

Department of Education
IMPACT AID
Fiscal Year 2021 Budget Request
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State tables reflecting final 2019 allocations and 2020 and 2021 estimates are posted on the Department's webpage at: <https://www2.ed.gov/about/overview/budget/statetables/index.html>

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For carrying out programs of financial assistance to federally affected schools authorized by title VII of the ESEA, [~~\$1,486,112,000~~] \$1,410,799,000, of which \$1,340,242,000 shall be for basic support payments under section 7003(b), \$48,316,000 shall be for payments for children with disabilities under section 7003(d),¹ \$17,406,000, to remain available for obligation through September 30, 2022, shall be for construction under section [7007(a)] 7007(b),² [~~\$75,313,000~~] shall be for Federal property payments under section 7002,³ and \$4,835,000, to remain available until expended, shall be for facilities maintenance under section 7008.⁴ *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 7003(a) for school year [~~2019-2020~~] 2020-2021, children enrolled in a school of such agency that would otherwise be eligible for payment under section 7003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 7003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.⁵ (*Department of Education Appropriations Act, 2020.*)

NOTE

Each language provision that is followed by a footnote reference is explained in the Analysis of Language Provisions and Changes document, which follows the appropriation language.

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Analysis of Language Provisions and Changes

Language Provision	Explanation
<p>¹ <u>\$1,410,799,000</u>, of which \$1,340,242,000 shall be for basic support payments under section 7003(b), \$48,316,000 shall be for payments for children with disabilities under section 7003(d)</p>	<p>This language specifies funding levels for basic support payments and payments for children with disabilities.</p>
<p>² <u>\$17,406,000, to remain available for obligation through September 30, 2022</u>, shall be for construction under section [7007(a)] <u>7007(b)</u></p>	<p>This language specifies the amount for construction, makes it available only for competitive awards, and makes the funds available for 2 years, to provide sufficient time to hold the competition.</p>
<p>³ [<u>\$75,313,000 shall be for Federal property payments under section 7002.</u>]</p>	<p>This language, which specifies the amount for Federal property payments, is deleted because the Administration is not requesting funding for the program in fiscal year 2021.</p>
<p>⁴ <u>\$4,835,000, to remain available until expended, shall be for facilities maintenance under section 7008:</u></p>	<p>This language provides funds for the maintenance and repair of federally owned school facilities on a “no-year” basis because these activities typically require several years to initiate and complete.</p>
<p>⁵ <i>Provided</i>, That for purposes of computing the amount of a payment for an eligible local educational agency under section 7003(a) for school year [2019-2020] <u>2020-2021</u>, children enrolled in a school of such agency that would otherwise be eligible for payment under section 7003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 7003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.</p>	<p>This language provides continued eligibility for students affected by the deployment or death of their military parent so long as the children attend school in the same LEA they attended prior to the parent’s death or deployment.</p>

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Appropriation, Adjustments and Transfers
(dollars in thousands)

Appropriation/Adjustments/Transfers	2019	2020	2021
Discretionary:			
Appropriation.....	\$1,446,112	\$1,486,112	\$1,410,799
Total, discretionary appropriation.....	1,446,112	1,486,112	1,410,799

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Summary of Changes
(dollars in thousands)

2020.....	\$1,486,112
2021.....	<u>1,410,799</u>
Net change	-75,313

Decreases:	<u>2020 base</u>	<u>Change from base</u>
<u>Program:</u>		
Eliminate funding for Payments for Federal Property, which are payments made without regard to the presence of federally connected children.	\$75,313	-\$75,313
Net change		-75,313

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Authorizing Legislation
(dollars in thousands)

Activity	2020 Authorized	2020 Estimate	2021 Authorized	2021 Request
Payments for federally connected children:				
Basic support payments (<i>ESEA-VII-7003(b) and (e)</i>).....	\$1,240,573	\$1,340,242	\$1,240,573 ¹	\$1,340,242
Payments for children with disabilities (<i>ESEA-VII-7003(d)</i>) ...	52,065	48,316	52,065 ¹	48,316
Facilities maintenance: (<i>ESEA-VII-7008</i>)	5,210	4,835	5,210 ¹	4,835
Construction (<i>ESEA-VII-7007</i>)	18,757 ²	17,406	18,757 ^{1,2}	17,406
Payments for Federal property (<i>ESEA-VII-7002</i>).....	<u>71,998</u>	<u>75,313</u>	<u>71,998</u>	<u>0</u>
Total definite authorization.....	1,388,603		1,388,603	
Total annual appropriation		1,486,112		1,410,799

¹ The GEPA extension applies through September 30, 2021.

² The statute provides that 40 percent of the funds appropriated for Construction under section 7007 shall be used to make formula payments under section 7007(a) and 60 percent shall be used to make competitive awards under section 7007(b).

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Appropriations History (dollars in thousands)

Year	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation
2012	\$1,276,183	\$1,308,631 ¹	\$1,273,631 ¹	\$1,291,186
2013	1,224,239	1,291,186 ²	1,291,186 ²	1,223,649
2014	1,224,239	N/A ³	1,290,945 ⁴	1,288,603
2015	1,221,790	N/A ³	1,288,603 ⁵	1,288,603
2016	1,288,603	1,298,603 ⁶	1,288,603 ⁶	1,305,603
2017	1,305,603	1,315,603 ⁷	1,328,603 ⁷	1,328,603 ⁷
2018	1,236,435	1,333,603 ⁸	1,340,112 ⁸	1,414,112 ⁸
2019	1,259,790	1,466,112 ⁹	1,439,112 ⁹	1,446,112 ⁹
2020	1,371,799	1,498,112	1,471,112 ¹⁰	1,486,112 ¹⁰
2021	1,410,799			

¹ The level for the House allowance reflects an introduced bill; the level for the Senate allowance reflects Senate Committee action only.

² The level for the House and Senate allowances reflect action on the regular annual 2013 appropriations bill, which proceeded in the 112th Congress only through the House Subcommittee and the Senate Committee.

³ The House allowance is shown as N/A because there was no Subcommittee action.

⁴ The level for the Senate allowance reflects Committee action only.

