



First Five Years Fund

Summary and Analysis of the Early Learning Provisions of the Every Student Succeeds Act

ESSA, P.L. 114-95 | January 18, 2016

In December 2015, Congress approved, and President Obama signed, the Every Student Succeeds Act (ESSA, P.L. 114-95) to replace the No Child Left Behind Act of 2001. This latest update to the Elementary and Secondary Education Act includes an array of important early learning provisions, including language authorizing a new Preschool Development Grant program to be jointly administered by the U.S. Department of Health and Human Services and U.S. Department of Education. ESSA's provisions also aim to promote early learning coordination within communities; greater alignment with the early elementary grades; and early childhood education focused capacity building among teachers, leaders, and other staff serving young children. This memorandum summarizes these provisions with the goal of helping community, state, and district leaders begin planning for the law's implementation and maximize these provision's impact on student outcomes. The First Five Years Fund (FFYF) encourages you to read this summary in conjunction with our side-by-side comparison of the new law's statutory language with No Child Left Behind. Readers should also refer to the statute, and later U.S. Department of Education regulations and guidance, for additional, more detailed information.

A. ESSA, TITLE I CORE FUNDS—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

ESSA, Title I provides financial assistance (approximately \$14 billion annually) to public school districts and schools with high numbers or high percentages of children from low-income families to help ensure that all students meet state standards. First established in 1965, Title I serves as the primary federal program designed to promote educational equity at the elementary and secondary levels. Program funds flow by formula, through states to districts, with a majority of program dollars being used at the district and school levels. States and districts that accept Title I funding must agree to a range of requirements, including establishing statewide systems of accountability, assessment, and school improvement. These requirements, and other provisions of the new law, include references to early learning, which early learning champions should strive to understand and use to strengthen early learning programs and better align them with elementary school. Under ESSA, Title I:

STATE PLANS MUST ADDRESS EARLY CHILDHOOD. Under the ESSA, states must submit Title I plans to the U.S. Department of Education. As part of this planning requirement, the new law calls on states to describe how they will assist school districts and elementary schools that elect to use Title I funds to support early childhood education programs. Under the statute, State education agencies would have wide latitude to shape this plan consistent with local needs. The U.S. Department of Education could, however, use the implementation process to further define this obligation through regulation or non-regulatory guidance (Sec. 1111).

STATE REPORT CARDS MUST ADDRESS PRESCHOOL. ESSA also requires states to annually publish “report cards” describing how public schools are performing and otherwise promoting greater transparency about educational opportunities. Among other data, Title I requires State report cards to include the number and percentage of students enrolled in preschool programs. This requirement appears to be broadly inclusive – based on other provisions in Title I and other ESSA initiatives - of any programs serving children less than age 6 (Sec. 1111).

SCHOOL DISTRICT PLANS MUST DESCRIBE EARLY CHILDHOOD PROGRAMS SUPPORTED USING TITLE I RESOURCES. ESSA permits, but does not require, Title I funding to be used for early childhood education (Sec. 1113). If a school district plans to use Title I resources for early learning, their Title I plans must describe how the district will “support, coordinate, and integrate services” provided under this par with early childhood education programs at the district or school level. Plans must include a description of how the district will support participating students transition to local elementary schools. In other words, districts are not obligated to use Title I funding for early learning, but if they elect do so, they must develop and describe the district strategy as part of their Title I plan (Sec. 1112).

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SCHOOL DISTRICTS USING TITLE I RESOURCES FOR EARLY LEARNING MUST MEET HEAD START STANDARDS.

If a district elects to use Title I resources for early learning, the new law maintains current law to require that the services comply with the performance standards established by the Head Start Act. The Department of Health and Human Services has an open rulemaking proposing changes to these standards, which we expect to be completed later this year (Sec. 1112).

SCHOOL DISTRICTS THAT RECEIVE TITLE I FUNDING MUST COORDINATE WITH EARLY CHILDHOOD EDUCATION PROGRAMS.

Districts must, regardless if they elect to use Title I resources to support early learning initiatives, undertake activities that increase coordination with early childhood education programs. This includes, for example, developing and implementing a systemic procedure for receiving records, establishing channels of communication, conducting meetings with families and other programs, and organizing and participating in training related to the transition to elementary school.

TITLE I SCHOOLS OPERATING AS “SCHOOL WIDE” PROGRAMS ENCOURAGED TO ADDRESS THE TRANSITION TO KINDERGARTEN IN THEIR COMPREHENSIVE PLANS.

