

United States Senate

WASHINGTON, DC 20510

March 4, 2020

The Honorable Betsy DeVos
Secretary
United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8510

Dear Secretary DeVos:

We write to express our strong opposition to the Department of Education's decision to change the eligibility methodology for the Rural Low-Income Schools Program. According to the Department's own projections, this change, which is being implemented without notice to Congress and after funding for fiscal year (FY) 2020 has already been appropriated, is expected to exclude more than 800 rural, low-income schools from eligibility nationwide this year. We urge the Department to prevent these cuts from taking effect.

The Rural Education Achievement Program (REAP), authored by Senator Susan Collins and former Senator Kent Conrad, is the only dedicated federal funding stream to help rural schools overcome the increased expenses caused by geographic isolation. It consists of two programs – the Small, Rural School Achievement (SRSA) program and the Rural and Low-Income Schools (RLIS) program. Rural school districts frequently lack the resources and staff needed to compete effectively for federal grants, and often receive formula grant allocations too small to be effective. Since 2002, rural schools across the nation have relied on these additional flexible funds to purchase supplies and make technology upgrades; expand curricular offerings, such as in reading, physical education, music, and art; provide distance learning opportunities; fund transportation; and support professional development activities. Without any chance to prepare, this abrupt change in RLIS eligibility will force many rural school districts to forgo essential activities and services.

The RLIS program targets funding to rural, high-poverty schools. In 2003, one year after the law was enacted, the Department advised states that, if Census poverty data for a school district did not exist, the state could “provide the U.S. Department of Education with the adjusted poverty data that it uses to make its allocations to Local Education Agencies (LEAs) under Part A of Title I to determine the eligibility of LEAs for which Census poverty estimates are not available.”¹ Since that time, the Department has continued to accept an alternative poverty measurement for allocating RLIS funding, without interruption or revised guidance. For many rural school districts, standard measures of neighborhood poverty, including those collected the U.S. Census Bureau's Small Area Income and Poverty Estimates (SAIPE), is unavailable or undercounts the number of economically disadvantaged students. Many states have instead relied on annual, local data collected through participation in the Free and Reduced-Price Lunch program. This is a widely-used, comprehensive measure of poverty in schools. In fact, federal funding allocated under Title I Part A of the Elementary and Secondary Education Act permits small school districts to submit an alternative poverty measurement for the Department's distribution of funds to those districts. Yet under the Department's change, even school districts that are not using alternative poverty measurements are seeing dramatic swings in funding due to

¹ Appendix E, *Guidance on the Rural Education Achievement Program (REAP)*, U.S. Department of Education, June 2003.

the limitations of the SAIPE data. The sharp eligibility disparities and funding cuts illustrate the serious deficiencies in relying on the SAIPE data alone to implement the RLIS program.

In 2015, Congress reauthorized REAP through the bipartisan Every Student Succeeds Act (ESSA). Predicting some adjustments, Congress included a hold harmless provision to ease the transition for schools in the SRSA program. The Department appears to have had no difficulty implementing the REAP improvements, particularly with respect to dual-eligibility, and it continued to accept alternate poverty data for the RLIS program. At no time during the ESSA transition did the Department notify Congress or states that the RLIS program would be administered differently. It continued to accept alternative poverty measurements, including those based on free and reduced-price lunch, and states reasonably relied on its past practices and consistent approvals to do the same. Additionally, Congress relied on the technical expertise of the Department and this eligibility issue was never brought to our attention. It is puzzling that the Department has now, 18 years after REAP's creation and more than four years after its reauthorization, chosen to implement the law differently and without any notice to Congress.

Additionally, ESSA provides the Secretary with the authority to "take such steps as are necessary to provide for the orderly transition" to the law's requirements.² The Department identified several requirements over which it would exercise flexibility, but it never identified methodological changes to the RLIS program. The Department should once again rely on its "orderly transition" authority to prevent an implementation change from taking effect, and thus avoid the severe eligibility and funding reductions it is proposing for this year.

We are also alarmed that the Department did not provide Congress, states, and school districts with any notice about its decision to use a new methodology prior to or along with submitting its budget request for REAP in FY 2020. In fact, the FY 2020 request expressed continued support for dividing equally the funds appropriated to both SRSA and RLIS. Thus, Congress rightly expected the Department to administer RLIS consistent with past practices. Today's after-the-fact change, however, places RLIS grantees in jeopardy and will put additional strain on the SRSA program. School districts that, previously, may have been eligible to choose either SRSA or RLIS may find themselves only eligible for SRSA, which are likely to reduce the value of awards in that crucial program. The Department's decision has created a funding cliff for hundreds of rural, low-income schools that are already balancing tight budgets. We also note that the Department's FY 2021 budget request includes no mention of any methodological changes to the REAP grants.

REAP helps deliver an equitable and enriching education to thousands of students living in rural America. We strongly encourage you to rescind this new interpretation and to work with Congress to serve students in rural communities. We look forward to working with you on this important issue and request an immediate response.

Sincerely,



Susan M. Collins
United States Senator



Margaret Wood Hassan
United States Senator

² PL 114-95 §4(b)



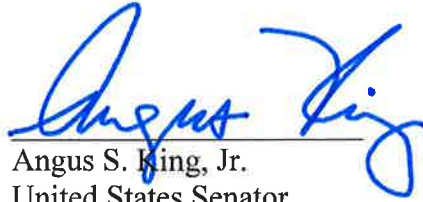
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Jon Tester
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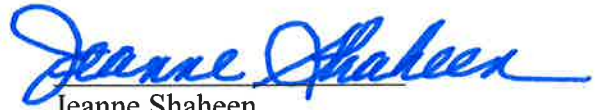
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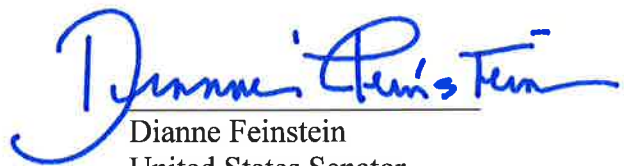
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