



# 2002 Legislative Agenda

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Developed Cooperatively by AESA members

*Association of Educational Service Agencies  
1801 N. Moore Street  
Arlington, VA 22209  
Ph. 703-875-0739  
Fax 703-807-1849*

## 2002 AESA Governmental Relations Committee Attendees

Wayne A. Bell  
Administrator  
Education Service Unit 10  
P.O. Box 850  
Kearney, NE 68848-0850  
P: 308/237-5927  
F: 308/237-5920  
wbell@esu10.org

Craig Burford, Executive Director  
OSECA  
8050 N. High Street, Ste 150  
Columbus, OH 43235  
P:614/846-4080  
F:614/846-4081  
burford@basa-ohio.org

Dave Calchera  
Executive Director  
EASTCONN Regional ESC  
376 Hartford Turnpike  
Hampton, CT 06247-1320  
P: 860/455-0707  
F: 860/455-0691  
dcalchera@eastconn.org

David O. Campbell  
Superintendent  
Clackamas ESD  
P.O. Box 216  
Marylhurst, OR 97036-0216  
P:503/675-4003  
F:503/675-4200  
dcampbel@clackesd.k12.or.us

Loy Dale,  
Executive Director, Operations Support  
Educational Service District 112  
2500 NE 65<sup>th</sup> Avenue  
Vancouver, WA 98661  
P: 360/750-7504  
F: 860/455-0691  
loy.dale@esd112.org

David L. Distel  
Superintendent  
Hamilton County ESC  
11083 Hamilton Avenue  
Cincinnati, OH 45231  
P: 513/674-4236  
F: 513/742-5525  
distel\_d@hcesc.org

Charles D. Duffy, Executive Director  
RESA VIII  
109 South College Street  
Martinsburg, WV 25401  
P:304/267-3595  
F:304/267-3599  
cduffy@access.k12.wv.us

Ronald S. Fielder  
Chief Administrator  
Grant Wood AEA 10  
4401 Sixth Street SW  
Cedar Rapids, IA 52404  
P: 319/399-6711  
F: 319/399-6457  
rfielder@aea10.k12.ia.us

Timothy C. Gavigan  
Administrator  
Cooperative Education Service Agency 1  
2930 South Root River Parkway  
West Allis, WI 53227-2924  
P:414/546-3000  
F:414/546-3095  
tgavigan@cesa1.k12.wi.us

Jack W. Harmon  
Superintendent  
Pinal County Schools  
P.O. Box 769  
Florence, AZ 85232  
P: 520/868-6580  
F: 520/868-4671  
jackharmon@pinalcso.k12.az.us

Joseph J. Marinelli  
District Superintendent  
Wayne/Finger Lakes BOCES  
131 Drumlin Court  
Newark, NY 14513-1863  
P:315/332-7284  
F:315/332-7425  
jmarinelli@wflboces.org

William Mayes  
Superintendent  
Huron Intermediate School District  
711 East Soper Road  
Bad Axe, MI 48413  
P:989/269-6406  
F:989/269-9218  
willmayes@hisd.k12.mi.us

Dale McCall  
Executive Director  
Centennial BOCES  
830 South Lincoln  
Longmont, CO 80501  
P:303/772-4420  
F:303/776-0504  
dmccall@peak1.cboces.org

William L. McKinney  
Executive Director  
Region IV Educational Service Center  
7145 West Tidwell  
Houston, TX 77092-2096  
P: 713/744-6534  
F: 713/744-6537  
billmck@esc4.net

Terry Nelson  
Director  
Central Savannah River Area RESA  
P.O. Drawer 609, Hwy 78  
Dearing, GA 30808-0609  
P:706/556-6225  
F:706/556-8891  
tnelson@csraresa.org

Joan Schuman  
Executive Director  
Hampshire Educational Collaborative  
97 Hawley Street  
Northampton, MA 01060  
P:413/586-4900  
F:413/586-0180  
jschuman@collaborative.org

Joe Sinclair  
Executive Director  
Northwest Regional Center ESA  
201 Curtis Bridge Road  
Wilkesboro, NC 28697-2205  
P:336/667-2191  
F:336/667-0503

