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## MEMORANDUM

TO: **Interested Parties**  
FROM: **Penn Hill Group**  
DATE: **October 24, 2016**  
SUBJECT: **Non-Regulatory Guidance: Early Learning in the Every Student Succeeds Act, *Expanding Opportunities to Support our Youngest Learners***

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### Overview

On October 20, the U.S. Department of Education (ED) released [guidance](#) on early learning opportunities in the Every Student Succeeds Act (ESSA).

The guidance highlights the fact that ESSA contains provisions across its programs to assist State Educational Agencies (SEAs), local educational agencies (LEAs), outlying areas, the Bureau of Indian Education (BIE), schools and community based organizations to support early learning in three main ways: (1) expanding access to high-quality early learning; (2) encouraging alignment and collaboration from birth through third grade; and (3) supporting educators.

The guidance begins by calling attention to research on the importance of high-quality early learning and outlining nationally recognized<sup>1</sup> elements of a high-quality preschool program that include, at a minimum:

- high qualifications for teachers and other staff (e.g., a bachelor's degree in early childhood education or related degree with specialized training in early childhood for, at a minimum, the lead teacher);
- ongoing practice-based professional learning (or professional development) in early childhood development and mentoring, coaching, or other professional development consultation for teachers, administrators, and other staff;
- small class sizes and low staff-child ratios;
- a full-day, full-year program;
- developmentally appropriate, culturally and linguistically responsive instruction and assessments, as well as research-based curricula, that are aligned with State early learning and development standards;
- inclusion of children with disabilities;
- individualized accommodations and supports for children, including English learners (ELs);
- ongoing program evaluation used for continuous improvement;
- onsite comprehensive services for children to address health, including mental health, and overall well-being;
- high-quality family engagement and involvement;
- health and safety standards; and
- lead teacher compensation set at or very near K–3 teacher compensation in a teacher's respective State.

### **Expanding Access to High-Quality Early Learning**

The guidance states that ESSA offers SEAs and LEAs opportunities for expanding high-quality early learning through a number of specific provisions in the law (some of the provisions existed under previous reauthorizations of ESEA, others are new or have been strengthened) including:

- *Title I, Part A* – Allows LEAs to provide preschool programs to improve educational outcomes for eligible children from birth to the age at which the LEA provides a free public elementary education. Examples of how a Title I LEA or school may use its Title I funds include:
  - supporting a district-operated preschool program or a school-operated preschool program, or for coordination with other preschool programs, based on the needs of its eligible students and the most effective use of those funds;
  - supporting professional development, minor repairs or remodeling of space to accommodate a Title I preschool program; and health, nutrition, and other comprehensive services for children in a Title I preschool program;
  - supporting eligible children who are at risk of failing to meet the State’s challenging academic standards by improving the quality of kindergarten (e.g., by extending a half-day program to full-day, providing professional development, supporting transitions from early learning to kindergarten, expanding family engagement), or first through third grade programs (e.g., by providing professional learning opportunities for staff on child development or expanding effective family engagement activities).
- *Charter Schools* – ESSA explicitly authorizes support for charter schools that enroll early childhood students (ESEA section 4302(a)) so long as these schools also offer a program in elementary or secondary education. The guidance highlights the fact that the law amends the Charter School Program (CSP) definition of “charter school” to include schools that serve students in early childhood education programs, in addition to providing a program in elementary or secondary education, or both, as determined under State law (ESEA section 4310(2)). Whether a recipient may use funds to support charter schools that only enroll preschool-age children depends on whether the recipient’s State defines “elementary education” to include preschool. The Department encourages CSP grantees and subgrantees to support expanding early learning opportunities, if appropriate, as part of the following charter school efforts:
  - starting up new charter schools;
  - replicating and expanding high-quality charter schools;
  - assisting charter schools with financing facility acquisition, construction, and renovation efforts;
  - disseminating best practices; and
  - improving authorizing quality and oversight of charter schools.
- *Preschool Development Grants (PDG)* – The guidance highlights the fact that ESSA supports States through two types of grants, initial grants that support States in assessing their overall needs regarding the availability and quality of existing early learning programs and renewal grants that support States in the improvement and expansion of early learning programs and developing new programs to address the needs of children and families that are eligible for, but not served by, early learning programs (ESSA section 9212(g)).
- *Programs for Special Populations* – There are specific funds available to serve early learners in special populations including:
  - children who are experiencing homelessness;
  - children in foster care;
  - migratory children;

- English learners and immigrant children; and
- American Indians, Alaska Natives and Native Hawaiians.

