



States Partnering with Educational Service Agencies to Increase Capacity, Coherence, and Equity

THE COUNCIL OF CHIEF STATE SCHOOL OFFICERS

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1. INTRODUCTION

State education agencies (SEAs) are working to deliver equitable education opportunities to every student, and that can require a hard look at how the agency is managing **capacity**, **coherence**, and **equity** in pursuit of this work. To build capacity, SEAs are taking stock not only of how they are allocating existing resources but also examining how well they are leveraging partnerships. To increase coherence, SEAs are focusing more and more on aligning work across SEA program offices and with key stakeholders, especially those individuals and organizations providing support to local education agencies (LEAs) and schools. To advance equity, SEAs are re-examining long-standing policies and practices and revising them to ensure LEAs, schools, and students are getting the support they need. And for some SEAs, increasing coherence is one of the ways they advance equity, by ensuring resource allocation is aligned to a systemwide equity commitment.

Definitions

Capacity refers broadly to all the resources an SEA can marshal toward achieving its goals for public education across the state. This includes not only budget for personnel and non-personnel expenses, but also, among other things, the knowledge, skills, and mindsets of SEA staff; the competing demands on those staff members' time; and the additional support provided by formal and informal partnerships.

Coherence relates to the degree to which the SEA operates as a unified whole and maintains alignment with key partners and stakeholders including related agencies. It means that across offices and among individual staff members, the SEA has alignment of vision, goals, theory of action, priorities, timelines, and even terminology. Coherence can be difficult to measure, but it most clearly manifests (or doesn't) in how various stakeholders experience their interactions with the SEA.

Educational **equity** means that every student has access to the educational resources and rigor they need at the right moment in their education across race, gender, ethnicity, language, disability, sexual orientation, family background, and/or family income.³

One avenue of support that may be hiding in plain sight is educational service agencies (ESAs).¹ Federal law defines an ESA as a "regional public multiservice agency authorized by state statute to develop, manage, and provide services or programs to local educational agencies."² **SEAs should think critically about how to better leverage ESAs in their states to help build additional capacity, increase coherence, and advance equity.** ESAs represent current or potential sources of additional capacity, often with the expertise, resources, access, and relationships to make a difference in districts

1 Throughout this guide, we use ESAs as an umbrella term, although ESAs often carry different names across the nation (and sometimes even within a single state), including regional service agencies or centers, boards of cooperative educational services, county offices of education, district collaboratives, educational service districts or centers, and intermediate units or school districts. We also refer to all states and SEAs, but in fact ESAs do not exist in five states: Delaware, Idaho, Nevada, Tennessee, and Virginia.

2 <https://www.congress.gov/107/plaws/publ110/PLAW-107publ110.pdf> (pg. 534). The appendix contains a chart of all Every Student Succeeds Act (ESSA) provisions mentioning ESAs, which can help SEAs identify any potential opportunities to advance their ESA goals through implementation of ESSA state plans.

3 https://ccsso.org/sites/default/files/2018-01/Leading%20for%20Equity_011618.pdf

and schools. Because they operate closer to districts, schools, and even classrooms, ESAs are also a critical stakeholder with whom SEAs should seek to increase alignment and thus bring more coherence to the state. This is especially needed wherever districts and schools currently receive mixed messages from the SEA and their ESAs, whether in general, such as identifying different priority areas for improvement, or in specific cases, such as training staff on conflicting approaches to literacy instruction. Finally, by working more closely with ESAs, SEAs could advance equity in a number of ways, such as enlisting ESAs to help implement equity initiatives at greater scale or supporting a more equitable allocation of ESA resources to provide critical support to those LEAs and schools that need them the most.

Even within the specific topic of improving SEAs' collaboration with ESAs, there are no single solutions or one-size-fits-all strategies. In fact, ESAs are structured and function in significantly different ways across states. Some SEAs have strong, formal levers they can pull to influence what, how, and to whom ESAs provide support to LEAs and schools. But other SEAs have only informal levers at their disposal. Each SEA also has its own institutional and even political history with its ESAs—not every relationship is necessarily primed for increased levels of collaboration, coherence, or adaptation to the demands of the moment.