Howard Solomon  
Superintendent  
Passaic County Educational Services  
Commission  
1037 Route 46 East, Suite C-201  
Clifton, NJ 07013  
P:973/614-8585  
F:973/614-1334  
hsolomon@pcesc.org

Donald L. Stevens  
Administrator  
CESA 5  
P.O. Box 564  
Portage, WI 53901  
P: 608/742-8811  
F: 608/742-2384  
stevensd@cesa5.k12.wi.us

Lawrence C. Walker  
Executive Director  
Central Carolina RESA  
P.O. Box 30002  
Durham, NC 27702  
P: 919/560-2552  
F: 919/560-2551

## **2002 AESA Legislative Conference Staff**

Brian L. Talbott  
Executive Director  
AESA  
1801 N. Moore Street  
Arlington, VA 22209  
P: 703/875-0739  
F: 703/528-2146  
[btalbott.aesa@aasa.org](mailto:btalbott.aesa@aasa.org)

Kari Arfstrom  
Associate Director  
AESA  
1801 N. Moore Street  
Arlington, VA 22209  
P: 703/875-0739  
F: 703/807-1849  
[karfstrom.aesa@aasa.org](mailto:karfstrom.aesa@aasa.org)

Anita Talbott  
Administrative Assistant  
AESA  
1801 N. Moore Street  
Arlington, VA 22209  
P: 703/875-0739  
F: 703/528-2146  
[abtalbott@aol.com](mailto:abtalbott@aol.com)

## **2002 AESA Legislative Consultants to AESA**

Bruce Hunter  
Associate Executive Director  
Public Policy  
AASA  
1801 N. Moore Street  
Arlington, VA 22209  
P: 703/875-0738  
F: 703/528-2146  
[bhunter@aasa.org](mailto:bhunter@aasa.org)

Nick Penning  
Senior Legislative Analyst  
AASA  
1801 N. Moore Street  
Arlington, VA 22209  
P: 703/875-0739  
F: 703/528-2146  
[npenning@aasa.org](mailto:npenning@aasa.org)

Mary Conk  
Legislative Analyst  
1801 N. Moore Street  
Arlington, VA 22209  
P: 703/875-0775  
F: 703/528-2146  
[mconk@aasa.org](mailto:mconk@aasa.org)

## 2002 AESA Legislative Guests

William G. Keane  
Associate Professor  
Oakland University  
318 O'Dowd Hall  
Rochester, MI 48309-4401  
P: 248/370-4204  
F: 810/371-4605  
keane@oakland.edu

Dick Moody  
National Program Manager  
Apple Computer, Inc.  
7344 Steamboat Island Road NW  
Olympia, WA 98502  
P: 360/866-6331  
F: 360/866-6379  
moody1@apple.com

E. Robert Stephens  
Director  
Institute for Regional & Rural Studies  
in Education  
1813 Faircloud Drive  
Edmond, OK 73034  
P: 405/341-1147  
F: 405/341-1385  
erstevens@aol.com

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### ***Mission:***

The mission of AESA is to serve as the national voice for educational service agencies as we support the learning, technical assistance, advocacy, and research needs of our members. AESA's governmental relations initiative states, "We will strengthen our ability to affect education policy through effective governmental relations activities." The governmental relations committee believes the positions taken by the members and executive council of AESA should reflect and support the role of the federal government in education using the following set of beliefs.

### ***Beliefs that Guide the Partnership's Governmental Relations Activities***

AESA believes that educational service agencies (ESAs) provide (1) leadership to help all students reach high standards of performance and (2) cost-efficient regional services. Therefore, AESA actively promotes and supports the following premises.

- ESAs are closer to school districts and their respective campuses than are State Education Agencies (SEAs), regional educational laboratories and universities.
- Education is one of the most important roles the federal government can fulfill. Nothing will provide a greater impact on the future of this country as developing the minds of its future citizenry and leaders.
- Accountability is an important aspect in school improvement. ESAs are able to assist districts with efficient and economical operational resources to achieve accountability.
- The role of ESAs must be identified in each of the federal education laws so they can effectively carry out the regional leadership role in ensuring equity and access to programs and services for all students and school districts. ESAs are best positioned to assist districts with technical assistance.
- ESAs must be eligible to receive funding from all federal education funding formulas and grants in order to carry out federal, state and local education initiatives.

