

February 16, 2016

Ms. Kristen Walls-Rivas
US Department of Education
400 Maryland Ave, SW Room 3C103
Washington, DC 20202

In the Matter of: Notice of Proposed Rulemaking: Impact Aid
Docket ID: Docket ID: ED-2015-OESE-0109

Dear Ms. Walls-Rivas:

On behalf of AASA, The School Superintendents Association, representing more than 10,000 school superintendents across the country, I write today in response to the Notice of Proposed Rulemaking (NPRM) for Impact Aid. AASA welcomes the opportunity to provide public comment on Impact Aid regulations, many of which haven't been updated since 1995. AASA urges the Department to seriously consider the input of school administrators in this process. District administrators have critical expertise and deep working knowledge of the Impact Aid program and are ultimately responsible for the day-to-day implementation.

AASA applauds the multiple positive proposed changes within the NPRM, including those that would expedite the payment process for both Federal Property and Basic Support school districts. Department staff and school administrators share the burden to ensure timely payments. As school administrators adjust to the Final Rule and explore opportunities to improve the timeliness of payments, the Department should also explore ways to improve its own systems and communication with school districts.

AASA shares the concerns raised by the National Association of Federally Impacted Schools on proposed regulatory changes that increase the administrative burden to apply for funding or shift the data-collection burden from the US Department of Education to school districts. This includes proposed regulatory changes for school districts using the General Comparable District method for the LCR (222.40), Heavily Impacted eligibility (222.62), and the Indian Policies and Procedures (222.91, 222.94). The Department should refrain from issuing a Final Rule that increases the administrative burden on school districts to complete the application or to comply with the regulations.

The Department is seeking input on regulation 222.35 related to methods for school districts to count Federally Connected Children. AASA supports the idea of an electronic data collection method. Advancements in technology should allow a school district to use its student information

system *and* comply with the current regulations, like verifying student enrollment on the survey date and establishing an audit trail. AASA urges the Department to collaborate with the Impact Aid community and the private sector to develop viable solutions that update this program. This effort would certainly align with the Obama Administration’s ConnectEd initiative that supports K-12 schools in their shift from print to digital.

A proposed change to regulation 222.32 would require school districts to include an accurate Federally Connected Child membership count with the Impact Aid application. AASA opposes this proposal and urges the Department not to include it in the Final Rule. Requiring a final membership count by January 31 could place an undue burden on some schools districts and be impossible for others. Prohibiting changes to certain pieces of the application in the amendment process defeats the critical purpose of the amendment process. There are a variety of reasons a school district might need to amend their application to ensure they receive the Impact Aid funding to which they are entitled. School districts may use the time between the application and amendment deadlines to finish reviewing data on the Parent-Pupil Survey or Source Check forms and seek additional information to ensure their application is complete and accurate. The Department should not prohibit a school district from amending any piece of the application within the provided amendment timeframe.

A proposed change to regulation 222.35 would require the use of a Source Check for Indian Lands and Low-Rent Housing children. AASA opposes the elimination of the Parent-Pupil survey as a vehicle to count Indian Lands and Low-Rent Housing children and urges the Department not to include it in the Final Rule. The elimination of one data collection method – when there are only two options to begin with – makes little sense. Securing the required signatures for the Source Check can be challenging for a number of reasons. School administrators should have the authority to determine which method is most appropriate or efficient for their community, not the Federal Government.

Thank you for your consideration of these comments.

Sincerely,



Noelle Ellerson

Associate Executive Director, Policy & Advocacy