

**Paperwork Reduction Act Submission Supporting Statement**

**Annual Mandatory Collection of  
Elementary and Secondary Education Data through *EDFacts*<sup>1</sup>**

**August 2006**

# **Attachment E**

## ***EDFacts* Response to Public Comments**

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<sup>1</sup> The Department of Education has changed the name of the Education Data Exchange Network (EDEN) to *EDFacts* in recognition of the system's expanded capabilities, as explained in this Attachment and the notice of proposed rulemaking for State-administered Programs published in the *Federal Register* on April 27, 2006 (71 FR 24824). Except as needed to describe the historical context of the database, submission and query capabilities of the system, this Attachment uses "*EDFacts*" to refer to the expanded system.

## Table of Contents

<b>Chapter</b>	<b>Section</b>	<b>Page</b>
<b>Attachment E. ED<i>Facts</i> Response to Public Comments</b>	<b>E</b>	<b>1</b>
<b>Summary.....</b>	<b>E.....</b>	<b>1</b>
<b>Responses to Policy Questions.....</b>	<b>E.....</b>	<b>2</b>
<b>Responses to Directed Questions.....</b>	<b>E.....</b>	<b>13</b>
Directed Question 1 – Metadata.....	E.....	13
Directed Question 2 – Changes to Data Group Names.....	E.....	15
Directed Question 3 – Finance Data Groups.....	E.....	17
Directed Question 4 – 7 vs. 12 Digit CCD ID Codes.....	E.....	20
Directed Question 5 – Magnet School Status.....	E.....	21
Directed Question 6 – OSEP Age Ranges vs. Specific Ages.....	E.....	23
Directed Question 7 – Dropout Age vs. Grade.....	E.....	24
Directed Question 8 – Dropouts Below Grade 7.....	E.....	26
Directed Question 9 – Funds Spent on Supplemental Services and School Choice .....	E.....	28
Directed Question 10 – Unsafe School Choice.....	E.....	31
<b>Data Group Availability.....</b>	<b>E.....</b>	<b>33</b>
<b>Responses to Public Comments.....</b>	<b>E.....</b>	<b>34</b>

## **Attachment E. Responses to Internal ED Public Notice Period**

### **Summary**

This section summarizes the public comments ED received during the 60-day public notice period. Overall, ED received over 400 technical public comments from a total of 22 states and 1 private organization, and over 700 comments on data availability. Additionally, ED asked state participants in a spring 2006 data coordinators meeting to provide feedback on the proposed 2006-07 ED*Facts* data set, and that feedback is included in this summary.

ED appreciates the time and substantial effort the public devoted to reviewing the OMB package. Many of the resulting comments led to changes in the ED*Facts* data set that are reflected in Attachments B and C. A number of respondents indicated that they would be unable to provide electronically through ED*Facts* one or more of the data groups described in the 2006-07 OMB clearance package. In response to this concern, and consistent with the proposed regulations discussed below, ED has provided guidelines for states that may need a transition period for electronic submission of data to ED*Facts*. Additionally, ED's Partner Support Center will work with states to complete and submit their transition plans so that ED is fully aware of when (and whether) states will be submitting electronically the data groups for each phase of the transition plan. A detailed discussion of the ED's guidance on developing a transition plan for the ED*Facts* data collection is included in Attachment B-1.

The remaining pages of Attachment E are presented in the following four sections:

1. A consolidated response to a number of ED policy questions public reviewers posed during the public comment period.
2. Consolidated responses to the 10 directed questions to the public that ED included in the *Federal Register* notice published on May 1, 2006. In this section, ED provides (1) the original text of the question, (2) a summary of the comments as well as the ED response, and (3) the detailed comments for each question.
3. Summary of the public comments ED received specifically regarding data availability and the ability of states to provide data for ED*Facts* data groups in the coming years.
4. A complete listing of the public comments ED received beyond responses to the directed and policy-related questions. These are organized by topic area and provide the original verbatim question as well as ED's response.

Please note that in several instances there were multiple, identical public comments. These comments are counted in the overall summary described in the first paragraph, but are mentioned only once in the detailed discussion.

