



National Association of Federally Impacted Schools

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May 25, 2016

Stakeholder feedback RE: ESSA non-regulatory guidance needed for Title VII Impact Aid-recipient school districts.

To Whom It May Concern:

On behalf of the National Association of Federally Impacted Schools (NAFIS) we write in response to the request for stakeholder feedback from the US Department of Education regarding non-regulatory guidance under the Every Student Succeeds Act (ESSA) in the areas of Tribal Consultation, the Military Student Identifier, the Impact Aid digital student count, and the need for an Impact Aid application handbook.

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 implementing ESSA, issuing non-regulatory guidance is an important step of the process. 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 school districts.

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).

Tribal Consultation: Regulatory requirements or guidance related to tribal consultation should not be overly burdensome or duplicative from current practice, in particular where there already exists meaningful opportunities for tribes to provide input on education programs such as the Title VI parent advisory committee and the Title VII Indian Policies and Procedures. In issuing tribal consultation guidance, ED should consider anticipated changes to the IPPs in the forthcoming Final Rule to (expected this summer). In addition, ED should provide guidance to school districts that will be required to complete both Tribal Consultations and IPPs to allow school district to avoid duplication, where possible.

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: ED should solicit feedback from school districts that educate significant numbers of military-connected students, as well as those school districts in states that have a military student identifier in place, to ensure a seamless transition and avoid duplicative processes. When developing these guidelines, ED should also solicit feedback and be cognizant that there are many school districts with small percentages of military-connected students (including some that do not receive any Impact Aid funding). The challenges to implement a military student identifier for these school districts may be different than for school districts with a significant number of military-connected students.

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 go through the duplicative process of identifying military-connected students in their communities twice.

Impact Aid Digital Student Count: The current practice of distributing, collecting, collating and counting paper Parent-Pupil Surveys is outdated. NAFIS previously commented on the need for a digital count in response to ED's NPRM. We are awaiting a Final Rule or Further NPRM to address regulatory changes that may be required to allow for electronic documents, for example, a change to the signature date would allow school districts to use information collected during annual registration.

However, a regulatory change might not be required for some school districts to implement a digital student count. Current systems – such as student information systems, parental notification, writeable eForms, and parent portals or other online or mobile user interfaces – could allow school districts to complete the application electronically. These electronic systems could also allow for student enrollment confirmation on the survey date, electronic parent signatures, and an audit trail. While we expect that some school districts have the technology in place to complete the Impact Aid application electronically, school districts may not know this is allowable. We recommend that ED provide clear guidance about what electronic means are allowed, including how school districts may collect the information required for the Source Check or Parent-Pupil forms electronically.

We encourage the Impact Aid Program office to coordinate with the Office of Education Technology, the US Digital Services, the Impact Aid community, and the private sector on this important effort to modernize the program.

Impact Aid Application Handbook: NAFIS commends the Impact Aid Program office for its commitment to working with 1,200-plus federally connected school districts, and expediting final payments over the last several years. Improved communication in the form of listservs, webinars, and the forthcoming system redevelopment are appreciated. However, we hear often from NAFIS members about inconsistencies, challenges, or confusion in several areas of the Impact Aid application, including the format of the Parent-Pupil Survey and Source Check forms, abbreviations being cause for disqualified Parent-Pupil surveys, required Source Check signatures, certification of Indian lands, lack of cross-agency collaboration on addresses, etc.

Program audits and reviews conducted by Impact Aid analysts indicate a need for greater clarity and technical assistance. NAFIS recommends that the Impact Aid Program office compile official guidance in the form of a handbook to distribute to all Impact Aid applicant school districts for their use when completing their applications. We also recommend that this handbook be used by analysts when conducting an audit or program review. We believe this handbook could help to prevent

misinterpretations of what is required throughout the application cycle, since both the school district and the analysts would be using the same set of guidance. School districts want to get it right the first time, but both the application and regulations are complex. NAFIS is willing to partner with the Impact Aid office to develop a handbook to ensure the guidance is as clear as possible.

NAFIS appreciates the opportunity to weigh in on areas where ED should provide additional ESSA guidance. Thank you for your consideration of these comments. We look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "Hilary Goldmann". The signature is written in a cursive, flowing style.

Hilary Goldmann
Executive Director NAFIS

A handwritten signature in black ink that reads "Jocelyn Bissonnette". The signature is written in a cursive, flowing style.

Jocelyn Bissonnette
Director Government Affairs NAFIS