⁵ The level for the Senate allowance reflects Senate Subcommittee action only.

⁶ The levels for House and Senate allowances reflect action on the regular annual 2016 appropriations bill, which proceeded in the 114th Congress only through the House Committee and Senate Committee.

⁷ The levels for the House and Senate allowance reflect Committee action on the regular annual 2017 appropriations bill; the Appropriation reflects the Consolidated Appropriations Act, 2017.

⁸ The level for the House allowance reflects floor action on the Omnibus appropriations bill; the Senate Allowance reflects Committee action on the regular annual 2018 appropriations bill; the Appropriation reflects the Consolidated Appropriations Act, 2018 (P.L. 115-141).

⁹ The levels for the House and Senate Allowance reflect Committee action on the regular annual 2019 appropriations bill; the Appropriation reflects enactment of the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 (P.L. 115-245).

¹⁰ The Senate allowance reflects the Chairman's mark; the Appropriation reflects the Further Consolidated Appropriation Act, 2020 (P.L. 116-94).

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DEPARTMENT OF EDUCATION FISCAL YEAR 2021 PRESIDENT'S BUDGET
(in thousands of dollars)

	Cat Code	2019 Appropriation	2020 Appropriation	2021 President's Budget	2021 President's Budget Compared to 2020 Appropriation	
					Amount	Percent
Impact Aid (ESEA VII)						
1. Payments for federally connected children (section 7003):						
(a) Basic support payments (section 7003(b))	D	1,301,242	1,340,242	1,340,242	0	0.00%
(b) Payments for children with disabilities (section 7003(d))	D	48,316	48,316	48,316	0	0.00%
Subtotal		1,349,558	1,388,558	1,388,558	0	0.00%
2. Facilities maintenance (section 7008)	D	4,835	4,835	4,835	0	0.00%
3. Construction (section 7007)	D	17,406	17,406	17,406	0	0.00%
4. Payments for Federal property (section 7002)	D	74,313	75,313	0	(75,313)	-100.00%
Total	D	1,446,112	1,486,112	1,410,799	(75,313)	-5.07%

NOTES: D = discretionary program; M = mandatory program
Detail may not add to totals due to rounding.

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Summary of Request

The Impact Aid program provides financial assistance to school districts affected by Federal activities. The presence of certain children living on Federal property across the country can place a financial burden on the local educational agencies (LEAs) that educate them because such property is exempt from local property taxes, denying LEAs access to the primary source of revenue used by most communities to finance education. Impact Aid helps replace the lost local revenue that would otherwise be available to LEAs to pay for the education of these children.

The Administration requests \$1.4 billion in fiscal year 2021 for Impact Aid programs, including:

- \$1.3 billion for **Basic Support Payments** on behalf of federally connected children. These funds provide grants for both regular Basic Support Payments and Basic Support Payments for Heavily Impacted LEAs.
- \$48.3 million for **Payments for Children with Disabilities**. These payments are made on behalf of federally connected children with disabilities in order to help eligible LEAs meet the mandate under the Individuals with Disabilities Education Act to provide a free appropriate public education to all children with disabilities.
- \$4.8 million for **Facilities Maintenance**. The Department of Education owns and maintains seven school facilities that originally were built to enable LEAs and the Department of Defense to educate federally connected students. The request would support Department of Education efforts to make emergency repairs to the remaining school buildings and continue the process of transferring these schools to LEAs.
- \$17.4 million for **Construction** payments to LEAs, with appropriations language that would require all funds to be awarded competitively. LEAs generally pay for most of their school construction costs using local, as opposed to State and Federal, resources and rely on property taxes to finance these costs. Competitive grants assist federally affected LEAs that do not have access to those local resources in making emergency repairs and renovations and modernizing schools.

No funds are requested for **Payments for Federal Property**. This authority provides payments to LEAs without regard to the presence of federally connected children and, therefore, does not necessarily support the provision of educational services for these children.

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Basic support payments

(Elementary and Secondary Education Act of 1965, as amended, Title VII, Section 7003(b) and (e))

(dollars in thousands)

FY 2021 Authorization: \$1,240,573¹

Budget Authority:

<u>2020</u> <u>Appropriation</u>	<u>2021</u> <u>Request</u>	<u>Change from</u> <u>2020 to 2021</u>
\$1,340,242	\$1,340,242	0

¹ The GEPA extension applies through September 30, 2021.

PROGRAM DESCRIPTION

The Impact Aid Basic Support Payments program is authorized under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) and the National Defense Authorization Act of 2017 (NDAA).

Impact Aid Basic Support Payments compensate local educational agencies (LEAs) for the expense of educating federally connected children. In communities across the country, the presence of Federal activities can both increase the number of students and decrease the local property tax base, which is the major source of revenue for education in most LEAs. Basic Support Payments go into the general funds of these LEAs, which use them for such expenses as teacher salaries, computers, curricular materials, regular and special instruction programs, and utilities.

The Impact Aid statute authorizes Basic Support Payments to LEAs on behalf of the following categories of federally connected students:

- A. students who live on Federal property with a parent employed on Federal property situated in whole or in part within the boundaries of the LEA, or with a parent who is a foreign military officer accredited by a foreign government;
- B. students who live on Federal property and who have a parent on active duty in the uniformed services of the United States;
- C. students who live on certain Indian lands;
- D. students who do not live on Federal property but who have a parent on active duty in the uniformed services of the United States, or a parent who is a foreign military officer accredited by a foreign government;

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- E. students who reside in a low-rent housing project assisted under the United States Housing Act of 1937;
- F. students who live on Federal property but otherwise do not fit into any of the categories described above; and
- G. students who do not reside on Federal property but who have a parent employed on Federal property situated in whole or in part in the same State as the LEA.

An LEA that claims students living on Indian lands under category (C) is required to consult with the parents and Tribes of these children concerning their education and to ensure that these children receive equal educational opportunities. The LEA must develop and file with the Department a set of Indian policies and procedures describing how it meets this requirement. Children living on Indian lands receive a weight of 1.25 per student in the Basic Support Payments formula, higher than the weights assigned to other categories of federally connected children. These children often are disadvantaged and live in isolated rural areas, factors that can result in increased costs to the school districts that serve them.

