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Educational Service Agencies: Their Role in Special Education

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Introduction and Methodology

The educational service agency (ESA) is a relatively unfamiliar part of the public elementary and secondary education system. The term 'ESA' refers to a formal or informal entity that provides general and/or special education services for school districts. It is known by many different names, for example, educational service district, intermediate district, or cooperative. The meaning of the term 'ESA' is not consistent across the country because each state determines what type of entity will be recognized as an ESA. Although these entities have many different titles, this document uses the generic term ESA to refer to all entities that are considered by a state to be an 'educational service agency.'

This report summarizes the results of a survey of state special education directors on the characteristics of and the roles performed by ESAs in supporting special education. A survey form (see the Appendix for a copy) was emailed to all state directors of special education on November 28, 2005. Responses were received through February 14, 2006. A total of 41 states responded and the information they provided was analyzed for this report.

This document includes a background on the evolution of ESAs, a summary of the data provided in the survey and a discussion of the challenges posed by ESAs as identified by survey respondents. Project Forum at the National Association of State Directors of Special Education (NASDSE) completed this task as part of its cooperative agreement with the U.S. Department of Education's Office of Special Education Programs (OSEP).

Background¹

Originally, American public education was characterized by small, local schools and districts that operated in isolation with minimal involvement of state governments. Early in the 20th

¹ A more detailed history of the development of ESAs is contained in Chapters 1 and 2 of the book by Stephens & Keane (2005).

century, states began to establish county-level offices to provide a connection between local schools/districts and the state government. Some county officials provided only administrative functions, while others established programs and services that continue to be a part of the educational system in some states. The number of schools and districts grew continuously through the first half of the century.

Demand on the educational system increased further in the post-World War II era for improvements and expanded services such as special and vocational education. A number of major changes resulted. First, dramatic consolidation of schools and districts into larger entities changed the structure of public school systems in all states. This movement is part of the ongoing search in the field of education for the optimum size of a school or a school district. The National Center on Education Statistics (NCES) reported that the number of districts, estimated to be about 120,000 in the 1930s, fell by one-half between 1931 and 1953, by one-half again between 1953 and 1963 and by almost one-half again by 1973 (Berry, 2004, p. 5). This consolidation was driven by those promoting increased efficiency and economies of scale that larger units could provide. The most recent number of school districts in the United States reported for the 2003-04 school year is 14,383 (National Center on Education Statistics, 2006).

As observed in a recent report, the move toward consolidation to support cost savings did not always consider “the shared services alternative” (Eggers, Wavra, Snell & Moore, 2005, p. 10). However, during the postwar period the demands for improved schools brought about the development of joint entities among groups of school districts to provide specialized services. Informal partnering between neighboring schools and districts had always been a part of American education, but the first formal statewide ESA system was the Bureau of Cooperative Educational Services (BOCES) established by a New York law in 1948 (Davis, 1976). Today, there are 38 BOCES in New York providing a wide variety of services to districts that choose to join and that cooperate in making decisions on the services that the agency will provide for their schools. The BOCES acronym is also used in Colorado and Wyoming where similar networks were established in 1965 and 1970 respectively (Stephens & Christiansen, 1995).

Stephens first developed a typology of ESAs in 1979 describing three types based on their major characteristics. They are:

- *Special District* - a highly structured component of the state education system established by state legislation and/or regulation that is usually operated by the member districts with state participation. In addition to the BOCES structures mentioned above, other examples of this type are Pennsylvania’s Intermediate School Districts and Iowa’s Area Education Agencies that were created by state laws that assigned each school district to an ESA.
- *Regional Branch of a State Agency* - a component of a state education agency that tends to be almost exclusively advisory rather than service-delivery oriented. In the past few years, budget reductions have caused some states, such as Massachusetts, to abandon this type of structure.