The purpose of this guide is to help SEAs explore how to best work with and leverage their ESAs to increase capacity, build coherence, and/or advance equity. In the sections that follow, the guide presents relevant background information about ESAs, a framework for SEAs to use while thinking about their interaction with ESAs, and specific strategies to consider, including some promising practices that SEAs throughout the nation are currently employing to get the most out of their ESA partnerships.⁴

2. BACKGROUND

ESAs vary from state to state, but the term refers broadly to state statutorily created (or permitted) entities that are intended to support LEAs by providing services to LEAs and often directly to schools. While ESAs exist in most states, not all states have the statutory authority required to create them, or—even with the proper authority—some states have not created any. According to the Association of Educational Services Agencies (AESA), a membership-based professional organization serving ESAs in 45 states, there are currently 553 ESAs located across the nation with a combined operating budget of approximately \$15 billion.⁵

4 The information and examples in this guide were gathered through a variety of research methodologies, including surveys of SEA and ESA leaders, in-depth interviews with several SEA officials and the Association of Educational Service Agencies' executive director, and a review of relevant resources.

5 <https://www.aesa.us/about/>

The first recorded ESA, the Boards of Cooperative Educational Services (BOCES) in New York, was created by a 1948 state law.^{6,7} Many ESAs originally formed to meet the needs of smaller districts facing demands to maintain a high degree of performance but struggling—given their size and operating budgets—to deliver all of the necessary services. Many of these ESAs continue to serve multiple smaller LEAs by creating economies of scale that allow the ESAs to provide cost-effective services. By contrast, some ESAs were formed to and continue to provide support to a single, large LEA.

Most ESAs are created through state statute, or a state statute provides an SEA (or multiple LEAs) the authority to create one, but the actual governance structures differ from state to state. ESAs are typically governed by boards of education, whose members can be determined in a variety of ways. In some states, they are locally elected, while in others, school board members from the region are appointed to also serve on the regional ESA board. In another model, the local LEA superintendents from the region serve as ESA board members. The executive director (or ESA superintendent) is either elected locally or hired by the regional ESA board. In some cases, LEAs have a stronger connection to their ESA leadership because an LEA representative serves on the ESA's board. While SEAs have some level of connectivity to ESAs and are able to leverage such connections to advance their goals (described further below), SEAs typically do not have any direct statutory authority over an ESA.

Just as their governance structures vary, ESAs can receive funding in a multitude of ways. State legislatures can fund them directly, and accordingly some ESAs have reported decreases in such funding as state education budgets have been cut, especially during economic downturns. Other funding streams include contracts funded by SEA budgets, state grant programs, dues from school districts belonging to an ESA that functions as a cooperative, and fee-for-service agreements with districts or even individual schools. Some ESA budgets even include local property taxes or truancy funds.

The types of services ESAs provide to LEAs and schools also vary depending on the context. Historically, ESAs focused significantly on supporting special education, but as funding streams shifted from states to fee-for-service or cooperative dues models, ESAs have tended to broaden the range of services and supports offered to meet the varied demands of their LEAs. In their current incarnation, ESAs thus often provide special education and related services to districts, but they also increasingly provide an array of other supports such as professional development, technology support services, grant writing, and other more administrative-oriented services (e.g., providing employee benefits, maintaining procurement services, or completing other fiscal or personnel functions).