The law authorizes two different types of Basic Support Payments: Regular Basic Support Payments and Basic Support Payments for Heavily Impacted LEAs.

Regular Basic Support Payments (section 7003(b)(1))

An LEA is eligible for Basic Support Payments only if the total number of eligible federally connected students described above is at least 400 in average daily attendance or 3 percent of total average daily attendance. In order to receive payments on behalf of students in categories (F) and (G), an LEA must have at least 1,000 such students in average daily attendance, or the number of such students must equal or exceed 10 percent of the total average daily attendance in that LEA.

To determine the maximum payment an LEA may receive, the statute specifies weights for each category of federally connected students. The weighted student count is multiplied by the greatest of four local contribution rates (LCRs), which are intended to represent the local share of the cost of educating these students, to determine the LEA's maximum payment. The four LCR options are:

- one-half of the U.S. average per-pupil expenditure for education;
- one-half of the State per-pupil expenditure (SPPE);
- the LCR of comparable LEAs in the State; and
- the product of the SPPE and the local contribution percentage (the percentage of education expenditures that comes from the local level) in the State.

If appropriations are insufficient to make maximum payments in full, the formula reduces maximum payments by multiplying them by a percentage, called the Learning Opportunity Threshold (LOT) percentage, which is the sum of:

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- the percentage of the LEA's students in average daily attendance who are federally connected; and
- the LEA's maximum payment under the Basic Support Payments formula as a percentage of total current expenditures.

The sum of these two percentages may not exceed 100 percent. In addition to this maximum LOT, LEAs with an enrollment of fewer than 1,000 students and per-pupil expenditure below the State or national average receive a minimum LOT of 40 percent. A LOT percentage, when multiplied by a maximum payment, results in a LOT payment. If the appropriation is insufficient to provide LOT payments in full, the formula ratably reduces these payments. If the level of funding exceeds the level needed to fund LOT payments, but is insufficient to provide maximum payments to all LEAs, the formula ratably increases these payments above the LOT. However, these ratably increased LOT payments may not exceed an LEA's maximum payment.

Basic Support Payments for Heavily Impacted LEAs (section 7003(b)(2))

The ESSA and NDAA made multiple changes to eligibility criteria and payment formulas for Basic Support Payments for Heavily Impacted LEAs, including eliminating the distinction between new and continuing LEAs. Under the amended ESEA, there are 25 Heavily Impacted LEAs (out of more than 1,000 total LEAs receiving Impact Aid payments) that meet requirements generally reflecting greater impact on education revenues from the Federal presence than experienced by regular Impact Aid LEAs, including such factors as geographic boundaries contiguous or wholly within a Federal installation, high tax rates for general fund purposes, high enrollment of federally connected students, per-pupil expenditures, LEA poverty rates, and total enrollment.

An LEA that loses eligibility for heavily impacted payments will continue to receive a such a payment in the first year it falls out of eligibility. An LEA that loses eligibility due to falling below 95 percent of the average tax rate for general fund purposes for 2 consecutive years will continue to receive a heavily impacted payment in the first 2 years of ineligibility. An LEA must be eligible for 2 consecutive years before returning to heavily impacted status.

The Heavily Impacted maximum payments are based on a formula that is similar to the regular Basic Support Payments but that produces much larger payments for the eligible LEAs — the average per-pupil payment for Heavily Impacted districts is roughly \$5,600, compared to \$1,400 per-pupil for regular Impact Aid districts. Under the formula for heavily impacted LEAs, LEAs receive funds on behalf of students in categories (F) and (G), even if the number of those students falls below the Basic Support Payment thresholds of 1,000 students or 10 percent. Moreover, many recipients' payments are based on substantially higher weights for federally connected students than apply to regular payments for the same types of students. Heavily impacted LEAs receive higher weights for their federally connected students based on the number of students in the LEA, the composition of the students within the LEA, or a combination of the two. For instance, federally connected students receive weights ranging from .05 to 1.35 per student under the regular Basic Support Payments formula, but they receive a weight of 1.75 per student under the Basic Support Payments for Heavily Impacted LEAs formula, provided that the LEA has 100 or fewer federally connected students.

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The local contribution rates (LCRs) are also much higher under the heavily impacted formula. They are the higher of:

- 80 percent of the U.S. average per-pupil expenditure for education; or
- 80 percent of the SPPE.

Heavily Impacted LEAs receive their maximum Heavily Impacted payments so long as funding is sufficient to cover the maximum payments for these LEAs and funds are sufficient to fully fund LOT payments for regular LEAs under section 7003(b)(1). If the appropriation is insufficient to provide LOT payments in full for regular LEAs under section 7003(b)(1), Basic Support Payments to heavily impacted LEAs are ratably reduced by the same percentage as payments to regular LEAs.

The Basic Support Payments program also includes hold-harmless language that applies to all eligible LEAs (regular and Heavily Impacted). An LEA with a payment that decreases by 20 percent or more from the previous year will receive 90 percent of the previous year's payment. In the following year, the LEA will receive no less than 85 percent of the previous year's payment. And in the third year following the determination of a 20 percent decrease in payment, the LEA will receive no less than 80 percent of the previous year's payment.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2016	\$1,168,233
2017	1,189,233
2018	1,270,242
2019	1,301,242
2020	1,340,242

FY 2021 BUDGET REQUEST

The Administration requests \$1.3 billion for Basic Support Payments in fiscal year 2021, the same as the fiscal year 2020 appropriation. The request includes appropriations language that overrides the authorization level provided for this program in the Elementary and Secondary Education Act, as amended, and would retain appropriations language enacted in 2020 that provides continued eligibility for students affected by the deployment or death of their military parents, ensuring that the LEAs serving these children are not adversely affected by ongoing military action overseas.

The request recognizes that students counted under categories (A), (B) and (C)—primarily students who reside on Indian lands or who reside on *and* whose parents work on Federal property—represent a major financial expense for LEAs that educate them. Because federally owned land and Indian lands are exempt from local taxes, LEAs lack the ability to raise funds to educate these students using property taxes, which are the primary source of local revenue for public education costs.

