



National Association of Federally Impacted Schools

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May 12, 2022

The Honorable Rosa DeLauro
Chairwoman
Appropriations Subcommittee on
Labor-HHS-Education and Related Agencies
U.S. House of Representatives

The Honorable Tom Cole
Ranking Member
Appropriations Subcommittee on
Labor-HHS-Education and Related Agencies
U.S. House of Representatives

Dear Chairwoman DeLauro and Ranking Member Cole:

The National Association of Federally Impacted Schools (NAFIS) strongly urges the Senate Labor-Health and Human Services-Education Appropriations Subcommittee to continue recognizing the Federal Government's obligation to federally impacted communities as you set funding priorities for the U.S. Department of Education.

Based on our analysis, we urge you to provide at least a \$2 million increase for Federal Property and a \$55 million increase for Basic Support in the Department of Education's Impact Aid Program for FY 2023.

NAFIS represents the 1,100-plus Impact Aid-recipient school districts that together educate 10 million students across the nation. Impact Aid is the oldest elementary and secondary education program and is a partnership between local communities and the Federal Government where there is significant non-taxable property, such as military installations, Indian treaty or trust land, Alaska Native Claims Settlement Act land, Federal low-rent housing facilities, national parks and national 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. That same recognition holds true today.

While the Administration has indicated it does not intend to support funding cuts to education programs, the President's FY 2023 budget request includes many – including a \$16 million cut to Impact Aid – because Congress finalized FY 2022 appropriations after the Administration finalized its FY 2023 request. It is particularly disappointing that the Impact Aid funding request is notably below the levels included in both the House and Senate FY 2022 appropriations bills, which were in conference at the time the FY 2023 budget was developed.

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 is grateful for the Subcommittee's past support of the Impact Aid program, and we hope to see that support continue in FY 2023. Federally impacted school districts cannot afford stagnant appropriations or a loss of funding. FY 2023 will require additional funds to build on the important funding progress made in the last few years.

Section 7003 Basic Support: Although appropriations have increased in recent years, Basic Support remains significantly underfunded. The Basic Support payment formula is based on several factors, including the actual cost of education. That cost is measured by the Local Contribution Rate (LCR), which is based on per pupil expenditures (PPE) from three years prior.

Basic Support is currently funded at about 60% of the payment formula. Because the program is so underfunded, the Impact Aid law includes a proration factor called the Learning Opportunity Threshold (LOT), which measures the need a school district has for Impact Aid funds. The higher a school district's LOT, the more reliant it is on Impact Aid.

In 2020, for the first time in more than a decade, LOT paid out at over 100%. That means the highest need Impact Aid districts got their full payment. However, hundreds of other school districts still received far less than they would have if the program were fully funded.

For FY 2021, the LOT Payout is estimated to be 98%. Whenever the LOT Payout is below 100%, all federally impacted school districts – including those with the most need that rely most heavily on Impact Aid funds to operate – receive payments below those calculated by the formula in the Impact Aid law.

We expect that the LCR in the Impact Aid formula could increase by 3.5-4% in FY 2023 based on projected increases in per pupil expenditures (NCES data will be available in September on which the FY 2023 LCR will be based). Without a corresponding increase in appropriations, the LOT Payout could drop substantially.

The increases in appropriations and LOT Payout have been critical for federally impacted school districts, especially given increased costs stemming from the COVID-19 pandemic. A \$55 million increase for FY 2023 would build on these increases and help the program keep pace with the rising costs of education. With that increase, the 7003 Basic Support formula will still be approximately \$850 million below fully funding its formula. We encourage Congress to make up this gap and set a glide path to fully fund the formula.

Section 7003(d) Children with Disabilities:

Another important element of Impact Aid is the Children with Disabilities (CWD) section, which provides funding for military-connected or Indian lands students with an active Individualized Education Program (IEP). It has been funded at \$48 million since 2008, despite rising costs of providing special education services. This currently means a school district receives approximately \$1,200 per eligible student living on Federal property (or \$600 for military-connected students who do not live on a military installation). As the cost of special education rises, this \$48 million appropriation is stretched too thin, especially given the chronic underfunding of IDEA. Payments per CWD dropped from \$1,215.65 in FY 2018 to \$1,205.00 in FY20. School districts are continuing to educate their students with disabilities, spending significant general funds to do so.

Section 7002 Federal Property: We thank you for the \$4 million increase in 7002 payments in FYs 2019 through 2022. For FY 2023, we request an additional \$2 million to build on these increases. These funds will partially offset new costs as the Federal Government continues to take property off local tax rolls and as the value of taxable land on which the funding formula is based increases.

Section 7007 Construction: Finally, the Construction section of Impact Aid receives very little

Fiscal Year	LOT Payout	LCR Rates
FY 2011	97.066% of LOT	\$5,215.00
FY 2012	96.109% of LOT	\$5,330.00
FY 2013	87.061% of LOT	\$5,404.50
FY 2014	91.730% of LOT	\$5,406.00
FY 2015	93.074% of LOT	\$5,386.00
FY 2016	93.690% of LOT	\$5,468.00
FY 2017	92.332% of LOT	\$5,635.50
FY 2018	96.187% of LOT	\$5,840.50
FY 2019	98.138% of LOT	\$6,036.00
FY 2020	101.15% of LOT	\$6,268.50
FY 2021*	98% of LOT	\$6,495.00
FY 2022*	100+% of LOT	\$6,794.00
	* Estimated final rates	

support, languishing at a \$17 million level for the past several years. For comparison purposes, in FY 2005 Section 7007 received just over \$45 million. We recommend that FY 2023 Impact Aid Section 7007 funds be distributed under Section 7007(b) competitive grants, since FY 2022 funds will be dispersed through Section 7007(a) formula grants.

School superintendents are saying...

Impact Aid provides the necessary funding to ensure that all students in our district have access to a Free Appropriate Public Education and high levels of learning every day for every student to ensure that all students are prepared to graduate Life, College, and Career ready!
– Washington

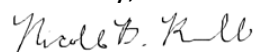
We would not be able to operate without Impact Aid; our Impact Aid funds pay for all support staff, consultants, utilities, daily operations, professional development, curriculum, materials, and technology needs. – Montana

Impact Aid money has helped improve our relations with the Southern Ute Tribe. Over the last ten years, we have developed a meaningful MOU, included a representative from the tribe on our administrative team, added a Ute Language Class, and had regular and meaningful community meetings with tribal leaders to get important feedback. – Colorado

Because of Impact Aid, we have truly leveled the playing field and dramatically improved the working relationship with the Seneca Nation. Instead of the conversation being framed "you are not doing enough" the conversation is now "how can we partner to do more for all children". Because we have been able to use IA funding to improve program, graduation rates, drop out rates, Advanced Placement rates our enrollment has dramatically increased in the past 5 years (+300 students). Simply put IA has made our "product" better, much better. – New York

Additional investments in Impact Aid are critical to help school districts close achievement gaps, update technology, expand access to early childhood and afterschool programs, integrate culturally relevant curriculum, replace failing infrastructure, offer competitive salaries to recruit and retain school leaders, and more. These investments help school districts provide supportive and nourishing learning environments for all students. Through increased funding, we ask you to continue to view the program as a critical Federal investment and a tax replacement program for federally impacted communities.

Sincerely,



Nicole Russell
Executive Director