2010

Federal Legislative

Agenda

Prepared by the AESA Governmental Relations Committee

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Association of Educational Service Agencies

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Attendees of the 2010
AESA Governmental Relations Committee Meeting
January 11-12 – Arlington, VA

James Baldwin **Committee Chair**	**Questar III BOCES**	**Castleton, NY**
Cliff Carmody **Committee Vice Chair**	**South West/West Central Service Coop**	**Marshall, MN**
Brad Biladeau	**MAISA/MASA**	**Lansing, MI**
Joseph Crozier	**Great Prairie Area Educational Agency**	**Burlington, IA**
Irene Dearman	**S-RESA**	**Hattiesburg, MS**
Ron Fielder	**Grant Wood AEA 10**	**Cedar Rapids, IA**
Mary Jane Gales	**Montgomery County IU 23**	**Norristown, PA**
Dan Hare	**Butler County ESC**	**Hamilton, OH**
Linda Lowe	**Southeast Education Alliance**	**Kenansville, NC**
Jack McAlpin	**S-RESA**	**Laurel, MS**
Dale McCall	**Colorado BOCES Association**	**Longmont, CO**
Orlenda Roberts	**Pinal County Office of Education**	**Florence, AZ**
Joan Schuman	**Hampshire Educational Collaborative**	**Northampton, MA**
Jerry Shiveley	**Montgomery County IU 23**	**Norristown, PA**

AESA's Mission Statement:
The Mission of AESA is to support and strengthen regional educational service agencies by:

- Serving as a national voice for educational service agencies;
- Providing professional growth opportunities, technical assistance, advocacy and research;
- Helping member agencies promote, distribute, and leverage their knowledge, products, and services: and
- Assisting in the establishment of educational service agencies.

AESA Governmental Relations Committee Initiative:

AESA's Governmental Relations Committee initiative states:

"We will strengthen our ability to affect education policy through appropriate and effective governmental relations activities."

The Governmental Relations Committee supports the role of the federal government in education guided by the following principles:

I.   Public education is the cornerstone of our representative democracy.

II.   The federal government plays an important role in support of the state responsibility for public education. Federal resources must be focused on providing support to public education. Nothing will provide a greater impact on the future of this country than developing the minds of its future citizens and leaders.

III.   American public schools are highly successful and continue to confront and overcome the challenges of socioeconomic status, geography, citizenship status, and the accompanying deprivations that impact learning.

IV.   Educational service agencies (ESAs) provide leadership to help all students reach high standards of performance and to provide cost-efficient regional services. There is no state or city education system too large to benefit from ESA services; there is no school or school system too small to be served by ESAs.

V.   ESAs are closer to school districts and their respective campuses than are State Education Agencies (SEAs), regional educational laboratories, and/or universities, as a result, ESAs can better respond to their needs.

VI.   ESAs provide a network of expertise and local knowledge that spans the artificial borders of school districts.

VII.   ESAs provide equal access to high quality education regardless of school district size, location, or demographics

VIII.   ESAs are uniquely positioned to leverage federal, state and local resources to meet the needs of public and private schools to improve student learning. ESAs and their role 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.

IX.   ESAs are efficient delivery models for education services at the local level and can serve multiple school districts at one time. ESAs should receive direct funding from all federal education formulas and grants in order to carry out federal, state and local education initiatives. AESA supports federal incentives to promote cost effective consortia.

X.   Accountability is an important aspect in school improvement. ESAs are best positioned to assist districts with efficient and economical operational resources to support school accountability and improvement.

AESA actively promotes and supports federal policies, programs and initiatives as follows:

- Fiscal policies that reinforce the capacity of the federal government to adequately support public education. Funding for education programs should remain one of Congress' top priorities.
- Full funding for IDEA and significantly increased Title I funding before new federal education programs are considered.
- Providing more cost-effective cooperative delivery of programs and services at the regional level.
- Providing small school districts the opportunity to participate in services they couldn't otherwise access through participation in consortia.
- Providing all students with access to high quality academic, project based and career/technical opportunities.
- Promoting equal educational opportunities for all learners.
- Increasing the capacity of school districts and ESAs for working with students at risk.
- Focusing on student achievement and promoting successful models of teaching and learning.
- Identifying, disseminating and promoting new and innovative models and practices based on research independently verified and conducted according to the highest standards. ESAs play a key role in the development and implementation of such research-based programs.
- The development of a national infrastructure for effectiveness, innovation and change for improving teaching and learning with ESAs as the organizing unit at the regional level.
- Expanding the definitions of "unfunded mandate" in the Unfunded Mandate Act of 1995, to include a variety of important, mandated education programs, such as IDEA and ESEA. This would address one of the greatest problems confronting ESAs and Local Education Agencies (LEAs), the plethora of unfunded mandates.
- Monitoring and oversight of rules and regulations promulgated by the U.S. Department of Education and other federal agencies affecting SEAs, ESAs, and LEAs to avoid new,

unfunded requirements.