- *Cooperative* - an entity usually formed under permissive state legislation for providing single or multi-purpose services to school districts. The cooperative type includes structures with a variety of attributes. They differ in legal status from relatively informal to formal incorporated entities. They vary in other areas such as size, function, type of programs and services, administration, relationship to other components of the educational system and funding sources. Voluntary-type ESAs vary more widely because they are started and controlled by their membership without state-mandated functions. They usually have a written agreement specifying the design and function of the organization, and most are governed by a board of directors representing the member districts.

In 1976, an association of ESAs, now called the Association of Educational Service Agencies (AESAs), was formed (Talbot, 2001). The AESA defines an ESA in a somewhat restricted way by limiting them to “public entities created by statute,” although membership does include ESAs formed voluntarily under permissive state legislation as well. A description of the association on its website (http://www.aesa.us/about_aesa.html) states that it serves more than 550 education service agencies in 44 states. The association’s mission is to support ESAs, which it carries out by publishing a periodical, *Perspectives*; holding national and regional meetings and conferences for its members; and providing a variety of technical assistance resources.

ESAs are mentioned in both the Individuals with Disabilities Education Act (IDEA) and the No Child Left Behind Act (NCLB) as follows:

- *IDEA references:* The term ‘educational service agency’ is specifically included in the definition of a local educational agency (LEA) [P. L. 108-446 §602(19)(B)(i)]. There is also a specific definition of an ESA:

EDUCATIONAL SERVICE AGENCY

The term ‘educational service agency’--

(A) means a regional public multiservice agency--

(i) authorized by State law to develop, manage, and provide services or programs to local educational agencies; and

(ii) recognized as an administrative agency for purposes of the provision of special education and related services provided within public elementary schools and secondary schools of the State; and

(B) includes any other public institution or agency having administrative control and direction over a public elementary school or secondary school [P. L. 108-446 §602(5)].

IDEA includes a provision that specifically requires ESAs to ensure that their services are provided to students with disabilities in the least restrictive environment. This requirement is as follows:

(A) If an educational service agency is required by State law to carry out programs under this part, the joint responsibilities given to local educational agencies under this subsection shall--

(i) not apply to the administration and disbursement of any payments received by that educational service agency; and

(ii) be carried out only by that educational service agency.

(B) ADDITIONAL REQUIREMENT- Notwithstanding any other provision of this subsection, an educational service agency shall provide for the education of children with disabilities in the least restrictive environment, as required by section 612(a)(5) [P. L. 108-446 §613(e)(4)].

- *NCLB references:* The definition of ESA in NCLB includes only the first part of the definition in IDEA:

EDUCATIONAL SERVICE AGENCY.—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 educational agencies [P. L. 107-110 §9101(17)].

The NCLB law also includes ESA in the definition of local education agency as follows:

(D) EDUCATIONAL SERVICE AGENCIES.—The term includes educational service agencies and consortia of those agencies [P. L. 107-110 §9101(26)(D)].

Thus, an ESA is recognized as a specific vehicle for the delivery of services under these two major federal statutes that provide a significant amount of funding to states for the delivery of instructional and other services to students. The degree of involvement of ESAs under these laws is a decision made by each state education agency.

The services provided by individual ESAs vary widely. Funding sources also vary and are frequently a combination of member fees and state or federal funds from member districts’ entitlements and/or competitive grants. Special education, while not always a part of an ESA, is often provided either as one component or the sole focus by many of these organizations.

Survey Results

Types of ESAs

Of the 41 responding state directors of special education (or their designees), seven reported that they had no ESAs that provided special education programs or services. Of the 34 states that indicated they have one or more of the choices on the survey form, 19 states have cooperatives

formed by school districts, 13 states have ESAs created by the state as an agency or network of service agencies and six states have formal intermediate school districts.

