



2023 Annual Federal Legislative Agenda

Introduction:

AESA advocates for its members' federal legislative priorities as outlined in this legislative agenda. AESA's annual legislative agenda is drafted by the AESA Federal Advocacy Committee and is approved by the Executive Council. The legislative agenda drives our advocacy at the federal level to build federal policy that broadly strengthens and supports ESAs and public education.

Responding to Student Need Due to Emergencies

AESA believes that the nation's ESAs have a critical role in emergency preparedness, response, and revitalization. They continue to fulfill this role as ESAs and LEAs continue to address student needs in response to COVID-19. The federal response to emergencies must include the following:

- Mental health support and services for students, staff, and educators, allowing ESAs/LEAs and SEAs to help address serious trauma and mental health crises stemming from the pandemic. Remote/telehealth services must be fully reimbursable.
- Priority for ensuring states do not use emergency education dollars to backfill state budget cuts. Flexibility to state and local education agencies to temporarily suspend, reduce and/or redesign assessment and accountability.
- Flexibility for ESAs/LEAs and SEAs to expand, revise and modify their school/academic calendars to address learning acceleration (learning loss) best. This could include, but is not limited to, extended day, broader access to summer learning, expanded integration of online learning, hybrid learning, and year-round school, among others (and related guidance).
- Keeping schools open during emergencies is dependent upon the availability of ready and willing school personnel.

Mental Health and Social/Emotional Readiness

Policies must balance academic and non-academic factors in both the design and evaluation. The well-being and success of the whole child include social, emotional, behavioral, physical, and mental health. Schools and school policy must acknowledge the importance of ensuring that schools, staff, and students have access to mental health and SEL supports, services, and programs, including support for students to come to school ready to learn.

- Support a multi-pronged approach to federal policy relating to mental health and SEL. First, the policy should enable ESAs to engage both proactively and responsively, working as much to address and prevent as to resolve and mitigate. Second, federal policy must include investment via appropriations.
- Support increased investment in mental health-related programming, including increasing the reimbursement process's effectiveness under Medicaid and investment in ESSA Title IV.
- Recognize that training for mental health and SEL-related supports and programs should be

available to mental health professionals and educators alike.

- Support continued investment in the 21st Century Community Learning Centers and reduce paperwork burden and access for new applicants.
- Support policies and resources aimed at increasing the prevalence of evidence-based social-emotional and mental health professional development opportunities for educators and staff.

IDEA: Individuals with Disabilities Education Act and Medicaid

IDEA defines the role of the federal government in K-12 special education. The scope and severity of physical, cognitive, and emotional needs that ESAs and LEAs must address for the students they serve under IDEA continue to grow. Congress' failure to fully fund IDEA represents an unfunded mandate on state and local communities that impacts our most vulnerable children and the ability of ESAs to implement the law. It was designed to level the playing field for a historically disadvantaged population, students with disabilities, to ensure equitable access to high-quality educational opportunities. Advocacy around IDEA will relate to the authorization of the underlying statute and the annual appropriations process.

- Strongly urge Congress to meet its commitment to provide 40% of the additional cost associated with educating students with disabilities. AESA supports full funding of IDEA in both the short-term (through annual appropriations) and long-term (through stand-alone legislation providing a path to meet the 40% commitment). In addition, AESA supports a long-term coordinated campaign to fully fund federal IDEA legislation.
- Protect Medicaid in schools. As part of their work in implementing IDEA, ESAs and the schools they serve may provide Medicaid-eligible services and, as such, remain eligible to receive reimbursement. Support clarity to state agencies that federal policy currently allows schools and ESAs to seek and receive Medicaid reimbursement for school-based healthcare services, including mental health services, provided to students without an IEP.
- Support legislation and policy relief that will increase the effectiveness and efficiency of Medicaid in schools in terms of scope of access to students and paperwork/administrative burden to schools.
- Ensure appropriate mental health services in schools are reimbursable under Medicaid.

Education Personnel Shortages

ESAs and the schools they serve are constantly working to ensure they have effective employees. However, public school systems and ESAs currently face a nationwide education personnel shortage. AESA remains committed to the broader systemic conversation about education personnel shortages. AESA also supports a review and strengthening of educator retention patterns and pathways, both alternative and traditional, including analysis of high-needs schools and teacher diversity.

- Allow all prep/licensure candidates to be eligible for federal student loans and grants, including alternative licensure programs that meet rigorous standards.
- Enable ESAs to serve as educator licensing entities.
- Ensure flexibility of federal grants and loans for educators and educator candidates regardless of age or current school enrollment.
- Simplify the application and access procedures for the public service loan forgiveness programs.
- Protect and expand public service loan forgiveness programs for all educators and related service providers.
- Support incentives and programs to prepare, recruit, and retain high-quality educators through student loan forgiveness proposals, Public Service Loan Forgiveness, TEACH,

- Teacher Quality Partnership Grants, and Grow Your Own Program.
- Protect and preserve student aid (grants and loans) programs aimed at future educators and related service providers.
- Support federal higher education policy that accomplishes the following:
 - Ensures ESAs are eligible for grants.
 - Ensures ESAs coordinate collaboration with PK-16.
 - Supports programs that assist and develop students entering and completing college and post-secondary programs.
 - Ensures capacity of credentialed and specialized programs to support the pipeline of students into related service provider roles.
- Incentivize increased salaries for educators and related service providers in rural areas.
- Incentivize increased salaries for school health staff (e.g., mental health/SEL, school counselors, psychologists, nurses, and teachers of SWDs).
- Support policies aimed at increasing educator and related service providers' diversity.
- Support full resolution to the educational impacts of federal immigration law, including mitigating any impact on school site safety, safety for students (enroute or in school), and its impact on educator and related service provider shortages.
- Take action to address the specific shortages of bus drivers and other pupil transportation service providers.

Education Technology/E-Rate

Education technology, including connectivity, equipment, and professional development for educators, is critical to AESA's support of educational equity and opportunity. Therefore, AESA supports E-Rate and Lifeline as essential components of federal support for ESAs, schools, libraries, and the students they serve.

- Protect and expand funding, including continued opposition to any efforts to institute a funding cap or per-pupil allocation for E-Rate.
- Ensure implementation of the Universal Service Fund (USF) and its programs as distinct and independent programs not in competition with each other.
- Support expansion of E-Rate eligible services list to include cybersecurity protections and related expenses with appropriate additional funding support.
- Ensure funding to support ESAs in ongoing efforts to respond to cybersecurity threats and breaches, including technology, training, and infrastructure updates.
- Support FCC/USAC appointees who support E-Rate.
- Expand the scope of services from infrastructure to the classroom and the home for distance learning opportunities.
- Protect the ability of schools, libraries, and ESAs to continue to provide affordable, equitable access to broadband and content to students and ensure that federal policy allows 24-hour learners to have 24-hour access.
- Preserve vendors' ability to recoup E-Rate discount funding on one-time, special construction costs, all in the first year of a contract.
- Support for continued investment in the connectivity fund to ensure students and staff have uninterrupted access in scenarios to support remote learning.
- Support leveraging additional program and funding streams to better address remaining middle and final mile challenges to connectivity.

Schools have always collected a wide range of data, from enrollment information and student performance to health and disciplinary records. This data allows educators, school leaders, and the community to have a glimpse at how the schools and students are doing and to inform teaching and learning. While increased data use can transform education by empowering students and teachers to expand learning in ways they couldn't before the evolution of digital technology, it also has the potential to put sensitive student information at risk. Effective policies can help curtail some of the risks accompanying student data collection and ensure that data is used ethically to support learning.

- Support reauthorization of FERPA to include clear and updated language aligned with existing laws and regulations that schools are following.
- Provide coherent and easy-to-understand guidance for parents and educators regarding FERPA, PPRA, and COPPA and their protection of student data privacy and security.
- Update definitions to address current realities, making it possible to protect data while ensuring appropriate student data use for legitimate educational needs.
- Secure joint guidance from the U.S. Depts. of Health and Human Services and Education regarding the overlap of HIPAA and FERPA laws.
- Oppose federal language that would restrict local education administrators and staff designees' ability to share information with and from appropriate agencies as necessary.
- Support legislation that recognizes both schools and vendors (among others) have responsibilities related to student data and privacy and ensures that all players are held appropriately accountable.
- Data collected for and around education and students is multi-faceted and multi-functional. Therefore, federal policy addressing student data privacy cannot inhibit district access to data for student learning, safety and well-being, and district operations.

