

March 28, 2017

Regulatory Affairs Division
Office of the Chief Counsel
Federal Emergency Management Agency
8 NE
500 C Street NW
Washington, DC 20472

RE: Supplemental Advance Notice of Proposed Rulemaking Establishing a Deductible for FEMA's Public Assistance Program Docket ID: FEMA—2016—0003

To Whom It May Concern:

The undersigned organizations, representing the nation's public school superintendents, school business officials, educational service agencies and rural educators and community members, write to share our response to the proposed rule to establish a deductible for the Federal Emergency Management Agency's (FEMA) public assistance program.

FEMA's proposal is considering the establishment of a disaster deductible, requiring a predetermined level of financial or other commitment from a recipient (grantee) before FEMA would provide assistance under the public assistance program when authorized by a Presidential major disaster declaration. FEMA believes the deductible model would incentive recipients to make meaningful improvements in disaster planning, fiscal capacity for disaster response and recovery, and risk mitigation, while contributing to more effective stewardship of taxpayer dollars.

We must first acknowledge that the Stafford Act was designed to assist states in time of disaster. We also acknowledge that the program is not designed to fund all eligible costs and that there is an appropriate assumption that there are some costs that the affected state, tribal or territorial government can handle on its own. We are concerned that this proposal, however, shifts costs that have historically been covered at the federal level to the state/local level, and that the proposal will negatively and disproportionately impact those with the most limited capacity to recover from disaster (including the elderly, the poor, and rural communities, among others). We are also concerned that the ability of sub-grantee (which could include local school districts) recipients to receive assistance would depend on the ability/willingness of their state, tribal or territorial government to comply with the deductible.

This is a program for public assistance, and FEMA policy must reflect the reality that during a disaster, costs and economic impact are spread across both the state and community level, without distinction between individual or public assistance. A distinction possible in framing policy doesn't necessarily translate into reality, particularly in a post-disaster environment. We are concerned that the proposal to establish a deductible muddles the distinction between all costs in a disaster and those that are eligible for disaster relief, a blurring of which could complicate the ability of impacted entities to successfully gain access to disaster support.

As submitted by Catholic Charities, “Local and State governments have responsibilities to provide for public health and safety; addressing needs of people post disaster comes under the broad umbrella of state and local government responsibilities.” School districts operate at a unique crossroads of state and local governments. Just as the needs of people and students fall under the purview of local and state governments on the average day, this responsibility—addressing the needs of the people and students—is one that is exacerbated in times of disaster.

The very people least able to navigate a post-disaster environment are those who will bear disproportionate—and arguably negative—impact of a revamped federal policy proposal that includes a deductible. The poor, the disabled, and the elderly are a sampling of those populations who rely on assistance from governments (state/local/federal) and community groups and associations, and we are concerned that this proposal would establish a threshold to accessing emergency disaster resources, at the very time they are most needed. These are arguments about a broader community, but to rebuild a school is to rebuild a community, and to rebuild a community is to rebuild a school. We remain focused on our commitment to ensuring that all students in all schools have access to educational opportunity, an opportunity that is as critical as ever as schools, students and the communities work to rebound from a disaster.

We are concerned that the current proposal could translate into arbitrary financial obligations for state and local governments, in turn impacting the ability to rebuild our schools in a time of disaster and support continued investment in non-disaster times. The Stafford Act was created to support states in times of disaster and we find that a shift in policy to include additional obstacles for state and local governments to navigate in the wake of a disaster is a move that could be considered bad faith on the federal government’s part. We strongly encourage FEMA to carefully balance its focus on program efficiency with its mission to support states and communities in disaster, and we look forward to working with FEMA and representatives from local, state and federal government and the emergency support communities to further improve this proposal.

Thank you for your consideration of these comments. Please direct any inquiries to Leslie Finnan, legislative liaison (lfinnan@aasa.org).

Sincerely,

AASA, The School Superintendents Association
Association of Educational Service Agencies
Association of School Business Officials International
National Rural Education Advocacy Consortium
National Rural Education Association