Four states indicated that they have ESAs that are different from, or in addition to, the choices provided on the survey form:

- *Florida* funds three types of regional discretionary projects which provide support to local school district personnel and families. They are: the Florida Diagnostic and Learning Resources System (FDLRS); Florida Inclusion Network (FIN); and the Multi-agency Network for Students with Severe Emotional Disturbance (SEDNET).
- *Minnesota* has two varieties of cooperatives in addition to those formed by school districts: Host District Cooperatives and Joint Powers Cooperatives.
- *North Dakota*, in addition to its 31 multi-district special education cooperatives formed by member school districts, has nine newly formed Joint Powers Agreements (JPAs). A JPA is a contract among units of local government to do what any one of those units of local government is authorized to do. A JPA permits school districts to meet their own goals in addition to the state goals.
- *South Carolina* includes as an ESA the regional services that are provided by the School for the Deaf and Blind.

Some states added comments about their ESAs:

- *Arkansas* ESAs have been designated to provide special education and related services to the IDEA 619 preschool programs. They provide only selected consultative and professional development services to their member schools for the school-age population.
- *Kansas* differentiated its two types of ESAs as cooperatives with a sponsoring school district and inter-locals that have all the powers of a school district except levying taxes and owning real estate.
- *Nevada* noted that, while no formal arrangements exist, some rural districts collaborate to provide professional development and to recruit related service providers to create a full work load when they would otherwise be trying individually to recruit providers to work part-time.
- *Pennsylvania's* intermediate units are local education agencies (LEAs) within the definition in federal law. They were created in 1971 to provide special education services, joint purchasing and curriculum services to school districts.

Table 1 summarizes the types of ESAs that exist in the 41 responding states.

Table 1: Types of ESAs

Type of ESA	Number*	States
None	7	<i>Alabama, Arizona, Delaware, Louisiana, Nevada, Oklahoma, Wyoming</i>
Regional branch of state agency	1	<i>Wisconsin</i>
Intermediate school district	6	<i>Kansas, Michigan, Minnesota, Oregon, Pennsylvania, Wisconsin</i>
State-created agency/network of service units	13	<i>Arkansas, Colorado, Connecticut, Georgia, Iowa, Minnesota, Nebraska, New York, Pennsylvania, Texas, Washington, West Virginia, Wisconsin</i>
Cooperative formed by school districts	19	<i>Alaska, Arkansas, Colorado, Illinois, Kansas, Kentucky, Massachusetts, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Rhode Island, South Carolina, South Dakota, Virginia</i>
Other	4	<i>Florida, Minnesota, North Dakota, South Carolina</i>

***Note:** Some states have more than one type of ESA.

Funding of ESAs

As illustrated in Table 2, many of the 34 respondents with ESAs indicated that their ESAs use more than one source of financial support. The three most common sources of funding were fees charged for specific services (18 states), pooling of their state/local funds by member district (17 states) or pooling of the districts' federal funds (15 states). Fewer states obtained their support from charges based on per-pupil use of services (12 states) or on the population of member districts (9 states).

States that chose 'Other' (either as their only response to this item or in addition to the choices listed) explained that their ESAs were:

- supported by the SEA through IDEA discretionary funds (*Arkansas, Florida, Texas, North Carolina*); or
- supported with state funds (*Connecticut, Washington*).

Additional comments about ways that ESAs access their funding included the following:

- *Connecticut* ESAs also access competitive grants;
- *Illinois, Missouri* ESAs are supported in accordance with the membership agreement for the cooperative;
- *Pennsylvania's* service agencies (intermediate units) receive some direct special education funding from the state to provide a "core" of services to their component school districts. For example, they assist with the federal child count. The intermediate units offer their special education services to school districts on a cost-per-student basis,

and the range of services varies, depending on the needs and requests of their member districts;

- *West Virginia's* eight Regional Education Service Agencies (RESA) are created by the state legislature with state funding. One staff member is considered the special education administrator. Each RESA submits an application annually for use of funds based on a combination of equal funding and the number of special education children in the counties that it serves. The activities and personnel included in that application are paid out of Part B and 619 funds from the state office of special education (OSE). If OSE requests that an activity not included in the application be taken on by a RESA to support the OSE work, an additional grant for the cost of that activity is sent to the RESA doing the work.