## Responses to Policy Questions

The following are ED's responses to comments it has received on the proposed *EDFacts* SY 2006-07 Data Collection. An invitation to comment on the proposed SY 2006-07 *EDFacts* data collection was published in the *Federal Register* on May 1, 2006 (71 FR 25575). This notice asked state data providers to respond to nine additional questions. The responses to those nine questions are also covered in this Attachment in detail.

### How will a complete data submission be determined?

Many of the respondents focused on the possibility of losing funding for failure to submit data through *EDFacts* and wanted clarification on what would be considered a failure to submit. One asked “. . . will a partial submission constitute failure?” That state suggested, “In the absence of up front disclosure of data quality checks, we assert that an SEA should be held harmless for any data that fail to meet quality criteria.” Another state expressed concern that the documentation of a state's inability to submit data could become onerous. It wrote, “. . . satisfactory evidence [that a state cannot immediately comply] should not be overly taxing or arduous to compile and submit to the Secretary.”

ED agrees with the organization that recommended, “This effort needs to be thoughtfully implemented to promote not just compliance, but truly strengthen state data systems and the use of data . . . the system should be designed to permit states to use the system for their own, state-specific purposes in reporting data and improving education within the state.” ED is focused on collaborating with states to strengthen their own data systems and the use of that data to improve education within their states. A necessary condition for local, state, or federal educators to be able to fully use any data is the completeness of that data. A complete data submission would be a submission that provided all the data requested in the paperwork clearance for the data collection. In the context of *EDFacts*, ED recognizes that some states will have difficulty being able to submit all *EDFacts* data electronically. That is one of the reasons why ED has proposed to amend its regulations in 34 CFR part 76 governing state reporting requirements to provide the Secretary with the discretion to establish a transition period of up to two years during which a state would not be required to submit information electronically in the format prescribed by the Secretary, if the state meets certain requirements. See the notice of proposed rulemaking published in the *Federal Register* on April 27, 2006 (71 FR 24824). Under proposed §76.720(c)(3), which applies to any reports that the Secretary requires to be submitted electronically, the Secretary would have the discretion to establish a transition period of up to two years during which a state would not be required to submit information electronically in the format prescribed by the Secretary if the state submits to the Secretary (a) evidence satisfactory to the Secretary that the state is unable to comply, (b) the information requested in the report, through an alternative means deemed acceptable by the Secretary, and (c) a plan showing how the state would come into compliance with the data submission requirements specified in the data collection

instrument. Accordingly, upon the effective date of the final regulations, we expect that states would be able to submit a transition plan that would give the state up to two years to provide all the *EDFacts* data elements electronically. ED is not interested in creating an enforcement-mode attitude but will work with states to establish reasonable transition plans that would not lead to violations of the electronic reporting requirements of the data collection instrument.

## How will mandatory data submission compliance be determined?

One organization wrote, “States need certainty as to what they will be expected and required to do . . . . Compliance and the question of possible enforcement should depend on whether a State is making reasonable, concerted efforts to comply in good faith, not according to a rigid deadline.” That organization also wrote, “If States are unable to supply data in the required electronic format when otherwise required, their obligation should be to submit a plan that provides for a reasonable, concerted effort to comply within two years . . . .”

ED agrees. Working together with states, ED has provided tools to help the states assess their state-specific challenges and develop a transition plan (if needed) to submit their *EDFacts* data electronically. ED will adopt the suggestion of one of the states “. . . that USED conduct site visits with individual states to determine capacity to collect and report, developing custom phase-in plans and agreements for each state.” In all cases, ED is committed to provide the support that is needed to help individual states who are “making reasonable, concerted efforts to comply in good faith” with the *EDFacts* data submission requirements.

## How will mandatory *EDFacts* data elements be determined?

Referring to the data requirements of *EDFacts*, a state wrote that *EDFacts* has not “met its responsibility to prove that these data, requested at the school, district, and state level, are necessary for the USED to function properly.” That state also wrote “It is unclear that USED will utilize the required data, once submitted,” and that “the USED can properly function with a fraction of the information requested in this clearance.” Another state declared it “commits to providing data elements that are currently required by law for submission to federal program offices, and does not commit to providing data beyond the scope of current federal submissions.” A number of respondents expressed a version of the position that one organization took when it wrote, “We ask that any data element not required by law be removed from the collection.” One state gave the example of “dropouts below 7<sup>th</sup> grade” as a data element to be eliminated. Another state added, “We may also ask for additional clarification on the purpose and expected use of certain data elements and, as we have promised our local districts, expect that only data required by law is being collected.”