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Basic support payments

Although students counted under categories (D), (E), (F), and (G)—primarily students who reside in low-rent housing and students who reside, or whose parents work, on private property—do not create the same financial burden for LEAs, it is still significant. Military families living off-base pay property taxes on their residences but typically pay little in sales tax and, because of the Soldiers and Sailors Relief Act, often do not pay income taxes to their State or locality of residence. While all types of “off-base” students either reside, or have parents who work, on property that the district cannot tax, the education of children who reside in low-rent housing is costly to districts because of the need for additional academic assistance and other supports often required for students from low-income families.

The 2021 Request would maintain the Department’s commitment to almost 800,000 federally connected children in over 1,000 school districts. While LEAs may expend their payments for either current operations or capital costs, the program’s formula is designed to compensate LEAs for current expenditures for educating federally connected students. Most districts report that they use Basic Support Payments for payroll and general operating expenditures.

PROGRAM OUTPUT MEASURES

(amounts in whole dollars)

<u>Output Measures</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
All eligible LEAs			
Number of LEAs receiving payments	1,030	1,030	1,030
Range of payments	\$249–	\$259–	\$260–
	57,910,077	60,869,397	61,148,756
Regular LEAs			
Number of LEAs receiving payments	1,005	1,005	1,005
Range of payments	\$249–	\$259–	\$260–
	42,602,818	44,319,549	44,451,364
Heavily impacted LEAs			
Number of LEAs receiving payments	25	25	25
Range of payments	\$638,761–	\$664,501–	\$666,477–
	57,910,077	60,869,397	62,228,705
Number of federally connected students			
In all eligible LEAs	771,498	771,498	771,498
In regular LEAs	722,592	772,592	722,592
In heavily impacted LEAs	48,906	48,906	48,906
Total payments for students			
In regular LEAs	\$1,032,810,398	\$1,062,957,582	\$1,064,411,350
In heavily impacted LEAs	\$268,431,602	\$277,284,418	\$275,830,650
Average payment per student			
In all LEAs	\$1,737	\$1,737	\$1,737
In regular LEAs	\$1,429	\$1,471	\$1,473
In heavily impacted LEAs	\$5,489	\$5,670	\$5,640

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Basic support payments

<u>Output Measures</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Percentage of LEAs by size of payment			
\$1–4,999	2.9%	3.1%	3.2%
\$5,000–49,999	29.0%	29.3%	29.9%
\$50,000–499,999	40.4%	39.7%	39.0%
\$500,000 or more	27.7%	27.9%	27.9%
Total dollar amount of payments by size of payment			
\$1–4,999	\$100,369	\$110,420	\$111,746
\$5,000–49,999	\$7,085,669	\$7,163,470	\$7,277,790
\$50,000–499,999	\$79,222,666	\$76,940,459	\$75,144,945
\$500,000 or more	\$1,214,833,296	\$1,256,027,651	\$1,257,707,519
Average payment per child by percentage of federally connected children			
0–19 percent	\$252	\$253	\$250
20–39 percent	\$1,122	\$1,146	\$1,125
40–59 percent	\$4,118	\$4,264	\$4,314
60–79 percent	\$7,343	\$7,542	\$7,561
80 percent or more	\$8,317	\$8,627	\$8,646
Number of students			
“On-Base” students ¹	209,394	209,394	209,394
Indian students	110,207	111,207	110,207
Military “On-Base” students	95,490	95,490	95,490
Civilian “On-Base” students	3,697	3,697	3,697
“Off-Base” students ²	562,104	562,104	562,104
Military “Off-Base” students	213,542	213,542	213,542
Low-rent housing students	172,915	172,915	172,915
Civilian “Off-Base” students	175,647	175,647	175,647
Total payments			
“On-Base” students	\$1,168,561,598	\$1,205,418,266	\$1,205,085,915
Indian students	\$716,353,188	\$737,053,386	\$737,557,537
Military “On-Base” students	\$440,413,928	\$456,955,806	\$456,306,121
Civilian “On-Base” students	\$11,794,482	\$11,409,074	\$11,222,257
“Off-Base” students	\$132,680,402	\$134,823,734	\$135,156,085
Military “Off-Base” students	\$95,497,495	\$96,840,604	\$97,419,208
Low-rent housing students	\$13,207,861	\$13,423,518	\$13,295,004
Civilian “Off-Base” students	\$23,975,046	\$24,559,612	\$24,441,873

¹ “On-Base” students are generally those students who live on Indian lands or whose parents both live and work on Federal property, as defined in subsections 7003(a)(1)(A)-(C).

² “Off-Base” students are generally those students who either reside on Federal land with their parents or whose parents work on Federal land, as defined in subsections 7003(a)(1)(D)-(G).

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Basic support payments

<u>Output Measures</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Average payments per child			
"On-Base" students ¹	\$5,581	\$5,757	\$5,755
Indian students	\$6,500	\$6,688	\$6,692
Military "On-Base" students	\$4,612	\$4,785	\$4,779
Civilian "On-Base" students	\$3,191	\$3,086	\$3,036
"Off-Base" students ²	\$236	\$240	\$240
Military "Off-Base" students	\$447	\$453	\$456
Low-rent housing students	\$76	\$78	\$77
Civilian "Off-Base" students	\$136	\$140	\$139
Cost of fully funding maximum payments	\$2,239,974,261	\$2,240,588,967	\$2,243,623,506

¹ "On-Base" students are generally those students who live on Indian lands or whose parents both live and work on Federal property, as defined in subsections 7003(a)(1)(A)-(C).

² "Off-Base" students are generally those students who either reside on Federal land with their parents or whose parents work on Federal land, as defined in subsections 7003(a)(1)(D)-(G).

NOTE: All figures are estimates based on 2019 student count and payment data as of January 2020.

PROGRAM PERFORMANCE INFORMATION

Performance measures

This section presents selected program performance information, including, for example, GPRA goals, objectives, measures, and performance targets and data; and an assessment of the progress made toward achieving program results. Achievement of program results is based on the cumulative effect of the Federal resources provided for this program as well as the resources and efforts invested by those served by the program.

