



## Conservative Leaders for Education

November 7, 2016

James Butler

U.S. Department of Education

400 Maryland Avenue SW., Room 3W246, Washington, DC 20202.

Docket ID: ED-2016-OESE-0056

Dear Mr. Butler,

Conservative Leaders for Education (CL4E) is a new initiative chaired by former Education Secretary William Bennett and comprised of state policy-makers and legislators with an acute interest in and purview over state education policy. Specifically, we have articulated four fundamental principles that we believe should underpin education policy: Local Control, Choice, Accountability, and Quality Content. To learn more about these principles and our efforts visit our website at [www.ConservativeLeaders4Ed.org](http://www.ConservativeLeaders4Ed.org)

We write today to provide a state policy perspective on the U.S. Department of Education's (DoE) proposed rules for implementation of the "supplement, not supplant" requirement in the expenditure of title I, part A federal funds.

We want to first emphasize that as a group of state policy-makers we do not take a position on how any given state or LEA *should* expend, and account for the expenditure of these funds, in their overall compliance with the long-standing supplement, not supplant requirement. The Every Student Succeeds Act (ESSA) specifically, and wisely, left those specific policy and budgeting decisions at the state and local levels.

We do write in support of maintaining state and local decision-making in how best to both comply with the federal supplement, not supplant requirement AND most effectively innovate to help the schools and students these federal funds are directed to.

In reviewing this NPRM we were first struck -- and frankly somewhat shocked -- by the following sentence in DoE's own summary of the NPRM (at Page 61153, emphasis added): "The proposed regulation would require that an LEA distribute almost all state and local funds they receive through one of the three methodologies."<sup>1</sup>

It is hard to overstate the sweeping nature of not only this statement, but the very concept that the distribution of "almost all state and local funds" by every school district across this huge and diverse

---

<sup>1</sup> The three methodologies DoE is referring to are: 1. A per-pupil weighted formula; 2. A resource allocation formula, (as many LEAs and the CCSSO have detailed in submitted comments, neither of these first two methodologies comport with actual budget practices or solid educational decision-making in most LEAs) or; 3. A new state developed funds-based formula, but the proposed requirements for development of such a new statewide budgeting formula are exceeding complex and cumbersome.

nation is best accomplished by 1 of 3 systems designed or driven by Washington, D.C. As state policy-makers we recognize the incredible diversity of circumstances and challenges LEA's face just within our own state's borders. Even at the state level we are very cautious to presume that an approach that might work for some LEAs is also the correct approach for all of them in the state.

While some may respond that there does exist the fourth "special rule" that an LEA might consider developing on its own, compliance with that "special rule" process is extremely cumbersome, and further still requires an LEA to complete its budget calculations in a manner that simply disregards unique circumstances at individual schools within an LEA, such as differences in staff experience levels.

This kind of federal micro-management is exactly what the ESSA intended to shift away from.

As state education policy-makers, we have no higher priority than attempting to raise the academic performance of challenged students and struggling schools. Title I funds can be an important part of developing a comprehensive strategy in each state and LEA towards that crucial goal. There is simply no reason to hamstring that state and local policy development and innovation by forcing it to fit within one of a handful of federally approved approaches. The longstanding supplement, not supplant requirement can be met without putting these kind of new federal barriers in place.

As is too often the case, what may be well-meaning but overly prescriptive federal regulations can actually end up complicating and inhibiting the efforts of those at the ground level in their efforts to meet the very real challenges these students and schools face on a daily basis.

We note that the Council of Chief State School Officers submitted draft regulations demonstrating that compliance with the supplement, not supplant requirement does not require the kind of federal micro-management represented by the current NPRM.

We encourage DoE to return to the drawing board and start this process anew with a focus not on creating a couple of approved federal forms and formulas for thousands of LEAs and all the states to then figure out how to conform to, but instead a focus on how the federal program rules can actually help and encourage states and LEAs to innovate in finding better ways to serve these students and schools with the federal funds that have been specifically allocated for that purpose.

Sincerely,

**Representative Paul Boyer (AZ)**  
Chair, House Education Committee

**Senator Owen Hill (CO)**  
Chair, Senate Education Committee

**Mary Scott Hunter (AL)**  
Representative, Alabama Board of Education

**Senator Peggy Lehner (OH)**  
Chair, Senate Education Committee

**Senator Luther Olsen (WI)**  
Chair, Senate Education Committee

**Representative Amanda Price (MI)**  
Chair, House Education Committee

**Senator Howard A. Stephenson (UT)**  
Chair, Senate Education Committee

**Senator Mike Wilson (KY)**  
Chair, Senate Education Committee

*(All signatories are founding members of Conservative Leaders for Education)*