January 21, 2016

Ms. Deborah Spitz  
US Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Comments of the National Association of Federally Impacted Schools; Military Impacted Schools Association; National Indian Impacted Schools Association

In the Matter of: Request for Information, Every Student Succeeds Act  
Docket ID: ED-2015-OESE-0130

Dear Ms. Spitz:

On behalf of the National Association of Federally Impacted Schools (NAFIS), the Military Impacted Schools Association (MISA) and the National Indian Impacted Schools Association (NIISA), we write in response to the Request for Information on Implementing Programs under Title I of the Elementary and Secondary Education Act (ESEA).

The National Association of Federally Impacted Schools (NAFIS) represents the 1,200-plus Impact Aid-recipient school districts nationwide, serving more than 10 million Federal and non-Federal students. Impact Aid is a partnership between communities and the Federal government where there is non-taxable property, such as military installations, Indian Trust, Treaty or Alaska Native Claims Settlement Act lands, low-rent housing, and national parks and laboratories. Congress recognized in 1950 that the Federal government had an obligation to help meet the local responsibility of financing public education in areas impacted by a Federal presence by creating the Impact Aid program.

The Military Impacted Schools Association (MISA) is a national organization of school superintendents. Our mission is to serve school districts with a high concentration of military children to ensure all military children are afforded a quality education.

The National Indian Impacted Schools Association (NIISA) is a non-profit organization representing more than 635 Indian lands public school districts that educate more than 115,000 children residing on tribal, Federal trust, or Alaska Land Settlement Act lands.

The Congress, the Administration, and education stakeholders around the country should be commended on the bipartisan process and final product of the Every Student Succeeds Act (ESSA). As the US Department of Education (ED) moves forward with regulations and implementation, NAFIS, MISA and NIISA offer several comments in response to the Request for Information.
ED should work expeditiously to ensure the transition from No Child Left Behind (NCLB) to ESSA is as seamless as possible. This includes working with Impact Aid recipient school districts right away. Since Impact Aid is a current-year funding program, ESSA changes to Impact Aid Title VII have immediate funding implications for the 2016-2017 school year (Fiscal Year 2017 -- application, due February 2). Along the same lines, ED should be mindful of the parallel tracts of issuing a final rule on the Notice of Proposed Rulemaking (NPRM) for pre-ESSA Impact Aid changes (Docket ID: ED-2015-OESE-0109) and the potential need to issue a second NPRM in response to ESSA changes.

In general, ED should provide greater clarity where it is needed, to avoid confusion during this major transition. However, ED should also avoid adding criteria or overly prescriptive regulations outside the scope of the law, as provided in Section 111(e). Most importantly, ED should consult directly with those individuals – and organizations representing those individuals – that will be responsible for implementing the new law, including school superintendents, school business officials, and school board members.

Tribal Consultation: Where there already exist meaningful opportunities for tribes to provide input into the education program (such as the Title VI parent advisory committee and the Title VII Indian Policies and Procedures - IPPs), ED should ensure any regulatory requirements related to tribal consultation are not overly burdensome or duplicative from current practice, including considering potential changes to the IPPs through the Impact Aid NPRM. We look forward to working with the White House Initiative on American Indian Alaska Native Education (WHIAIANE) on this critical issues.

Military student identifier: ED should solicit feedback from LEAs that educate significant numbers of military-connected students, as well as those LEAs in States that have a military student identifier in place, to ensure a seamless transition and avoid duplicative processes. In considering changes to the Impact Aid regulations, ED should further consider – beyond the series of questions posed in the Impact Aid NPRM – allowing school districts to use an electronic student count for the Impact Aid program that may further streamline this data collection process for federally impacted schools.

Thank you for your consideration.

Sincerely,

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