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Basic support payments

Goal: To provide appropriate financial assistance for federally connected children who present a genuine burden to their school districts.

Objective: Properly compensate districts for revenue lost due to a Federal presence.

Measure: The percentage of Basic Support Payment recipients (excluding districts that receive payments for “heavily impacted” districts) that have per-pupil expenditures between 80 and 120 percent of their State average per-pupil expenditure.

Year	Target	Actual
2016	67%	62.3%
2017	67	63.5
2018	67	62.1
2019	67	
2020	67	
2021	67	

Measure: The percentage of Basic Support Payment recipients designated as “heavily impacted” districts that have per-pupil expenditures between 80 and 120 percent of their State average per-pupil expenditure.

Year	Target	Actual
2016	75%	56.7%
2017	75	46.7
2018	75	53.6
2019	75	
2020	75	
2021	75	

Additional information: These measures serve as proxies for how well Impact Aid payments make up for the revenue lost due to the presence of federally connected students. Districts spending more than 20 percent above or below the State average are likely being over- or under- compensated. In 2018, 28 percent of regular districts spent more than 120 percent of the State average while 39 percent of heavily impacted districts spent more than 120 percent of the State average. Targets were set using 2006 data as the baseline. Data for 2019 will be available once final payments have been made.

IMPACT AID

Basic support payments

Efficiency measures

Measure: The number of requests to forgive overpayments of Basic Support Payments.

Year	Target	Actual
2016	10	2
2017	10	2
2018	10	3
2019	10	1
2020	10	
2021	10	

Additional information: This performance measure provides a proxy for calculating the extent to which the Department's payments to over 1,000 LEAs are accurate. The data show that the accuracy of payments has been very good in recent years. In 2019, just 1 LEA requested overpayment forgiveness.

Measure: The percentage of eligible applicants that receive initial Basic Support Payments within 60 days after the enactment of an appropriation.

Year	Target	Actual
2016	90%	92%
2017	90	99
2018	90	99
2019	90	96
2020	90	
2021	90	

Additional information: This measure tracks the timeliness of Basic Support Payments made by the Department. The Department has successfully met and exceeded the performance target for 5 consecutive years, including the most recent year, fiscal year 2019.

IMPACT AID

Payments for children with disabilities

(Elementary and Secondary Education Act of 1965, as amended, Title VII, Section 7003(d))

(dollars in thousands)

FY 2021 Authorization: \$52,065¹

Budget Authority:

<u>2020</u> <u>Appropriation</u>	<u>2021</u> <u>Request</u>	<u>Change from</u> <u>2020 to 2021</u>
\$48,316	\$48,316	0

¹ The GEPA extension applies through September 30, 2021.

PROGRAM DESCRIPTION

The Individuals with Disabilities Education Act (IDEA) requires local educational agencies (LEAs) to provide a free appropriate public education to students with disabilities, whose educational costs are generally higher than those of other students. Most of the costs associated with serving students with disabilities in accordance with the IDEA are paid with State and local funds, as well as with Federal IDEA funds. Impact Aid Payments for Children with Disabilities provides supplemental assistance to LEAs that have a reduced local revenue base due to a Federal presence by providing a portion of the cost of educating federally connected students with disabilities that, in other LEAs, is met with local funds.

ESEA section 7003(d)(1) authorizes payments to LEAs that meet the eligibility requirements under the Basic Support Payments authority for the following categories of federally connected students who are eligible for services under the IDEA:

- A. students who live on Federal property with a parent who is a foreign military officer accredited by a foreign government;
- B. students who live on Federal property and who have a parent on active duty in the uniformed services of the United States;
- C. students who live on Indian lands; and
- D. students who do not live on Federal property but who have a parent on active duty in the uniformed services of the United States or a parent who is a foreign military officer accredited by a foreign government.

Available funds are paid to LEAs based on the number of eligible students with disabilities enrolled in each LEA, except that a student in category (D) receives one-half of the weight provided for students in categories (A), (B), and (C). Funds are ratably distributed based on the weighted student count.

IMPACT AID

Payments for children with disabilities

LEAs that receive payments under this authority must use the funds to provide the students who are counted with a free appropriate public education in accordance with the IDEA. These payments are intended to help pay the "excess costs" of educating these students (i.e., those costs that exceed the cost of educating a student without a disability).

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2016	\$48,316
2017	48,316
2018	48,316
2019	48,316
2020	48,316

FY 2021 BUDGET REQUEST

The Administration requests \$48.3 million for Payments for Children with Disabilities in fiscal year 2021, the same as the fiscal year 2020 appropriation. These payments would be made on behalf of federally connected children with disabilities in order to help eligible LEAs provide a free appropriate public education to all children with disabilities.

A Department publication, "What Are We Spending on Special Education Services in the United States, 1999–2000," estimated the cost of educating a student with a disability to be about twice the amount needed for the typical regular education student with no special needs. In 2021, using the national average per-pupil expenditure as the measure of excess cost of educating a federally connected student with a disability, the combination of IDEA funds and Payments for Children with Disabilities would provide, on average, 21 percent of the excess cost to eligible LEAs. The supplemental funding under this authority is justified because federally affected LEAs are unable to tax Federal property to help meet the excess costs of educating children with disabilities who reside with their parents on Federal lands.