Finally respondent states declared, “The requirement that we report data at multiple levels is an increase in burden and the public policy benefits of the federal government collecting district and school level data have not been demonstrated.” And “[u]nlike the paper based reports ED has administered in the past, [EDFacts] collects much more detailed information.” Although not requiring a citation in the law, a state sought additional information on the requirements for the EDFacts data elements. It wrote, “Finally, we request that federal program offices clarify the purpose and use of every data element they are requesting through [EDFacts], weighing the true benefit of having the data against the enormous cost incurred by the states and districts in collecting and reporting it.” Another state suggested an opportunity when it wrote, “Additionally, USED should eliminate unnecessary data elements. Transition to electronic transmission is a great opportunity to clean up unwarranted data elements.” Another state conveyed the position of many “Before an existing collection is converted to an electronic submission, it is important that each data element be reviewed and justified based on legal requirements.”

After having reviewed the justification statement that is part of the paperwork clearance submission package, one state had an issue with the EDFacts statement “ED reserves the right to ask for additional useful data from the states and, as needed, from the school districts and schools in future [EDFacts] collections.” The state said that statement was in “direct conflict with” two other EDFacts statements: “One of the main provisions of this initiative has been to establish what data is already being produced and maintained by each state and not require the collection of data that is not currently available;” and “ED will avoid asking for data that is not in current data systems since that data is more likely to be a ‘best guess’ than it is to be an auditable fact.”

ED is fully committed to weighing the true benefits of the proposed data collection against all of the costs incurred by states and LEAs in providing that data, and to eliminating unnecessary and unwarranted data elements. It is up to the Secretary, however, to determine what data is needed to effectively administer ED’s programs, and the mandate to collect those data may come from the text of a statute, regulations, or public notice in the *Federal Register* in accordance with ED’s general legal authority under 20 U.S.C. 3474.

## Will other federal program data collections be eliminated?

A number of states expressed concern that the consolidated collection of data through EDFacts would not eliminate the numerous, redundant program collections currently required of states. One wrote “After 4 years of reporting to EDEN there has been little move to eliminate duplicate collections.” “USED articulates ‘the intent’ to reduce or eliminate duplicate collections, but thus far has not presented a plan showing how this will be done.” Another said “The USED should be able to identify . . . specific dates when each data collection is to be eliminated.” Still another added, “Once data are available to the USED through [EDFacts], there should be swift action to require program offices to cease collecting similar data through other means.” And a fourth state

suggested, “The U.S. Department of Education’s (ED’s) transition plan is still vague and does not have a clear schedule.” Finally another state warned, “If some ED offices continue to have separate data collections, [ED*Facts*] may not be worth the effort states are asked to provide to [ED*Facts*].”

ED’s goal is to eliminate duplicative reporting and, accordingly, is working to require as many of its program offices as possible to collect data through ED*Facts*. To the extent that a program office continues to request data through program-specific data collections that are already being collected through ED*Facts*, the Secretary will, through internal and the Paperwork Reduction Act of 1995 (PRA) clearance processes, not permit such duplicate collections. However, if any duplicative data elements should slip through the clearance processes, states can alert the Secretary through the public comment period under the PRA, ensuring that redundant data collections are eliminated.

There are some examples in this collection submission package that demonstrate ED’s commitment to reduce paperwork burden on the States. The table on page 11 of attachment C-1 contains a list of data groups proposed for elimination. Some of those data groups are being eliminated because of restructuring. For example, Children with disabilities in correctional facilities (#599) and Children with disabilities in private schools (#600) were collected separately in 05-06 and are not collected as part of the collection of placement under FAPE. This change mirrors the change that OSEP made to the section 618 report for FAPE.

