



First Five Years Fund

September 20, 2017

The Honorable Betsy DeVos
U.S. Secretary of Education
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Re: Comments from the First Five Years Fund regarding the Evaluation of Existing U.S. Department of Education Regulations [ED-2017-OS-0074]

Dear Secretary DeVos:

Thank you for the opportunity to write in response to the U.S. Department of Education's notice seeking comments on the implementation of Executive Order 13777, "Enforcing the Regulatory Reform Agenda." The First Five Years Fund (FFYF) is committed to policy solutions that equip our youngest learners with access to high-quality early learning and care opportunities from birth through age five. Evidence shows that a high-quality early childhood education is one of the best ways to support educational excellence and equity, particularly for children from low-income backgrounds. Federal, state, and local investment in quality early learning opportunities have improved child outcomes for many across the country, and more work remains to reach all children. Less than half of low-income children have access to high-quality early childhood programs that could dramatically improve their opportunities for a better life. Maintaining guidance and regulations issued by the Department in response to the bipartisan passage of the Every Student Succeeds Act and that promote the successful implementation of early learning initiatives will help to amplify the impact of the agency's efforts to promote student success.

Recognizing that support for all young learners will require strong, ongoing collaboration between federal, state, and local leaders, the following recommendations are intended to ensure that key federal guidance and regulations are maintained to effectively complement and leverage the innovative early learning initiatives occurring at the state and local level across the country.



First Five Years Fund

Maintain Guidance on “Early Learning in the Every Student Succeeds Act (ESSA): Expanding Opportunities to Support our Youngest Learners” (October 2016)¹

ESSA recognizes that states and local communities have taken the lead on improving access to early learning for young children and calling attention to the role early learning plays in promoting student achievement and school improvement. The law builds on state and local work by supporting school district coordination with community-based early learning programs, which will improve longitudinal coordination of the P-12 learning continuum. With increased opportunities to direct funding to early learning programs in multiple settings – including charter schools, ESSA promotes state and district flexibility in order to encourage a wide range of early learning initiatives. The guidance equips state and community education leaders with tools to continue their work strengthening and expanding access to high-quality early learning opportunities. Maintaining guidance issued by the Department on opportunities to expand early learning through ESSA is key to supporting successful implementation.

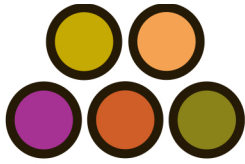
Maintain Guidance on “Student Support and Academic Enrichment Grants” (October 2016)² which Calls Attention to How Funding can be Used to Support Early Learning Services

In guidance to states and school districts on the implementation of Student Support and Academic Enrichment (SSAE) Grants, the Department articulates examples of allowable uses of SSAE funds that increase capacity to: 1) provide all students with access to a well-rounded education, 2) improve school conditions for student learning, and 3) improve the use of technology in order to improve the academic achievement and digital literacy of all students. SSAE funding can be used to support early learning initiatives in service to all three areas. Specifically, the guidance highlights how funding can be used to support, “a well-rounded education [that] starts with early learning opportunities that make time for exploration and continues with K-12 education that helps students...to become critical thinkers and productive members of society.”³ Providing access to developmentally appropriate learning opportunities before children go to kindergarten promotes progress across all domains of learning and development, which sets children up for success in school and later in life.

¹ <https://www2.ed.gov/policy/elsec/leg/essa/essaelguidance10202016.pdf>

² <https://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>

³ <https://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>



First Five Years Fund

Maintain Guidance on “Title II, Part A: Building Systems of Support for Excellent Teaching and Leading”⁴ (September 27, 2016) which Highlights Support for Professional Development for Early Educators

Ongoing support for teachers and school leaders is central to positive student outcomes across the P-12 continuum of learning. ESSA explicitly allows for the use of Title II, Part A funds to support professional development of early educators, which will help ensure that our youngest learners are better prepared to enter the kindergarten classroom ready to succeed. This could include using funds to increase the knowledge base of teachers, principals, and other school leaders on developmentally appropriate strategies for young learners. Additionally, joint professional development opportunities highlighted in the guidance that promote seamless and supportive transitions of young learners to elementary school will place more children on a path to college, and career, readiness. By highlighting possible early learning uses for Title II, Part A funds, the guidance provides school districts with information on how funding can support early childhood educators, as well as build their early learning capacity.