IMPACT AID

Payments for children with disabilities

PROGRAM OUTPUT MEASURES

(amounts in whole dollars)

<u>Output Measures</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Number of LEAs receiving payments	829	829	829
Range of payments	\$556– 1,196,171	\$556– 1,196,171	\$556– 1,196,171
Percentage of LEAs by size of payment			
\$1–4,999	20.4%	20.4%	20.4%
\$5,000–19,999	29.2%	29.2%	29.2%
\$20,000–99,999	36.3%	36.3%	36.3%
\$100,000 or more	14.1%	14.1%	14.1%
Total dollar amount of payments by size of payment			
\$1–4,999	\$419,883	\$419,883	\$419,883
\$5,000–19,999	\$2,676,587	\$2,676,587	\$2,676,587
\$20,000–99,999	\$14,309,486	\$14,309,486	\$14,309,486
\$100,000 or more	\$30,910,486	\$30,910,486	\$30,910,486
Number of “On-Base” students eligible ¹	29,900	29,900	29,900
Number of “Off-Base” students eligible ²	<u>21,010</u>	<u>21,010</u>	<u>21,010</u>
Total eligible students	50,910	50,910	50,910
Total funding for “On-Base” students	\$35,754,541	\$35,754,541	\$35,754,541
Total funding for “Off-Base” students	\$12,561,459	\$12,561,459	\$12,561,459
Average payment per “On-Base” student	\$1,196	\$1,196	\$1,196
Average payment per “Off-Base” student	\$598	\$598	\$598
Average total payment per student ³	\$949	\$949	\$949
Average IDEA Grants to States funding per student	<u>\$1,731</u>	<u>\$1,762</u>	<u>\$1,739</u>
Total average Federal funding per student	\$2,680	\$2,711	\$2,688

¹ “On-Base” students are generally those students who live on Indian lands or whose parents both live and work on Federal property, as defined in subsections 7003(a)(1)(A)-(C).

² “Off-Base” students are generally those students who either reside on Federal land with their parents or whose parents work on Federal land, as defined in subsections 7003(a)(1)(D)-(G).

³ Impact Aid Payments for Children with Disabilities.

NOTE: All figures are estimates based on 2019 student count and payment data as of January 2020.

IMPACT AID

Payments for children with disabilities

PROGRAM PERFORMANCE INFORMATION

Performance measures

This section presents selected program performance information, including, for example, GPRA goals, objectives, measures, and performance targets and data; and an assessment of the progress made toward achieving program results. Achievement of program results is based on the cumulative effect of the Federal resources provided for this program as well as the resources and efforts invested by those served by the program.

Efficiency measures

Measure: The number of requests to forgive overpayments of Payments for Children with Disabilities.

Year	Target	Actual
2016	10	2
2017	10	2
2018	10	0
2019	10	1
2020	10	
2021	10	

Additional information: This measure provides a proxy for calculating the extent to which the Department's payments to nearly 800 LEAs are accurate. The data show the accuracy of payments has been very good in recent years. In 2019, there was 1 request from an LEA for overpayment forgiveness.

Measure: The percentage of eligible applicants who receive initial Payments for Children with Disabilities within 60 days after the enactment of an appropriation.

Year	Target	Actual
2016	90%	92%
2017	90	99
2018	90	99
2019	90	96
2020	90	
2021	90	

Additional information: This measure tracks the timeliness of Payments for Children with Disabilities made by the Department. The Department has successfully met the performance target for 5 consecutive years, including the most recent year, fiscal year 2019.

IMPACT AID

Facilities maintenance

(Elementary and Secondary Education Act of 1965, as amended, Title VII, Section 7008)

(dollars in thousands)

FY 2021 Authorization: \$5,210¹

Budget Authority:

<u>2020</u> <u>Appropriation</u>	<u>2021</u> <u>Request</u>	<u>Change from</u> <u>2020 to 2021</u>
\$4,835	\$4,835	0

¹ The GEPA extension applies through September 30, 2021.

PROGRAM DESCRIPTION

The Department makes awards to local educational agencies (LEAs) under section 7008 of the Elementary and Secondary Education Act (ESEA) for emergency repairs and for comprehensive capital improvements to schools that the Department owns but that LEAs use to serve federally connected military dependent students. In addition, the law mandates that the Department transfer these facilities to the appropriate LEAs or other entities as soon as practicable. The Department may not charge LEAs for the use of these school buildings and must gain an LEA's consent to accept them. Subject to these restrictions, the Department may transfer ownership on such terms as the Secretary deems appropriate. Funds for this program are available until expended.

Currently, the Department owns 14 schools that are on military bases and serve students whose parents are in the armed forces. Either the Department of Defense (DoD) or LEAs operate these schools. Since 1983, DoD has assumed financial responsibility for maintenance and renovation of many of these school facilities, which DoD operates as Domestic Dependents Elementary and Secondary Schools (DDESSs). The DoD is currently responsible for seven facilities while ED continues to be directly responsible for the other seven, which LEAs operate and use to educate military dependent students.

IMPACT AID

Facilities maintenance

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2016	\$4,835
2017	4,835
2018	4,835
2019	4,835
2020	4,835

FY 2021 BUDGET REQUEST

The Administration requests \$4.8 million for Facilities Maintenance in fiscal year 2021, the same as the fiscal year 2020 appropriation. These funds would be used to upgrade and transfer school facilities currently owned by the Department to LEAs, which can manage school buildings in their communities more effectively than the Federal Government. In addition, funds would be used to provide emergency repairs, such as correcting health and safety hazards, in school facilities owned by the Department that have not yet been transferred.

The Department is in the final stages of transferring to DoD the titles to the remaining seven facilities funded and operated by DoD. The seven remaining school facilities owned by the Department and operated by LEAs generally are in poor condition, and most LEAs are unwilling to accept the schools unless the Department provides sufficient funds to the LEA to correct any deficiencies.

PROGRAM OUTPUT MEASURES

<u>Output Measures</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Number of properties receiving emergency repairs	0	2	1-2
Number of facilities transferred to LEAs (owned by ED and operated by LEAs)	2	2	1-2

PROGRAM PERFORMANCE INFORMATION

The Department's measure of progress for this program is the number of schools removed from the inventory of Department-owned facilities through transfers to LEAs. (The measure does not include no-cost transfers to DoD, as the maintenance of those schools is not supported through the program. However, the Department will continue to track these DoD transfers until all of that inventory is accepted by DoD.) Since 1999, the number of schools for which the Department is responsible has decreased by 87 percent, from 53 to 7, thus reducing the agency's responsibility for maintenance and renovation.

