensed child care programs are also advised to collect baseline data on expulsions and suspensions, set realistic goals for improvement based on data, and ensure fairness across all families. Delaware child care licensing policies for expulsion and suspension are described in Appendix A.

Delaware’s expulsion and suspension policy meets many of the components of the federal guidance including the requirements that ECE programs develop expulsion and suspension policies and clearly communicate those policies to families and staff, likewise programs are encouraged to collect data on expulsions. Delaware’s policy also offers opportunities for improving support systems for eliminating exclusionary discipline, particularly in the areas of data collection and data reporting.

Concurrent to Delaware’s *Best Practice Statement*, **several early care and education state-level organizations and agencies developed initiatives to reduce early childhood expulsion and suspension.** These initiatives incorporated programs, training, and policies designed to support children, their families, and early childhood professionals. Two state-level organizations, the Delaware Institute for Excellence in Early Childhood (DIEEC) and the Early Childhood Mental Health Consultants (ECMHC) provide training, technical assistance and coaching for programs, providers, teachers, and directors. The training, technical assistance and coaching includes among other things, a focus on reducing incidents of disruptive behavior and enhancing social and emotional skills in children.

Examples of Initiatives Aimed at Reducing Early Childhood Expulsion and Suspension

During FY24, the **DIEEC is designing a series to support the Pyramid Model^x with ECE programs.** The Pyramid Model provides a tiered framework of evidence-based practices to promote healthy social and emotional development in young children. The DIEEC also offers Assessing Classroom Sociocultural Equity Scale^{xi} (ACSES) as an observation tool that programs can select when requesting observations and coaching. Further, DIEEC provides and hosts equity training such as those described in Appendix B.

ECMHC provides several types of support for programs that request consultation services. Supports are adapted to fit the needs of the requesting program and may include training and coaching on topics such as building positive relationships, effective classroom management, understanding child

development, typical versus atypical behavior, trauma and adverse childhood experiences, implicit biases, and mindfulness.

The passage and implementation of Delaware HB202, effective July 2023, requires all licensed child care programs applying for or renewing applications to **ensure that children age birth to 5 years old not yet in kindergarten undergo developmental screening** using Delaware Department of Education, Office of Child Care Licensing’s approved developmental and social emotional screening tool, Ages & Stages Questionnaires (ASQ).^{xii} Recent research using a national sample found that children ages 3 to 5 with a disability were expelled or suspended from preschool or child care at higher rates than their abled peers.^{xiii} The HB202 screening requirement can help identify young children with developmental delays and disorders and in turn connect children and families to services and accommodations. This is an important step in supporting children and families, and child care providers.

Federally-funded programs operating in Delaware such as Head Start, Early Head Start, and Delaware’s publicly-funded Pre-K mandate that **programs cannot expel or unenroll a child from Head Start because of a child's behavior**. Additionally, federal policy requires programs to prohibit or severely restrict the use of suspension due to a child’s behavior.

Delaware has taken action towards ensuring young children maintain continued ECE program enrollment. The *Best Practice Statement* outlines recommendations for preventing the expulsion and suspension of young children from licensed ECE programs to help programs reduce expulsion and suspension. State-level child care licensing requirements that require programs to maintain and publicize program-level expulsion and suspension policies enhances transparency. Although organizations such as DIEEC and ECMHC offer training and coaching for ECE providers as a means to improve program practices, more work can be done to improve support for children, families, and providers. Recommendations for additional support and data collection are discussed in the following section.

