AASA THE SCHOOL SUPERINTENDENTS ASSOCIATION
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The Honorable John King
Secretary
U.S. Department of Education
400 Maryland Avenue, NW
Washington, D.C. 20009

October 26, 2016

Dear Secretary King,

On behalf of AASA, The School Superintendents Association and 49 state superintendent associations[1], we write to express our deep concern with the U.S. Department of Education's (USED) proposed regulations related to the 'Supplement, not Supplant' (SNS) provisions of Title I in the Every Student Succeeds Act (ESSA). The regulations represent new, far-reaching federal mandates dictating how local school districts spend their state and local funds and are in conflict with the spirit and intent of the underlying statute, which is premised on state and local control.

ESSA's reform of SNS should not be an opportunity for USED to exert unprecedented influence over the more than 90 percent of K-12 funding generated by state and local districts. It must be an opportunity for the flexible, but high expectations for equity in ESSA to drive improvement in our nation's schools.

We are committed to working together with our state and local education agencies and associations to guarantee the success of this new law. This includes the important work our members have built their careers around (providing students with excellent educational opportunities) and the role of equitable resources in supporting educational achievement. We, as state association executives, came together to support ESSA in part for its continued commitment to equity, including strong bipartisan support for ensuring that Title I dollars continue to be in addition to—not in place of—state and local dollars. We come together again, now, in response to the USED regulations to ensure that the final rule supports the important work of ESSA and the SNS provision without unnecessarily disrupting existing efforts to improve resource equity.

Our members are very familiar with education finance, an understanding that highlights how USED's proposed SNS regulations run counter to the very goal they aim to address: ensuring students have access to equitable education resources. Because compliance with the proposed regulation would be based on spending thresholds, districts would have to centrally manage all decisions that affect costs. The proposal would force school personnel to make the difficult decision of compliance over meeting the needs of the students they serve. The proposed rule's negative consequences could also include (but are not limited to):

- <u>Last minute shuffling of staff or other resources to meet federal compliance requirements</u> because schools often cannot reliably predict enrollment, programming or staffing levels in advance. It could also impact fundamental contract and collective bargaining rights.
- <u>A "one-size-fits-all" approach to programming in schools</u> because uniformity makes compliance with the federal spending benchmarks easier to meet. This could negatively affect *specialized schools* such as Career/Technical education, International Baccalaureate, or magnet schools, as well as CTE, IB, dual-immersion, magnet, or performing arts schools, as well as *specialized programs* within schools where costs may vary from traditional programs.
- <u>Cutting programs or initiatives that increase student choice and/or have inherent cost variability</u> because their lack of predictability makes compliance with the proposed rule difficult. This could include student course

[1] Hawaii does not have an affiliated state superintendent association.

choice and dual enrollment programs, performance pay programs for teachers or programs that reimburse students for certain costs.

- Undermining support for future levies or bonds. Because the rule mandates how funds must be allocated to schools, it may erode support for local levies or bond initiatives, which are an important source of revenue in many districts.

We believe that the regulation, as drafted, glosses over the realities of school finance and reduces the intricate nuances of equitable funding to 'robbing Peter to pay Paul'. If it were as simple as merely shifting funds from lower-need to higher-need schools, we are confident our members and the districts they run would have made that change already.

We (the undersigned associations) urge USED to review and revise its proposed SNS regulations to ensure they are consistent with statutory intent and focus, and to release a final rule that holds state and local education agencies responsible for ensuring that federal Title I dollars are in addition to—not in place of—state and local dollars, regardless of whether or not individual schools receive Title I dollars.

Sincerely,

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School Superintendents of Alabama

Lisa Skiles Parady
Alaska Association of School Administrators

Mark Joraanstad
Arizona School Administrators

Richard Abernathy
Arkansas Association of Educational Administrators

Wesley Smith
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Lisa Escarcega
Colorado Association of School Executives

Joseph Cirasuolo
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Virginia Association of School Administrators

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West Virginia Association of School Administrators

Jon Bales
Wisconsin Association of School District Administrators

Dan Stephan
Wyoming Association of School Administrators

CC: U.S. Senate
U.S. House of Representatives