IMPACT AID

Construction

(Elementary and Secondary Education Act of 1965, as amended, Title VII, Section 7007)

(dollars in thousands)

FY 2021 Authorization: \$18,757¹

Budget Authority:

	2020 <u>Appropriation</u>	2021 <u>Request</u>	Change from <u>2020 to 2021</u>
	\$17,406	\$17,406	0

¹ The GEPA extension applies through September 30, 2021.

PROGRAM DESCRIPTION

The Department makes formula and competitive grants under Section 7007 of the Elementary and Secondary Education Act (ESEA) to support school construction in local educational agencies (LEAs) that educate federally connected students or have federally owned land. The authorizing statute provides that 40 percent of appropriated funds must be used for formula grants under section 7007(a) and 60 percent for competitive grants under section 7007(b). However, Congress typically overrides this statutory requirement to require the use of all funds for either formula or competitive grants in alternating years; for example, it required competitive grants in fiscal years 2017 and 2019 but funded formula grants in fiscal years 2018 and 2020.

Formula grants (section 7007(a))

Three categories of LEAs are eligible for formula Construction grants:

- those in which the number of students living on Indian lands is at least 50 percent of the LEA's total average daily attendance and that receive a regular Basic Support Payment;
- those in which the number of students with a parent in the uniformed services is at least 50 percent of the LEA's total average daily attendance and that receive a regular Basic Support Payment; and
- those that receive Basic Support Payments for Heavily Impacted LEAs.

Payments are determined by distributing half of the available funds among eligible LEAs based on each LEA's share of the total weighted count of students living on Indian lands, as specified in the regular Basic Support Payments formula, and half of the available funds among eligible LEAs based on each LEA's share of the total weighted count of students whose parents are in the uniformed services, as specified in the regular Basic Support Payments formula.

IMPACT AID

Construction

Competitive grants (section 7007(b))

The Department uses the statutory priority on emergency grants in awarding competitive construction grants. These grants go to school districts that are eligible to receive payments under the Impact Aid Construction formula and either have little or no bonding capacity or are eligible to receive payments as a “heavily impacted” school district under the Basic Support Payments formula.

Other criteria used to make awards include:

- the LEA’s level of bonded indebtedness,
- the assessed value of real property per student in the LEA compared to the average assessed value of real property per student in the State,
- the tax rate for school purposes in the LEA compared to the average rate in the State,
- funds available for capital expenditures,
- the percentage of property that is not taxable due to a Federal presence, and
- the number and percentage of certain types of federally connected students.

In addition, emergency grants are awarded, in part, based on severity of need.

Competitive grant funds for certain LEAs may not exceed: (1) 50 percent of the total cost of the project assisted; or (2) \$4.0 million during any 4-year period. When the appropriation for Construction has included funding for competitive grants, funds have been made available for 2 years.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2016	\$17,406
2017	17,406
2018	17,406
2019	17,406
2020	17,406

FY 2021 BUDGET REQUEST

The Administration requests \$17.4 million for Construction in fiscal year 2021, the same as the fiscal year 2020 appropriation. The request includes appropriations language that would require all funds to be used for competitive grants and to be available for 2 years. By awarding funds through a competitive process, the Department can ensure that districts with the greatest needs receive meaningful amounts of funding to make emergency repairs. The average award for competitive grants has been about \$2.4 million for seven to eight LEAs in the most recent two competitions, while the average award under formula grants has been about \$100,000 for

IMPACT AID

Construction

170 LEAs, with a median award of under \$40,000. Over 60 percent of LEAs receive less than \$50,000 when formula grants are funded.

Because school construction is primarily financed from local funds, and because federally affected LEAs cannot tax certain lands, LEAs with large percentages of federally connected students need supplemental funds for construction. The competitive grants enable eligible districts to undertake emergency renovations and modernizations. Past projects have included replacement of elementary schools; purchase of water filtration systems; replacement of heating, ventilation, and air conditioning systems; repair of electrical systems; and replacement of faulty windows and roofs. The program is well-targeted because the eligibility pool is limited to some of the poorest districts in the Nation that are also heavily dependent on Federal funding for their operating and maintenance expenses.

PROGRAM OUTPUT MEASURES

(amounts in whole dollars)

<u>Output Measures</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Formula Grants	0	\$17,406,000	0
Number of LEAs receiving formula payments	0	176	0
Average LEA payments	\$102,388	\$98,898	0
Range of payments	0	\$500-1,500,000	0
Average payment per student	0	\$149	0
Competitive Grants	\$17,406,000	0	\$17,406,000
Number of LEAs receiving competitive awards	7-8	7-8	7-8
Range of payments	\$60,000-6,000,000	0	\$60,000-6,000,000
Peer review of new award applications	\$6,000	0	\$7,500

PROGRAM PERFORMANCE INFORMATION

Performance measures

This section presents selected program performance information, including, for example, GPRA goals, objectives, measures, and performance targets and data; and an assessment of the progress made toward achieving program results. Achievement of program results is based on the cumulative effect of the Federal resources provided for this program as well as the resources and efforts invested by those served by the program.

IMPACT AID

Construction

Goal: To provide appropriate financial assistance for federally connected children who present a genuine burden to their school districts.

Objective: *Improve the quality of public school facilities used to educate federally connected children.*

Measure: The percentage of participating LEAs reporting that the overall condition of their school buildings is adequate.

Year	Target	Actual
2016	70%	77%
2017	70	72
2018	70	80
2019	70	72
2020	70	
2021	70	

Additional information: LEAs that received formula or competitive construction payments in the previous year are asked to rate the quality of their buildings on a 6-point scale in their application for Impact Aid Basic Support payments.

Efficiency measures

Measure: The average number of days elapsed between the initial Impact Aid competitive construction award and the LEAs' awarding of contracts.

Year	Target	Actual
2016	250	N/A
2017	250	98
2018	250	N/A
2019	250	
2020	250	N/A
2021	250	

Additional information: This efficiency measure is a measure of the speed with which LEAs award construction contracts after the Department makes the initial competitive construction awards. The target was met in each competition since 2012; data are not yet available for 2019.

IMPACT AID

Construction

Measure: The percentage of all formula construction payments made by July 31 of the application year.

