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## MEMORANDUM

**DATE:** December 3, 2012  
**TO:** TechMIS Subscribers  
**FROM:** Charles Blaschke, Blair Curry and Suzanne Thouvenelle  
**SUBJ:** Likely Policy Changes on Waivers and Early Childhood Education

Following our special reports on fiscal cliff/sequestration scenarios and general education policies on November 14<sup>th</sup> and 27<sup>th</sup>, respectively, we have prepared a Special Report on likely policy changes under the Ed Flexibility State Waiver initiative. It is based on official USED statements and interviews, recent articles, and discussions with knowledgeable policy influencers and could create new or expanded opportunities for most TechMIS subscribers. Our second Special Report addresses the policy issues and questions about early childhood which should be addressed by the Administration and/or Congress during the President's second term. The report addresses many of the questions and some trends which appear to be emerging among the myriad of Federal and state-funded early childhood programs for different populations.

If anyone has specific follow-up questions on likely waiver policy changes, please contact Charles directly (703-362-4689) or Dr. Suzanne Thouvenelle (703-283-4657) regarding early childhood initiatives. Our next regular TechMIS issue before the middle of December will address recent School Improvement Grant "snapshot" findings and other regular TechMIS Washington Updates and state profile updates.

**Special Report:**  
**The EdFlex State Waiver Initiative, Under Which 34 States and the  
District of Columbia Have Been Approved, Will Very Likely Continue,  
but Some Significant Changes Are Likely to Occur**

*A Technology Monitoring and Information Service (TechMIS)  
Special Report*

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*December 3, 2012*

During election debates, there was much discussion about the future of the State Waiver Initiative by Romney education policy advisors' who implied that the waivers should be revoked. Federal education policy would return to the NCLB law and regulations. Even though the U.S. Supreme Court has ruled against Federal coercion of states under the Affordable Care Act, Julia Martin, in *Title I-derland* (November 15<sup>th</sup>), notes the idea of challenging the Ed Flexibility state waivers is failing. In his first speech after the election, Secretary Duncan complimented the Education Trust for its tremendous "courage and leadership" in supporting the state-led waiver process and emphasized, "Contrary to what you may have read, these waivers will push states to dramatically accelerate achievement and attainment for disadvantaged students and students of color... So, I thank Ed Trust for its leadership on this complex and important issue...As we move forward over the next four years, we must stop fighting the wrong educational battles. No accountability framework will ever be perfect -- and we have more work to do to ensure flexibility is implemented correctly and that states help all students succeed."

We agree with comments of John Bailey, who served in several technology-related roles in the previous Bush presidency, in *Education Week* (November 7<sup>th</sup>): "There are going to be states that want to make changes to the waivers...there are going to be lessons learned, tweaks needed." Based on findings from numerous surveys from groups such as the Center on Education Policy over the last two to three years and on discussions with high-level Federal and state officials and school districts, a number of changes are likely to be implemented through Ed Flexibility guidance addenda and through negotiated changes with individual states.

Many changes have already been made in specific states, such as Virginia, to tighten up Annual Measurable Objectives (AMOs) and to hold states/districts more accountable for closing achievement gaps between groups of students. Another issue that has surfaced recently is the relatively little use of rigorous graduation rates as an AMO measure. In this area, one can expect that high school graduation rates will become more important and, in some states where a close

relationship exists between K-12 and postsecondary, particularly community college high-level officials, college completion rates will become an important goal for the state, if not under the K-12 waivers.

Under the School Improvement Grant initiative, which in 2010 received \$3 billion for 3-4 years in ARRA funds and has received between \$500-\$550 million annually in regular appropriations since then, Federal guidance has become more flexible, allowing such funds more and more to be used for district- as well as school-level reforms that are increasingly perceived as being a prerequisite for ensuring turnaround. Under waiver flexibility, freed-up Title I or other funds to implement interventions in Priority and Focus Schools (some of which are in their second or third year of School Improvement Grant funding), will be used to foster district-level reforms which could provide more opportunities for firms with enterprise-type tools, products, etc. In general, flexibilities on how districts are allowed to spend Title I and other funds under waivers will be expanded once AMOs/goals are finally negotiated.