6 Davis, H.S. (1976). Educational service centers in the U.S.A. New Haven, CT: Connecticut Department of Education.

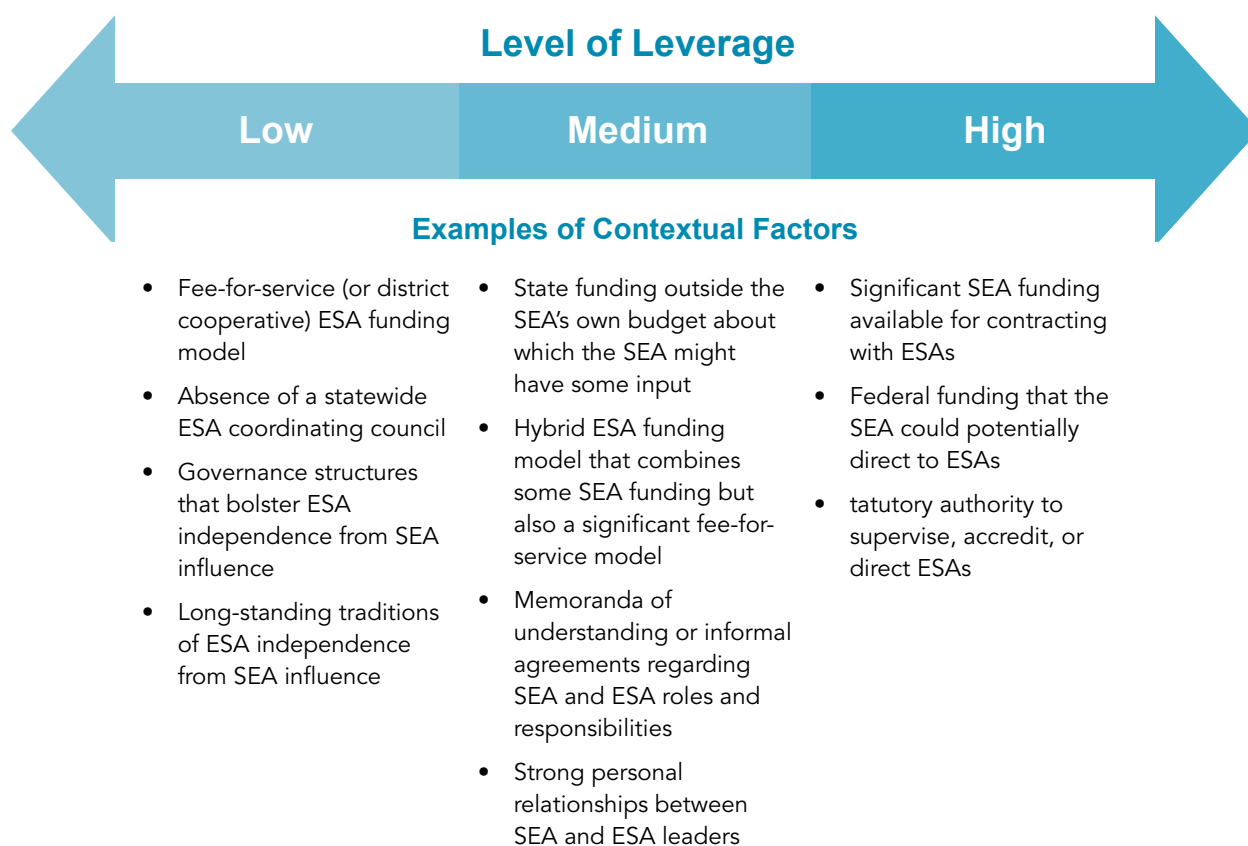
7 <https://www.boces.org/about-boces/>

3. CONTINUUM OF LEVERAGE

Given this varied ESA landscape, SEAs must consider their local context if they want to build capacity, increase coherence, and/or advance equity through their interactions with ESAs. An effective strategy in one state may be less so in another depending on state-specific conditions.

Understanding context is particularly important with respect to how ESAs are funded, although other types of contextual factors matter as well. In some states, there is dedicated funding in the SEA’s budget to contract for services with ESAs. These SEAs have a high degree of influence on what services ESAs provide and to whom. By contrast, ESAs in some states receive no state-level dollars and are funded entirely via a fee-for-service or cooperative dues model. SEAs in these states will need to consider less direct strategies for exerting influence.

Before considering the promising practices described in Section 4, SEAs should consider where they fall along a continuum that ranges from high to middle to low levels of leverage. Note that the contextual factors listed by each part of the continuum below are illustrative, and some state contexts may contain factors at different points along the continuum.



Given where a particular SEA’s context appears along the continuum, some of the strategies described below will be more or less available as promising options to pursue its ESA goals. For example, even if a state has strong oversight laws on the books, an SEA may not be able to take advantage of that leverage if the laws have never been enforced before. But most strategies can be

adapted to any context or serve as inspiration for making use of whatever leverage is available. Of course, in addition to considering whether necessary leverage to implement a strategy exists, an SEA should also carefully consider how well each strategy aligns with the capacity and expertise of the state's ESAs.

State Examples

"Although the continuum is organized around degrees of leverage, and it is important for SEAs to understand what levers they have at their disposal. This does not mean that SEAs do (or should) exercise all the leverage available to them."

For example, the **Iowa Department of Education's (IDE)** approach is centered on building consensus and collaborating to pursue shared goals rather than wielding leverage over its ESAs ("Area Education Agencies"). About eight years ago, IDE and the ESAs developed a new way of working together, so they could, as both SEA and ESA leaders have said, "stop working at odds with each other as accidental adversaries."

Through the Collaborating for Iowa's Kids (C4K), a jointly developed initiative, IDE and its ESAs co-developed a shared goal (initially around early literacy). They adopted a new process for working together based on implementation science and jointly staffed a new statewide school improvement team to execute their plans. Even the annual budget cycle evolved to reflect this close working relationship. The agencies work together to identify what they need to achieve their goals and *then* they figure out how to fund it—in other words, they "fund their plan rather than plan for funds." Notably, both the SEA and the ESAs contribute resources from their own budgets to make sure C4K has the resources it needs.

Although IDE has some "high" leverage points such as statutory accreditation authority, which it has sometimes exercised when ESAs are out of compliance with legal requirements, the SEA primarily engages with ESAs through collaborative inquiry rather than assertive supervision. After co-developing the C4K initiative and agreeing to truly work together, the ESAs signed a compact to commit publicly to the new plan. IDE followed with a public commitment as well. Although non-enforceable, the compact and public statements have proven symbolically very important to sustaining the partnership.