Year	Target	Actual
2016	90%	96.4%
2017	90	N/A
2018	90	97
2019	90	N/A
2020	90	
2021	90	

Additional information: Prior to 2007, formula construction payments were not made until the end of the fiscal year. Since then, the Department has attempted to make awards earlier in the year so that LEAs will have access to funds during the summer, when most construction projects take place. Data are not shown for 2017 and 2019 because funding was not appropriated for formula grants for those years.

IMPACT AID

Payments for Federal property

(Elementary and Secondary Education Act of 1965, as amended, Title VII, section 7002)

(dollars in thousands)

FY 2021 Authorization: \$71,998¹

Budget Authority:

	<u>2020</u> <u>Appropriation</u>	<u>2021</u> <u>Request</u>	<u>Change from</u> <u>2020 to 2021</u>
	\$75,313	0	-\$75,313

¹ The GEPA extension applies through September 30, 2021.

PROGRAM DESCRIPTION

The Department of Education makes Payments for Federal Property under section 7002 of the Elementary and Secondary Education Act (ESEA) to LEAs that have lost at least 10 percent of the assessed value of their tax base due to the acquisition, since 1938, of real property by the United States Government.

If fully funded, the formula would provide payments by multiplying the current levied local real property tax rate of the LEA (or, in financially dependent school districts, an imputed real property tax rate) by the current estimated taxable value of the Federal property.

In the absence of full funding, payments are based on a “hold-harmless” formula designed to preserve historic funding levels for the roughly 200 individual LEAs supported by the program.

- First, a “foundation payment” is made to eligible LEAs (e.g. those that are not substantially compensated by revenues from Federal property, and that meet the other eligibility criteria) that were also eligible in fiscal year 2009 in an amount that is equal to the greater of 90 percent of the payment the LEA received in fiscal year 2009 and 90 percent of the average payment that the LEA received in fiscal years 2006, 2007, 2008, and 2009.
- Second, a special payment is made to the Highland Falls-Ft. Montgomery Central School District in New York, if it continues to meet the annual eligibility requirements.
- Third, from the remaining funds, a “foundation payment” is made to eligible LEAs that were not eligible in fiscal year 2009. The foundation payment for newly eligible LEAs since 2009 is calculated as 90 percent of the eligible LEA’s maximum payment multiplied by the ratio of the appropriation to the total of all LEAs’ maximum payments in the most recent year in which payments have been completed.
- Fourth, any remaining funds are distributed based on prorated shares of maximum payments for the current year.

IMPACT AID

Payments for Federal property

Payments for Federal Property may not exceed either of two different caps placed on these payments. The first cap limits the combination of these payments and payments received under the Basic Support Payments program (7003(b)) to an LEA's maximum regular Basic Support Payment or the maximum Payment for Federal Property, whichever is greater. The second cap reduces the payment in the event that the combination of the calculated payment and any revenue the LEA received from the Federal property exceeds the maximum payment. In the event that funds are reduced due to either of these caps and the formula is subject to the hold-harmless provisions, the reduced funds are redistributed under the fourth payment step. For "old districts" (those with fiscal year 2009 eligibility) the two caps would only apply to remaining funds under the fourth step whereas a "new district" (those with post-2009 eligibility) would be limited by both caps under the third step in their first year of eligibility and under the fourth step for all years of eligibility.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2016	\$66,813
2017	68,813
2018	73,313
2019	74,313
2020	75,313

FY 2021 BUDGET REQUEST

The Administration does not request funds for Payments for Federal Property, a decrease of \$75.3 million from the fiscal year 2020 appropriation. Like previous Administrations, the Administration believes that Impact Aid funds should be used to serve federally connected children. Impact Aid should not compensate LEAs for lost property tax revenue due to the presence of Federal lands without regard to whether those districts educate any federally connected children.

When this authority was established in 1950, its purpose was to provide assistance to LEAs in cases where the Federal Government had imposed a substantial and continuing burden by acquiring a considerable portion of real property in the LEA. The law applied only to property acquired since 1938 because, in general, LEAs had been able to adjust to acquisitions that occurred before that time. The Administration believes that the majority of LEAs receiving assistance under this program have now had sufficient time—70 years—to adjust to the removal of the property from their tax rolls. In FY 2017, less than five percent of LEAs received payments that accounted for more than 10 percent of their total revenue while 89 percent of LEAs received payments that accounted for less than five percent of their total revenue.

In addition, many LEAs receiving funds under this authority do not meet the basic eligibility criteria established in the authorizing statute, typically because they consist of two or more LEAs that consolidated, at least one of which originally met the eligibility criterion of a loss of 10 percent of the aggregate assessed value of real property removed from the tax rolls. In such cases, the consolidated LEAs are no longer demonstrably burdened by the historic loss of taxable property, and thus are not able to demonstrate a need for Federal funds.

IMPACT AID

Payments for Federal property

The Department is working to develop and implement a research agenda to help determine the appropriate Federal share in supporting districts impacted by the presence of Federal property.

PROGRAM OUTPUT MEASURES

(amounts in whole dollars)

<u>Output Measures</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Number of LEAs receiving payments	195	195	0
Average payment	\$381,092	\$381,092	0
Range of payments	\$175– 5,000,000	\$175– 5,000,000	0

PROGRAM PERFORMANCE INFORMATION

Performance measures

This section presents selected program performance information, including, for example, GPRA goals, objectives, measures, and performance targets and data; and an assessment of the progress made toward achieving program results. Achievement of program results is based on the cumulative effect of the Federal resources provided by this program as well as the resources and efforts invested by those served by the program.

Goal: To provide appropriate financial assistance for federally connected children who present a genuine burden to their school districts.

Objective: *Manage Section 7002 Payments for Federal Property to disburse funds accurately and efficiently under the statutory formula.*

Measure: The percentage of initial payments to eligible LEAs that are made by the end of the second quarter.

Year	Target	Actual
2016	75%	95%
2017	75	100
2018	75	100
2019	75	100
2020	75	

Additional information: The long-term goal for this measure is to make 75 percent of initial payments to eligible LEAs by the end of the second quarter. No targets are included for fiscal year 2021 because funds are not requested for that year.

