



**2016**

**Federal Legislative**

**Agenda**

**Prepared by the AESA Governmental Relations Committee  
January 19 & 20, 2016**

***Association of Educational Service Agencies  
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**Attendees of the 2016  
AESA Governmental Relations Committee Meeting  
January 19 & 20 – Arlington, VA**

Mike Cook - Chair	ESSDACK	Hutchinson, KS
Jeff West – V. Chair	ESU 13	Scottsbluff, NE
Irene Dearman	S-RESA	Hattiesburg, MS
Jack McAlpin	S-RESA	Hattiesburg, MS
Valentina Viletto	Montgomery County IU	Norristown, PA
Dale McCall	CO BOCES Assn	Longmont, CO
Sheryl Weinberg	SERRC	Juneau, AK
Stephen Theall	MOEC	Dedham, MA
Joanne Haley Sullivan	NR Collaborative	Rockland, MA
Tim Carter	Yavapai County	Prescott, AZ
Jerry Maze	ESC 12	Waco, TX
Charles Khoury	Ulster BOCES	New Paltz, NY
Jeremy Biehl	CESA 5	Portage, WI
Cliff Carmody	SW/WC Service Cooperative	Marshall, MN
Thomas Danehy	ACES	North Haven, CT
Gayle Garbolino-Mojica	Placer COE	Auburn, CA
Tim Grieves	NW AEA	Sioux City, IA
Kevin Ivers	Berrien RESA	Berrien Springs, MI
Mario Jaramillo	Reg. Ed. Coop.	Albuquerque, NM
Lisa Meade	PAIU	Enola, PA
Leigh Ann Putman	Metro RESA	Smyrna, GA
Suzanne Riley	SE Service Cooperative	Rochester, MN
Loraine Saffer	SE BOCES	Lamar, CO
Edward Schoenfelt	NWIESC	Chesterton, IN
Paula Vincent	Heartland AEA	Johnston, IA
Gordon Taylor	Region 10 ESC	Richardson, TX

**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 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.

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 educational service agencies in education guided by the following principles:

- 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.
- ESAs and their role must be consistently 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 uniquely positioned to leverage federal, state and local resources to meet the needs of public and private schools to improve student learning.
- Educational Service Agencies – 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 education agencies and students.
- ESAs should receive direct funding from all federal education formulas and grants in order to carry out federal, state and local education initiatives.
- 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 the first responders to local needs. ESAs are closer to school districts and their respective campuses than are State Education Agencies (SEAs), regional educational laboratories, and/or universities.
- ESAs provide a network of expertise and local knowledge that transcends the borders of school districts.
- ESAs are efficient delivery models for education services at the local, regional and state level.
- AESA supports federal incentives to promote cost effective consortia which provide cooperative and shared services providing efficiencies and cost savings.

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

- 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 eligible recipients of federal formula funding for programs operated by ESAs in their states.
- AESA believes that ESAs play a key role in the development and implementation of research-based programs identifying, disseminating and promoting new and innovative models and practices.
- AESA believes IDEA provisions should prevail when ESSA and IDEA are in conflict.
- AESA supports monitoring and oversight of rules, regulations, and guidance promulgated by the U.S. Department of Education and other federal agencies affecting SEAs, ESAs, and LEAs to avoid new, unfunded requirements.
- AESA supports expanding the application of the definition of Educational Service Agencies (ESAs) in the

ESSA. 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.”
- AESA supports increasing student success and providing all students with a relevant secondary education experience that prepares them to be college and career ready.

### **Funding Issues:**

AESA believes strongly that education is the best investment for economic development.

*AESA supports:*

- 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.
- Continued and expanded investment in existing funding formulas with a priority for IDEA and Title I programs.
- Priority being given in competitive grants for federal flagship formula programs, including Title I and IDEA before funding is made available for “new” competitive grants. Funding of new competitive grants should not be at the expense of existing effective programs.
- Insuring that ESAs be an eligible entity for all federal funding / grants as an effective and efficient method of delivery.
- 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 ESSA.
- That any federal reporting requirements should not become an unfunded mandate.
- The funding of Career and Technical programs and creating eligibility of all ESAs for this funding.
- Preserving the educational investment to the greatest extent possible during the deficit reduction process.
- The idea that flexibilities, afforded to state and federal government (especially as it relates to Maintenance of Effort), should be available at the state and local level.

*AESA opposes:*

- Block grants for any set-asides since one size does not fit all circumstances.

### **Individuals with Disabilities Education Act (IDEA)**

AESA strongly believes IDEA provisions should prevail when ESSA and IDEA are in conflict.

*AESA supports:*

- IDEA full federal funding at the authorized 40 percent of the national average per-pupil expenditure and believes that such funding be mandatory.
- Flexibilities afforded to the state and federal government—especially as it relates to IDEA Maintenance of Effort—must be available at the local level. AESA supports local waiver flexibility for IDEA MoE.
- The reduction and full funding of data collection for IDEA compliance.
- Modifying IDEA to ensure that the district of residence—not the district of enrollment—be responsible for child-find and other related activities as it relates to parentally placed private school students, as was the case in the 1997 IDEA law.
- A more proactive, student-centered approach to addressing disputes in special education that combines IEP facilitation with a special education consultancy.

*AESA opposes:*

- Any 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.

### **E-Rate**

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

*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.
- 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.
- Encourage LEA's to work with their ESA as a consultant in the application process or provide the connectivity and related technical support.