As the Iowa example illustrates, SEAs should understand where they fall along the continuum of leverage, but then they should pursue their goals vis-à-vis their ESAs in whatever way is most likely to succeed. In some cases, that might mean *not* exercising some available leverage.

4. PROMISING PRACTICES

With their placement along the continuum in mind, SEAs should then consider a wide range of strategies to build capacity, increase coherence, and advance equity in partnership with the ESAs. The strategies highlighted in this guide are organized into the following three groups:



Within each group are promising strategies that emerged from our research and interviews of SEA leaders, as well as other ideas SEAs might consider. Also included are descriptions of how SEAs are currently implementing some of these approaches.

LEVERAGE FUNDING

Like any other organization, ESAs need sufficient revenues to cover their expenses. To exist, they must provide services for which they can be compensated, even if those services are not necessarily aligned with the SEA's priorities or equity goals or delivered to the districts and schools that most need the support. SEAs hoping to influence ESAs should therefore first consider ways to leverage funding, including the following strategies:

- **Use existing funding:** To the extent an SEA has available funding, it should take full advantage of the leverage that funding provides to advance its capacity, coherence, and/or equity goals. For example, SEAs can use the contracting process with ESAs to outline clear roles and responsibilities, and even measures of success, all of which can establish a "new normal" in the working relationship between SEAs and ESAs in their states. Although some states have dedicated line items in their budget for this purpose, they may not all be fully leveraging their annual contracting process in these ways. Further, SEAs without dedicated funding can still consider whether any discretionary funding could be repurposed for contracting with ESAs. Even a small SEA contract could in some instances have an important impact on what type of services ESAs provide and to whom.
- **Seek new funding:** When developing new annual budget requests or advocating for increases in state education funding, SEAs should consider including funds for ESA contracts as a strategic investment. For example, one SEA leader shared that in their political climate, it was more viable to build capacity through a contract with ESAs than it was to hire new SEA employees. In fact, although SEAs in a tight budget environment might want to advocate for all available funding to flow directly to the SEA, in some situations, it might be advantageous to also advocate for additional ESA funding, provided the SEA has improved alignment with its ESAs. Such a strategy might help secure a greater net investment in the SEA's priorities.
- **Integrate ESAs into other funding streams:** If a dedicated line item is not possible, SEAs could also look for ways to direct other funding to ESAs in an attempt to build capacity, coherence, and/or equity. If the SEA has a clear vision for what it hopes to accomplish

with ESAs, then it can examine other funding streams for opportunities to advance toward that vision. For example, could ESAs help implement the SEA's plans for Title II or Title III set-asides? Are there LEAs that would agree, per ESSA, to have the SEA "arrange," as prescribed by ESSA, for an ESA to provide supports to identified schools by granting the LEA's school improvement funds to the ESA?⁸ Are IDEA funds being used to deliver services aligned with the SEA's approach to special education? Can ESAs be highlighted as providers of evidence-based interventions for use in school improvement and support plans? Is there a role for ESAs to play in the state's proposal for a federal competitive grant?

- **Provide additional funding:** If the fee-for-service model predominates, SEAs might be able to leverage a small amount of state-level funding to incentivize how ESAs and LEAs behave within that model. For example, if one SEA goal is for ESAs to provide more support to LEAs with large numbers of comprehensive support and improvement (CSI) schools, the SEA could offer to contribute more funds to LEAs that pay their ESAs for support services. To put it in economic terms, this would make those high-priority LEAs a more profitable market for ESAs. Note that this approach also belongs to the "Change the Demand" strategies listed below.

State Examples

The **Pennsylvania Department of Education (PDE)** uses dedicated budget line items to directly fund its ESAs (referred to in the state as "intermediate units") to help implement state initiatives through the ESAs' support to LEAs and schools. On an annual basis, PDE develops a scope of work for the ESA contract that is tightly aligned with the SEA's priorities for that particular year. Through a series of internal meetings, PDE decides what is or is not included in the next year's scope of work, a process that ensures ESAs will be working on the SEA's highest priorities with the LEAs that most need the additional support.

For example, because one of PDE's priorities is school improvement, the current ESA contract requires 27 ESAs to implement a cycle of support for each school in their region identified for additional targeted support and improvement (ATSI). PDE further leverages its contractual relationship by holding required monthly meetings that bring together the ESAs with each of the PDE offices whose initiatives are supported in the current scope of work. Through this and other progress-monitoring routines, PDE and the ESAs can maintain alignment, share successes, and collectively solve problems throughout the year.