As negotiations with a number of states occurred over the last year in order to have their state waiver applications approved, USED appears to have accepted many states' proposed intervention models or "adaptations" beyond those prescribed under SIG model interventions. Further flexibility in the use of state "homegrown" intervention models is likely to occur if, for no other reason, to take some of the "wind out of the sails" of critical Republican Congressmen who do not support funding SIG because of its strict, prescriptive nature.

Through more flexible and expanded use of Title I and other appropriate Federal funds, one can anticipate that new guidance addenda and "encouragement" will occur in the following areas:

- extended learning, more through expansion of after-school learning than by extending regular school hours/years, due to stronger evidence of student achievement effectiveness and less disruption in the former; this trend parallels state and district officials' perceptions as reported by the Center on Education Policy surveys;
- increased emphasis on wraparound services, including behavioral, social, mental health, and related interventions, especially in school turnaround efforts;
- increased opportunities for teacher collaboration, planning, and professional development in using formative assessments, tools, and data to prescribe instruction or develop lesson plans; and
- expanded use of Response-to-Intervention (RTI) approaches/Multi-Tier Systems of Support (MTSS) as part of interventions in Priority and Focus Schools.

One of the likely unintended (or perhaps not so unintended) impacts, as more flexibility in the allowed uses of Title I funds and targeting the "lowest performing schools" are "encouraged," will be opposition from the traditional Title I community which will have less money to pay for "regular" Title I services, especially as these Title I services are withdrawn from certain Title I schools. Opposition to the initial waiver approvals under which some states had different AMOs for different groups of students came from the conservative business community (U.S. Chamber of Commerce) and civil rights groups. The Title I community also balked at implementing certain waiver flexibilities because some state legislatures could reduce the amount of state funding for compensatory education and related programs. New Ed Flexibility waiver guidance allows Title I funds to be used for activities now "required by state law," which are a mirror

image of Federal mandates in their waiver approval process (see August 30<sup>th</sup> TechMIS Special Report). Some legislators will argue that Title I funds can be used to pay for such activities and therefore state funds are not needed. Some opposition by District Title I Directors to the use of Title I funds to pay for RTI approaches may also occur, although this is not likely by most.

# Special Report: Early Childhood Education During the Next Four Years

*A Technology Monitoring and Information Service (TechMIS)  
Special Report*

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*December 3, 2012*

With President Obama's reelection, it can be expected that some Federal policies, priorities, and issues in the area of early childhood programs will become more clearly defined. This report addresses some of the key issues that could be of importance to TechMIS subscribers who have products or services in the early childhood space.

## 1. **Questions about the Administration's priorities for early childhood and ELLs during the next four years**

Over the next several weeks, the overall context for responses to many of the biggest questions regarding early education and child care is how sequestration will play out as Congress seeks to avoid the fiscal cliff, as noted in our November 14<sup>th</sup> TechMIS report. Specific questions on reauthorization and funding for early education initiatives are raised below:

- **What will be the Administration's priorities for early education?** Last week, the National Journal's Education Experts blog asked about Secretary of Education Arne Duncan's first-term legacy on Early Learning which brings together under one umbrella several early learning programs previously scattered throughout the U.S. Department of Education. According to the Secretary, USED has made progress toward promoting early learning and preK-3 strategies, but most of the new early learning efforts have really focused on birth through preK. Under Race to the Top - Early Learning Challenge, for example, states were asked to submit proposals to improve the coordination and quality of child care and preschool programs. However, developing plans for implementing preK-3 strategies -- such as improving the coordination of early learning programs with K-3, strengthening the communication and collaboration between elementary schools and preschool programs and the smoothing transitions from preK into kindergarten was included only as an "[invitational priority](#)." The same was true for early learning in the Race to the Top K-12 program. Including early learning as more than an invitational priority would have sent a stronger signal about the importance of implementing preK-3 strategies as a part of states' and school districts' reform agenda. Duncan has said that, in a second term, improving early learning would remain part of his agenda. Focusing more

intently on the full PreK-3 continuum -- especially working with Congress to embed PreK-3rd strategies in a new ESEA.

