

October 7, 2014

The Honorable Arne Duncan
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Re: Proposed Requirements—School Improvement Grants—Title I of the Elementary and Secondary Education Act of 1965 (Docket ID: ED–2014–OESE–0079)

Dear Secretary Duncan:

The National Women's Law Center (the Center) is a non-profit, non-partisan organization that has been a leader in analysis and advocacy to promote policies that improve the quality, affordability, and accessibility of child care and early education.

We appreciate the opportunity to respond to the proposed rule published by the Department of Education (the Department) on September 8, 2014 at 79 Fed. Reg. 53254, which would revise requirements for the School Improvement Grants (SIG) program, including the addition of an intervention model that focuses on improving educational outcomes in preschool and the early grades.

As the Department recognizes, a robust body of evidence shows that high-quality early learning experiences can improve outcomes for children in school and beyond. The Center appreciates that financing high-quality preschool and full-day kindergarten programs have been allowable uses of the SIG grants to date, and we applaud the Department for proposing a new early learning intervention model that has the potential to provide more children with high-quality preschool and kindergarten experiences that can help prepare them for success in school. We are pleased to see that the proposed model would require that educators be given time for planning across the grades as well as ongoing, job-embedded professional development opportunities, and that schools implement a comprehensive, developmentally appropriate instructional program and use assessment data to inform instruction and better meet the needs of individual children. We also commend the Department for recognizing the importance of family and community engagement—which is increasingly viewed as an essential support to children's learning in early care and education programs and throughout the school years—by requiring LEAs to demonstrate their commitment to engaging families and the community as they select and implement reform strategies, including the proposed early learning intervention.

We are concerned, however, that establishing or expanding an early learning program could alone be expected to serve as an adequate intervention to completely turn around a poorly performing school; that language in the proposed model would be interpreted as restricting the expansion of high-quality preschool programs to elementary school sites; that kindergarten programs would not be required to meet sufficiently high quality standards; and that evaluations of teachers in the early grades would be based on child assessments. Specific recommendations follow.

With the law on your side, great things are possible.

An early learning intervention should not be viewed as a sufficient turnaround strategy for a low-achieving school.

We agree with the Department that educational improvement strategies focusing on preschool and the early grades are a critical tool “to address the persistent and large achievement gaps by race and income that are evident upon school entry, and often well-entrenched by third grade, and that negatively affect both individual student outcomes in later grades and overall school performance.” However, children learn along a continuum that depends on high-quality, developmentally appropriate and effective teaching in each year—before, during, and after preschool. Accordingly, improving the earliest years of education—while essential—should not be considered sufficient to improve the quality of an entire school in which children are not achieving at grade level, without accompanying measures to improve children’s educational experience throughout later grades.

We strongly urge the Department to encourage high-quality preschool and high-quality full-day kindergarten as a major component of a turnaround strategy, but not as the sole strategy that a qualifying school implements with SIG funds. Specifically, we recommend that the Department require LEAs to demonstrate how an early learning intervention will complement and be linked to a school’s other reform strategies, particularly efforts to ensure that children read at grade level by the third grade.

A range of preschool settings that can meet standards of quality should be clearly incorporated into the early learning intervention model.

Under the proposed rule, an LEA “implementing the early learning model in an elementary school” must “establish or expand a high-quality preschool program.” We are concerned that this language could be interpreted to allow *only* elementary schools to establish or expand preschool programs, and even to require location of the preschool program at the elementary school site. Such a requirement would be a stricter limit than the Department’s current guidance on the use of Title I funds for preschool, which allows schools to use Title I funds to partner or contract with community-based preschool providers to expand preschool services. And most state prekindergarten programs rely on a range of eligible providers who can meet quality standards.

