



2011

Federal Legislative

Agenda

**Prepared by the AESA Governmental Relations Committee
January 27, 2011**

**Adopted by the AESA Executive Council
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**Attendees of the 2011
AESA Governmental Relations Committee Meeting
January 26-27 – Arlington, VA**

Cliff Carmody Committee Chair	South West/West Central Service Coop	Marshall, MN
R. Stephen Aguirre Committee Vice Chair	High Plains Regional Education Center	Raton, NM
Dee Alarcon	Solano County Office of Education	Fairfield, CA
Craig Burford	OESCA	Columbus, OH
Dee Cockrille	RESA II	Huntington, WV
Mike Cook	ESSDACK	Hutchinson, KS
Joe Crozier	Great Prairie AEA	Burlington, IA
Teri Derick	SERRC	Juneau, AK
Bruce Douglas	CREC	Hartford, CT
Craig Edmondson	ACES	North Haven, CT
Rick Everitt	PAEC	ChIPLEY, FL
Ron Fielder	Grant Wood AEA	Cedar Rapids, IA
Lindy Franks	Southwest Arkansas ESC	Hope, AR
Mary Jane Gales	Montgomery County IU	Norristown, PA
Dan Hare	Butler County ESC	Hamilton, OH
Jeremy Kovash	Lakes County Service Cooperative	Fergus Falls, MN
James Langlois	Putnam/Northern Westchester BOCES	Yorktown Heights, NY
Linda Lowe	Southeast Education Alliance	Kenansville, NC
Jack McAlpin	S-RESA	Hattiesburg, MS
Dale McCall	Colorado BOCES Association	Longmont, CO
Rob Phillips	Solano County Office of Education	Fairfield, CA
Orlenda Roberts	Pinal County Office of Education	Florence, AZ
Joan Schuman	Collaborative for Educational Services	Northampton, MA
Shay Starling	NE Florida Ed. Consortium	Palatka, FL
Margie Wallace	NW Tri-County IU	Edinboro, PA
Kelly Watts	RESA II	Huntington, WV
Sheryl Weinberg	SERRC	Juneau, AK
Bob Witten	CSIU	Lewisburg, 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's Governmental Relations Committee initiative states:

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

The overarching position of AESA is that strengthening the nation's ESA network will increase their effectiveness in serving the teachers and students of their member districts.

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

- Public education is the cornerstone of our representative democracy.
- 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.
- ESAs provide equal access to high quality education regardless of school district size, location, or demographics. 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.
- 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 are the first responders to local needs.
- ESAs provide a network of expertise and local knowledge that spans the borders of school districts.
- 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.
- 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 which provide cooperative and shared services providing efficiencies and cost savings to local education agencies.
- 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 federal policies, programs, and initiatives as follows:

- IDEA provisions should prevail when ESEA and IDEA are in conflict.
- 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.
- Educational Service Agencies (ESAs), established in state constitutions or legislation, provide cost-saving shared services and leadership to local school districts. The national

network of ESAs is recognized as the most efficient national infrastructure for capacity building, and dissemination and delivery of technical assistance aligned with local school district needs to promote equal educational opportunities for all learners.

- AESA, in support of federal initiatives to improve student learning, supports the specific designation of ESAs as eligible recipients of grants in order to carry out federal, state, and local education initiatives. AESA also supports the inclusion of ESAs as direct recipients of federal formula funding for eligible programs operated by ESAs in their states.
- Full funding for IDEA and significantly increased Title I funding before new federal education programs are considered.
- 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.
- Continued and expanded investment in existing formula and competitive grants, with a priority for IDEA and Title I.
- 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.
- 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.
- 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

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. AESA believes that ESEA resources should be primarily focused on student learning rather than excessive paperwork, reporting and staffing requirements. 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 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. Within ESEA, AESA believes:

- If ESEA is not reauthorized this year, schools must be granted significant relief from ESEA’s mandated punishments for the 2011-12 school year.
- AESA believes the mission of schools is the education of all children, and is opposed to the consolidation of Title programs that could eliminate or seriously erode support for programs at a local level, particularly for at-risk children and schools serving low income

communities, and rural and remote communities.

Title I:

ESEA funds must be carefully targeted and delivered primarily through formulas based on the percentage of poverty in a school system. Percentage of poverty should be determined by free and reduced lunch counts.

AESA believes improving the quality of standards and assessments will occur with the following actions:

- Improve the clarity and accuracy of accountability measures.
- Make testing for accountability less intrusive to instruction and less costly.
- Measure student progress by growth in achievement.
- Use multiple sources of valid and reliable information to measure achievement.
- Measure special education students in accordance with the Individualized Education Program and not subject to arbitrary percentage caps.
- Assess English language learners in a language they understand.
- Shift from emphasizing punishment in accountability to building capacity and rewarding success.
- Continue to disaggregate student outcomes and adjust for new student categories.
- Permit multiple assessment opportunities to bring students served by Title I to an acceptable performance level.
- Allow calculation of three- to six-year graduation rates, without penalty.
- Include GED as a high school credential that counts toward the graduation rate.
- Recognize alternative pathways to graduation in ESEA accountability.
- AESA supports developing and maintaining rigorous academic standards, and having expectations of growth and progress for all students, where a single test or cut score for proficiency is not the end-goal. . 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.
- 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.
 - 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 the Collection and Effective Use of Data

- Provide funding to school districts to implement and maintain data systems that would be required to acquire, collect, analyze, and disseminate the data.

