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**Testimony re: Council Resolution 260617
City Council Committee on Education Hearing on Preschool Pushout**

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Good morning Chairman Thomas and members of the Committee. My name is Rose Wehrman, and I am an attorney at Education Law Center – PA. We are grateful for your partnership, and we are especially grateful to the parent advocates who are here today, and the many months of work they have done with your team to bring this issue to light. As you know, we recently released a report centered on families’ experiences with preschool pushout, and we’ve brought copies of that report to be entered into the record and for members of Council. Additionally, we offer our policy memos on both city and statewide options to address pushout, and I’ll share a bit more about those later in my remarks.

ELC-PA’s mission is to ensure access to a quality public education for all children in Pennsylvania, including our youngest learners, with a focus on underserved children. ELC-PA has a long history of supporting the needs of young learners, and I have spent the last two years dedicated to the issue of preschool pushout. Specifically, I represent families whose young children have been suspended and expelled from preschool in Philadelphia. Over the last five years, ELC-PA has worked with hundreds of families whose children have experienced or been at risk of exclusion from preschools. These exclusions are rooted in discrimination and are both harmful to children’s development and are developmentally inappropriate for all children, as recognized in a 2024 statement by the American Academy of Pediatrics, which I have included in my submitted remarks. Preschool exclusions are the result of assumptions and decisions made by adults — not 2, 3, and 4-year-old children’s behavior.

We have documented examples of pushout in PHLpreK programs, PreK Counts programs, District PreK programs, District Community Partner programs, programs that receive state subsidies, and other early childhood education programs. Our internal data indicates that pushout is happening in all types of programs across the city at a high volume.

The practice is *not* reserved for the ‘extraordinary’ circumstances that are contemplated by the federal Head Start policy – pushout is often used in response to developmentally appropriate behaviors, behaviors that do not require intensive support, and completely unrelated reasons – like a child’s allergy or “not using nice words.”

The experiences in a child’s first five years of life are critical for brain development, and the benefits of high-quality early childhood education for all children are robust, intergenerational, and long-lasting – they include increased graduation and employment rates, increased financial independence, longer lifespans, and academic, behavioral, and social benefits. While all children benefit from early childhood education, underserved children make the most significant learning gains when given access to such education.

When children are suspended and expelled from preschool, they are denied the opportunity to access the critical benefits of early childhood education, and often banned from the site where they would receive targeted disability services through Early Intervention. When children are excluded from school, their self-esteem, engagement with intervention systems, opportunity to start kindergarten ready for school, and mental health are jeopardized and undermined. The likelihood that these children will later experience additional exclusion from school and become involved in the criminal justice system is increased significantly and represents the very real preschool-to-prison pipeline.

Despite this, in Philadelphia and across the country, preschools suspend and expel our youngest learners at a rate three times higher than that of K-12 schools. This includes formal suspensions and expulsions, as well as informal removals such as saying a child is “not a good fit” or “a safety risk,” sending children home early every day which disrupts families’ ability to work consistent jobs and maintain income, or only allowing a certain child to attend until noon. Children are excluded for developmentally appropriate behaviors, like “crying too much” during circle time or saying “I hate you,” as well as on the basis of their disability-related needs, often for extremely subjective and discriminatory reasons.

In cases I have represented on, while there may be no one single reason told to the parent for why a child is being excluded, I have seen young children suspended for a day, suspended for multiple days, or expelled for reasons that include: using a fork “unsafely” when a child hugged her teacher while holding a fork, not sitting still, saying “no,” “not using nice words,” not participating, throwing toys, or yelling. I have seen cases where parents are told that their child can only come to school if the family procures their own full-time one-to-one aide for the child, something that is extremely difficult to do and inaccessible for most families, or that their child can only come to school until noon – because their child has a disability. I’ve had cases in which an 18-month old with a sensory processing disorder was suspended for not keeping his hands to himself as he sought to explore the world around him; in which a 4-year-old Black girl was told she could no longer come to school because she had a dairy allergy; and in which a 5-year-old Latino child with autism and a speech delay, who had been deprived of speech services he was entitled to for over a year and learned to communicate non-verbally in the absence of any supports, was suspended for those communication efforts but never given any tools to learn how to appropriately communicate.