- **Will the President push Congress to reauthorize the Federal Child Care and Development Block Grant (CCDBG)?** CCDBG, for which Congress appropriates more than \$2.2 billion annually in child care subsidies for low-income families (plus nearly \$3 billion in mandatory funding), has not been reauthorized in 16 years. The President said in his election victory speech, “America, I believe we can build on the progress we've made and continue to fight for new jobs and new opportunity and new security for the middle class.” But today high-quality child care can [cost more than college](#), and without affordable child care, many parents struggle even to afford to work outside the home. Will the President incorporate affordable child care into his top second-term priority: job creation?
- **What will happen to Head Start?** The Obama administration will have four more years to carry out and cement its Head Start [recompetition policy](#), one of the major reforms mandated by the program’s 2007 reauthorization. With significant pressure from the administration, Head Start providers that failed to meet certain quality measures must now compete with new providers for Federal grants.

Over the past year, about 130 agencies operating Head Start and/or Early Head Start programs were found lacking in their abilities to meet Federal quality standards. Competitive funding opportunities in these communities were announced and grant proposals have been reviewed; that’s all we know about the status of these replacement grants at this point. Even the Congressional leadership has not been able to get more information and has formally complained to Secretary Sebelius about the DHHS process. The Chair of the House Education and Workforce Committee, John Kline (R-MN) charged Head Start with lack of transparency in the grant making process, especially when compared with USED’s RTTT grant process.

A second area of Congressional inquiry about Head Start is when the “Third Grade Follow-Up Study,” the overdue evaluation of whether the effects of Head Start participation last through 3<sup>rd</sup> grade, will be released. Members of Congress are also seeking an explanation from the Office of Head Start about why publication of this report has been delayed and questioned the rising costs of the evaluation. In answer to this inquiry about the study’s expected publication date, DHHS spokesman Mark Weber wrote, “Head Start is an important investment that helps prepare our kids to compete with kids all over the world for good-paying, middle-class jobs. The Obama administration has strengthened and reformed the program to improve quality and accountability and ensure a good experience for every participant. We are preparing a response to the Congressional inquiry, and the study will be released when it is completed.” (November 15<sup>th</sup> [Education Week Early Years](#) blog) Head Start re-competition efforts and the date of the release of the evaluation findings both are considered high stakes as far as how lawmakers might deal with cuts to the Head Start budget.

Within this context, on November 16<sup>th</sup>, according to the *Early Years* blog, the DHHS Advisory Panel of early childhood experts issued its recommendations for Head Start.

Recommendations in this lengthy report covered three areas: (1) using data to improve school readiness and other related outcomes for children and families; (2) implementing evidence-based practices; and (3) improving coordination with other agencies providing services for prenatal to age 8. The panel report discusses findings from earlier Head Start research and contends that no other early childhood program has ever undergone the level of scrutiny that Head Start has endured, and, further, making comparisons to results in studies of other programs, including public pre-K would be “inappropriate.”

- **How will other Early Childhood focused grant programs evolve?** Maternal Infant and Early Childhood Home Visiting (MIECHV) grant programs are likely to continue, especially given the reduced threat of the repeal of Obamacare. Promise Neighborhoods and the RTT Early Learning Challenge grants are likely to continue in some form as signature programs of the administration.

## 2. Literacy Challenges Continue

The November update from the Center for Law and Social Policy (CLASP), highlighting content from the most recent issue of *Future of Children Journal*, reports that children from low-income and/or from non-English speaking households continue to face literacy challenges. Articles underscore the importance of teaching children how to read informational texts and write analytically, starting at the earliest grades. Additional content focuses on the role of out-of-school factors in literacy development, building school infrastructures that are successful in supporting literacy skills, and the use of technology in literacy development.

Once again, for children from low-income families, developing important skills may be more difficult, and learning to count is one of them, as reported in the November 9<sup>th</sup> *Early Years* blog research summary from the University of Missouri. Louis Manfra, the study’s author, discovered that “Kids who could recite and count to 20 in preschool had the highest math scores in 1<sup>st</sup> grade.” Just reciting the numbers isn’t enough; they need to have one-to-one correspondence with objects as they count. Learning to count would give kids a stronger math foundation when they enter school. Developing this skill may be more difficult for low income children because their families tend to rely on schools to teach the basics, while teachers may be expecting children to learn these skills at home.

