



November 7, 2016

Honorable John B. King, Jr.
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

RE: Docket ID ED-2016-OESE-0056 - Notice of Proposed Rule-Making for Title I of the Elementary and Secondary Education Act (ESEA) of 1965 as amended by the Every Student Succeeds Act (ESSA) enacted on December 10, 2015

Dear Secretary King,

We represent a group of organizations committed to improving education in California, which inhabit varied roles in education policy advocacy but which all recognize the critical role that the Elementary and Secondary Education Act (ESEA) has played for more than half a century in ensuring that all students have an equitable opportunity to learn. As such, we write to support the direction of the proposed regulations on the supplement not supplant provisions that are designed to ensure that Title I funds are used to fulfill their statutory purpose, to “provide all children significant opportunity to receive a fair, equitable, and high quality education, and to close educational achievement gaps.”

From the passage of the original ESEA in 1965, the federal government has worked to protect historically disadvantaged students and address enormous inequities in educational opportunities. In revising ESEA in 2015 with the Every Student Succeeds Act (ESSA), Congress reinforced the supplement not supplant provision, first established in 1970, with a new requirement that indicates that schools receiving Title I federal funds must receive all of the State and local funds the school would have otherwise received if it were not receiving the federal resources. Congress recognized that despite 45 years of this provision, there are still millions of students in Title I schools receiving less support than their more advantaged peers and, at times, less than the intended help from extra state and federal funds. These proposed regulations appropriately reflect this statutory intent.

While the proposed regulations require transparency on how an LEA allocates state and local funds, they provide the flexibility necessary to implement this requirement in a way that accounts for local needs and circumstances. The options the regulations outline, reinforce the need

for a rigorous methodology for demonstrating the Title I funds are not supplanting State and local funds, while giving the LEAs more leeway in developing their own compliance test than the previously required, burdensome compliance tests of justifying every purchase. We also appreciate that the regulations include additional flexibility for LEAs in different circumstances, like small or single school LEAs.

Despite any protests to the contrary from other California stakeholders, we believe that these specific regulatory proposals are necessary and consistent with the spirit and letter of California's Local Control Funding Formula (LCFF) statute. When Governor Brown proclaimed that "equal treatment for children in unequal situations is not justice," and led the charge to pass the Local Control Funding Formula, which directed additional resources to low-income students, English learners and foster youth, he was singing from the same song book as President Johnson when he signed the original ESEA and recognized the need for extra compensatory services to assist disadvantaged students.

Moreover the Local Control and Accountability Plan (LCAP) that LEAs in California are required to complete as part of the local decision-making and accountability processes, already requires LEAs to provide transparency about how they are serving all students within their LEA, and specifically what actions and expenditures they are taking to increase and improve services for underserved subgroups. With the flexibility afforded by the proposed federal regulations to the states, LEAs in California can develop methodologies to demonstrate their compliance with the supplement not supplant provision in ways that are consistent with their LCAP. Like the requirements of LCFF, the proposed ESSA regulations do not prescribe how the funds should be spent but provide a framework to ensure that there is meaningful transparency for the public, stakeholders, and to the Congress to ensure they are benefiting the students for whom they are intended.

While many of us will also comment separately and may have some suggestions about making the proposed regulations even stronger, we believe it is important to highlight shared support for the direction of the proposed regulations on the supplement not supplant provisions and how they can only help to reinforce the work already being done in California to ensure, as President Johnson hoped, that "full educational opportunity" is both a state and national goal. We look forward to working with the Department to make these regulations meaningful and to support their implementation in California, and we thank you for your attention to these comments.

Respectfully,



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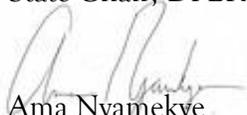
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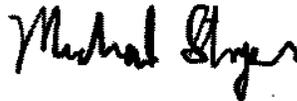
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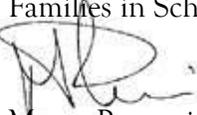
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