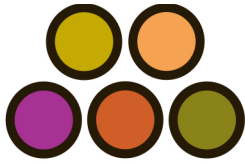
Maintain Guidance on “Using Evidence to Strengthen Education Investments”⁵ (September 2016)

Employing evidence-based activities, strategies, and interventions support the Department’s mission to promote student achievement. The Department issued guidance to assist states and school districts towards this end, which highlights the opportunity to invest in high-quality early childhood education as an evidence-based intervention. A key component of evidence use is access to timely and accurate data; therefore, the Department should also continue to prioritize early learning data collection through current efforts, such as Statewide Longitudinal Data Systems, IDEA data collection and sharing, technical assistance, and further development of Early Childhood Integrated Data Systems. The Department’s work to improve access to information will equip families with the resources they need to make informed decisions about which early learning opportunities are best for their child.

Maintain Additional Opportunities related to Guidance on How States and School Districts can Support Early Learning Services for Target Populations

⁴ https://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf?utm_name

⁵ <https://www2.ed.gov/policy/elsec/leg/essa/guidanceeusesinvestment.pdf>



First Five Years Fund

Following the passage of ESSA, the Department issued guidance aimed at addressing the need to improve supports for specific populations, including homeless children and youth (“Education for Homeless Children and Youths Programs” – July 27, 2016)⁶; English Learners (“English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA)”⁷ – September 23, 2016); children and youth in foster care (“Ensuring Educational Stability for Children in Foster Care”⁸ – June, 23, 2016), and American Indian and Alaska Native students (Dear Colleague Letter on Tribal Consultation⁹ – September 26, 2016). Research clearly demonstrates that these targeted populations benefit from high-quality early learning programs. Building off the elevation of early learning in ESSA, the guidance specifies how these targeted populations can benefit from early learning programs funded through the relevant titles of ESSA. Additionally, the guidance cited above makes it clear that funding can be used to support the professional development of early educators that serve these populations in some cases.

Uphold IDEA Part B Regulations related to Expanding Eligibility for Coordinated Early Intervening Services (CEIS) to Include Preschoolers Starting at Age Three (34 CFR Part 300)

Investing in early interventions is a significant component to achieving equity in public education. Research shows establishing a strong foundation for learning and development in the critical early years reduces the need for more costly special education and related services at a later date. Recognizing this, in December 2016, the Department amended the regulations under Part B of the Individuals with Disabilities Education Act (IDEA) governing the Assistance to States for the Education of Children with Disabilities program and the Preschool Grants for Children with Disabilities program.¹⁰ Of note in these amendments is the expanded age eligibility for CEIS services to include children starting at age 3.

This change allows states and school districts the flexibility to invest in interventions targeted at the early years of life, when children’s brains are rapidly developing. By building in specialized learning opportunities that promote positive behavioral and cognitive supports through the expansion of CEIS eligibility, children’s access to a quality learning setting won’t be disrupted. The importance of maintaining a positive learning environment without disruption also aligns

⁶ <https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf>

⁷ <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016.pdf>

⁸ <https://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>

⁹ <https://www2.ed.gov/policy/elsec/leg/essa/faq/essafaqtribalconsultation.pdf>

¹⁰ <https://www.gpo.gov/fdsys/pkg/FR-2016-12-19/pdf/2016-30190.pdf>



First Five Years Fund

with the recommendations offered in the 2014 Joint Policy Statement issued by the U.S. Departments of Education and Health and Human Services.¹¹

Thank you for this opportunity to provide recommendations regarding the need to maintain guidance and regulations that will promote and advance the implementation of high-quality early learning initiatives through federal investments at the state and local level. FFYF welcomes any questions you may have about these comments. Additionally, we look forward to continuing our relationship as a trusted resource to the Department and the Regulatory Reform Taskforce.

Sincerely,

Kris Perry
Executive Director
First Five Years Fund

cc: Hilary Malawer, Assistant General Counsel, U.S. Department of Education

¹¹ <https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf>