

2022 Annual Federal Legislative Agenda

Introduction:

The Association of Educational Service Agencies (AESAs) represents its members on federal legislative issues. To do so, it operates with Legislative Policy Priorities and an Annual Federal Legislative Agenda. The Federal Legislative Policy Priorities are subject to regular review by the federal advocacy committee and approved by the Executive Council. The Annual Federal Legislative Agenda allows the organization to identify, pivot, and respond to emerging federal discussions, especially those that affect ESAs and AESAs's Federal Legislative Policy Priorities. The Annual Federal Legislative Agenda is recommended by the Federal Advocacy Committee to the Executive Council for approval each calendar year.

Responding to the COVID-19 Pandemic

The enduring nature of the COVID-19 pandemic will require continued monitoring and response from the federal government, including support for public education and education service agencies. Given the unique position of educational service agencies (ESAs) in supporting both state and local education agencies (SEA / LEA), it is critical that any federal emergency funding intended to be available for ESAs be available as efficiently and flexibly as possible. This includes providing federal funding directly to ESAs.

- Federal response to the COVID pandemic must include:
 - Mental health supports and services for students, staff, and educators, allowing ESAs/LEAs and SEAs to help address the serious trauma and mental health crises stemming from the pandemic. Remote/telehealth services must be fully reimbursable.
 - Priority for holding states accountable for not using emergency education dollars to backfill state budget cuts. AESA supports a high bar for states asking to waive their maintenance of effort requirement coupled with a need to ensure that states' maintenance of effort flexibility is similarly available for districts. This is a critical protection to ensure federal dollars provide the relief as intended at the local level.
 - Flexibility to state and local education agencies to suspend, reduce and/or redesign assessment and accountability.
 - Flexibility for ESAs/LEAs and SEAs to expand, revise and modify their school/academic calendars to best address learning acceleration (learning loss). 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).
- Ongoing work to keep schools open during the pandemic is dependent upon the availability of ready and willing school personnel. Federal efforts to support local education agencies with their teacher and staffing needs must include:
 - Increased annual investment in Title II of ESSA, which is critical to ongoing educator development and training needs to ensure educators have the professional knowledge to adjust their teaching to changing learning environments predicated by the pandemic.
 - Support efforts addressing student learning acceleration (learning loss) through the deployment of support teachers and tutors.

- The Centers for Medicare and Medicaid should actively engage district stakeholders in updating technical assistance and guidance to enable every district to access Medicaid reimbursement for much-needed critical mental health services for (all eligible) children.
- Allowing ESAs (and the LEAs they support) to help administer vaccines, coordinate vaccine distribution, and serve other related community-health center roles specific to vaccine distribution and administration, and coordinate between *USED, HHS, FDA, and CDC* as it relates to vaccine rollout.
- Support extension of ARP timeline to allow schools to spend funds more responsibly and efficiently.
- Federal efforts to continue to support ESAs enduring the pandemic must include extension of school meal waivers currently enacted through the 2022-2023 school year.

Mental Health and Social/Emotional Readiness

Policies must balance academic and non-academic factors in both the design and evaluation of its proposals. The well-being and success of the whole child includes 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 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. The policy should enable ESAs to engage both proactively and responsively, working as much to address and prevent as to resolve and mitigate. 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-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.
- It is critical that federal policy and funding anticipate the pandemic's long-term impacts on students and staff as it relates to mental health needs and the related enduring needs for federal support.

IDEA: Individuals with Disabilities Education Act and Medicaid

IDEA defines the role of the federal government in K-12 special education. Congress' failure to fully fund IDEA represents an unfunded mandate on state and local communities that impacts both 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 both 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). 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, both 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 are currently facing a nationwide education personnel shortage. AESA remains committed to the broader systemic conversation about education personnel shortages. AESA also supports a review of educator retention patterns and pathways, both alternative and traditional, including analysis on high-needs schools and teacher diversity.

- Allow all prep/licensure candidates to be eligible for federal student loans and grants, including alternative licensure programs.
- 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.
- Protect and preserve student aid (grants and loan) 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., 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.
- Ensure federal policy allows expansion or diversification of school health staffing patterns to allow ESAs/LEAs to appropriately respond to COVID while also addressing other student health and wellness needs.
- Take action to address the specific shortages of bus drivers and other pupil transportation service providers. Such policies could include: delay of the Entry-Level Driver Training (ELDT rule); allowing for 3rd party administration of the skills and knowledge tests; creating an entry level CDL in school transportation; and a one-year exemption to social security earning limitation.

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. The E-Rate program single-handedly transformed technology's role in classrooms and libraries across the country by supporting the expansion of internet connectivity. As modernized in 2014, the Lifeline program represents an opportunity for beneficiaries to access the Internet at home; thereby, helping to address and eliminate the homework gap. There is an ever-growing demand for connectivity and bandwidth. E-Rate and Lifeline remain critical components of federal support for ESAs, schools, and 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 ESA 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.

Student Data and Privacy

Schools have always collected a wide range of data, detailing things from enrollment information and student performance to health and disciplinary records, to allow 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 has the potential to 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 that accompany 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, PPRRA, 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) has responsibilities related to student data and privacy and ensures that all players are held appropriately accountable.

Secure Rural Schools

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 regular state and local taxation.

- Advocate for long-term dedicated funding for 5-10 years.
- Support retroactive appropriations to ensure no disruption in funding.

Rural Education

In light of the increasing struggles of rural education in America, AESA supports federal policies and funding proposals to increase equity in student outcomes regardless of geographic location. Specifically, AESA supports the following proposals to support rural education service agencies and the schools, students, and communities they serve.

- Support increased investment for rural education services through Title V of the Elementary and Secondary Education Act.
- Support incentives and programs to prepare, recruit, and retain high-quality educators through student loan forgiveness proposals, Public Service Loan Forgiveness, TEACH and Teacher Quality Partnership Grants, and Grow Your Own Program.
- Support Additional resources and programs that prepare rural educators to teach diverse student populations (i.e., SWDs, ELLs, and other historically disadvantaged student groups).
- Support policies and resources aimed at increasing the prevalence of evidence-based social-emotional and mental health professional development opportunities for rural educators and staff.

Appropriations

Public education represents one of our nation's earliest forms of public infrastructure and requires continued support and investment from the federal level. Public education works to ensure 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 the decisions and implement the plans necessary to safely open and 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) and mental health supports, education technology, and well-rounded education (including IDEA and ESSA Title IV).
- As federal funding supports education and education-adjacent programs, funds must flow through LEA/ESA-facing entities as closely as possible.
- Support equitable federal funding mechanisms, including key federal programs like Title I and IDEA, as well as a commit to research and revise alternative poverty indicators within federal education programs.
- Ensure ESAs are explicitly listed as eligible entities in federal education programs.
- Ensure any federal investment in K-12 infrastructure includes ESAs.

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 collaboration between multi-layered education systems, as ESAs, can be a 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.

Early Childhood Education

Just as ESAs and the schools they serve must be ready for the students they enroll, so too 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 to building a strong education continuum.
- Support provision of mental health and trauma-informed services to young children (birth through kindergarten enrollment).