Schools serving very large numbers of low-income students (greater than 40%) may be designated as a “school wide” Title I program. Such schools must have a “comprehensive” plan describing how these resources will be used for the schools’ students. These plans must describe strategies for meeting the school’s needs, including addressing the needs of all children in the school, particularly those at greatest risk for not meeting state standards. This step may include supporting “strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs...,” but other early learning initiatives may be supported using these funds. Schools operating school wide programs have significant spending flexibility and may comingle federal funds with state and local resources (Sec. 1114).

TITLE I SCHOOLS OPERATING AS “TARGETED” PROGRAMS MUST DESCRIBE HOW ELIGIBLE STUDENTS WILL BE SERVICED, WHICH MAY INCLUDE KINDERGARTEN TRANSITION STRATEGIES.

Targeted program funds may be used to deliver early learning services to Title I eligible students. Such programs must determine which students will be served, including describing how the program will be coordinated with the regular education program. This description may include services to assist preschool children in the transition from early childhood education programs to elementary school (Sec. 1115).

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TITLE I FAMILY ENGAGEMENT FUNDS MAY BE USED FOR JOINT PROFESSIONAL DEVELOPMENT INCLUSIVE OF EARLY CHILDHOOD EDUCATORS.

In addition to establishing the core state and district formula program described above, Title I also authorizes spending focused on promoting family and parental engagement. Eligible funding uses include supporting schools and nonprofit organizations in providing professional development for district and school staff about parent and family engagement. The professional development may be provided jointly to “teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members (Sec. 1116).

B. ESSA, TITLE II-PROFESSIONAL DEVELOPMENT FORMULA FUNDS

ESSA, Title II authorizes \$2.29 billion for improving the quality and effectiveness of teachers, principals, and other school leaders; increasing the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and providing low-income and minority students greater access to effective teachers, principals, and other school leaders.

TITLE II PROFESSIONAL DEVELOPMENT FUNDS MAY BE USED FOR EARLY LEARNING CAPACITY BUILDING FOR ECE EDUCATORS AND ELEMENTARY EDUCATORS.

States and districts may use this program for a variety of professional development and other activities consistent with the three areas described above, including providing early learning focused professional development. The language also highlights early learning specific uses. (Note: these specific references do not exclude other possible early learning uses consistent with the three areas described above.) ESSA specifies that states and districts may use Title II formula funds for the following:

States may...

- Support training teachers, principals, other school leaders, 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 (Sec. 2101).

Districts may...

- Provide programs to increase the knowledge base of teachers, principals, or other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing.
- Provide programs 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, which may include providing joint professional learning and planning activities for school staff and educators in preschool programs that address the transition to elementary school.

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C. ESSA, TITLE II-LITERACY PROGRAM

Aside from the program's general formula funds, ESSA, Title II includes a separate focus on promoting student literacy and authorizes an early education through grade 12 literacy program. The program's birth to kindergarten entry component is described below.

TITLE II'S LITERACY EDUCATION FOR ALL PROGRAM INCLUDES A PROMINENT EARLY LEARNING ELEMENT. The Literacy Education for All program aims to help states develop or revise comprehensive literacy instruction plans and enables them to provide targeted sub grants (95% of funds) to early childhood education programs and local educational agencies and their public or private partners to implement evidence-based programs that ensure high-quality comprehensive literacy instruction for students most in need. State grants under the program will be allocated on a competitive basis and must address high poverty communities. Interested states must conduct a literacy needs assessment to identify literacy proficiency gaps. Not less than 15 percent of such grant funds can be used for State and local programs and activities pertaining to children from birth through kindergarten entry.

A State educational agency that receives a program grant, must consult with other State stakeholders (e.g. agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs, and, if applicable, the State Advisory Council on Early Childhood Education and Care) when awarding competitive sub grants to support high-quality early literacy initiatives (the birth to kindergarten entry element of the program). Among other issues, local applicants must describe how they propose to use program funds to enhance the language and literacy development and school readiness of children, from birth through kindergarten entry, in early childhood education programs. The application must include an analysis of data that support the proposed use of sub grant funds. Local funds may be used for early literacy focused professional development and training and coordinating involvement of families, early education programs, principals, other school leaders and other stakeholders.

D. ESSA, TITLE III-LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND MIGRANT STUDENTS

ESSA, Title III focuses on providing states and districts additional support for educating English learners and migrant students. Among other investments, Title III authorizes a National Professional Development Program inclusive of early learning.

THE NATIONAL PROFESSIONAL DEVELOPMENT PROGRAM SUPPORTS SCHOOL READINESS STRATEGIES. ESSA authorizes the U.S. Department of Education to make competitive grants to higher education institutions (or public or private entities with relevant experience and working with State education agencies or school districts) to provide professional development to improve instruction for English learners and support educators working with such students. Among other uses, program funds may be used to support strategies that promote school readiness of English learners and their transition from early learning programs to elementary school.