Supporting Rural Education

AESA supports federal policies and funding proposals to increase equity in student outcomes regardless of geographic location.

- Support increased investment in rural education services through the Rural Education Achievement Program (REAP) Title VI of the Elementary and Secondary Education Act.
- Secure Rural Schools provides funding for ESAs, schools, and communities that find a portion of their land unavailable for generating revenues or taxes, given the presence of federal lands. The presence of federal land means the community has reduced the ability to generate property taxes (a common source of funding for schools). SRS helps fill some of the void, funding that is especially critical in these rural communities, where a significant portion (sometimes nearing 90%!) of their land is federally held and not subject to the normal state and local taxation.
 - Advocate for long-term dedicated SRS funding for 5-10 years.
 - Support retroactive appropriations to ensure no disruption in funding.

Appropriations

Public education represents one of our nation's earliest forms of equitable access to public infrastructure and, as such, requires continued support and investment from the federal level. In addition, public education ensures that our nation's students are prepared to be engaged community learners.

- Support significant fiscal investment designed to flexibly allow local education leaders to make decisions and implement the plans necessary to safely operate schools for students and staff.
- Oppose competitive allocations, including vouchers and tax schemes.

- Support prioritization of investment in federal flagship programs targeted via equity and opportunity, including ESSA Title I and IDEA.
- Oppose efforts to privatize federal investment in education since public funds should not be used for private purposes.
- Support increased investments in programs that support educator development and training (including ESSA Title II), mental health supports, education technology, and well-rounded education (including IDEA and ESSA Title IV).
- Federal funding supports education and education-adjacent programs, and those funds must flow through LEA/ESA-facing entities as closely as possible.
- Support equitable federal funding mechanisms, including critical federal programs like Title I and IDEA, as well as a commitment to research and revise alternative poverty indicators within federal education programs.
- Ensure ESAs are explicitly listed as eligible entities in federal education programs.

Career and Technical Education

ESAs work to ensure all students graduate college and career ready. CTE is the backbone of ESAs' ability to prepare students for a career or additional career-specific training in the K12 setting.

- Provide and expand funding for career pathways for all students.
- Increase opportunities consistent with the expansion of dual enrollment, TRIO, and GEAR-up programs.
- Ensure equity of CTE opportunities by supporting rural and urban community college partnerships.
- Support the continuation of federal policies that allow ESAs to regionalize CTE to ensure opportunities for all students. Specifically, the federal government must continue to support consortiums through fiduciary, professional development, and stackable credentialing policies.
- Support ESAs leading the collaboration between multi-layered education systems and be the link between K-12, higher education, and career pathways.

ESSA: Every Student Succeeds Act

ESSA establishes a role for the federal government in K12 education. Designed to level the playing field for a historically disadvantaged population, students in poverty, ESSA was signed into law in 2015. It represents a significant return to the empowerment of state and local education agencies and education professionals related to education, program design, implementation, and students.

- Ensure ESAs continue to work with states to maximize flexibility in ESSA implementation.
- Support state plans that include a defined role for ESAs within their workbook/plan.
- Oppose the use of any voucher program, including but not limited to education scholarships, education savings accounts, and tuition tax credits.

Inclusive Early Childhood Education

Just as ESAs and the schools they serve must be ready for all the students they enroll, so must the students be ready (academically, emotionally, and socially) to learn.

- Protect and expand funding for Head Start, Early Head Start, and the Child Care and Development Block Grant.
- Provide access to robust early education (birth to age five), particularly for students in high-need/low-income situations. It is a critical component of building a strong education continuum.
- Support mental health and trauma-informed services to young children (birth through kindergarten enrollment).