



National Association of Federally Impacted Schools

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August 1, 2016

In the matter of reporting data for students with a parent in the Armed Forces on state report cards as required by the Every Student Succeeds Act.

Document Number: 2016-12451
Docket ID: ED-2016-OESE-0032

COMMENTS BY THE NATIONAL ASSOCIATION OF FEDERALLY IMPACTED SCHOOLS (NAFIS) RELATED TO THE PROPOSED RULE “ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, AS AMENDED BY THE EVERY STUDENT SUCCEEDS ACT: ACCOUNTABILITY AND STATE PLANS”

Ms. Meredith Miller
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Ms. Miller:

On behalf of the National Association of Federally Impacted Schools (NAFIS) we write in response to the notice of proposed rulemaking, specifically the US Department of Education’s proposed regulations on accountability under the Every Student Succeeds Act (ESSA).

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 US Department of Education (ED) should provide clarity during this major transition to ESSA, but avoid overly prescriptive regulations or guidance outside the scope of the law, as provided in Section 111(e). As ED moves forward with issuing regulations and non-regulatory guidance, ED should consult directly with those individuals – and organizations representing those individuals – who are responsible for implementing the law, including school superintendents, school business officials, and school board members. This outreach should include input from Impact Aid-recipient Local Educational Agencies (LEAs).

Separately, ED should be mindful of the parallel tracts of ESSA regulations and guidance and the forthcoming final rule on the Notice of Proposed Rulemaking for pre-ESSA Impact Aid changes (Docket ID: ED-2015-OESE-0109). For example, any regulations related to the new tribal consultation provision in ESSA should consider forthcoming changes to the Indian Policies and Procedures.

THE NAFIS FAMILY

MISA

Military Impacted
Schools Association

NIISA

National Indian Impacted
Schools Association

FLISA

Federal Lands Impacted
Schools Association

MTLLS

Mid-to-Low-LOT
Schools

Military Student Identifier (200.30 and 200.31): 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 implementation. Should States choose to expand the definition of military connected (to include national guard, for example), LEAs will be working under two different definitions that will be counted at different times of the school year. We are concerned about the potential increased burden on parents and schools of collecting this information twice. We recommend greater communication with the Impact Aid Office staff and the Impact Aid community to avoid confusion and ensure that expectations are clearly communicated to LEAs.

The inclusion of a military student identifier in ESSA further underscores the need to modernize the Impact Aid program. Without an electronic student count for the Impact Aid application, military impacted school districts will potentially be required to identify military-connected students in their communities twice.

Impact Aid reported as State and local funds (200.35): We note that the proposed rule would require LEAs to include Impact Aid funding with State and local funds, rather than Federal funds, for purposes of the reporting on per-pupil expenditures. Guidance should be provided regarding the reporting year, as final Impact Aid payments do not necessarily align with the data reporting timeline.

Consultation (299.15): We applaud ED for including outreach to rural LEAs in the required stakeholder engagement for the development of state plans. Far too often, the needs, perspectives, and challenges of rural school districts are overlooked.

Timeline for Implementation for Comprehensive Supports (200.12): We are concerned with the proposed regulation that would require all SEAs to identify LEAs in need of improvement for the *start* of the 2017-18 school year. It is very likely that states may not have their accountability plans finalized until well into the 2016-17 school year. This unnecessarily rushed timeline creates a scenario where a school in the first year of ESSA implementation will be labeled as needing support based on 2016-17 data, NCLB data. Given that 2017-18 is the first year of ESSA implementation, it follows that identification under ESSA would come only after ESSA-related data has been collected, at the end of the 2017-18 school year for use during the 2018-19 school year.

Sincerely,



Hilary Goldmann
Executive Director



Jocelyn Bissonnette
Director Government Affairs

CC: Alfred Lott, Director, Impact Aid Program Office, US Department of Education