- Encouraging the U.S. Department of Education to work with SEAs to ensure that they understand the status of ESAs as LEAs.
- Expanding the application of the definition of Educational Service Agencies (ESAs) in the Elementary and Secondary Education Act. This definition should apply to all federal laws pertaining to ESAs for clarification and consistency between federal laws and regulations. The definition reads as follows:

> "(A) - The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools. … (D) - The term includes educational service agencies and consortia of those agencies."

Elementary and Secondary Education Act

Educational Service Agencies (ESAs) are an integral part of the American educational infrastructure, acting as a principal provider of technical assistance and professional development for school improvement. AESA strongly supports federal investment in this infrastructure as a means to achieve the four priorities established under the American Recovery and Reinvestment Act: Achieving Equity in Teacher Education, Improving the Collection and Use of Data, Improving the Quality of Standards and Assessments, and Improving Struggling Schools. It is in the federal government's best interest and sound public policy to strengthen existing networks of ESAs, and to encourage the development of ESA models for the improvement of education. The stronger the regional education networks throughout the country, the better the delivery mechanism that exists to assist local school districts with their specific needs.

AESA supports the intent of the Elementary and Secondary Education Act. AESA encourages a full analysis of the Act and seeks modifications in its reauthorization that will strengthen local and regional flexibility and provide adequate federal funding to accomplish the goals of ESEA. ESEA should promote equal access to high quality education for all students. AESA believes that ESEA resources should be primarily focused on student learning rather than excessive paperwork, reporting and staffing requirements.

AESA Goals for ESEA reauthorization:

AESA's member agencies form a unique national, state, and local network of 553 regional Educational Service Agencies that are uniquely positioned in a system that provides systemic technical assistance and capacity building to SEAs, LEAs, and public and private schools. These ESAs make possible the delivery of services and provide the training for 83% of the nation's schools, including services for categorical programs.

AESA would support the creation of a specialized grant program that would strengthen the network of ESAs across the country, including in states that currently do not have ESAs, and fund their innovative practices. Strengthening the ESA network across the country will increase their effectiveness in serving the teachers and students of their member districts throughout ESEA programs. Within ESEA, AESA believes:

Title I:

Improving the quality of standards and assessments

- AESA supports developing and maintaining rigorous academic standards. AESA believes it is statistically unlikely that all students will reach a universal level of proficiency.
- The primary responsibility for setting standards in education rests with the states. Given the need to ensure continued American competitiveness in the global economy, the ESEA should facilitate a process to develop voluntary model standards that may be used as a resource by states to develop their own standards. This process should include participation by education professionals and other stakeholders, including ESAs.
- Proficiency, as defined by the various states, needs to account for the diverse needs of students, including multiple measures of accountability and methods of evaluation, such as individual student growth measures.
- Increasing the effectiveness of the state assessments to address the needs of each child and provide instructionally useful information to improve student achievement is critical. Reauthorization of ESEA should provide for:
  - High quality adaptive and formative assessments to provide instructionally useful information to teachers and principals in a timely fashion.
  - Inclusion of all students with disabilities. Students with disabilities should be assessed to measure their growth relative to the goals of their IEPs. Where possible, all students with disabilities should be included within the assessment system at academically appropriate levels.
  - IDEA provisions prevailing when ESEA and IDEA are in conflict.
  - Students with Limited English Proficiency appropriately assessed in English

proficiency before being assessed in content areas such as math, science and other subjects. English language learners should not be required to take tests in reading and math in English until they have the necessary working knowledge of the language.

- The secondary educational experience should reflect contemporary and future educational, social and economic conditions, and challenges at state and local levels. AESA supports increasing student success and providing all students with a relevant secondary education experience that prepares them for any and all post-secondary opportunities and real world challenges.

- Mathematics and English language arts literacy for all students is essential to the nation's global economic future. The ultimate responsibility for determining the appropriate programs and methodology for how mathematics and English literacy should be taught should rest with state and local education agencies.

Improving struggling schools

- ESAs are best positioned to provide school districts with interventions, capacity building and technical assistance required under school improvement programs.

- School improvement requirements must be graduated and targeted to address the needs of groups or subgroups identified as 'in need of improvement.'

- State and local education agencies should continue to determine the requirements for graduation, including the definition of graduation and/or completion rates for accountability purposes. The opportunity to graduate from high school should be provided and funded for all students, including those requiring alternative approaches, regardless of how long it takes.

- The federal government should support the directions of the states and local education agencies, including ESAs, in their efforts to achieve high school redesign, including the use of high quality alternative strategies and programs for public high schools. The federal support of these programs must not, however, come at the expense of other titles in ESEA or other federal education programs.