While we’re on the topic of what young children should know and do, the November 26<sup>th</sup> *Early Years* blog summarizes the cautions and opportunities of adopting Common Core State Standards for classrooms with three- and four-year-olds. A National Association of the Education of Young Children (NAEYC) paper addressing this topic is designed to help Early Childhood Educators walk the tightrope of aligning their standards and teaching practices with those of the K-12 school environment. Although much of the paper has a cautionary tone, NAEYC notes that the main benefit of the Common Core is the potential to provide consistent learning expectations for children across states. Specific concerns noted by NAEYC include: (1) pressure to spend more time on English/language arts and math skills;



(2) ability to ensure that activities beyond the Common Core continue to be included in children’s curriculum experiences; (3) emphasis on nonfiction text in the earlier grades without full exploration of research to support this; (4) assessment practices that are appropriate for preschoolers, and especially, children learning more than one language and those with disabilities. In its resistance to the downward pressure of academics for the youngest learners, NAEYC holds out hope that early childhood instructional practices might influence teaching and learning in K-12, too.

### **3. Child Care Policies for LEP Families**

CLASP also issued a new paper that reviews state child care policies for limited-English-proficient (LEP) families. The following are the most commonly reported state activities used to reach out to LEP families and providers:

- offering bilingual caseworkers or translators for parents and providers;
- providing informational materials about child care assistance in non-English languages;
- offering child care assistance applications in languages besides English; and
- covering English language development in state early learning guidelines for dual language learners (DLLS).

CLASP offers the following recommendations on how states can better support LEP families and providers:

- implementing a language access plan to ensure effective communication with LEP families;
- providing funding for bilingual staff and translation and interpretation services;
- ensuring that basic training is available in multiple languages through community-based providers; and
- revising early learning guidelines to stress the importance of both first and second language acquisition for DLLs.

This set of recommendations comes at a time when there is a “downward slide” in state child care assistance policies in terms of income eligibility limits, parent copayments, and state reimbursement rates for child care providers. The National Women’s Law Center’s (NWLC) 2012 Report identifies 27 states that are worse off in the past year under one or more of the state child care assistance policies outlined in the report. It is clear that the situation for families has worsened in more states than it has improved. Key findings from the report are available at:

[http://www.nwlc.org/sites/default/files/pdfs/NWLC2012\\_StateChildCareAssistanceReport.pdf](http://www.nwlc.org/sites/default/files/pdfs/NWLC2012_StateChildCareAssistanceReport.pdf)

As additional evidence of this downward slide, the United States earned a grade of C- on children’s issues for last year from two child advocacy groups: First Focus and Save the Children. The report issued the United States a C+ for early learning programs and a D for access to child care. The early learning grade reflects falling funding for [state-funded pre-K](#) programs and limited enrollment in [Head Start](#) and Early Head Start.



The National Council of La Raza (NCLR) also weighed in on the dire condition of children in poverty. The organization released the brief, *Young Latino Children—Ready to Learn and Lead?*, which highlights the need for greater investment in this population. It finds that 25 percent of children under age 8 in the U.S. are Hispanic, and 36 percent of Hispanic children under age 8 live in poverty. Additionally, the brief finds that Hispanic children under 5 are read to less frequently than white, non-Hispanic children. Thirty-seven percent of Hispanic children under age 5 are read to less than 3 times a week compared to just 12 percent for white, non-Hispanic children. To address these problems, NCLR recommends high-quality preschool for Latino children and greater support during their youngest years. Full-text of report available at: [http://www.nclr.org/index.php/publications/building\\_a\\_brighter\\_future/](http://www.nclr.org/index.php/publications/building_a_brighter_future/)

Through La Raza's just released, "Latino Kids Data Explorer" it's possible for users to find information about Latino children across multiple indicators, age groups, and states. The data tool's indicators focus on population trends, nativity status and citizenship, family structure and income, education and language, health, and juvenile justice. Data are also available across age groups: 0-2, 0-4, 0-8, and 0-17. <http://www.nclr.org/index.php/latinokidsdata>

#### **4. Funding Pre-K**

As reported in the New America Foundation's *Early Ed Watch* blog (November 12, 2012) the Early Education Initiative has developed a new resource focusing on how Pre-K is funded. The Federal Education Budget Project database includes background and analysis [pages](#) that are valuable to understanding the ins and outs of public pre-K funding.

The largest sources of pre-K funds are state-level funding, Federal Individuals with Disabilities Education Act (IDEA) pre-K funding and Head Start funding. Other Federal funding sources derive from Title I (for socioeconomically disadvantaged children) and Temporary Assistance for Needy Families. Other background pages include:

- [Individuals With Disabilities Education Act - Funding Distribution](#)
- [Head Start](#)
- [No Child Left Behind Act - Title I Distribution Formulas](#)