



National Association of Federally Impacted Schools

444 N. Capitol St., NW, Ste. 419 | Washington, DC 20001 | (p) 202.624.5455 | www.NAFISDC.org

June 29, 2017

Marilyn Hall, Acting Director
Impact Aid Program Office, US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Ms. Hall,

We write to provide input on the Impact Aid program as the US Department of Education (Department) engages in an agency-wide directive to review all regulations per Executive Order 13777, the *Enforcing the Regulatory Reform Agenda*. The National Association of Federally Impacted Schools (NAFIS) serves as the umbrella organization for four subgroups: Military Impacted Schools Association (MISA), National Indian Impacted Schools Association (NIISA), Mid-to-Low LOT Schools (MTLLS), and Federal Lands Impacted Schools Association (FLISA). Our members are the leaders – superintendents, school board members, school business officers – of federally impacted school districts.

Our organizations collectively represent the 1,200-plus Impact Aid-recipient school districts nationwide that educate over 10 million students. Impact Aid is the oldest elementary and secondary education program and its purpose is to reimburse school districts for a loss of local revenue due to the presence of non-taxable Federal property such as military installations, Indian Treaty, Trust, or Alaska Native Claims Settlement Act lands, Federal low-income housing facilities, 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 these communities. That same recognition holds true today.

The staff in the Impact Aid program office work hard each day to provide customer service to more than 1,200 school districts. This support includes detailed one-on-one technical assistance and ensuring that applications are reviewed and payments are disbursed in a timely manner. We were pleased with many of the final regulations that updated the Impact Aid program in September of 2016 and provided added flexibility. For example, permitting multiple students from the same household to be listed on one parent-pupil survey form, and the so-called “Pentagon Rule.”

We urge the Department to prioritize the Impact Aid office to ensure there is a full complement of staff and to prioritize modernizing the information technology system. For example, it is important for the staff to travel throughout the year to provide updates and technical support at conferences and school district site visits. In addition, we urge the Department to allocate funding to update its internal technology infrastructure for tracking applications, disbursing funds, and communicating with federally impacted school districts to improve efficiency, security, and customer service.

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

We offer the following recommendations in response to the regulatory reform initiative:

Electronic Data Count

Our members support the updated regulation that would allow a third option to count students within the Basic Support program. The Impact Aid Office's establishment of the Electronic Data Count (EDC) pilot is a first step toward modernizing the application process away from an antiquated paper-and-pencil system. We encourage the Department to codify that school districts may rely on student information systems or other technology to assist with the count and audit of federally impacted students – as long as they meet the criteria for counting students. As the Department continues to implement the pilot, we encourage the Department to review the current regulations to determine if changes are appropriate to better align with an electronic count.

Federal Properties Application

We urge you to use this opportunity to further streamline the application process for Federal Properties school districts. We recommend a process similar to the one used by the Department of Interior to distribute annual PILT funding, whereby the local county does not need to submit a yearly application if the status of Federal property within the county has not changed.

Indian Policies and Procedures

Significant changes to the Impact Aid Indian Policies and Procedures (IPPs) regulations were included in the updated regulations to improve meaningful consultation between school districts and Tribes. As school districts implement the additional requirements of the updated regulations, we urge the Department to offer significant technical assistance, support, and feedback to ensure school districts can successfully complete the IPPs process. In addition, we ask that the Department clarify inconsistencies between the regulations and guidance that is causing confusion. For example, regulation 222.91 states that a waiver must be collected "from each tribe that has Indian children living on Indian lands claimed by the LEA on its application." This is inconsistent with our understanding of the Department's intent that the IPP consultation process need only be conducted with the "local" Tribe or Tribes located in the "geographic area" of the school district.

On a related matter, we are encouraged by the guidance issued in a Dear Colleague Letter from September 26, 2016 clarifying that school districts may coordinate or consolidate activities (i.e. public hearings) required under the new Tribal Consultation provision with various other Tribal and parental engagement activities under the Impact Aid, Indian Education, and Johnson O'Malley programs. We are not recommending any specific requirement be removed, rather that this guidance is helpful to ensure school districts have flexibility to conduct activities as best fits their own community in meeting all of the requirements for each program.

Military Student Identifier

The Department should provide significant technical assistance to States and LEAs related to the new military student identifier provision. The definition of a "military connected student" under the military student identifier is different than the definition related to Impact Aid eligibility. The definition of a "military connected student" varies among states where a military student identifier is already in place per state statute. Additional variances in the definition may arise should States choose to expand the military student identifier definition beyond the Federal definition in ESSA. LEAs will be working with multiple definitions for students 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. To avoid confusion as the provision is implemented, we recommend greater communication

internally at the Department to include the Impact Aid Program Office, and greater communication between the Department and the Impact Aid community.

Please have your staff contact Jocelyn Bissonnette (jocelyn@nafisdc.org or 202-624-3614) if you have questions or need additional information. Thank you for the opportunity to provide input on this important matter.

Sincerely,



Hilary Goldmann
Executive Director
NAFIS



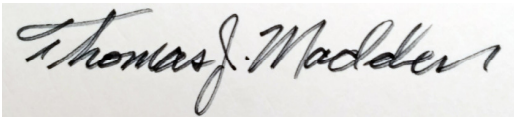
Jocelyn Bissonnette
Director of Government Affairs
NAFIS



Kyle Fairbairn
Executive Director
Military Impacted Schools Association



Brent Gish
Executive Director
National Indian Impacted Schools Association



Tom Madden
Executive Director
Federal Lands Impacted Schools Association



Jim Sarruda
President
Mid-to-Low LOT Schools