Improving the Collection and Use of Data

- Data collection requirements under ESEA and ARRA, have increased the administrative burden at the state and local level. Congress and the Department should:
    - o Fund at the state and local level the systems that would be required to acquire, collect, analyze, and disseminate the data.
    - o Ensure that the data collected is used to improve education systems, instruction, leadership, and student performance.
    - o Take into account the total cost of the new data requests from instrument design to

the time required to collect the data.

- ESAs are in a unique position to be repositories of data. Their role should be reflected and supported in data collection requirements from federal level.

Title II:

AESA believes ongoing, sustained professional development is critical to systemic change and continued improvement of education professionals. ESAs are recognized as national leaders in providing professional development and specialized training to volunteers, paraprofessionals, teachers, principals, superintendents, and other school personnel as well as their critical role in alternative certifications.

Achieving Equity in Teacher & School Leader Distribution

- States should be left to define what constitutes a highly qualified educator.
- The federal government should provide incentives to support the recruitment and retention of educators in hard-to-staff positions.
- States should be allowed to determine allowable alternative routes to licensure or certification for educators. ESAs are recognized across the nation as leaders in providing alternative licensure and certification.

Title II, Part D – Education Technology

- Funding for instructional and professional development technology should be expanded and the continued use of the combination of competitive grants and a formula for the distribution of federal funds should continue. Expanded and embedded use of instructional technology is critical to our nation's efforts to remain competitive in a global economy.
- The Enhancing Education through Technology should be restored to its previous funding level of $700 million to provide funding for professional development for educators and funding for programs to integrate education technology to enhance student learning.

Title III:

- Support the use of consortia for schools when applying for and implementing Title III programs in order to maximize the funding's effectiveness. ESAs are well positioned to serve as lead agencies for these consortia.

Title IV:

- ESAs are recognized across the nation as leaders in after-school programs. AESA supports the continuation and expansion of the 21st Century Community Learning Centers before and

after school programs and inclusion of ESAs as the lead agency under the program.

- AESA strongly supports the restoration of the formula portion of the Safe and Drug Free Schools Program. AESA supports maximizing the flow of funds to schools, developing ESA-led consortia for implementation, and maximizing and sustaining flexibility under these programs.

Title V:
- Supports the restoration of funding for Title V and the continued flexibility allowed under the Education Innovative Block Grant Program.

Title VI:
- Supports the Rural Education Achievement Program Reauthorization Act and opposes the limitation of eligibility under the Rural and Low-income Schools program that would eliminate funding for many rural districts.

Title VII:
- AESA supports the continuation of programs dedicated to Native Americans, Native Hawaiians, Native Alaskans, and other native groups. ESAs should be named as eligible recipients of Title VII funding.

Individuals with Disabilities Education Act (IDEA)
AESA supports:
- The federal government paying its full mandated share of the costs to implement IDEA and Annual progress towards the 40 percent funding commitment made by the federal government.
- Modifying IDEA to require that the district of residence for IDEA students be responsible for the equitable participation of parentally placed private school students, as was the case in the 1997 IDEA law.
- IDEA provisions governing when ESEA and IDEA are in conflict.

Seclusion and Restraint:
AESA believes seclusion and restraint of students should be used only as a last resort option by properly trained staff. Where it is needed, discussion of appropriate seclusion and restraint should be allowed to be included within a student's Individualized Education Program.

E-Rate

The E-Rate Program provides important leveraging funds for education technology infrastructure to schools and libraries throughout the country. AESA supports developing a national plan to meet broadband needs of schools and libraries as an undertaking of urgent importance to global competitiveness. Technology is critical to our nation's efforts to remain competitive in a global economy. As such, AESA supports:

- Continuing the funding of the E-Rate Program as an integral part of Universal Service and the Universal Service Fund.
- Maintaining the Universal Service Administrative Company (USAC) and its divisions as the vehicle for governance of the E-Rate.
- Increasing the $2.25 billion cap in order to meet the current demand and expand E-Rate bandwidth and infrastructure capacity so schools and libraries may meet the technology requirements of the 21st Century.
- Maintaining current eligibility, including ESAs, for E-Rate funding and opposes consideration of eligibility expansion until the current demand is met.
- Enactment of a permanent exemption from the federal Anti-Deficiency Act (ADA) for the Universal Service Fund. The Program's ability to collect and disburse funds in a timely fashion is undermined by the ADA, which requires that E-Rate funds be "in the bank," and harms the program's viability.
- Maintaining the current poverty and locality based discount system for the disbursement of E-Rate funds.
- Encouraging LEAs to consolidate the application process through ESAs, especially rural and small LEAs.
- Encouraging the FCC and USAC to automate and streamline the application process for E-Rate. Long standing suggestions include using an expedited short form for reoccurring Priority 1 Services in the Schools and Libraries Program.