*AESA opposes:*

- The use of the E-Rate funding to support pilot programs and other eligibility expansions.

### **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 supports choice, within the public school system, where eligible entities receiving public dollars are subject to the same accountability, reporting, transparency, acceptance and attrition, requirements as traditional public schools.

*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 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:*

- Providing federal support for early childhood education that includes tax incentives for employers to provide support for childcare and after-school care for children of all ages.
- The coordination of early childhood programs regardless of funding source.
- State certification of child care providers, as opposed to federal certification.
- All efforts to maintain Medicaid reimbursements for services that schools provide to children.
- 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 use of developmentally appropriate assessments and curriculum programs for early childhood learners.

### **Safe Schools**

AESA recognizes the importance of providing a safe learning environment for students and staff.

*AESA supports:*

- The expansion of school conduct policies to promote non-disruptive learning environments to include bullying, harassment, and cyber bullying.
- States developing anti-bullying policies.

- 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 states, ESAs and school districts can access for criminal background checks at no cost.
- The coordination of, and communication between, existing federal and state criminal background databases.

AESA believes that mental health is a component of school safety.

*AESA supports:*

- Adequate funding to local schools and districts to provide the support needed to address each school's mental health needs, including support for pupil services personnel.
- Making ESAs eligible for funding to provide assistance to local school districts that work to address the mental health needs of their students and communities.
- Full federal funding for existing programs related to school and student safety including but not limited to Project Serve, REMS, COPS, Safe and Drug Free Schools and Safe and Healthy Students. ESAs must be an eligible for receiving these funds and federal policy must be flexible in allowable use including mental health services, school infrastructure, school resource officers and more.

### **School Construction**

*AESA supports:*

- Legislation that includes ESAs 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.
- Legislation that enables ESAs to be eligible for direct-to-district federal grants and funds for school and facility modernization, renovation, greening and new construction.

### **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.
- Any 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.

### **Secure Rural Schools and Communities Self Determination Act**

AESA recognizes the challenges of school districts located in federal forest counties therefore *AESA supports*

- The continuation of the safety-net legislation to ensure a consistent funding stream for these school districts.
- Congressional action to pass a temporary emergency extension of the program to provide the impacted school districts the certainty they need to continue their work.
- Recognition by Congress that the provision of funding must be timely, comprehensive and multi-year.
- The belief that any reauthorization of the Secure Rural Schools and Communities Self-Determination Act, absent full funding, should treat all states slated to lose funding fairly, allowing for an equal ramp down in all impacted states.

### **Student Data and Privacy**

*AESA supports:*

- Providing coherent and easy-to-understand guidance for parents and educators regarding FERPA, PPRA, and COPPA and their protections of the privacy and security of student data.
- Updating definitions to address the realities of the digital age, making it possible to protect data while ensuring appropriate use of student data for legitimate educational needs and reforms.
- Insuring that all entities including vendors, should be held responsible for the data they safeguard.

### **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 (IHEs) with technical assistance, professional training, and other services needed by educators to comply with NCLB, IDEA and the Perkins Career 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 is 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. Many ESAs deliver alternative certification thereby increasing the pool of highly qualified teachers as required in NCLB, IDEA 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 crucial for ESAs to assist LEAs in training teachers in critical needs areas, such as special education, math and science.

*AESA supports:*

- Direct funding to ESAs of Title II monies to assist with alternative certification programs for teachers and paraprofessionals. Participants in alternative certification and licensure programs should be eligible for federal student loan assistance. ESAs must 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.
- Evaluation of alternative licensure and certification programs in the same way that traditional licensure and certification programs are evaluated.
- Internship/mentorship programs for future education leaders, including principals, superintendents and other LEA and ESA administrators.
- Allowing ESAs to be the principal fiscal agent for IHE/ESA partnership grants. This will maximize the use of funding available to the programs supported by these grants.

**Perkins Career and Technical Education (CTE)**

*AESA supports:*

- Maintain current formula for distributing funds as well as minimum grant allocations. (with additional funding for small / rural schools working within an ESA collaboration)
- Keep separate Perkins funding streams for secondary and post-secondary systems.
- Encourage partnerships with higher-ed and economic development councils.
- Oppose efforts to narrow uses of Perkins funds to specific industries.
- Encourage ESAs and districts to work with industry councils to ensure CTE programs are credible and relevant.
- Provide funding to ensure districts offer career-planning and counseling to all students.
- Reduce the data collection burden requirements in Perkins and focus on amassing appropriate, existing information to determine effectiveness of CTE programs and students.
- AESA supports regional ESA collaborative CTE partnerships.

**Child Nutrition**

*AESA supports:*

- Increase flexibility in nutrition standards, especially in regards to the whole grain requirement, sodium limits, fruit and vegetable requirement and a la carte restrictions for paid entrees.
- Oppose the increased requirement of verification for Free and Reduced Price Lunch eligibility
- Reduce burdensome paperwork requirements throughout the child nutrition program.
- Support the provision of seamless summer meals and the allowance for ESAs to provide afterschool and summer meals.
- Support the addition of a snack to child care programs.

**Affordable Care Act**

*AESA supports:*

- Define full-time, as it relates to a benchmark for providing work benefits, as 40 hours per week. AESA opposes any definition of 'full time' that uses less than 40 hours per week.
- Ensure that implementation of the excise (Cadillac) tax does not disproportionately or negatively impact the ability of educational service agencies/school districts to provide staff and personnel robust health benefits.