



# National Association of Federally Impacted Schools

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February 13, 2019

Secretary Betsy DeVos  
US Department of Education  
Office of Elementary and Secondary Education  
400 Maryland Avenue, SW  
Washington, DC 20202

RE: Title I - Supplement Not Supplant Non-Regulatory Guidance

Dear Secretary DeVos:

On behalf of the National Association of Federally Impacted Schools (NAFIS) we write in response to the US Department of Education's draft non-regulatory guidance on "supplement not supplant" (SNS) under Title I of the Every Student Succeeds Act (ESSA).

The National Association of Federally Impacted Schools (NAFIS) represents more than 1,300 Impact Aid recipient local educational agencies (LEAs) nationwide, serving more than 10 million federal and nonfederal students. Impact Aid is a partnership between communities and the federal government where there is nontaxable 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 draft non-regulatory guidance is a positive step in the implementation of ESSA. Since the passage of the legislation, NAFIS has argued that the US Department of Education (ED) should provide clarity and technical assistance during this major transition and avoid overly prescriptive regulations or guidance outside the scope of ESSA. We thank you for the clarity and restraint in this guidance document.

We appreciate that the guidance document explicitly discusses the treatment of Impact Aid funding. Impact Aid funding is different from most other education funding sources. Impact Aid is designed to be flexible and responsive to federally impacted districts' unique needs. It is also current-year funded, so districts cannot reliably assume their Impact Aid funding level until the Federal appropriations process is completed. By clarifying that "an LEA is not required to allocate Federal Impact Aid funds or other Federal funds intended to replace local tax revenue in the same manner as its State and local funds," your guidance ensures districts will not face confusion or contradictory messages. This clarity is greatly appreciated.

## THE NAFIS FAMILY

### FLISA

Federal Lands Impacted  
Schools Association

### MISA

Military Impacted  
Schools Association

### MTLLS

Mid-to-Low-LOT  
Schools

### NIISA

National Indian Impacted  
Schools Association

NAFIS had grave concerns about the proposed supplement not supplant regulations released by the previous administration in 2016, and appreciates that this draft guidance does not contain many of those problematic elements. Under this guidance, districts will continue to have the necessary flexibility to make funding, personnel, and other administrative decisions.

Thank you for considering the uniqueness of federally impacted LEAs and your continued support for local decision-making.

Sincerely,



Hilary Goldmann  
Executive Director



Leslie Finnan  
Director of Policy & Advocacy