Medicaid

Medicaid reimbursement is an important part of the support services that ESAs and their LEAs provide to eligible students throughout the country.

AESA supports:

- Development of a cost-effective vehicle for delivering Medicaid reimbursements to eligible LEAs and ESAs to support the students they serve.
- Legislation that clarifies the connection between IDEA and Medicaid.
- The expansion of Medicaid claiming to include eligibility for 504 Vocational Rehabilitation

students.

- Encouraging the Centers for Medicare and Medicaid Services to work with states, ESAs and local school districts to ensure a uniform methodology for claiming across the country.

Children's Health Care

- AESA supports efforts to provide comprehensive health and mental health care insurance for all children and pregnant women. Early childhood care is critical in ensuring that children are ready to learn. AESA strongly supports maintaining the S-CHIP program in any health care program and maximizing the health care opportunities for children and pregnant women most in need.

Choice and Charters, Not Vouchers or Tuition Tax Credits

Alternatives within the public school system are needed, such as public charters, magnet schools, accommodation schools, and inter-district school choice (open enrollment.) Alternative educational systems must have public oversight and conform to state and federal laws.

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

AESA:

- Opposes enactment of any voucher or tuition tax credit.
- Supports alternative education that is accessible to all students and is not discriminatory.
- Advocates for uniform and consistent public oversight and accountability for all recipients of federal education funding.
- Encourages high quality, professional development programs for all personnel, including those in charter schools and other alternative programs.
- Supports endeavors to focus the education debate to improve our public schools and not divert public school resources to private schools.

Early Childhood Programs

The federal government appropriately funds numerous early childhood (birth through age five) programs. ESAs often operate these programs on behalf of local communities and/or local school districts and should be named as eligible recipients of any early childhood program funds. AESA

believes high-quality, developmentally-appropriate, standards-based early childhood education and development programs improve student achievement and close the learning gap, especially for high-poverty children, and are wise investments of public tax dollars. AESA supports the development and utilization of regional networks as the most cost effective method for the delivery of early childhood programs.

AESA supports:

- Universal access to high quality comprehensive early childhood programs, which are coordinated and articulated with the public school in which the child will enroll.
- Comprehensive early childhood programs and services, such as nutrition; social, health and mental health services; home visiting and family support; education and literacy; transportation and information; facilities development; and referrals to other programs and services.
- Alternative certification programs and quality teacher training and professional development programs for early childhood teachers and paraprofessionals.
- The establishment of model child care centers in schools and other community sites.
- State and local certification of child care providers, not federal certification.
- Use of developmentally appropriate assessments and curriculum programs for early childhood learners.
- The coordination and expansion of new and existing state and local early childhood programs.

Workforce Investment Act

The Workforce Investment Act (WIA) provides for a one-stop delivery system with employment and training services for job seekers and businesses. As with all aspects of education, WIA should be part of a seamless system of articulation from K-12, adult and post secondary education with business connections to strengthen readiness for high school and post-secondary school or work. Given that education and economic development go hand-in-hand, AESA supports strengthening relationships between ESAs and local and regional workforce training programs as follows:

- Maintaining representation of key educational and vocational rehabilitation partners (including ESAs) on local and state workforce boards.
- Maintaining the current balance between in school and out-of-school youth programming (currently up to 70% of funds may be used for in-school youth and 30% for out-of-school youth).
- Provision of additional funding and programming opportunities for ESAs for workforce and education development training for adult learners.

- Eliminating onerous eligibility requirements and allowing programs to use school lunch eligibility as the criterion for participation.
- Strengthening K-12 and economic development connections to WIA to support innovation in emerging technologies and high growth professions.

School Safety

ESAs are a critical component of school and community safety efforts. Federal and state funding, including homeland security funds, must be made available to ESAs in their effort to support the coordination and training on behalf of their schools and communities.

School Construction

- AESA supports the continuation of the Qualified School Construction Bonds and the Qualified Zone Academy Bonds, supporting new construction and remodeling of LEA and ESA facilities.
- AESA supports Congress directing bond-lending institutions to prioritize funding school construction projects.

Green Technology and Renewable Energy

AESA supports integration of green technology in America's schools, and advocates expansion of curricula that provide a foundation for "green jobs" for the 21st Century. AESA further supports renewable energy programs for America's schools that will reduce national and local dependence on fossil fuels and expand the nation's energy grid.

AESA supports federal incentives that:

- Provide competitive grants from the U.S. Department of Education for green curricula demonstration projects.
- Creates a permanent program of matching grants for LEED certified school construction or remodeling for those portions of the projects that include renewable energy.
- Creates a permanent program of matching grants for LEED certified school facilities that purchase Renewable Energy Credits.