Other deletions represent a decrease in the data collected. For example, ED is no longer collecting dropout rates (#564) because the program office determined that having the count of dropouts was sufficient to meet the information need. As another example, ED eliminated the collection of classroom data for certain LEAs selected as part of the civil rights data collection (#538). This request had required detailed information from certain LEAs. ED determined that the burden was not justified. As a final example, ED eliminated the collection of teaching vacancies (#489) after determining that the collection was too burdensome to justify the information need. This repeated evaluation of the need for, and use of, specific data elements will continue and the array of data required through ED*Facts* refined.

### Is the ED*Facts* estimate of state paperwork burden hours accurate?

The general consensus among commenters is that the ED*Facts* estimate for paperwork burden hours is underestimated. States seem to need at least one full time expert to submit data files. States estimated their burden as “ . . . about 1500 hours [plus] 500 hours . . . . In other words, we need a full-time position to accommodate this request.” After estimating 5.26 hours per file for a total of 821 annual ED*Facts* hours, another state responded, “When we factor in the time for attending training and meetings, and handling policy issues, the total time comes to 1,337 hours and even that estimate is understated . . . .” Six states said they needed one full-time position (FTE) to provide ED*Facts* data. In response to the proposed collection another state concluded “If USED

provides funds for a full-time FTE, then we could make better progress. Until then we will give it our best effort.”

Regarding the portion of the *EDFacts* collection describing the burden on the districts to provide civil rights data, one state wrote “based on feedback we received from our districts, they estimate the total hours to modify their system and collect the data required under the OCR survey to be closer to 300 hours.”

The general current conditions faced by those who provide elementary and secondary education data is described as “Our schools are already overwhelmed by the amount of information required by No Child Left Behind Act,” and “[w]e do not have a single data system . . . The largest chunk of time spent by our . . . coordinator is simply getting access to the data . . .”

Based on the feedback on the amount of work it takes to provide data each year, ED has changed the burden estimate to 2,000 hours per state since it seems to be the general consensus that this work requires approximately one FTE. ED will also continue to provide technical assistance to states and work with them to qualify for any available federal systems development grants.

### Is the proposed two-year *EDFacts* transition period sufficient?

Seven state respondents and one national organization expressed support for the proposed two year transition period for electronic reporting to *EDFacts*, with one state observing, “Any further period of time would only serve to delay the presence of a fully populated data repository and, as a result, continue the practice of duplicative data collections.”

However, most states took a more reserved position on the transition period as one wrote, “[d]epending on the nature of the data requested, a two-year transition period may not be sufficient to establish data systems that provide reliable quality data.” Another observed, “[e]ven with fixed requirements, two years would not be enough when legislative approval is required.” That state suggested a transition period of four years. Another state proposed “. . . a gradual phase-in of . . . reporting over a five-year period.”

Most of the concern with the length of any transition period was centered on the introduction of previously uncollected data: “[w]e recommend that the federal government release new reporting requirements at least a year in advance of the school year for which they are first intended, then allow a two-year transition period for full compliance.” “. . . [N]ew data groups will require a minimum of 18 months to develop, and then if there is no holdup caused by the state legislature.” “. . . [T]here is a significant investment in time and money to begin collecting and reporting data elements that have not been collected electronically before, or at the individual level rather than in the aggregate.” Another state noted that the work required was more than developing new technology; the nature of the data required time and attention: “The work required . .



. to convert all data to a consistent and standardized format is extensive and will require years.”

Another common concern was the amount of work that would need to be done to bring current information systems to the level where they could be used to provide the *EDFacts* data electronically: “Modification of such complex systems involves formal planning, budgeting, database structure modification, data validation and report query code modification, system testing, staff training, and finally implementation;” “[o]nce we have identified the data available somewhere in the agency, it will take 2-3 years to develop all the computer systems necessary to collect the data from the various offices.” Another state estimates system development costs “to be \$1,000 to \$5,000 per district” not including the costs to the state. One state emphasized that the current education information environment needed a complete overhaul of state information systems. It wrote, “[t]he most efficient and cost effective approach to addressing [*EDFacts*] reporting requirements is through a data warehousing type environment and not the data silo environment that most of our data collections operate under at present.” An individual associated with a state education agency concurred, writing “ . . . if . . . reporting is to be mandatory, state IT departments should be provided adequate time and funding to develop a production state data warehouse through which . . . data can be extracted . . . .”