- Open all data systems funded by ESEA to local administrators and teachers.
- Ensure federal funds cover the costs imposed by federal requests for data, reporting and grant application requirements, including instrument design and time required to collect the data.
- Data requirements must be instructionally sound, useful, timely and lead to improved student performance.

Title II:

AESA believes ongoing, sustained professional development is critical to systemic change and continued improvement of education professionals. The overarching position of AESA is that strengthening the nation's ESA network will increase their effectiveness in serving the teachers and students of their member districts. 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

Supports continuation of dedicated line item funding for Enhancing Education Through Technology (E2T2) programs in recognition of the importance of dedicated funding for professional development given the clear need to enhance instructional methods to improve learning for all students. Expanded and embedded use of instructional technology is critical to our nation's efforts to remain competitive in a global economy. AESA does not believe distributing funding across other titles will achieve these professional development goals.

Title III:

AESA recognizes the important role ESAs can and should play within, and as leaders of, consortia applying for and implementing Title III programs in order to maximize the funding's effectiveness, and to close the achievement gap for students who are English Language Learners.

Title IV:

AESA supports the continuation of before and after school programs, as well as the inclusion of ESAs as the lead agency under the program.

Title VI:

AESA supports increased funding for REAP to continue support for students in rural America.

- AESA strongly supports the use of free/reduced lunch data as the poverty indicator for REAP eligibility.
- AESA supports use of the updated NCES locale codes and strongly urges any reauthorization language to ensure that previously eligible LEAs remain eligible under the new locale codes.

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, whether as a stand-alone applicant or as part of a consortia.

Individuals with Disabilities Education Act (IDEA)

AESA strongly believes IDEA provisions should prevail when ESEA and IDEA are in conflict. AESA recognizes that the burden for paying for special education will continue to be shifted to local districts, forcing LEAs to raise local taxes or cut general education programs. In these difficult economic times, this remains an even bigger challenge. AESA supports maintenance of effort waivers in funding and relief of unfunded mandates when state appropriations are cut.

- AESA supports IDEA funding be mandatory at 40 percent of the national average per-pupil expenditure.
- Permit school districts to reduce local effort by up to 100 percent of federal funding increases.
- AESA supports full funding of data collection for IDEA compliance, including Part B20 child count, personnel, educational environment, discipline, state assessment, and dispute resolution.
- AESA supports equalizing educational opportunities, and recognizes the need for proportionality in the appropriation of funds for children with disabilities.
- 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.
- AESA opposes legislation that would limit the ability of local special education/IEP teams to identify and select academic and work-transition placements as part of the IEP process.

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.

- Include funding for professional development in federal mandates regarding seclusion and restraint.
- Permit engagement of parents regarding safe and appropriate seclusion and restraint in Individualized Education Plans and Behavioral Intervention Plans.
- Allow monitored seclusion and restraint as an option of last resort for students who pose a danger to themselves and others.

E-Rate

AESA believes the E-Rate Program provides important leveraging funds for education technology infrastructure to schools and libraries throughout the country.

- 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.
- 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

AESA supports simplified processes and procedures through development of a cost-effective vehicle for delivering Medicaid services and reimbursements to eligible LEAs and ESAs to support the students they serve.

- AESA supports elimination of the requirement for parental consent for Medicaid reimbursement.
- Single parental consent for Medicaid reimbursement, with annual opt out opportunity.

Choice, Not Vouchers

AESA supports alternatives within the public school system that have public oversight, are accessible to all students, are not discriminatory, and conform to state statutes

- AESA opposes federal funding to non-public schools, including special education vouchers.

Early Childhood Education

The federal government is appropriate in its role of supporting 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 recognizes that the federal government has a responsibility to address the array of social factors that have been shown to affect student achievement (including poverty, health care, housing, early education and childcare) as they work with state government and local school districts to help prepare children for success in school in their first five years of life.
- Improve access to high-quality federal child care programs for families in poverty and the working poor.
- Make sure federal support for early childhood education includes tax incentives for employers to provide support for child care and after-school care for children of all ages.
- Make early childhood education available to all children as a crucial link to reducing the achievement gap.
- Support coordination of early childhood programs regardless of funding source.
- State and local certification of child care providers, not federal certification.

Safe Schools

- AESA recognizes the importance of providing a safe learning environment for students and staff, and supports the expansion of school conduct policies to promote non-disruptive learning environments to include bullying, harassment, and cyber bullying.
- AESA supports federal policy that coordinates background checks of adults in contact with children, including development of a national database of sexual offenders and child predators that school districts can access for criminal background checks.
- Support coordination of, and communication between, existing federal and state criminal background databases.

School Construction

- ESAs should be included as eligible for Qualified Zone Academy Bonds and Qualified School Construction Bonds in order to provide necessary facilities to meet the needs of local school districts.
- ESAs should be eligible for direct-to-district federal grants and funds for school modernization, renovation, greening and new construction in order to provide necessary shared services, infrastructure, and direct instructional services for local school districts.