- The highest federal education funding priority should be to fully support IDEA and significantly increase Title I funding before new federal education programs are considered. Full funding of IDEA must be protected by non-supplant language.
- Unfunded federal mandates are one of the greatest problems for ESAs and Local Education Agencies (LEAs). AESA supports the current Unfunded Mandate Act of 1995, but this legislation must be consistently enforced. Unfunded federal education programs in existence prior to passage of the Unfunded Mandates Act of 1995, which were exempt from the law, should be included in it.
- AESA believes Congress should require states to implement federal rules and regulations, not state variations of the federal law, which may run counter to the law or limit local flexibility. States should be required to identify where they have added regulations to the federal rules for every program. Where states add to the federal regulations, school districts should be permitted to challenge those regulations before the U.S. Department of Education and receive timely decisions regarding the appropriateness of the state decisions.
- The U.S. Department of Education should remain as a federal executive agency and its role should be examined regularly to ensure its effectiveness.
- Rules and regulations promulgated by the U.S. Department of Education and other federal agencies affecting SEAs, ESAs, LEAs should be monitored and influenced to ensure the intent of the laws are followed.
- The U.S. Department of Education should provide national leadership for state education agencies (SEAs), educational service agencies (ESAs), and local education agencies (LEAs) in the following ways:
  - Promoting education for all learners;
  - Focusing on student achievement and promoting successful models of teaching and learning;
  - Promoting effective educational programs built on the foundation of quality research that is applicable to local education agencies. ESAs play a key role in the development and implementation of such research and programs;
  - Supporting, identifying, and disseminating new and innovative models and practices based upon research that has been conducted according to the highest standards and independently verified.

## *AESA's Federal Legislative Positions for 2002*

### *Individuals with Disabilities Education Act*

The reauthorization of IDEA presents the members of AESA the opportunity to offer suggested changes to the 25 year-old law. ESAs are in a position to assist school districts with technical assistance, training and other services needed to comply with this law and direct instruction of students.

#### *Issues Involving Resources and Funding*

##### AESA Supports:

- Mandatory full funding of the law.
- Increased funds for Part C for early reading programs, along with greater flexibility in concert with Title I funds and programming.
- Eligible participation of ESAs and increased funding for Part D, grants for professional development.
- Inclusion of ESAs as recipients of funds held at the SEA level. The current formula allows for 25 percent of federal funds to remain at the state level. Since ESAs perform many, if not most, of the functions required by federal and state law, ESAs should be eligible to receive funds from this source for implementation, technical assistance, direct student services and other permitted uses.
- The current in-state formula of 80 percent (child count) -20 percent (poverty).
- As IDEA moves toward full 40% funding, AESA supports permitting LEAs to reduce the local effort in special education by the amount of increased federal funding. These funds would be allowed to revert back to the LEA's general operating budget to support the education of all children within a school district.

AESA knows that local school districts are currently providing, as required in statute a full free and appropriate education to children with disabilities. Today, federal funds only provide 17% of the mandated 40% of the funding necessary for children with disabilities. In most cases the shortfall is provided out of the LEA's general operating budget which has resulted in the reduction and/or elimination of services and programs for non-disabled children.

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### *Issues Involving Students with Special Needs*

#### AESA Supports:

- Direct funding for ESAs through IDEA and other federal programs, such as the Juvenile Justice Act, to provide services. Many ESAs offer services for adjudicated youth, hospital or home-bound students, alternative schools, or other structured environments offering education in safe surroundings with trained personnel.

### *Issues involving Professional Development*

#### AESA Supports:

- Local and state licensure and credentialing standards for paraprofessionals and professionals.
- Appropriate professional development resources for strengthening the skill of paraprofessionals and professionals.
- Local and state guidelines set forth for paraprofessionals and oppose the establishment of federal qualifications and/or certification.

### *Issues involving Due Diligence*

#### AESA Supports:

- Required, mandatory mediation prior to due process.