Other SEAs with funding to leverage have adopted approaches similar to PDE's. The **Mississippi Department of Education (MDE)**, for example, also has a long history of contracting directly with its six ESAs (referred to in the state as "regional education service agencies"). Earlier this decade MDE shifted from six individual contracts to one "mega-contract," managed by one ESA on behalf of the group. This innovation helped improve MDE's coordination with ESAs while also reducing its own administrative burden.

8 ESSA §1003(b)(1)(B)

BUILD RELATIONSHIPS

Regardless of whether they have funding to leverage, all SEAs should explore ways to strengthen their relationships with ESAs. Relationship-building is a promising path toward accomplishing ESA goals, and even SEAs with dedicated funding streams will benefit from closer working relationships and more open lines of communication with their ESAs. How best to develop or strengthen relationships between the SEA and ESAs will of course be heavily context-specific, but the following strategies should be considered:

- **Increase communication:** The critical importance of communication was a common theme across all interviews with SEAs that have had some success in improving their working relationships with ESAs. More specifically, SEAs should engage in regular, two-way information sharing with their ESAs. In one direction, SEAs should highlight their priorities, explain their rationale and strategies for advancing equity, share updates about current and forthcoming initiatives (and their associated timelines), and provide feedback on the ESAs' efforts in the field. In the other direction, ESAs should share what they are learning from their work with LEAs and schools, provide feedback on the SEA's own efforts, and identify new or unmet needs common across the region or state. Armed with more information, SEAs and ESAs will better understand each other and be able to identify opportunities for collaboration and for promoting each other's work. Whatever form the communication takes, interviewees stressed the importance of consistency and transparency.
- **Build structures for engagement:** In addition to increasing communication, SEAs should explore establishing structures to support ongoing engagement and collaboration with their ESAs. This is particularly important for sustaining the SEA-ESA connection during personnel turnover. Although personal relationships can be incredibly powerful, institutional relationships must also be built and sustained. For example, some states, by statute or by choice, have established statewide ESA coordinating councils comprised of the executive directors of all the individual ESAs. Sometimes these councils themselves have an executive director who can serve as a single point of contact for the SEA. SEAs seeking to increase alignment and build relationships should regularly meet and work with their coordinating councils. One SEA leader noted that its council has helped "unify" the state's ESAs and "done a lot to promote effectiveness and increase impact and collaboration." Larger states may find a regional structure, through which the SEA coordinates with the ESAs serving a particular geographical region of the state, more manageable. Making a regular practice of inviting ESAs to SEA functions and trainings can also help build stronger relationships and encourage greater mutual understanding.
- **Engage ESAs as stakeholders:** Another way to bridge gaps with ESAs is to make sure they are included in SEA-led planning processes in the same way as other critical stakeholders (or even as participants in more internal planning sessions). This is especially true as SEAs implement ESSA's many stakeholder engagement provisions. Just as SEAs consider how and when to best engage LEAs, community members, or fellow state agencies, they should also have specific plans for when they will engage their ESAs in planning processes. In the short term, including

the ESAs' perspectives and observations can help inform whatever SEA plans are under development, such as the development and implementation of an SEA strategic plan. As one ESA leader noted, ESAs can "bring the voice of the districts and discuss our capacity to support initiatives." In the long term, though, these engagement efforts can bridge information gaps, provide opportunities for personal relationship-building, and improve the overall working relationship between the SEA and the ESAs.

State Examples

Different SEAs approach communication with their ESAs in different ways. The **Nebraska** commissioner of education personally meets regularly with the executive director of the coordinating council for its ESAs ("Educational Service Units") and ensures an SEA liaison attends the council's monthly meetings. Similarly, to maintain contact with their ESAs, the **Kansas** commissioner holds monthly conference calls that are supplemented by twice-a-year in-person visits to each ESA by the deputy commissioner. As one **Kansas State Department of Education** interviewee noted, the regular communication between the SEA and the ESAs started in the context of a specific policy rollout but has now "become part of our culture." In **Iowa**, among several SEA-ESA collaborative structures, a larger monthly meeting brings together the executive directors of the ESAs ("Area Education Agencies") and their cabinet-level officers with the state superintendent, deputy superintendent, and SEA division leads.