One state recommended, “[s]ince those in Congress and ED program offices that have the most power to determine which new data requirements appear may have limited understanding of what education data management truly involves, ‘two years’ should be understood as a minimum time to obtain the first data set on any new variable.” Another state observed, “[f]orcing [s]tates to report data before they have a complete data set can result in inaccurate data being reported.”

ED appreciates that many states will find it challenging to make the needed changes to their data systems to be able to report their data to ED electronically for any collection of data. ED recognizes that any automated information system will require some significant work to modify it for the collection, storage, protection, and reporting of any data that was previously uncollected. For this reason, ED has determined that it would be appropriate for the Secretary to have the discretion to establish a transition period of up to two years during which a state would not be required to submit information electronically in the format prescribed by the Secretary, if the state meets certain requirements. Because the need for good data is so important, ED believes that the two-year transition period is reasonable.

The two-year transition period proposed in §76.720(c) would apply to the *EDFacts* data collection. Thus, under the proposed regulations, if a state is not able to submit all of the required data electronically to *EDFacts* by the specified reporting deadline, the state must submit to the Secretary, in accordance with proposed §76.720(c)(3), evidence that the state cannot comply with the electronic submission reporting requirement, the information requested in the report through an alternative means acceptable to the

Secretary, and a plan for submitting the reports in the required electronic manner no later than two year after the reporting deadline.

We recognize that states may need guidance in developing their plans under proposed §76.520(c)(3)(iii) with respect to the *EDFacts* data collection. To address that need, ED included in this collection submission to OMB, proposed guidance to states on when ED would expect states to be able to submit certain data elements electronically to *EDFacts*. We are providing as guidance information about when ED would expect states to be able to provide data electronically through *EDFacts*. States may need to structure their transition plans differently depending on their capabilities. In all cases, however, we will continue to work cooperatively with states to provide them support in their efforts to comply with the *EDFacts* data collection. In addition, ED will continue to help support states by providing technical assistance through ED’s Partner Support Center and other expert support contractors working with states on *EDFacts* implementation. Together we will work to share “best practices” and “lessons learned” to mitigate the challenges each state faces. For more discussion on the transition plan guidance, see our response to the question "Will ED provide prioritized transition for *EDFacts* data elements? elsewhere in this Attachment.

Are LEAs and the SEA allowed to pay for data system modifications with federal funds?

One respondent asked if system modifications could be paid for with existing federal program funds.

Yes. Title VI, Part A, Section 6111(2)(H) permits the use of State Assessment grant funds for improving the dissemination of information on student achievement and school performance, including the development of information and reporting systems. ED will be sharing information with states about some of the ways individual states have used these funds to develop their data systems.

What about the *EDFacts* data that will never be collected by some states?

One state wrote, “[m]y other concern with this punitive action is that some of the required variables we do not collect and have no plans of collecting and we feel that it would be unfair for us to be penalized . . . .” Another state added, “[w]e simply do not possess data for certain *EDFacts* requirements, necessitating the implementation of new data collection efforts . . . .”

As part of the public comment period required by the PRA, states have been given the opportunity to identify any problems they expect to have in supplying the data required under this data collection. ED has invited comment multiple times on exactly which data elements are not available from the each state. ED has also invited states to provide this information as part of one of the two public comment periods under this request for

collection and as part of our ongoing work with states to implement *EDFacts*. As noted elsewhere, every effort will be made in the *EDFacts* collection to require only those data that are needed by ED to monitor and evaluate a state's performance in using funds awarded by ED.

### Will *EDFacts* provide additional funding to states to supply this data?

Many states viewed the costs of supplying these data as prohibitive: “[t]he mandatory collection of ... data imposes an unfunded burden on districts and states;” “[w]e request that USED provide funding for mandatory submissions;” “... there are major concerns about mandatory compliance without further funding to increase our capacity;” “[i]n order to be able to comply with this new mandate, new funds must become available.”