These exclusions do not affect all children equally. Preschools exclude Black children at a rate estimated to be as high as 3.6 times higher than white children, despite no differences in behavior. Nationally, preschools expel approximately 250 children per day, and 125 of them, statistically, will be Black boys. Preschools exclude children with developmental delays or disabilities at a rate 14.5 times higher than typically developing peers, often in violation of federal law. Children who have experienced ACEs, or adverse childhood experiences, including poverty, homelessness, neglect, or having an incarcerated parent, among others, are as much as 10 times more likely than peers to be excluded by their preschools. Many children I work with every day live at the intersection of these identities. Families are told that these exclusions are permissible, but they’re not, which is exactly why Philadelphia needs explicit policies upholding children’s educational rights. The Americans with Disabilities Act, Pennsylvania Human Relations Act, and Pennsylvania childcare licensing laws all mandate that early childhood education settings – whether public or private – must not exclude children based on disability, with extremely narrow exceptions, and that preschools should instead support them. Federal laws also prohibit disciplining Black and Brown children more harshly or differently than white peers.

Pushout occurs across the board in both public and private preschool classrooms in Philadelphia and is not the result of any single provider’s actions. The preschool pushout crisis in Philadelphia is

compounded by failures across multiple systems, and additional funding and training is needed to fully support young children to access education. But one thing is clear: Suspensions and expulsions are not an appropriate response to young children's behaviors. They do not teach positive behavior or skills but take children away from support and teach our youngest Philadelphians – especially, our Black and Brown children and children with disabilities or delays – that they do not belong in our schools.

In our city and state-wide policy memos, we've outlined actionable steps that the Council, PHLPreK, and the School District can take to strengthen both their existing policies and develop new ones. Fundamentally, that starts with clear, explicit policies prohibiting suspension and expulsion in programs under City and District oversight. In fact, the District has a great model in its existing K-2 suspension ban.

Additionally, Head Start programs, which are federally funded and subject to Head Start's narrow limits on suspension and ban on expulsion, can be applied across the board by policy adjustments within programs under the city and District oversight. While exclusion continues to happen across preschool settings, we see that strong protections such as the Head Start policy make a real difference. Both the City and the School District are important partners in this work, and ELC-PA is committed to continuing to work with both to implement what we believe is our shared vision to eliminate this harmful practice.

Further, there are clear and urgent funding needs, as well as training and support needs for providers and systems. Neither families nor providers should have to navigate these complex systems on their own. That will require collaboration and funding. A ban on preschool exclusion is necessary to uphold the civil rights of our youngest learners and ensure they have the opportunity to access education. But just like the District did when it prohibited the expulsion of kindergarten through second grade students in 2018, decisive action must be taken now. Like the District recognized in 2018, when they affirmed that students in grades K-2 needed immediate relief from this harmful practice, this prohibition must explicitly apply to our preschool programs across the board.

Any solution that does not prohibit exclusionary discipline for our youngest learners will not fully address this injustice. We thank Councilmember Thomas for calling a hearing on the preschool pushout crisis and for giving families the opportunity to tell their children's stories. We urge City Council to join in this shared effort to ensure all children can access education and are not denied educational opportunity based on their race, skin color, or disability – because of who they are. Thank you for the opportunity to testify today.

Attachments:

Memo: City Options to Address Preschool Pushout (ELC-PA, May 2026)

Memo: State Options to Address Preschool Pushout (ELC-PA, June 2026)

Preschool Pushout Report (ELC-PA, April 2026)

School Suspension and Expulsion: Policy Statement (American Academy of Pediatrics, 2024)

Addressing Early Education and Childcare Expulsion (American Academy of Pediatrics, 2023)