The **Ohio Department of Education's** Unit of Field Relations, in collaboration with the department's program offices has begun convening groups of ESAs ("Education Service Centers") on a regional basis to increase communication and collaboration not just between the SEA and the ESAs but also among the ESAs themselves. In **Kentucky**, the SEA holds monthly webinars with their ESAs ("Education Cooperatives") and, like a number of other SEAs, hosts SEA-led training for district and school personnel at ESA facilities throughout the state. Similarly, the **Georgia Department of Education** has worked with and through its ESAs ("Regional Education Service Agencies") to hold regional public input sessions to inform SEA planning. This strategy of utilizing ESA facilities for SEA events can help cultivate SEA-ESA relationships via sheer proximity, but it also offers an important opportunity for ESA staff to hear directly from SEA staff even during a session designed for LEAs and schools.

Efforts to build relationships with ESAs can have additional positive impact beyond ESAs as well. For example, the **Wisconsin Department of Public Instruction (DPI)** partners with its ESAs' ("Cooperative Educational Service Agencies") network to collaborate on joint initiatives, convenings, schedules, and even shared language. But it also leverages the network to increase alignment with *non-ESA* entities that are providing professional development and support to LEAs and schools, such as professional associations and local institutions of higher education. By inviting these additional entities into program plans, initiatives, and convenings, DPI is able to increase coherence and alignment more broadly across all the relevant actors in the state.

CHANGE THE DEMAND

The final group of strategies may be best understood through the metaphor of the market, namely that—especially in states where ESAs operate under a fee-for-service or cooperative financial model—ESAs *supply* certain services that LEAs or schools *demand*. The strategies described below require SEAs to focus on levers that can influence what their LEAs and schools are demanding from the ESAs. (By contrast, the first two groups of strategies—Leverage Funding and Build Relationships—focus SEAs on the supply side of this market by exerting influence on what supports ESAs decide to provide and to whom.)

The following are some illustrative examples of how SEAs might first turn to LEAs to ultimately increase coherence and advance equity:

- **Require LEAs to change their demands:** SEAs have the authority in a number of areas and in a number of ways to require certain things of their LEAs. This is especially true under ESSA's broad delegation of authority to the states to design how they will comply with federal requirements, even in states with a strong historical commitment to local control. Many of these SEA decision points—from selecting accountability indicators to designing the rubrics used to allocate school improvement grants to approving LEA plans for Title II or Title III dollars—provide opportunities to shift what LEAs will then ask of their ESAs and thus create more capacity, coherence, and/or equity. There are also state policies and processes that provide potential leverage, including teacher and leader certification rules and even systems of accountability and support. For example, when the **Arkansas** state legislature was considering a bill that would require schools with low literacy achievement to develop a literacy plan, the Division of Elementary and Secondary Education (DESE) successfully advocated that the law also require a coordination of supports for implementing the plans. As a result, DESE provides ongoing support to the relevant districts in a collaborative effort with local ESAs.
- **Encourage LEAs to change their demands:** In addition to mandating changes, SEAs can also use less direct levers to influence or incentivize changes in the supports LEAs request from their ESAs. This can take many forms and will depend greatly on each state's context, but some illustrative examples may be useful to consider. In state guidance or technical assistance resources, the SEA could list ESAs among the stakeholders LEAs or schools should engage, particularly when conducting needs assessments or developing school improvement plans. As SEA staff conduct progress monitoring, they can be intentional about when they encourage LEAs to seek support from ESAs in response to identified growth areas. And as the sidebar about the Kansas State Department of Education illustrates, SEAs can leverage pilot programs or other voluntary state initiatives to effectively create a new market for ESAs since participating LEAs will have new (SEA-aligned) capacity needs that ESAs can adapt to and help address.

State Examples

As part of a major strategic initiative—the Kansans Can School Redesign Project—the **Kansas State Department of Education (KSDE)** invited LEAs to apply to be part of an initial cohort of demonstration sites that would redesign their schools and systems to reflect a new statewide vision for public education. KSDE then ran similar competitions for three subsequent cohorts of LEAs, with an ultimate plan to scale the redesign work across all of Kansas. At first, when the number of participants was small, KSDE staff could conduct the trainings and provide the necessary technical assistance themselves. But with an ambitious plan to scale the work, KSDE leadership knew they had to enlist their ESAs in the effort.

As a state where ESAs operate almost entirely via cooperative dues or fee-for-service, KSDE chose to rely on shaping the demand at the LEA level rather than trying to directly change the supply at the ESA level. With the state’s encouragement, participating LEAs began asking their ESAs for help in the redesign work. KSDE gave ESAs the opportunity to host regional trainings, at which they could have their own staff trained as redesign trainers. This latter move was critical in helping the ESAs shift toward offering services that are tightly aligned with the SEA’s key strategic priorities and vision.

Eventually, KSDE envisions revising the state’s accreditation standards to reflect the redesign principles. Such a structural change will further reinforce the supply-and-demand connection, with LEAs turning to the ESAs for support in meeting the new accreditation expectations.