Table 2: Source of ESA Funding

Source of Funding	Number	States
Fees for programs or services charged for specific events/services	18	<i>Alaska, Arkansas, Connecticut, Illinois, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New York, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Washington, Wisconsin</i>
District special education funds from members (state or local)	17	<i>Alaska, Arkansas, Colorado, Illinois, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Montana, New York, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Washington</i>
Federal special education funds from members	15	<i>Arkansas, Colorado, Georgia, Illinois, Kansas, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Ohio, Oregon, Pennsylvania, South Carolina, Wisconsin</i>
Membership fees	13	<i>Colorado, Connecticut, Illinois, Kansas, Massachusetts, Michigan, Minnesota, New Mexico, New York, North Dakota, Ohio, Texas, Wisconsin</i>
Fees for programs or services based on per-pupil use of programs or related services	12	<i>Connecticut, Illinois, Massachusetts, Michigan, Minnesota, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, Washington, Wisconsin</i>
Fees for programs or services calculated on the basis of population	9	<i>Colorado, Georgia, Illinois, Kentucky, Massachusetts, Minnesota, North Dakota, South Dakota, Washington</i>
Other	7	<i>Arkansas (IDEA discretionary funds) Connecticut (state fund and grants) Florida (IDEA discretionary funds) Texas (federal funds from the state agency). Washington (state operating budget foundation funding) Missouri (each cooperative is funded on basis of its membership agreement—there is no standard protocol) North Carolina (regionally-based university positions supported by IDEA funds)</i>

Services Provided by ESAs

The survey form included a total of 15 options describing ESA service provision—14 specific types of service and ‘other.’ Some states noted that all types were relevant because decisions regarding services were made on an individual basis between a member and the ESA in accordance with the membership agreement.

The responses received in order of most- to least-frequently selected were:

- provide special education professional development for member districts (26);
- consult on special education for member districts (24);
- assist the SEA with dissemination of information to LEAs (24);
- assist member districts with record keeping, statistics and reporting requirements (22);
- provide related services and/or itinerant special education teachers for member districts (19);
- write applications and manage federal grant programs for member districts (15);
- provide media/technology services for member districts (14);
- perform student evaluations (13);
- manage joint purchasing of supplies for member districts (13);
- provide special education transportation for member districts (11);
- provide all special education services for member districts (9);
- monitor member school districts for the state (3); and
- provide special education programs, but not evaluations (2).

Other services mentioned (each by one state) include:

- child find;
- follow-up on monitoring corrective action or complaints;
- early childhood (infant/toddler and/or pre-school) services;
- family services;
- low incidence disability services; and
- services for students in residential settings.

State Evaluation of ESAs

Of the 34 responding states that have ESAs, 21 indicated that they do evaluations of their ESAs and 13 said that they do not. The majority of those who responded in the affirmative indicated that their evaluations were carried out through compliance monitoring. States that described evaluation strategies different from or in addition to special education monitoring were:

- *Arkansas* - In accordance with state statute, ESAs undergo program and fiscal audits. Information from special education monitoring is reviewed as part of those audits.

- *Iowa* - Formal regular evaluations are done on a five-year accreditation cycle, with other targeted evaluations done based on data.
- *North Carolina* - A survey of LEAs served is conducted.
- *Oregon* - The SEA evaluates contracted services provided by their ESAs, as well as ESA work in LEA monitoring. Also, the SEA is called on to study specific ESAs from time to time.
- *Texas* - Each ESA submits a program plan for the current year and an evaluation of the past year.
- *West Virginia* – The executive director of the Office of Special Education contributes to the evaluation of the RESA special education administrator in each of the eight RESAs.

