



November 1, 2016

The Honorable John King
Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20009

RE: Improving the Academic Achievement of the Disadvantaged: Supplement Not Supplant

Dear Secretary King:

The Association of California School Administrators (ACSA) and California School Boards Association (CSBA) appreciate this opportunity to respond to the U.S. Department of Education's Notice of Proposed Rulemaking regarding the "supplement, not supplant" (SNS) requirement under Title I, Part A of the Every Student Succeeds Act (ESSA). On behalf of ACSA's more than 17,000 school leader members and the more than 5,000+ locally elected school board members represented by CSBA, we urge you to carefully consider the following issues as you develop the final supplement, not supplant rule.

Our members share a deep commitment to promoting educational equity for California's 6.2 million students. Ensuring that all students graduate ready for postsecondary success will depend, in part, on our ability to dramatically improve learning opportunities for low-income students and economically distressed communities. Federal resources play a critically important role in supporting school districts' efforts to ensure equity, and our members strongly agree that Title I funding should not displace State and local investments. We welcomed Congress's decision, however, to use ESSA as an opportunity to update Title I's supplement not supplant requirement, including adopting and improving on the more straightforward compliance test that already applied to Title I schoolwide programs. This sensible, transparency-based approach, connected to the law's other reporting requirements, provides a workable model for achieving ESSA's equity vision. Unfortunately, the Department's proposed rules aim to take districts down a different path, which may frustrate the law's goals.

California's P-12 education system aims to provide every student with the instruction and support they need for success in college and the workforce. Our state has led in education reform for many years - reform that addresses issues such as defining and strengthening educators' qualifications and effectiveness, closing resource inequity gaps, and designing an accountability system that honors the professionalism of our local systems and the differing contexts that exist in communities across our state. Together, California created a system that

takes a coherent approach to equitable funding and continuous improvement, which aligns well with Title I's statutory supplement, not supplant requirement.

The Department's proposed regulations, however, take a different approach, which supersedes the law's focus on restoring State and local leadership to better address persistent opportunity gaps. Specifically, the Department's decision to focus on spending benchmarks will require districts to manage all decisions that affect school costs, including requiring district forced changes to school-based hiring and other programming decisions. These important decisions are best left to schools. For example, requiring districts to shuffle personnel in order to minimize compliance costs, as pointed out by the Council of Great City Schools – could be potentially harmful blow to communities that are struggling the most.

Furthermore, shifting the methodology to an examination of building level spending and teacher salaries, and then requiring changes in resource, stretches to a breaking point the ESSA prohibition on mandating equalized spending on a per pupil, school, or LEA basis. It is also impractical and unworkable in California and states with strong labor laws and collective bargaining requirements that limit staffing flexibility. To that end, we share the concern raised by Senator Lamar Alexander, Chairman of the Senate HELP Committee, that the "proposed regulation would give Washington, D.C. control over state and local education dollars that it has never had before" and to a degree not contemplated by the law.

Therefore, we urge the Department to reconsider and rewrite the supplement-not-supplant regulations to reflect a model better aligned to the reporting and transparency-based system contemplated by the statute. This approach would provide communities valuable information about how districts equip their schools for success and empower them when to promote local changes when investment, staffing and other educational improvements are needed.

Thank you for carefully considering our concerns. We would be pleased to respond to any questions you or your staff may have about these ideas.

Sincerely,



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