5. CONCLUSION

To help LEAs and schools prepare each and every student for success, SEAs need to effectively use all available resources. Working with ESAs can be a powerful means of doing this. ESAs represent critical, additional capacity. With better alignment across the SEA and ESAs, the educators and leaders working on the front lines will experience a much more coherent system of support. And through stronger partnerships, ESAs can help SEAs advance their equity goals by allocating resources to those who need them the most. Given how distinct each state context can be, each SEA will need to carefully consider which strategies to pursue and how best to adapt promising practices being implemented by other SEAs.

APPENDIX

Every Student Succeeds Act (ESSA) Provisions Mentioning ESAs ⁹		
Section	Subsection	Statutory Language
Title IA - Improving Basic Programs Operated by State and Local Educational Agencies		
1003. School Improvement	(a) State Reservations	May, with the approval of the local educational agency, directly provide for these activities or arrange for their provision through other entities such as school support teams, educational service agencies , or nonprofit or for-profit external providers with expertise in using evidence-based strategies to improve student achievement, instruction, and schools
	(d) Rule of Construction	Nothing in this section shall be construed as prohibiting a State from allocating subgrants under this section to a statewide school district, consortium of local educational agencies, or an educational service agency that serves schools implementing comprehensive support and improvement activities or targeted support and improvement activities, if such entities are legally constituted or recognized as local educational agencies in the State
1111. State Plans	(g) Other Plan Provisions	The State educational agency will ensure that local educational agencies, in developing and implementing programs under this part, will, to the extent feasible, work in consultation with outside intermediary organizations (such as educational service agencies), or individuals, that have practical expertise in the development or use of evidence-based strategies and programs to improve teaching, learning, and schools
Title II - Preparing, Training, and Recruiting High-Quality Teachers, Principals, or Other School Leaders		
2102. Subgrants to Local Educational Agencies	(a) Allocation of Funds to Local Educational Agencies	Nothing in this section shall be construed to prohibit a consortium of local educational agencies that are designated with a locale code of 41, 42, or 43, or such local educational agencies designated with a locale code of 41, 42, or 43 that work in cooperation with an educational service agency , from voluntarily combining allocations received under this part for the collective use of funding by the consortium for activities under this section
2243. School Leader Recruitment and Support	(f) Definitions	'Eligible entity' means (A) a local educational agency, including an educational service agency , that serves a high-need school or a consortium of such agencies; (C) a State educational agency in partnership with 1 or more local educational agencies, or educational service agencies , that serve a high-need school
Title III - Language Instruction for English Learners and Immigrant Students		
3004. General Provisions	(a) Definitions	'Eligible entity' means (B) one or more local educational agencies, in consortia or collaboration with an institution of higher education, educational service agency , community-based organization, or State educational agency

9 P.L.114-95: Every Student Succeeds Act. (129 Stat. 1802, 12/10/15). Available from: <https://www.govinfo.gov/content/pkg/PLAW-114publ95/pdf/PLAW-114publ95.pdf>.

Title IV - 21st Century Schools		
4611. Grants for Education Innovation and Research	(b) Eligible Entity	A State educational agency, a local educational agency, a consortium described in paragraph (4), or the Bureau of Indian Education, in partnership with (C) an educational service agency
	(c) Rural Areas	(1) In awarding grants under subsection (a), the Secretary shall ensure that not less than 25 percent of the funds made available for any fiscal year are awarded for programs that meet both of the following requirements (A) The grantee is - (iii) an educational service agency or a nonprofit organization in partnership with such a local educational agency
Title V - State Innovation and Local Flexibility		
5003. Rural Education Initiative	(b) Public Charter Schools	(C) the local educational agency is a member of an educational service agency that does not receive funds under this subpart and the local educational agency meets the requirements of this part
	(1) Allocation	(B) For a local educational agency that is eligible under section 5211(b) (1)(C) and is a member of an educational service agency , the Secretary may determine the award amount by subtracting from the initial amount determined under paragraph (2), an amount that is equal to that local educational agency's per-pupil share of the total amount received by the educational service agency under the provisions described in section 5211(c), as long as a determination under this subparagraph would not disproportionately affect any State
Title VIII - General Provisions		
8011. Rural Consolidated Plan	(e) Rural Consolidated Plan	Two or more eligible local educational agencies, a consortium of eligible local educational service agencies , or an educational service agency on behalf of eligible local educational agencies may submit plans or applications for 1 or more covered programs to the State educational agency on a consolidated basis, if each eligible local educational agency impacted elects to participate in the joint application or elects to allow the educational service agency to apply on its behalf
8015. Participation by Private School Children and Teachers	(4) Expenditures	To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency , consortium of those agencies, or entity shall consult with appropriate private school officials. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children
	(6) Compliance	If the consultation required under this section is with a local educational agency or educational service agency , a private school official shall have the right to file a complaint with the State educational agency that the consultation required under this section was not meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school or its students equitably as required by this section
8539. Outreach and Technical Assistance for Rural Local Educational Agencies	(b) Technical Assistance	If requested to do so, the Secretary shall provide technical assistance to rural local educational agencies with locale codes 32, 33, 41, 42, or 43, or an educational service agency representing rural local educational agencies with locale codes 32, 33, 41, 42, or 43 on applications or pre-applications for any competitive grant program under this Act. No rural local educational agency or educational service agency shall be required to request technical assistance or include any technical assistance provided by the Secretary in any application