Issues Related to Least Restrictive Environment (LRE) for ESAs

Often, ESAs establish programs for students with disabilities in locations apart from a public school, for example, the ESA office location or centers established to house special programs. Questions have been raised about whether such programs meet requirements for placement in the least restrictive environment. The IDEA requirement pertaining to LRE is as follows:

LEAST RESTRICTIVE ENVIRONMENT.--

IN GENERAL.--To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily [P. L. 108-446 Sec 612(a)(5)(A)].

Responses to the survey item on this topic revealed that 21 (62%) of the 34 states that have ESAs do not see that LRE is an issue. Two states did not respond to this item. Eleven states (33%) indicated that LRE is an issue for their ESAs and made the following comments:

- *Colorado* - Sometimes there have been center-based programs placed in one district and, while this does not negate LRE per se, student needs do have to be reviewed. These programs are monitored on this issue just like any other program.
- *Connecticut* - Advocates and others have recommended restricting/closing the six ESAs due to their separate programming since most are stand-alone programs not affiliated or housed in a public school.
- *Illinois* - Overall, state data indicate a larger proportion of placements in more restrictive settings when compared nationally. Much training and data verification has been done on this issue. LRE has been a focus of the state plan for the past five years. Progress has been made but more work needs to be done.
- *Kansas* - Some of the cooperative/inter-locals still provide congregate programs that cross district lines, but they are becoming fewer.

- *Massachusetts* - Any program that develops or supports more separate day school or residential type of educational programs represents a concern about LRE and the need to ensure that there are mechanisms to return students to less restrictive environments.
- *Michigan* - Students placed in ISD-run programs begin in settings with higher numbers of other students with disabilities and continue longer in those settings.
- *North Carolina* - Any of the requirements of IDEA are of concern and a part of the ongoing staff development and technical assistance provided by regional special education consultants is related to this issue.
- *North Dakota* - Although the state has a very high rate of inclusion, in some very rural special education cooperatives, the issue of LRE as a compliance concern has been raised.
- *South Carolina* - In some instances, LRE has been an issue due to centralized services as well as travel time for some students.
- *Texas* - There is a designated ESA that provides state leadership in this area for all the ESAs as well as specific regional activities and training.

Challenges Posed by ESAs

Survey respondents listed a number of challenges related to the ESAs that provide special education programs and services in their states. They included:

- getting state funds appropriated and/or federal funds granted to cover the costs of the specialized programs, services and training provided by ESAs;
- gaps, uneven services and difficulty planning when there is not a network of ESAs covering all districts across a state;
- variable levels of expertise among staff of ESAs;
- management problems arising from differing perceptions by ESAs and their members about levels and types of services to be provided by the ESA;
- variation in the level of authority that voluntary ESAs are given by their member districts;
- inconsistent coordination and oversight;
- holding ESAs accountable in appropriate ways; and
- SEA problems in statewide planning when separate entities accountable to member districts have their own priorities and agendas.

Concluding Remarks

This snapshot of ESAs that provide special education services reveals great variation across the country in the use of intermediate types of entities to support school districts in providing special education.

ESAs vary in their legal identification as state-created or voluntary entity. State-created ESA networks usually exist on a regional basis serving all areas of a state and each ESA performs a similar role. ESAs formed on a voluntary basis by two or more school districts differ

significantly in size, authority, level and type of services provided and their role in supporting special education in their member districts.

Although they are usually formed as a cost saving and service efficiency strategy, ESAs may encounter funding problems, competing with their members for scarce special education budget resources.

While most of the responding states do not see LRE as an issue for their ESAs, based on the quality of comments from the states that are focused on LRE as an issue for ESAs, the majority of states have a system in place to support LRE for the students served by ESAs and/or monitor their ESAs in this critical area.