## **Ensuring Alignment, Collaboration and Coordination**

The guidance highlights the fact that provisions in ESSA stress greater coordination, at both the State and local levels, of programs that serve young children and encourages a more seamless learning experience from preschool through the elementary grades. ED encourages States and LEAs to consider both horizontal and vertical alignment. The guidance states that horizontal alignment is the consistency or connectedness of program and professional standards across programs and settings that serve a particular age or grade. Vertical alignment addresses the progressive development of standards from birth through third grade that provide a continuum for children’s knowledge and skills. The guidance also highlights the importance of coordinated outreach efforts to families by both schools and early childhood programs. The guidance states that community-based organizations can play an important role in outreach as they often have existing, trusting relationships with families.

Through State plans for Title I, SEAs are required to coordinate with other programs that provide services for young children, including programs administered by HHS as well as IDEA. ED encourages SEAs to think holistically when they create State plans and ensuring, as appropriate, vertical and horizontal alignment and addressing the comprehensive needs of all young children including children with disabilities or developmental delays, those in poverty, English learners, immigrants, refugees, migrant, homeless or in foster care. ED suggests that SEAs might find it helpful to coordinate with their State Advisory Council on Early Childhood Education and Care (SACs), as applicable.

The guidance also highlights the fact that the PDG grant program offers States assistance through initial grants, to facilitate the coordination and collaboration of existing Federal, State and local early learning programs in the State. The PDG program specifically encourages partnerships among Head Start providers, State and local governments, Indian Tribes and tribal organizations, private entities and LEAs to improve coordination, program quality, and delivery of services.

### *Collaboration with Head Start*

The guidance restates that an LEA that receives Title I funds under ESSA is required to coordinate with Head Start programs, and, if feasible, other early learning programs that serve children who will attend the LEA, regardless of whether the LEA uses Title I funds to operate an early education program (ESEA Section 1119). An LEA is also responsible for developing agreements with Head Start programs to coordinate services such as transition services among other things. The guidance states that transition activities might include sharing assessment data, promoting summer learning programs, engaging families, and implementing joint professional development opportunities that involve both community-based providers and school staff.

### *Supporting Children with Disabilities*

The guidance states that States and LEAs should particularly consider promoting greater coordination and collaboration for children with disabilities receiving services under the IDEA. As LEAs plan to expand the availability of high-quality preschool programs, the guidance states that special attention should be paid to how preschool children with disabilities will be identified

and meaningfully included. According to the guidance, LEAs should examine their policies, procedures, and practices in supporting preschool children with disabilities in their systems, and consider how ESSA funding can be used to ensure access and participation in inclusive preschool classrooms, including through professional development to increase preschool teachers' competencies in instructing children with disabilities; ensuring that appropriate accommodations are in place, such as assistive technology, so that children can access the curriculum or participate in assessments; implementing schoolwide models of positive interventions and supports to promote healthy social, emotional, and behavioral development; and supporting the universal design of the environment or instructional materials.

### *Building Strong Communities*

The guidance states that place-based initiatives are another way to support coordination of services at the local level. The guidance specifically highlights Promise Neighborhoods and Full Service Community Schools.

### **Vertical Alignment From Preschool to Third Grade**

The guidance states that, if well implemented, a strategic P-3 approach can help to align expectations between programs and foster a greater sense of a continuum across the early elementary years.

The guidance refers to ED's NPRM on State accountability systems and data reporting requirements. The guidance notes that ED will be issuing additional guidance on the requirement that there is timely and meaningful consultation with stakeholders when developing, revising prior to submitting and when amending the optional consolidated State plans. In addition, the changes in accountability systems in ESSA offer opportunities for each State to think about the role of early education in its Title I State plan or consolidated State plans, including through:

- providing assistance to LEAs and schools choosing to use Title I funds to support early childhood education programs; and
- choosing at least one indicator of school quality or student success, which could include an early learning measure.