Title IX - Education for the Homeless and Other Laws		
9207. Education Flexibility Partnership Act of 1999 Reauthorization	(a) Definitions	in the paragraph heading, by striking “LOCAL” and inserting “ EDUCATIONAL SERVICE AGENCY ; LOCAL”
	(1) Educational Flexibility Program	The Secretary may carry out an educational flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to one or more programs described in subsection (b), other than requirements described in subsection (c), for any local educational agency, educational service agency , or school within the State
	(2) Eligible State	(B) will hold local educational agencies, educational service agencies , and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4) and for engaging in technical assistance and, as applicable and appropriate, implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965
		(C) waives State statutory or regulatory requirements relating to education while holding local educational agencies, educational service agencies , or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers
	(3) State Application	(A)(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies, educational service agencies , or schools requesting waivers of
		(A)(v) a description of how the State educational agency will evaluate (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965) the performance of students in the schools, educational service agencies , and local educational agencies affected by the waivers
		(B)(ii) The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies, educational service agencies , and schools within the State in carrying out comprehensive educational reform
		(B)(ii)(IV)(bb) take into account the performance of local educational agencies, educational service agencies , or schools, and students, particularly those affected by waivers

9207. Education Flexibility Partnership Act of 1999 Reauthorization (cont'd)	(4) Local Application	(A) Each local educational agency, educational service agency , or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require
		(A)(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency, educational service agency , or school affected by the proposed waiver, and for the students served by the local educational agency, educational service agency , or school who are affected by the waiver
		(A)(iv) explain why the waiver will assist the local educational agency, educational service agency , or school in reaching such goals
		(A)(v) in the case of an application from a local educational agency or educational service agency , describe how the agency will meet the requirements of paragraph (7)
		(B)(i) the local educational agency, educational service agency , or school requesting such waiver has developed a local reform plan
		(B)(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency, educational service agency , or school in reaching its educational goals, particularly goals with respect to school and student performance
		(D) The State educational agency shall annually review the performance of any local educational agency, educational service agency , or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall terminate or temporarily suspend any waiver granted to the local educational agency, educational service agency , or school if the State educational agency determines, after notice and an opportunity for a hearing
		(D)(ii) the performance of the local educational agency, educational service agency , or school with respect to meeting the accountability requirement described in paragraph (2)(C) and the goals described in subparagraph (A)(iii) has been inadequate to justify continuation of such waiver
		(D)(iii) student achievement in the local educational agency, educational service agency , or school has decreased
	(5) Oversight and Reporting	Each State educational agency participating in the educational flexibility program under this section shall annually monitor the activities of local educational agencies, educational service agencies , and schools receiving waivers under this section

9207. Education Flexibility Partnership Act of 1999 Reauthorization (cont'd)	(6) Duration of Federal Waivers	The Secretary may extend the authority of a State to continue as an Ed-Flex Partnership State if the Secretary determines that the authority of the State educational agency to grant waivers has been effective in enabling such State or affected local educational agencies, educational service agencies , or schools to carry out their State or local reform plans and to continue to meet the accountability requirement described in paragraph (2)(C)
		(B)(i)(II) demonstrates that local educational agencies, educational service agencies , or schools affected by the waiver authority or waivers have achieved, or are making progress toward achieving, the desired goals described in the application submitted pursuant to paragraph (4)(A)(iii)
		(C)(iii)(II) demonstrates in the request that local educational agencies, educational service agencies , or schools affected by the waiver authority or waivers have made progress toward achieving the desired goals described in the local application submitted pursuant to paragraph (4)(A)(iii)
	(7) Public Notice and Comment	Each State educational agency seeking waiver authority under this section and each local educational agency, educational service agency , or school seeking a waiver under this section



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