One state suggested that “. . . the Federal Government needs to provide funding for at least one (preferably two) Full-time-Equivalent person to lead the state [*EDFacts*] effort.” Another state wrote, “[t]he restructuring of our current data systems would require an increase in both financial and human resources that are not currently available. For example, we do not currently have the resources to assign fulltime FTE to serve as ... coordinator.”

Many states took the position that the states would need more staff to prepare and report the *EDFacts* data. As one wrote, “[w]e believe this will require at least an additional FTE for the two year period we project will be required to fully comply with these new requirements.” Many suggested that this be a federally funded position modeled after the federally funded state NAEP coordinator. One state expressed the position of many when it wrote, “[t]he work required would merit a full time position, similar to the NAEP position now funded by the National Center for Education Statistics . . .” One state suggested a description for this job: “[t]he areas of focus for this position would include submitting and maintaining the Data ... Plan, managing and submitting ... files, reviewing and commenting on future [data] changes, and using [*EDFacts*] for reporting to management.” Finally a state added, “[t]he funding of an explicit ... coordinator position would provide the most help for most states. Funding alone is not enough [because of state limits to FTE staff positions] . . . . An explicitly funded ... coordinator position would provide justification for states . . . to request the state legislature to increase the FTE cap.”

A few states referred to the *EDFacts* collection as an "unfunded mandate" and two states suggested the federal government should pay for any mandatory data collection. They wrote, “[w]e request that USED provide funding for mandatory submissions.” Another state added, “[w]e recommend that funding be provided two years in advance of the compliance deadline to ensure that states have procured adequate resources to ensure compliance.” The least optimistic assessment came from a state that wrote, “[w]e assess that 4 years and \$840,000 would be required if the Secretary's proposal is made mandatory.”

Recognizing the need to assist states with developing systems for electronic reporting, over the last two fiscal years, almost \$50 million has been appropriated to assist states to develop State Longitudinal Data Systems. ED is continuing to explore ways to increase funding for, and expand states' access to, these funds.

### Will ED stabilize the *EDFacts* data requirements and data definitions?

Beyond additional positions and funding, states need stability in the data elements requested through *EDFacts*, and in the definitions, code sets, and file specifications of each and every data element required to be submitted electronically through *EDFacts*. As one state noted “. . . longitudinal data has little value if the same data are not collected to the same specifications over a number of years. In light of these facts, we urge the federal Education Department to reduce the number and frequency of changes in data reporting requirements.” Another recommends, “[b]efore change is allowed, establish an initial foundation and operate it until it is stable.”

ED is seeking a 3-year approval from OMB of this data collection to assure states that the core *EDFacts* data elements will be stable into the future. Once this data collection is approved by OMB, ED will only permit limited changes to the core data elements, so states should expect more stability in the data elements in the future.

### Will ED provide a comprehensive data map for *EDFacts* data elements?

States commented that they do not collect or use some of the data elements proposed to be collected electronically through *EDFacts* and reporting them will create extra burden. States indicated that they want a comprehensive data map for each and every data element to the federal law that authorizes its collection, the current ED collection forms that collect it, and the actual federal use of the data. “We would like to request a cross-reference between [*EDFacts*] and traditional program data collections. Provision of a cross-reference will demonstrate that coordination exists between [*EDFacts*] and the ED program staff.” Another state commented that, “the message currently coming from the [*EDFacts*] team is frequently at odds with the message flowing from USED Program Offices to State Program Offices.”

ED will continue to use the paperwork clearance process under the PRA to establish the national cost-benefit of each data element. Proposed data collections will face a rigorous internal clearance process at ED before being added to an *EDFacts* collection – and then phased-in, if necessary. ED asks states to inform it of any and every ED program office message that may seem to be “at odds” with what has been written here, so that it can improve its communication with the public about data collection. To help prevent these mixed messages, ED has convened a cross-program committee composed of many senior ED program managers to discuss shared data definitions and data usage, and to ensure internal agency collaboration.

## Will ED provide a prioritized transition for *EDFacts* data elements?

A state suggested ED “. . . prioritize and establish a timeline for bringing the various new or previously uncollected data groups and tables into the [*EDFacts*] collection.”