### *Issues Involving Paperwork Reduction*

#### AESA Supports:

- Streamlining the process for writing and maintaining IEPs and other required paperwork. Electronic data-base programs are proving helpful in this arduous task. Reduction of paper work should be the goal without jeopardizing the documentation necessary for each child.

### ***Reauthorization of the Office of Educational Research and Information (OERI)***

AESA is ready and willing to participate in the reauthorization of OERI. AESA seeks to include ESAs in the federal law where appropriate. Through ESAs are a key resource to disseminate materials funded by and on behalf of OERI, provide technical assistance where appropriate, and receive funding to provide such services. ESAs shall be eligible for grants funded by OERI. Standards shall be established for formal relationships between ESAs, Institutions of Higher Learning, Regional Educational Laboratories and other OERI funded entities.

AESA Proposes:

- Grants to improve achievement by improving professional practices through support for long term commitments to identify, supporting and disseminate new and innovative models and practices based upon research that has been conducted at the highest standards and independently verified.
- Eligible grantees should be ESAs, IHEs and RELs and other OERI funded entities.
- Eligibility would be conditioned on the ability of grantees to enlist LEAs to participate in cooperative long term sustainable school improvement.
- Formula grants to grantees would be equal to 10% of Title I and Title II ESEA funds.

### ***Choice and Charters, Not Vouchers or Tuition Tax Credits***

Alternatives within the public school system are needed, such as public charters and inter-district school choice (open enrollment). However, alternatives that exist without public oversight are unacceptable.

Vouchers do not provide the oversight necessary to ensure all students will have fair access to “voucher” programs. Vouchers used in private schools with discriminatory admissions criteria do nothing to enhance parental choice.

The concept of a tuition tax credit is little more than a modified voucher using public funds to pay for children to attend any private school, including those with discriminatory admissions criteria; provides financial assistance to middle and upper income, rather than low income families; and provides public funding to schools where there is no requirement for oversight and accountability. Tuition tax credits could lead toward a more segregated and segmented educational system that could ultimately have a damaging impact on our democracy.

AESA Will:

- Support only those alternatives that are accessible to all students and are not selective.
- Oppose any voucher or tuition tax credit proposal that amplifies the gap between the “haves” and “have nots.”
- Advocate for public oversight of all models for education.
- Encourage high quality, professional development programs for all personnel, including those in charter schools and other alternative programs.
- Work to focus the education debate to improve our public schools and not funnel public school resources into private schools.

### ***Early Childhood***

The federal government rightly funds numerous early childhood programs. ESAs often run these programs on behalf of local committees and/or local school districts. There is very credible research proving early childhood programs have been wise investments of public tax dollars.

AESA Supports:

- Early childhood ready to learn programs, increased funding for children ages 0-8, and inclusion in national educational priorities.
- The establishment of exemplary model child care centers in schools and other community sites.
- State and local certification of child care personnel, not federal certification.

### ***School Construction and Modernization***

AESA supports federal initiatives calling for assistance at the local level for school construction, modernization and/or construction. School buildings are public places and basic health and safety requirements must be met and maintained. ESAs are in a position to assist districts with technical assistance and training in this area. Where ESAs educate students, they should be eligible for such funds.

### ***E-rate***

AESA supports the Universal Service Administrative Company (USAC) and its divisions as the vehicle for governance of the E-rate. The Federal Communications Commissions (FCC) should retain jurisdiction of the E-rate program. AESA supports the E-rate going directly to ESAs and LEAs. Reduction in paperwork would be an efficient change.

### ***Medicaid***

AESA Supports:

- A major cost-effective vehicle for delivering Medicaid reimbursements to eligible LEAs and the students they serve.
- Efforts to maintain Medicaid reimbursements for social services that schools provide to children.
- Promotion of rules and regulations that impact ESAs and the districts they serve.

***Rules & Regulations of the Elementary and Secondary Education Act (ESEA)***

AESA is pleased with the expanded role of ESAs in the newly reauthorized ESEA. We look forward to working with the Administration as the rules and regulations are developed. The members of AESA ask that the flexibility at the state and local levels be examined and enforced. The rules should not place new or onerous burdens on the SEAs, ESAs, or LEAs.

2/15/02