Recommended Steps Delaware Could Take

Delaware has many of the components necessary to create a system that limits or eliminates exclusionary discipline and has made significant progress in creating a coordinated system of ECE governance. **There are multiple benefits possible with a coordinated system of data collection and use**, not the least of which is strengthening systems in place to mitigate the use of exclusionary discipline. A unified or coordinated approach to state level ECE governance can deliver several key components of a system-wide approach to preventing or eliminating expulsion, suspension, and other types of exclusionary discipline including,

- Expanding Universal Definitions
- Data Systems, and
- Set State Level Goals

Recommendation 1: Expanded Universal Definitions

If all programs are governed by the same set of policies and practices it is then possible to have consistent definitions for terms such as “expulsion”, “suspension”, and “program removal.”^{xiv} In Delaware’s Best Practice Statement “expulsion” and “suspension” are defined. However, when suspension is mentioned in this and other Delaware ECE policy documents, such as child care licensing regulations, suspension is “out of school” suspension, and Delaware’s Best Practice Statement requires that programs only use expulsion and suspension “*after all supports have been exhausted.*” While mental health consultation is recommended as a support, the manner and type of other supports, including other disciplinary strategies that may involve exclusions or accessing other types of supports is not defined, some of which could be considered “in school suspensions”, or “time-out”. Expanding Delaware’s exclusionary discipline definitions will allow the second key component possible through a unified governance system, data systems.

Recommendation 2: Data Systems

In Delaware’s *Best Practice Statement*,^{xv} Goal 4 is on Data collection.

Data Collection: Programs should begin to collect baseline data to determine program goals and ensure fairness, equity and continuous quality improvement. Data should be monitored at least annually to assess progress and modify practices as necessary. Some examples of useful data include:

- *Number of behavior incidents reported by race, gender and age*
- *Number of suspensions/expulsions reported by race, gender and age*
- *Number of behavior referrals reported by teacher*

Data in the Best Practice statement can be useful but programs are not required to collect the information. The data on incidence by race, gender, age, and special needs status; the number of out of program suspensions by race, age, gender, and special needs status, the number of program expulsions by race, gender, age, and special needs status, and the number of behavioral referrals by teacher or by classroom, should all be required elements of programmatic data collection. The state should also define who should monitor the data collection. Additional types of data that should be collected include the number and type of supports accessed, and the involvement of families in the process.

A state level system that includes aggregating program level data could yield useful information to inform policy and quality improvement infrastructure. Once the state is able to collect statewide data from programs, the state will then be in a position to create state-level data and to set state-wide goals and create more targeted strategies to mitigate exclusions. Requiring that data be collected and that the data collection is monitored and assessed is vital to achieving programmatic and state goals around reducing or eliminating suspension and expulsion for early care and education programs.

Table 1 depicts state entities that provide services where data could be collected in order to monitor expulsion events. Were these state entities to create a data system, a follow-on issue would be to determine if the data collection policies apply to all children or just those supported by CCDF funding. *Additional data collection would need to be developed to track out of program suspensions.*

Table 1: Delaware Child Care and Early Education Systems

Department	Office
Department of Education	Office of Early Learning
	Office of Child Care Licensing
	Office of Early Childhood Intervention
Department of Health and Social Services	Division of Social Services
	Division of Public Health
Department of Services for Children, Youth, and Their Families	Division of Prevention and Behavior Health Services

Recommendation 3: Set State Level Goals

In Delaware’s Best Practice Statement for the Prevention of Expulsion and Suspension In Delaware Early Childhood Programs,^{xvi} Goal 5 is Set Goals for Improvement:

Based on data collected, programs should set realistic goals for improvement.

Some goals could be:

- *Provide annual professional development on cultural responsiveness
- *Adopt a program-wide positive behavior intervention in one year
- *Reduce the number of suspension and expulsions by 50% within a year

However, a critical component of goal setting is at the state level. One way that universal governance could be leveraged to ensure a more robust set of goals, is for the state’s agencies to work together to define the state level goals around expulsion and suspension reduction that would complement the process of goal setting offered as suggestions for programs.

Likewise, to assist and support programs in setting program wide goals for reducing expulsions, suspensions, and other types of exclusionary discipline practices, **the state could require that programs set targeted goals, in addition to those the program may find meaningful.** In the suggestions for goal setting, some of the strategies are interventions. For instance, in the case of the professional development on cultural responsiveness, the program would need to ensure that the culturally responsive professional development included the connection between cultural responsibility and determinations of behavioral problems, and then the program would need to ensure that the teacher level data on attending the professional development was included in the data on exclusionary discipline events described above. Likewise, program level goal setting around an overall reduction on expulsion and suspensions would need to be carefully aligned with enrollment data.

