



**Association of Educational Service Agencies**  
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October 26, 2009

Office of Innovation and Improvement  
Attn: Investing in Innovation Comments  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Greetings:

Please accept these comments for the proposed priorities, requirements, definitions, and selection criteria for the Investing in Education Fund, CFDA 84.396A, 84.396B, and 84.396C as published in the Federal Register, Vol. 74, No. 195, Friday, October 9, 2009.

I am writing as executive director of the Association of Educational Service Agencies on behalf of the 553 Educational Service Agencies that comprise the AESA membership.

We are requesting that the definition of Local Educational Agency (LEA) be added to the definitions section, and cite the sections of PL 107-110, the No Child Left Behind Act (NCLB) of 2001 for Educational Service Agency and Local Educational Agency

20 USC 7801 Sec. 9101 Definitions

(17) EDUCATIONAL SERVICE AGENCY.—The term ‘educational service agency’ means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

(26) LOCAL EDUCATIONAL AGENCY-

(A) IN GENERAL- 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.

(B) ADMINISTRATIVE CONTROL AND DIRECTION- The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(C) BIA SCHOOLS- The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

(D) EDUCATIONAL SERVICE AGENCIES- The term includes educational service agencies and consortia of those agencies.

We believe the inclusion of these definitions from NCLB will clarify that Educational Service Agencies as defined by Congress and recognized by Congress in the definition of LEAs will eliminate any question in the field, or within the Department of Education, regarding the eligibility of ESAs to apply under this program.

Thank you for your consideration of this request.

Sincerely Yours,

Brian L. Talbott, Ph.D.  
Executive Director