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References

- Ahearn, E., Lange, C., Rhim, L. M., & McLaughlin, M. J. (2001). *Project SEARCH: Special education as requirements in charter schools. Final report of a research study*. Alexandria, VA: National Association of State Directors of Special Education. Available online at http://www.nasdse.org/project_search_doc2.pdf.
- Arsen, D., Bell, C., & Plank, D. N. (August 2003). *Who will turn around "failing" schools?" A framework for institutional choice*. Available online at: <http://www.epc.msu.edu/publications/workpapers/failingschools.pdf>.
- Berry, C. (2004). *School size and returns to education: Evidence from the consolidation movement, 1930-1970*. Available online at <http://www.educationnext.org/unabridged/20044/56.pdf>.
- Davis, H. S. (1976). *Educational service centers in the U.S.A.* New Haven, CT: Connecticut Department of Education.
- Eggers, W. D., Wavra, R., Snell, L. & Moore, A. (2005). *Driving more money into the classroom: The promise of shared services*. Available online at: http://www.deloitte.com/dtt/cda/doc/content/DTT_DR_SS_Education_Nov05.pdf
- Godshall, B. M. (2005). Understanding the factors that influence the job satisfaction of special education administrators in New York state: A quantitative study. *Perspectives: A Journal of Research and Opinion about Educational Service Agencies*, Vol 11, Fall 2005, p. 63-70.
- National Center on Education Statistics (2006). *Public elementary and secondary students, staff, schools and school districts: School year 2003-04*. Publication #2006-37.
- Stephens, E. R. & Keane, W. G. (2005). *The educational service agency: American education's invisible partner*. Lanham, Maryland: University Press of America.
- Talbott, B. L., (September 2001). Preface: 25 years of educational leadership. *Perspectives*, 7.

Appendix

Project Forum at NASDSE

SURVEY ON EDUCATIONAL SERVICE AGENCIES

This survey refers to educational service agencies (ESAs) which are defined as “public entities created by states or formed voluntarily by LEAs to provide educational support programs and services to local schools and school districts.” Please respond to the following items about your state’s use of this type of entity for *special education* programs or activities.

1. My state has the following type(s) of ESAs for special education programs or activities:

- A. regional branch of the state agency
- B. intermediate school district
- C. state-created agency/network of service units
- D. cooperative formed by school districts
- E. other (please describe)

F. none If none, you are finished with this survey. Please note if your state has ever had such entities in the past and add any comments you have. Then, return this sheet as directed above. Thank you.

2. The ESAs in my state are supported in the following way(s):

- A. membership fees
- B. pooled federal special education funds from member districts
- C. pooled district special education funds (from state or local sources)
- D. fee for use of specific programs or services that are :
 - a. charged for specific events (e.g., consultation, professional development, etc.)
 - b. based on per-pupil use of programs or related services
 - c. calculated on the basis of the district’s special education population
 - d. other (please explain)

3. The ESAs in my state carry out the following role(s) [check all that apply]:

- A. provide all special education for all member districts (e.g., evaluations, programs, related services, etc.)
- B. provide all special education programs, but not evaluations, for all member districts

- C. perform only student evaluations for all member districts
- D. provide student evaluations as requested by member district IEP teams
- E. provide related services and/or itinerant special education teachers for member districts as requested
- F. provide consultation services on special education for member districts as requested
- G. provide special education transportation for member districts as requested
- H. provide special education professional development for member districts as requested
- I. assist the State Department of Education with dissemination of information to LEAs
- J. assist member districts with record keeping, statistics and reporting requirements
- K. write applications and manage federal grant programs for member districts
- L. monitor member school districts for the state
- M. manage joint purchasing of supplies for member districts
- N. provide media/technology services for member districts.
- O. other (please list)

4. Does your state conduct regular formal evaluations of your ESAs?

- A. No
- B. Yes

If so, please describe briefly: _____

5. Is LRE an issue in programs or services provided by ESAs in your state?

- A. No
- B. Yes

If so, please describe briefly: _____

6. Are there any challenges related to the role of ESAs in your state?

- A. No
- B. Yes

If so, please describe briefly: _____

Additional comments about your ESAs:

Thank you for taking the time to complete this survey!