E. ESSA, TITLE IV-CHARTER SCHOOLS PROGRAM, READY TO LEARN TELEVISION

ESSA, Title IV authorizes two programs with early learning provisions.

ESSA'S EXPANDING OPPORTUNITY THROUGH CHARTERS SCHOOLS PROGRAM INCLUDES EARLY LEARNING AS AN ALLOWABLE USE. Among other purposes, this initiative focuses on charter schools' program design and implementation, quality, evaluating impact, access to facilities and work with children with disabilities, English learners, and other underserved students. ESSA authorizes the Secretary to use program funds for supporting charter schools that serve early childhood students, and not just elementary and secondary schools.

ESSA'S READY TO LEARN PROGRAM CONTINUES TO FOCUS ON EARLY LEARNING. The Ready to Learn program offers competitive grants for developing, producing, and distributing accessible educational and instructional video programming for preschool and elementary school children. The program also supports coordination with federal programs that have major training components for early childhood development (e.g. Head Start and CCDBG) regarding the use and availability of materials.

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F. ESSA, TITLE VI-INDIAN, NATIVE HAWAIIAN, ALASKA NATIVE

ESSA, Title VI provides targeted support for Indian, Native Hawaiian, and Alaska Native education.

ESSA'S NATIVE AMERICAN PROGRAM SUPPORTS EARLY CHILDHOOD AND FAMILY INITIATIVES THAT EMPHASIZE SCHOOL READINESS. The new law continues formula support for comprehensive programs that are designed to help Indian students meet the same State academic content and student academic achievement standards used for all students while addressing the language and cultural needs of Indian students. Such programs include supporting the professional development of teachers of Indian students.

ESSA'S IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH PROGRAM ADDRESSES THE BIRTH TO THIRD GRADE CONTINUUM. This competitive grant program supports, among other uses, early childhood education programs that are effective in preparing young children to make sufficient academic growth by the end of third grade, including kindergarten and pre-kindergarten programs, family-based preschool programs that emphasize school readiness, screening and referral, and the provision of services to Indian children and youth with disabilities.

ESSA'S ALASKA NATIVE PROGRAMS INCLUDE A SIGNIFICANT FOCUS ON EARLY LEARNING INITIATIVES. This competitive grant program requires certain activities, including early childhood and parenting activities designed to improve school readiness. The program's statutory language highlights home visiting programs; training, education, and support, including in-home visitation for parents and caregiver to improve their skills; family literacy; Head Start activities; prenatal to age three programs; and native language immersion within early childhood education programs, Head Start, or preschool programs.

E. ESSA, TITLE IX-DEFINITIONS

ESSA, Title IX defines key terms.

EARLY CHILDHOOD EDUCATION PROGRAM. The term 'early childhood education program' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

PROFESSIONAL DEVELOPMENT. The term 'professional development' means activities that—
'(B) are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that—...

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‘(xviii) where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.’”

F. ESSA, TITLE IX-PRESCHOOL DEVELOPMENT GRANTS

ESSA, Title IX authorizes a new Preschool Development Grants program within the U.S. Department of Health and Human Services to be jointly administered with the U.S. Department of Education.

ESSA ESTABLISHES A NEW PRESCHOOL DEVELOPMENT GRANTS. ESSA authorizes competitive grant funding for states that propose to improve coordination, quality, and access for early childhood education for low- and moderate-income children from birth to age five. Initial grants are not to exceed one year and require a match. Grantees must use the funding to:

- Conduct periodic statewide needs of assessment of the availability and quality of existing programs in the state, the unduplicated number of children served, and unduplicated number of children awaiting services.
- Develop a strategic plan that recommends collaboration, coordination, and quality improvement activities.
- Maximize parental choice and knowledge about the State’s mixed delivery system of existing programs and providers.
- Sharing best practices among ECE program providers to increase collaboration and efficiency of services.
- After above activities, improving the overall quality of ECE programs in the State.

Renewal grants are permissible, but can be no longer than three years. State match (not less than 30%) is also required for renewal. Preference must be given to rural areas with service gaps identified by the State. In addition to the activities described above, renewal grants may be used to:

- Enable programs to implement activities addressing areas in need of improvement as determined by the State.
- As applicable, expand access to such existing programs or develop new programs to address the needs of un-served children and families.

The statutory language specifically limits the Secretary of Health and Human Services and Secretary of Education from certain regulatory activities, including defining early learning and development guidelines, standards or specific assessments; the systems states must use to assess quality of ECE programs, etc.