Conclusions

Delaware has made significant strides in creating systems that reduce and dramatically limit the use of exclusionary discipline. Yet, because of the severity of the consequences of expulsions and suspensions to family self-sufficiency and children's development, exploring additional strategies and strengthening those available is worth addressing with creative new policies. Currently, Delaware's approach to data collection and goal setting has been at the program level. By raising these issues to the level of state level data collection, analysis and goal setting, Delaware will further its prevention strategies. By leveraging the systems in place including the agencies and programs that could collect and share data definitions and data, Delaware is in a position to leverage the coordinated system of ECE governance in place to create a state-level data system. Furthermore, the coordinated system of governance could ensure that data is collected and shared that can be used for setting audacious state level, as well as program level goals for reducing exclusionary discipline practices.

Appendix A

Delaware Child Care and Licensing Policies on Expulsion and Suspension

Delaware Health and Social Services Division of Social Services (2020)

Suspension and Expulsion Policy Implementation Memo

To: Purchase of Care Providers

RE: Delaware's Suspension and Expulsion Best Practice Statement

"One of the revisions included a nationwide mandate to address the high rates of suspension and expulsion of children from early care and education programs. States were also mandated to address the racial disparity involved in this practice as research shows that African American children (boys and girls), are being suspended and/or expelled at rates higher than their peers, although they make up a smaller percentage of the population attending these programs. States were strongly encouraged to develop statewide suspension and expulsion policies. The state of Delaware chose to develop a statewide policy, which serves as Delaware's policy on suspension and expulsion. This can be used by your programs as a reference for developing your individual suspension and expulsion policies. Delaware's policy on suspension and expulsion can be found on the State's comprehensive consumer education website at Mychildde.org. Also, the new licensing regulation, effective May 1, 2019 for newly licensed programs and November 1, 2019 for facilities already licensed, requires all licensed programs to have a suspension and expulsion policy."

DELACARE Regulations for Early Care and Education and School-Age Centers (State of Delaware Department of Education Office of Child Care Licensing, 2022, pp. 27-28)

23. Center Parent or Guardian Handbook

A licensee shall have and follow an organized system of respectful communication with parents and guardians and provide a handbook at enrollment that includes the following information:

Policies for child suspension and expulsion such as the "Best Practice Statement for the Prevention of Expulsion and Suspension in Delaware Early Childhood Programs," that can be found on the "My Child DE" website.

DELACARE Regulations for Family and Large Family Child Care Homes (State of Delaware Department of Education Office of Child Care Licensing, 2022, pp. 31-32)

20. Parent or Guardian Communication

B. A licensee shall have and follow written policies in a handbook. The handbook must be given to a parent or guardian at enrollment.

Suspension and expulsion policies such as the "Best Practice Statement for the Prevention of Expulsion and Suspension in Delaware Early Childhood Programs," found on the "My Child DE" website.

Appendix B

Offered Trainings Directed at Reducing the Expulsion and Suspension of Young Children

