



2004 Federal Legislative Agenda

**Prepared by the AESA Governmental Relations Committee
January 22, 2004**

**Adopted by the AESA Executive Council
February 19, 2004**

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**Attendees of the 2004
AESA Governmental Relations Committee Meeting**

Linda Lee Arzoumanian	Pima Co. Superintendent of Schools	Tucson, AZ
Jim Baldwin	Questar III BOCES	Castleton, NY
Wayne Bell	Educational Service Unit 10	Kearney, NE
Craig E. Burford	Ohio Educational Service Center Association	Columbus, OH
David J. Calchera	EASTCONN Regional Educational Service Center	Hampton, CT
Jayne Crisp	West Kentucky Educational Collaborative	Murray, KY
Loy Dale	Educational Service District 112	Vancouver, WA
Ronald S. Fielder	Grant Wood Area Education Agency 10	Cedar Rapids, IA
Tim Gavigan	CESA #1	Brookfield, WI
Daniel Guericke	Mid-Central Education Cooperative	Platte, SD
Joe Marinelli	Wayne/Finger Lakes BOCES	Newark, NY
William H. Mayes	Huron Intermediate School District	Bad Axe, MI
Dale McCall	Centennial BOCES	Greeley, CO
Bill McKinney	Region IV Education Service Center	Houston, TX
Judith Miller	East Mississippi Center for Educational Development	Meridian, MS
Terry Munther	Educational Service District 101	Spokane, WA
Edward L. Schmitt	Multnomah Educational Service District	Portland, OR
Joan E. Schuman	Hampshire Educational Collaborative	Northampton, MA
Brent Siegrist	Iowa Area Education Agencies	Council Bluffs, IA
Don Stevens	CESA #5	Portage, WI
Joe Vermeire	Rock Island Regional Office of Education	Moline, IL
Lee Warne	Southwest/West Central Service Cooperative	Marshall, MN

Acknowledgments:

Special thanks to the Governmental Relations Committee co-chairs David Calchera, EASTCONN Regional Educational Service Center in Hampton, Connecticut and Lee Warne, Southwest/West Central Service Cooperative in Marshall, Minnesota.

AESA 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 Association'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.

- 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.
- ESAs are closer to school districts and their respective campuses than are State Education Agencies (SEAs), regional educational laboratories and universities.
- Accountability is an important aspect in school improvement. ESAs are able to assist districts with efficient and economical operational resources to provide for 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 provide districts with technical assistance. A national definition for educational service agencies should be included in each federal education law.
- 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.

- 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 and not expand upon the federal law; the intentions of the states may run counter to the federal law or limit local flexibility. The rules and regulations should not place new or onerous burdens on the SEAs, ESAs, or LEAs.
- Rules and regulations promulgated by the U.S. Department of Education and other federal agencies affecting SEAs, ESAs, and LEAs should be monitored and influenced to ensure the intent of the laws are followed.
- AESA believes that all students benefit from high quality academic and career/technical opportunities.
- AESA believes in highly qualified and adequately compensated teachers, paraprofessionals, and early childhood professionals.
- The U.S. Department of Education should remain as a federal executive agency and its role should be examined regularly to ensure its effectiveness.
- 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;
 - Identifying, disseminating and promoting new and innovative models and practices based on the foundation of 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.

AESA's Federal Legislative Positions for 2004

Reauthorization of the Individuals with Disabilities Education Act (IDEA)

The reauthorization of IDEA presents the members of AESA the opportunity to offer suggested changes to the 27 year-old law. ESAs are in a position to assist school districts with technical assistance, professional training and other services needed to comply with this law, as well as direct instruction of students.

AESA Supports:

- The federal definition of educational service agencies as found in No Child Left Behind. The definition needs to be included in the reauthorization of IDEA for clarification and consistency between this and other federal laws and regulations.

Issues Involving Resources and Funding

Total special education costs due to increased accountability, new training requirements and professional development, student assessment and catastrophic cases have dramatically increased, but the federal share of that burden has not kept pace. Additional funds are needed to meet the increased requirements of IDEA and the NCLB requirements affecting students with disabilities.

AESA Supports:

- The federal government paying its full mandated share of the costs to implement IDEA.
- Requiring States to maintain their proportionate share of the commitment made to special education funding.
- 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.
- Including 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 must be eligible to receive funds from this source for implementation, technical assistance, direct student services, and other permitted uses.
- 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.

- Retaining the current in-state formula of 80 percent (based on child count) -- 20 percent (based on poverty).
- Increased funds for Part C for early reading programs, along with greater flexibility in concert with Title I funds and programming.
- Increased funding for Part D, federal grants for professional development. In states where ESAs exist, they should be eligible for professional development and training funds.

NCLB Accountability and Assessment

AESA Supports:

- All children having the opportunity to become academically proficient. We therefore support each state having a single accountability system.

States being allowed to develop a system of exemption from their single accountability systems for those few students with severe cognitive disabilities.

Issues involving Professional Development and Licensure of Highly Qualified Personnel

AESA Supports:

- Local and state licensure and credentialing standards for paraprofessionals and professionals, and opposes the establishment of federal qualifications and/or certification and licensure.
- Appropriate professional development resources to ESAs for strengthening the skills of paraprofessionals and professionals.
- Funding for ESAs to provide alternative routes to certification.
- Recruitment and retention methods for special education professionals and paraprofessionals, such as incentives for people entering the profession through alternative regional certification programs.

Issues involving Due Process

AESA Supports:

- Requiring alternative dispute resolution, either mediation or arbitration, prior to due process as a first step. The alternative dispute resolution process will offer a faster, less costly alternative to the current burdensome complaint process.
- The requirement that prior to entering into a due process procedure, parents must notify the LEA in writing of the specific complaint(s).
- A reasonable statute of limitations on presentment of complaint(s)
- Local education agencies being able to claim attorney fees for frivolous lawsuits.

