



# 2014 Federal Legislative Agenda

Prepared by the AESA Governmental Relations Committee  
January 22 & 23, 2014

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**Attendees of the 2014  
AESA Governmental Relations Committee Meeting  
January 22 & 23 – Arlington, VA**

<b>Stephen Aguirre</b>	<b>HP REC</b>	<b>Raton, NM</b>
<b>Doug Deragisch</b>	<b>South West/West Central Service Coop</b>	<b>Marshall, MN</b>
<b>Irene Dearman</b>	<b>S-RESA</b>	<b>Hattiesburg, MS</b>
<b>Teri Dierick</b>	<b>SERRC</b>	<b>Juneau, AK</b>
<b>Jack McAlpin</b>	<b>S-RESA</b>	<b>Hattiesburg, MS</b>
<b>Dale McCall</b>	<b>CO BOCES Association</b>	<b>Longmont, CO</b>
<b>Joan Schuman</b>	<b>Collaborative for Educational Services</b>	<b>Northampton, MA</b>
<b>Valentina Viletto</b>	<b>Montgomery County IU</b>	<b>Norristown, PA</b>
<b>Sheryl Weinberg</b>	<b>SERRC</b>	<b>Juneau, AK</b>
<b>Stephen Theall</b>	<b>MOEC</b>	<b>Dedham, MA</b>
<b>Tim Carter</b>	<b>Yavapai County</b>	<b>Prescott, AZ</b>
<b>Jerry Maze</b>	<b>ESC 12</b>	<b>Waco, TX</b>
<b>Joe Silva</b>	<b>Tuolumne County</b>	<b>Sonora, CA</b>
<b>Lee Warne</b>	<b>AESA</b>	<b>Marshall, MN</b>
<b>Peter Young</b>	<b>AESA</b>	<b>Branford, CT</b>

**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 ESEA 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 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.”

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.

AESA supports full funding for IDEA and significantly increased Title I funding before new federal education programs are considered. Continued and expanded investment in existing formulas with a priority for IDEA and Title I.

Competitive grants should be directed first toward federal flagship formula programs, including Title I and IDEA. Funding made available for “new” competitive grants should not be at the expense of existing formulas.

AESA believes that ESAs must be an eligible entity for all federal funding / grants as an effective and efficient method of delivery.

AESA supports 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.

AESA believes that federal reporting requirements should not become an unfunded mandate.

AESA supports the funding of Career and Technical programs and creating eligibility of all ESAs for this funding.

AESA supports preserving the educational investment to the greatest extent possible during the deficit reduction process.

Sequestration is a blunt approach that results in disproportionate impact on education and

should be avoided at all costs because it is bad policy.

AESA promotes 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.

### **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. 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 reauthorization and is opposed to waivers. If ESEA is not reauthorized this year, schools must be granted significant relief from ESEA's mandated sanctions.

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.

Accountability is an important aspect in school improvement. ESAs are best positioned to provide efficient and economical resources to support school accountability and improvement.

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:

#### **Title I:**

ESEA funds must be carefully targeted and delivered 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 assessments 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.
- Use appropriate assessments to determine the growth of English language learners' achievement.
- Balance accountability sanctions with building capacity and rewarding success.
- Continue to disaggregate student outcomes based on currently defined subgroups.
- Allow calculation of three- to six-year graduation rates, without penalty.
- Recognize alternative pathways such as GED that counts toward graduation in ESEA accountability.
- The primary responsibility for setting standards in education rests with the states.
- Increase the effectiveness of assessments for accountability to provide instructionally useful information to improve student achievement. 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. Where possible, all students with disabilities should be included within the assessment system at academically appropriate levels with fair application of caps.

- 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.

### **Improving the Collection and Effective Use of Data**

Provide funding to state and local education agencies, including educational service agencies to support and maintain data systems.

Federal requests for data, reporting and grant application requirements, including instrument design and time required to collect the data should be federally funded.

### **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/ licensure opportunities. States should work alongside their existing ESA networks to achieve these issues.

AESA believes in the critical importance of teacher preparation and development and believes that the title structure of ESEA must be maintained.

States should be left to define what constitutes a highly effective educator and to determine an educator evaluation system.

The federal government should provide incentives to support the recruitment and retention of educators in hard-to-staff positions.

States should determine allowable alternative routes to licensure or certification for educators.

### **Title II, Part D – Education Technology**

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.

AESA supports funding that will enhance technology, computer and communication technology products, services, or tools including, but not limited to, technology equipment for classroom usage, Internet and other communications networks, computing devices and other computing and communications hardware, and software applications, data systems and other digital content, and data storage.

### **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 effectiveness, and to close the achievement gap for students who are English Language Learners.

ESAs should be able to access funding to implement title III programs.

ESAs should be designated as providers of professional development for ELL educators.

**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.

AESA supports flexibility to provide expanded learning opportunities after school and summer.

AESA supports continued funding for 21<sup>st</sup> Century Community Learning Centers.

ESAs should be eligible to form consortia and/or receive funding directly under all ESEA titles.

**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.

AESA supports current structure of the program including the rural and low income program as well as the small and rural program with its direct to district funding program.

**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 at the state and federal level 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 supports IDEA full federal funding at the authorized 40 percent of the national average per-pupil expenditure and believes that such funding be mandatory.

AESA believes 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 supports the reduction and full funding of data collection for IDEA compliance.

AESA supports 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.

Appropriate seclusion and restraint should be allowed to be included within a student's Individualized Education Program.

AESA believes there is no need for federal intervention of the seclusion and restraint of students. This should be a state and local responsibility.

**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.

AESA supports the full funding of Priority 1 and increasing the cap to allow for further funding of Priority 2.

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

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.

### **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 therefore supports:

- Improve access through funding and seats to high-quality federal child care programs for families in poverty and the working poor.
- Provide federal support for early childhood education that includes tax incentives for employers to provide support for child care and after-school care for children of all ages.
- Support coordination of early childhood programs regardless of funding source.
- Support state certification of child care providers, not federal certification.
- A major cost-effective vehicle for delivering Medicaid reimbursements to eligible LEAs and the students they serve.
- Efforts to maintain Medicaid reimbursements for services that schools provide to children.
- Promotion of rules and regulations that impact ESAs and the districts they serve.

### **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 states development of bullying policy by state.

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 at no cost.

AESA supports coordination of, and communication between, existing federal and state criminal background databases.

AESA believes that mental health is a component of school safety. Schools need to be adequately funded to provide the support needed for schools mental health needs, including support for pupil services personnel. ESAs should be eligible for such funding in order to provide assistance to local school districts.

AESA supports 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**

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 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.
- 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.

### **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.

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

AESA recognizes the challenges of school districts located in federal forest counties and urges the continuation of the safety-net legislation to ensure a consistent funding stream for these school districts. Until a full reauthorization can be passed, AESA urges Congress to pass a temporary emergency extension of the program to provide the impacted school districts the certainty they need to continue their work. In addition, AESA strongly believes that any full reauthorization of the Secure Rural Schools and Communities Self-Determination Act should treat all states slated to lose funding fairly, allowing for an equal ramp down in all impacted states.