Title	Description	Participants as of 12/2023
<i>Maintaining Equity in Early Childhood Classrooms: Suspension and Expulsion Prevention</i>	This Professional Learning Experience (PLE) is based on the foundations of the CSEFEL pyramid - an "Effective Workforce", "Nurturing and Responsive Relationships", and "High Quality Supportive Environments". The workshop explores the underlying causes of suspension and expulsion in early childhood education and the plan to reduce these instances by implementing effective teaching strategies focused on relationships and environment.	DIEEC 1/2020 – 12/2020, 35 participants 1/2021 – 12/2021, 69 participants DEPDNow 8/2021 – 12/2021, 306 participants 1/2022 – 12/2023, 1386 participants
<i>The Importance of “I” in IEP: Individualizing in Early Childhood</i>	This PLE considers individualizing in lesson planning for all children with a focus on how to especially support children with a formal IEP or IFSP.	DIEEC 1/2022 – 12/2022, 29 participants
<i>Anti-Bias Education: Identity</i>	Based on the book <i>Anti-Bias Education for Young Children and Ourselves</i> (Derman-Sparks, Edwards, & Goins, 2020) this PLE focuses on Goal One: Identity. Within that goal are two themes; 1) to nurture each child’s construction of knowledgeable and confident personal and social identities, and 2) that children will demonstrate self-awareness, confidence and family pride, and positive social identities.	DIEEC 1/2023 – 12/2023, 15 participants
<i>Book Study for Program Leaders: Leading Anti-Bias Early Childhood Programs</i>	Based on the book <i>Leading Anti-Bias Early Childhood Programs</i> (Derman-Sparks et-al., 2015), this PLE focuses on developing a conceptual framework, strategies and practical tools for leaders who are initiating and growing anti-bias early childhood programs.	DIEEC 1/2023 – 12/2023, 11 participants

Endnotes

- ⁱ Delaware Department of Health and Social Services, Division of Social Services Program, Policy and Development Unit, Purchase of Care (2019). *Best Practice Statement for the Prevention of Expulsion and Suspension In Delaware Early Childhood Programs*.
- ⁱⁱ American Academy of Pediatrics, American Public Health Association, & National Resource Center for Health and Safety in Child Care and Early Education. (2011). *Caring for our children: National health and safety performance standards; Guidelines for early care and education programs*. (3rd ed.). American Academy of Pediatrics.
- ⁱⁱⁱ Sandstrom, H., & Chaudry, A. (2012). ‘You have to choose your childcare to fit your work’: Childcare decision-making among low-income working families. *Journal of Children and Poverty*, 18(2), 89-119.
- ^{iv} Keels, M. & Vasan, A. (n.d.). Challenging behaviors happen; Exclusion from care & learning environments is not the answer. North Carolina Early Childhood Foundation (NCECF) and Trauma Responsive Educational Practices (TREP) Project.
- ^v U.S. Department of Education. (2014). *Civil rights data collection, data snapshot: School discipline* (Issue Brief No.). U.S. Department of Education Office for Civil Rights. <https://www.ojp.gov/ncjrs/virtual-library/abstracts/civil-rights-data-collection-data-snapshot-school-discipline-issue>
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- ^x <https://challengingbehavior.org/>
- ^{xi} Curenton, S. M., Iruka, I. U., Humphries, M., Jensen, B., Durden, T., Rochester, S. E., Sims, J., Whittaker, J. V., & Kinzie, M. B. (2020). Validity for the Assessing Classroom Sociocultural Equity Scale (ACSES) in early childhood classrooms. *Early Education and Development*, 31(2), 284–303. <https://doi.org/10.1080/10409289.2019.1611331>
- ^{xii} Ages & Stages Questionnaires®, Third Edition (ASQ®-3) (2024). Paul H. Brookes Publishing Co., Inc. <https://agesandstages.com/products-pricing/asq3/>
- ^{xiii} Zeng, S., Pereira, B., Larson, A., Corr, C. P., O’Grady, C., & Stone-MacDonald, A. (2021). Preschool suspension and expulsion for young children with disabilities. *Exceptional Children*, 87(2), 199–216. <https://doi.org/10.1177/0014402920949832>
- ^{xiv} Van Engen, N., Steijn, B., & Tummers, L. (2019). Do consistent government policies lead to greater meaningfulness and legitimacy on the front line?. *Public Administration*, 97(1), 97-115.
- ^{xv} Delaware Department of Health and Social Services, Division of Social Services Program, Policy and Development Unit, Purchase of Care (2019). *Best Practice Statement for the Prevention of Expulsion and Suspension In Delaware Early Childhood Programs*.
- ^{xvi} Delaware Department of Health and Social Services, Division of Social Services Program, Policy and Development Unit, Purchase of Care (2019). *Best Practice Statement for the Prevention of Expulsion and Suspension In Delaware Early Childhood Programs*

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