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 duplicative or redundant paper work should be the goal without jeopardizing the documentation necessary for each child.

Issues Involving Medicaid

AESA Supports:

- A major cost-effective vehicle for delivering Medicaid reimbursements to eligible LEAs and ESAs and the students they serve.
- Efforts to maintain Medicaid reimbursements for social services that schools provide to children.
- Legislation that clarifies the connection between IDEA and Medicaid.
- Requiring CMS to comply with section 1903 (C) of Title XIX, and opposes CMS's proposal to require LEAs to bill through third-parties to qualify for Medicaid reimbursement.
- Requiring that LEAs and ESAs are the payer of last resort. All other payees precede these agencies.

Reauthorization of the Carl D. Perkins Vocational and Technical Education Act

The reauthorization of the Perkins Vocational and Technical Educational Act presents the members of AESA the opportunity to offer suggested changes to the law, in particular addressing the changes needed to bring career and technical training into the new 21st century economy. ESAs are in a position to assist school districts with technical assistance, professional training, and other services needed to comply with this law. Many ESAs around the nation also provide direct instruction to students through Career and Technical Centers or high schools. These quality programs offer rigorous academic and skill based classes to all students.

AESA Supports:

- The federal definition of educational service agencies found in No Child Left Behind. The definition needs to be included in the reauthorization of the Perkins Act for clarification and consistency between this and other federal laws and regulations. ESAs operate many career and technical programs and/or schools.
- Increasing the funding and opportunity for students in grades K-12 to participate in 21st century career and technical programs.

- Supports the important connections between career and technical training high schools and post-secondary institutions.
- High academic standards and assessments consistent with No Child Left Behind applied in technical and career education programs with increased emphasis on the integration of academic and technical competencies. Students should receive quality skill training in keeping with certifications offered through nationally recognized programs and national trade associations' standards.
- Additional funding and programming opportunities for ESAs for workforce and development training for adult learners.
- State flexibility in designing and implementing technical and career programming. To meet the needs within a state or region, ESAs shall be eligible to run high quality, efficient career and technical programs.
- In-state minimum grants and pooled funding consortia to provide better delivery of career and technical services for students. In the last reauthorization, the minimum grants provision was removed. This language should be re-introduced with the threshold amount increased.
- One application process on behalf of school districts served by an ESA or consortia. These cost savings measures will allow more dollars to reach students. In states where ESAs do not exist, LEAs should be encouraged to form consortia for cost effectiveness and the reduction in paperwork.
- Increasing funds for highly qualified and technically trained teachers and support staff.
- The current funding mechanism and would oppose a new formula or proposal that moves funds from the secondary level to the post-secondary level.
- Maximum flexibility in offering a variety of classes to students, including career/technical classes and college preparation classes.

Reauthorization of the Higher Education Act (HEA)

The reauthorization of the Higher Education Act presents the members of AESA the opportunity to offer suggested changes to the law. ESAs are in a position to assist institutions of higher education (IHE) with technical assistance, professional training, and other services needed by educators to comply with NCLB, IDEA and the Perkins Vocational and Technical Education Act. Many programs within Title II of the HEA could be delivered by ESAs in consortium with or independent of IHEs. Data show that instructional programming, delivered by ESAs are more cost effective with much lower overhead costs.

ESAs can provide a more cost effective mechanism at a regional level for ongoing, long term training needs. ESAs can deliver alternative certification thereby increasing the pool of highly qualified teachers as required in NCLB and other federal laws. Delivery of such courses at the local/regional level is vitally important for school districts, especially those in rural areas, where colleges and universities are not in close proximity. It is also

critical for ESAs to assist LEAs in training teachers in critical needs areas, such as special education, math and science.

AESA Supports:

- The federal definition of educational service agencies as found in No Child Left Behind. The definition needs to be included in the reauthorization of HEA for clarification and consistency between this and other federal laws and regulations.
- Direct funding of Title II monies to assist with alternative certification programs for teachers and paraprofessional. ESAs must also be eligible to receive Stafford loans and Pell grants from students needing courses to obtain licenses and credentials as they work toward becoming highly qualified teachers and paraprofessionals.
- Expanding the definition of ‘High-need LEA’ to include rural, small schools.
- Internship/mentorship programs for future education leaders, including principals, superintendents and other LEA and ESA administrators.

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). Alternative educational systems that have public oversight and conform to state and federal laws and regulations are acceptable.

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 discriminatory.
- 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 of education receiving public funding or tuition tax credits.

- 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 that quality early childhood programs have been wise investments of public tax dollars.

AESA Supports:

- The federal definition of educational service agencies as found in No Child Left Behind. The definition needs to be included in the reauthorization of Head Start for clarification and consistency between this and other federal laws and regulations.
- Universal access to quality pre-school experiences which are coordinated and articulated with the public school in which the child will enroll.
- Alternative certification programs and quality teacher training and professional development programs for early childhood teachers and paraprofessionals. ESAs administer and operate early childhood programs and must be included in the federal definition as a provider and eligible for funding.
- 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.
- Development of appropriate assessments and curriculum programs for early childhood learners.

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) retaining jurisdiction of the E-rate program.
- The E-rate going directly to ESAs and LEAs.
- A reduction in paperwork.
- Encouraging LEAs to consolidate the application process by ESAs, especially rural and small LEAs.

National School Lunch Program

AESA supports

- To the extent possible, full inclusion of all eligible students in federal nutrition programs.
- Simplified and reduced paperwork for parents and students, which will encourage the fullest possible participation of eligible students (and schools) in the program.