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February 6, 2024

To: Chairperson Murman and Members of the Education Committee  
From: Katie Nungesser, Policy Coordinator for Voices for Children in Nebraska

**RE: Oppose LB899, Exempt Class III school districts from the prohibition on suspending a student in pre-kindergarten through second grade**

**RE: Oppose LB1146, Provide an additional exception to the prohibition on suspending a student in pre-kindergarten through second grade**

Children are the future of Nebraska. No student in Nebraska should feel like they have failed at school, especially at such an early age. Early suspension predicts later grade suspensions, placing the child on track for negative school attitudes and outcomes. Voices for Children opposes LB899 because it will allow all Nebraska school districts, with the exemption of Omaha Public Schools and Lincoln Public Schools, to suspend young students in pre-kindergarten through second grade.

Not allowing children to participate in school can have long lasting effects. Research suggests that suspension can contribute to Adverse Childhood Experiences (ACEs) such as emotional and physical neglect.<sup>1</sup> Preschool starts as early as age 3, these are our smallest students, who like older children are trying to learn social behaviors. When looking at what leads to suspensions, we can see that most children are exhibiting developmentally appropriate childlike behavior such as yelling, stomping, and not standing or sitting still. When we punish children for being themselves and doing what is developmentally appropriate, we are sending them the incorrect message.

Children who are suspended are more likely to enter the juvenile justice system. Research highlights the alarming rates of suspension and expulsion for students of color, particularly Black boys.<sup>2</sup> Black children represent 17 percent of public preschool enrollment, but 31 percent of preschoolers who were given multiple out-of-school suspensions.<sup>3</sup> What children learn if they are suspended is that they are "bad," that something is wrong with them, and this feeling heightens as children are suspended more and more, creating pre-school to prison pipelines.

<sup>1</sup> Nebraska Department of Education, *BREAKING the Preschool to Prison Pipeline a Collaboration between Office of Early Childhood Education and Special Education*.

<https://cdn.education.ne.gov/wp-content/uploads/2020/09/Breaking-The-Preschool-to-Prison-Pipeline-updated.pdf>

<sup>2</sup> Malik, Rasheed. "New Data Reveal 250 Preschoolers Are Suspended or Expelled Every Day." *Center for American Progress*, 1 Feb. 2024, [www.americanprogress.org/article/new-data-reveal-250-preschoolers-suspended-expelled-every-day/](http://www.americanprogress.org/article/new-data-reveal-250-preschoolers-suspended-expelled-every-day/).

<sup>3</sup>2020-21 Civil Rights Data Collection: A First Look: Students' Access to Educational Opportunities in U.S. Public Schools [www2.ed.gov/about/offices/list/ocr/docs/crdc-educational-opportunities-report.pdf](http://www2.ed.gov/about/offices/list/ocr/docs/crdc-educational-opportunities-report.pdf).

There are a multitude of other nonpunitive things that can be done instead of keeping kids out of school. What children need is adults who can help them process their needs. Children do not have the capacity to handle intense emotions. That is why Social-Emotional Learning (SEL) teaching is so important. SEL teaches empathy, how to share, how to interact with others, this is pivotal social skills to thrive in life, outside of the school setting but in real life scenarios. Schools need resources to effectively address challenging behaviors that meet the need of their students.

LB632 passed last session and began to be implemented in September 2023. There has been no time to efficiently implement this across the state. Nebraska's two largest school districts, Omaha Public Schools (OPS) and Lincoln Public Schools (LPS), should not have to follow different regulations, the same issues with student needs are seen across the state. Children in rural areas of the state deserve the same inclusive and welcoming environment as students in OPS and LPS.

Specifically in LB 1146 the language around what *could* be considered as harmful is very vague. This leaves the reason for why a student would be suspended too broad and might be interpreted differently based on each person. Causing incongruent reasoning behind suspensions.

Children should be in schools, getting an education and accessing social skills. A better approach would be to teach and model for students instead of punishing by exclusion. We respectfully urge the Committee to not advance LB 1146.

Respectfully,

Katie Nungesser