We recommend that the Department amend the proposed rule to clearly authorize LEAs receiving SIG funds to implement the early learning intervention model through an elementary school site *or* through an existing high-quality child care or Head Start program in the district or nearby community. When an elementary school is low-performing, it may be preferable to have the school partner with an established high-quality child care or Head Start program instead of establishing a new prekindergarten program in the school with new staff as the school works to change its low-performing status. Accordingly, we urge the Department to modify the language of the requirements governing the early learning intervention model at I.A.2(f)(1)(B) as follows (changes are underlined):

(f) *Early learning model*: An LEA implementing the early learning model for an elementary school must

(1) Implement each of the following early learning strategies –

* * *

(B) Establish or expand a high-quality preschool program (as defined in these requirements), which may be based in the elementary school or in a licensed, high-quality child care or Head Start program with which the LEA contracts for services;

Allowing an LEA to partner with experienced, high-quality local providers to implement an early learning intervention would promote efficient use of SIG funds and encourage collaboration among educators in the community. To further advance these objectives, we also recommend that the Department encourage LEAs receiving SIG funds for an early learning intervention to coordinate with local child care and Head Start programs for joint professional development and transition services (to the extent feasible). Similarly, if a child care or Head Start program delivers preschool services with SIG funds, it should be required to describe how it will work to coordinate with the local elementary school on appropriate and effective transitions to build continuity of high-quality early learning.

The kindergarten required by the early learning intervention model should meet quality standards in addition to full-day length.

Full-day kindergarten is required as part of the early learning intervention model. We are pleased that the Department proposes to require the use of a research-based and developmentally appropriate instructional program that addresses all domains of development, including social and emotional development, through the early grades. As the National Research Council has observed, “[a] parallel effort to raise the attention of practitioners in the K- 12 arena to the importance of social/emotional development and approaches to learning not only would improve the learning environment for elementary children, it would create a better environment to address alignment issues.”¹ We propose minor revisions to the language describing the required instructional program below.

In addition, we recommend that the final language require that schools assign to the early grades teachers with certifications and endorsements in early childhood education. To promote effective teaching for young children, teachers in the early grades should have credentials and professional development that recognizes the specialized knowledge and skills needed to work with children in the preschool through third grade years.

Accordingly, we urge the Department to modify the language of the requirements governing the early learning intervention model at I.A.2(f)(1)(A) and (6) as follows (changes are underlined):

(1) Implement each of the following early learning strategies –

* * *

(A) Offer full-day kindergarten taught by teachers with specialized knowledge, certifications or endorsements in early childhood education;

* * *

(6) Use data to identify and implement an instructional program that —

(A) Is research-based, developmentally appropriate, and vertically aligned from one grade to the next in a forward developmental progression, as well as aligned with State early learning and development standards and State academic standards and

(B) In the early grades, promotes the full range of academic content and other skills across domains of development, including math and science, language and literacy, socio-emotional skills, self-regulation, and executive functions and physical development;

* * *

The early learning intervention model should not use high-stakes assessment as a dominant factor in teacher and principal evaluation.

The Department proposes that the early learning intervention model incorporate the same approach to teacher evaluation that is used for teachers in higher grades under the transformation model, which “includ[es] as a significant factor data on student growth...for all students (including English learners and students with disabilities).” We agree that appropriate assessment of children is important to inform teaching practices and services. However, the linkage of child test scores to evaluations of teacher and principal performance is not an appropriate use of child assessments, especially for the earliest years of education.² The unintended consequences of using such high-stakes assessments in preschool through third grade for teacher, principal and school accountability can lead to “teaching to the test” and undue time spent in test-taking preparation. We recommend that the Department modify the proposed teacher and principal evaluation system for the early learning intervention model to ensure that high-stakes assessment is not employed as a dominant factor.

The Center appreciates this opportunity to comment.

Sincerely,



Helen Blank
Director of Child Care and Early Learning



Julie Vogtman
Senior Counsel, Family Economic Security

¹ Nat’l Research Council, *Early Childhood Assessment: Why, What, and How*, at 447 (2008).

² *See id.* at 358-59, 425. The National Research Council defines high-stakes assessments as “[t]ests or assessment processes for which the results lead to significant sanctions or rewards for children, their teachers, administrators, schools, programs, or school systems” and urges “even more extreme caution” when using assessments of children from birth to age five for accountability.