

**1995 LEGISLATIVE AGENDA
AMERICAN ASSOCIATION OF EDUCATIONAL SERVICE AGENCIES**

BACKGROUND

On January 27, 1995 a group of Educational Service Agency staff met to develop recommendations for the first session of the 104th Congress. The recommendations were confined to the three program areas most likely to come up in 1995, the Perkins Vocational Education Act, the Individuals with Disabilities Education Act and the school lunch and breakfast programs.

Task forces of administrators from Michigan and Pennsylvania provided us with a starting point for our discussions and deserve much credit for the depth and quality of these recommendations.

PERKINS CAREER AND TECHNICAL EDUCATION ACT

GENERAL RECOMMENDATIONS

1. The new Perkins Act should rename the program--the Perkins Career and Technical Education Act.
2. The law should recognize that the purpose is to help create a system that is seamless for all students because every student is going to work; some after high school, some after a year of two of additional education and some after receiving a baccalaureate or advanced degree.
3. Career and Technical Education must be tied directly to other federal efforts that have school improvement as their core purpose, such as Title I, School to Work Transition, Goals 2000, Eisenhower Staff Development and hopefully the new IDEA.
4. Combining the Perkins grants to states and school districts with other educational initiatives if the following criteria are met:
 - the K-12 component is clearly delineated,
 - funds to LEAs would flow through SEAs,
 - states are not allowed to debundle funds and create new regulations and paperwork for LEAs and
 - funds would continue to flow to school districts or consortia of school districts.
5. The legislation should specify and encourage the role of consortia in program delivery at the secondary level, including a specific definition of Educational Service Agencies (ESAs). The new Perkins Act must meet the needs of the 50% of the nation's school districts that enroll under 1000 students and the 48% of LEAs that are rural. This should be done through area schools, consortia and education service agencies.

6. A more flexible waiver must be incorporated that will be acted on in a defined time frame. If the state will not grant the waiver, an LEA can apply to the Federal Department of Education for the waiver.

PROGRAM CONSIDERATIONS

1. Only programs (LEA or post-secondary) that are part of a seamless K-14 or K-16 system should be funded.

2. Staff development must be a major component of the new Perkins for all teachers because improving the preparation for the work force requires some readiness in elementary and middle school, as well as in a high school combined curriculum.

3. All funded programs must move toward a fully integrated curriculum by a certain date. The new curriculum must merge theoretical and hands-on relevant learning.

4. State plans must be results- or outcome-oriented, aimed at creating portable standards, which are in turn based on nationally recognized skill standards. These standards enable students to obtain employment in specific industries and they are also appropriate for K-12 students, such as the SCANS or Goals 2000 standards set by states.

5. Accountability for LEAs should be based on locally generated expectations for learning that are in turn based on the high nationally recognized standards embedded in the state plan.

6. Students served under the new act should develop career plans that are not IEPs under IDEA. Rather they should plan toward a career including post-secondary education.

7. Perkins funding should encourage tight integration of local or state restructuring and school improvement initiatives to produce high school graduates who can go into the work force or further training without remediation.

8. The new legislation should build "bridges" between Career and Technical Education and Adult Education and other "second chance" programs to make full use of facilities and instructors. This should be part of a seamless K-14 or K-16 system. Post-secondary programs should have such bridges also.

TARGETING CONSIDERATIONS

1. Funds should be targeted to sites not programs. This would encourage enrollment of special populations and give local flexibility to determine how best to meet student needs.

2. The programs should be aimed equally at all students. Some students may need more help than others, still the program must fit together with state and local efforts to serve all students. However, federal funds cannot be used to focus state and local funds on the special needs of some students, who are disabled or have limited English proficiency, beyond the help required under state law regarding those students.

3. The tension between serving special populations and improving Career and Technical Education programs must be specifically addressed and clarified. The tension is a false conflict. Focusing on results makes program improvement the priority. Recognizing and meeting high standards requires extra assistance for some students.
4. School sites receiving Perkins funds should be able to operate like school-wide programs under Title I of ESEA and combine any funds received for Career and Technical Education at the school site, understanding that a separate accounting of funds will be required for the LEA.

FLOW OF FUNDS

1. Separate K-12 and post-secondary titles should be developed with procedures that best fit each sector. However, funding for any grantee in either title would be contingent on being part of a seamless K-14 or K-16 system for Career and Technical Education.
2. Ninety nine percent (99%) of funds in the K-12 title should be directed to LEAs or consortia of LEAs on a formula basis.
3. The minimum grant for an LEA should be \$50,000. LEAs receiving less than \$50,000 should join a consortium through an Educational Service Agency or with other LEAs.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

FLOW OF FUNDS

1. The basis of funding IDEA should be shifted over three years from child count to total population, ages 5-21, based on the decennial census. Regular updates of population counts for Title I of the Elementary and Secondary Education act are provided by the Census Bureau to the Department of Education. Allocation by population would discourage over-labeling and provide maximum flexibility for states and school districts.
2. Within each state funds should be allocated to LEAs based on each LEA's relative share of persons ages 5 to 21.
3. Within each state 99% of funds should be distributed to LEAs with 1% retained at the state level for administration.
4. The minimum local grant under IDEA should be \$50,000. LEAs with grants below \$50,000 should join a consortia with Education Service Agencies or other LEAs to form grants of at least \$50,000.
5. Separate funding streams should be maintained for the 0-2, 3-5 and 5-21 programs. However, the three funding streams should be better coordinated and guided by the principle of common sense at the point of service.

DEFINITIONS

1. No new service categories should be added to IDEA.
2. Related services should be redefined so that non-educational health services can be billed back to the state. Also, social services that schools can deliver should be limited.

PROCEDURAL SAFEGUARDS

1. Parents must have attempted to mediate differences with school officials where no attorneys are present before they can make a claim for attorney's fees.
2. States should be able to set timeliness and procedures within the general limit of 45 days.
3. Before obtaining independent evaluations, parents should be required to meet with school officials. They will discuss concerns about evaluations performed by schools officials, which provides an opportunity for school officials and parents to work together to address evaluation-related services.
4. State and Educational Service Agency employees should be able to conduct hearings at the local level.
5. Attorney fees should be limited to civil action only.
6. No attorney fees should be paid for attorneys paid by public agencies.
7. No attorney fees should be paid to publicly-supported clinics.
8. Attorney fees for private attorneys should be limited to usual and customary labels to eliminate extraordinary high hourly fees.

PROGRAM CONCERNS

1. The re-evaluation provisions should be changed every three years to when necessary, but should include every important transition point, whether it be from elementary to middle school or from isolated placement to a regular classroom.
2. The stay put provision should be changed to 45 days or until the due process is over.
3. The parental notification procedures should be streamlined to require that parents be notified annually except for changes in: level of service, instructional placement, a modification in service or outcome goals.