The guidance also highlights that LEAs with schools identified for comprehensive support and improvement must complete, in partnership with stakeholders, including principals and other school leaders, teachers, and parents (which may include early childhood educators and experts), a needs assessment for the school. They must also develop and implement a comprehensive support and improvement plan to improve student outcomes in the school. The plan must include one or more evidence-based interventions, such as, in the case of an elementary school, increasing access to high-quality preschool as part of its turnaround strategy (ESEA section 1111(d)(1)(B)).

The guidance highlights that pursuant to the Child Care and Development Block Grant (CCDBG), all States must develop or demonstrate the existence of early learning and developmental guidelines that describe what all children from birth to kindergarten entry should know and be able to do across multiple domains of learning. The guidance states that States could consider carrying this vertical alignment through to the third grade. Other strategies include integrating early education data with State longitudinal data systems so that elementary school teachers can benefit from information on early childhood assessments, and early childhood programs can receive feedback on children's progress in the elementary grades. At



the local level, districts and schools can adopt strategies to align curriculum and instruction from preschool through elementary school as part of their school improvement efforts.

### *New Data Reporting Requirements*

The guidance states that ED intends to provide additional guidance on the new data requirements in ESSA, including the requirement that States and LEAs include on their report cards the number and percentage of children enrolled in preschool programs.

### **Supporting Educators**

The guidance states that in order to achieve better alignment of systems, professional development needs to focus on early educators and other personnel working in schools, Head Start, or other community-based early learning programs, as well as early elementary school teachers and principals.

#### *Title I*

The guidance states that Title I funds may be used to support:

- ongoing professional development for any teacher in a Title I preschool program as long as the professional development is designed to meet the needs of Title I-eligible children;
- ongoing professional development for any teacher in a non-Title I preschool program provided that the children attending the program are likely to attend a Title I elementary school when they enter kindergarten (the professional development must be to improve coordination between the non-Title I preschool and the Title I elementary school or to facilitate children's transition from preschool into elementary school); and
- consistent with the LEA's needs assessment and plan, develop the knowledge and skills of kindergarten through third grade teachers and administrators.

#### *Title II*

The guidance highlights the fact that ESSA explicitly includes new ways SEAs and LEAs may use Title II, Part A funds to support early learning. These include:

- For the first time, allowing LEAs to support joint professional learning and planned activities designed to increase the ability of principals or other school leaders to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age 8 (ESEA section 2103(b)(3)(G));
- Supporting LEAs to increase teachers', principals', or other school leaders' knowledge base regarding instruction in the early grades and strategies to measure whether young children are progressing (ESEA section 2103(b)(3)(G));
- Providing LEA training to support the identification of students who are gifted and talented, and implementing instructional practices that support the education of such students, including early entrance to kindergarten (ESEA section 2103(b)(3)(J)); and
- Allowing SEAs to support opportunities for principals, other school leaders, teachers, paraprofessionals, early childhood education program directors, and other early childhood education program providers to participate in joint efforts to address the

transition to elementary school, including issues related to school readiness (ESEA section 2101(c)(4)(B)(xvi)).

The guidance also highlights the early childhood provisions in Subpart 2, of Title II, the Literacy Education for All, Results for the Nation (LEARN) program.

### *Title III*

The guidance highlights the fact that Title III funds may be used for professional development to improve the skills and knowledge of teachers of English learners, including preschool teachers and school leaders (ESEA sections 3102, 3115(c)(2), 3115(d)(4)). Title III subgrantees must, as applicable, coordinate activities and share data with Head Start agencies and other early childhood providers (ESEA section 3116(b)(4)); one such activity that may be coordinated with early childhood programs is professional development for educators to support preschool-aged English learners. In addition, funds from The National Professional Development Project may be used to support strong transitions for English learners from Head Start and other preschool programs to elementary school.

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<sup>i</sup> See Appendix B of the guidance under Program Quality (Nationally Recognized Standards).