ED recognizes that some states will have difficulty being able to submit all data electronically to *EDFacts*. That is one of the reasons why ED has proposed to amend its regulations in 34 CFR part 76 governing state reporting requirements to provide the Secretary with the discretion to establish a transition period of up to two years during which a state would not be required to submit information electronically in the format prescribed by the Secretary, if the state meets certain requirements. See the notice of proposed rulemaking published in the *Federal Register* on April 27, 2006 (71 FR 24824). Under the proposed regulations, the Secretary would have the discretion to establish a transition period of up to two years during which a state would not be required to submit information electronically if the state submits to the Secretary (a) evidence satisfactory to the Secretary that the state is unable to comply, (b) the information requested in the report, through an alternative means deemed acceptable by the Secretary, and (c) a plan showing how the state would come into compliance with the data submission requirements specified in the data collection instrument.

In the case of the *EDFacts* data collection request, the proposed regulations would require that states demonstrate they do not have the capacity to submit all *EDFacts* data electronically and submit a transition plan to show how the state will come into compliance with the electronic submission requirements specified in the data collection instrument. To assist these states, ED has established guidelines in Attachment B-1 listing when, over the course of the next three years, ED expects states to be able to submit data electronically through *EDFacts* each of the data groups included under this collection instrument.

These guidelines are designed to maximize the quality of the data *EDFacts* receives from states and at the same time minimize burden by allowing states up to two years to prepare to submit data electronically for some of the more challenging data groups. However, these guidelines are just that, a state that cannot submit electronically all required data to *EDFacts* for the 2006-2007 school year may negotiate a transition plan with a different transition schedule than that specified in Attachment B-1 based on the unique capabilities of that state. For example, a data set that ED might not expect some states to provide electronically until the last year of the *EDFacts* information collection instrument, might easily be provided electronically before that year by some states, even though those states cannot provide all the data elements in the first year of the *EDFacts* collection instrument. Regardless of whether a state can submit data electronically through *EDFacts*, the proposed regulations would require states to submit the data in an alternative medium.

Will ED provide better reports to the state data submitters?

States asked that “ED*Facts* be enhanced to produce reports that states can use to verify their data submissions.”

ED agrees and will continue to work closely with states to determine what reports and reporting options will best help states monitor and verify their submission of ED*Facts* data.

Will ED ensure data in small numbers in cells is protected?

One state asked, “[w]ill the small N rules be customized for each state?” and also stated that its “established policy is that [it] will suppress small numbers prior to reporting to [ED*Facts*].”

ED appreciates the concern about protecting the privacy of personally identifiable information and is fully committed to meeting all legal requirements to protect information submitted to ED*Facts*, both in how it uses the data within ED, and, in the future, how it may disseminate that information to states, LEAs, and others. In addition, ED will apply a uniform standard to protect personally identifiable information it may disseminate to the public.

Will ED publish guidance on the submission of race and ethnicity data?

“For the State to be in compliance with the new requirements by 2008-09, we urge that the new Race/Ethnicity Reporting Guidelines be made public as soon as possible.”

ED agrees and has published these Guidelines for comment in the August 7, 2006, *Federal Register* (71 FR 44866). The code set for Race/Ethnicity in ED*Facts* will be amended to include the option for states to submit their data in the new format as soon as they are able to do so. Although no state will be required to use the new code set before the 2008-09 school year, ED*Facts* will be prepared to accept those new codes for 2006-07 data if that is the result of the final OMB-approved proposal to collect this data.

Will States have an extra burden by incorporating the Common Core of Data (CCD) into ED*Facts*?

One commenter suggested that because the CCD has been voluntary, consolidating it into ED*Facts* and making it mandatory will create extra paperwork burden.

Since the paperwork burden is the same whether the data is submitted as a mandatory requirement or by a voluntary agreement, and since every state has submitted CCD data

over the past years, simply making the submission of this data through *EDFacts* mandatory does not create additional burden. If the submission of CCD data through *EDFacts* requires more detailed data than a state has provided previously for the CCD and that requirement creates extra burden, the state needs to work with ED to accurately estimate that burden as part of the collection approval process. ED will provide technical assistance to reduce this burden.