Annual Mandatory Collection of Elementary and Secondary Education Data through ED*Facts*

August 2010

ATTACHMENT F

ED*Facts* Data Set Response to Public Comment
30-Day Public Comment Period

Table of Contents

INTRODUCTION

This attachment contains the responses to public comments from the 30-day public comment period on the Annual Mandatory Collection of Elementary and Secondary Education Data through ED*Facts*. Responses to public comments from the 60-day public comment period are in Attachment E.

The 30-day comment period for the ED*Facts* package ended on July 14, 2010. During this comment period, ED received comments from 14 SEAs (the comments were noted as coming from the SEA) and one from a person who works at SEA (the comments were not noted as coming from the SEA).

The public comments have been divided into three sections in this document:

- Data collection
- Directed questions
- Technical comments

The data collection section contains the comments on what data are collected. The section on directed questions contain additional comments on the 15 directed questions that were asked during the 60-day public comment period. The section on technical comments contains those comments that are very detailed in nature.

In addressing the public comments and making revisions to the package, ED focused on recommendations from the public comments that continue to move ED*Facts* forward in achieving the goals of consolidating collections, obtaining high quality data, and reducing burden on data suppliers.

One SEA stated during the 30-day public comment period that it appreciated the changes that were incorporated as a result of the comments during the 60-day public comment period. The SEA further stated that it "looked forward to the continued success of ED*Facts* in collecting data and using it many times."

One SEA stated during the 30-day public comment period that it appreciated and agreed with the changes made to the data groups used for the School Improvement Grants (Attachment B-6). The SEA further stated that those clarifications and changes would improve the quality of the data.

ED appreciates the time and attention the public spent to review the ED*Facts* package and in composing thoughtful comments that shape the final data set, as evidenced in this Attachment and in Attachment E. ED reviewed, summarized and documented each comment prior to analyzing all comments. This documentation will aid in the finalization of this data clearance package and will serve to inform future policy decisions regarding ED*Facts*.

DATA COLLECTION

ED received comments about the following data areas:
- Children with Disabilities (IDEA)
- Civil Rights Data Collection
- Discipline Data
- School Improvement Grants (SIG)
- State Fiscal Stabilization Fund (SFSF)
- Technology Data

CHILDREN WITH DISABILITIES (IDEA)

In the comments on the 60 day package (page 41 of Attachment E), some SEAs expressed concern about their able to comply with the revised permitted values for educational environment (IDEA) early childhood. As a result, in the package used for the 30 day public comment period, ED proposed a set of permitted values to allow SEAs one year to transition (i.e., SY 2011-12) to the new set of permitted values.

Public comment
Five SEAs stated that even with the transitional permitted values proposed by ED the SEA would be unable to provide quality data on early childhood educational environments. These SEAs stated that they are unable to aggregate their data by length of time because their systems are aligned to the previous approach of aggregating by percentage to time. These SEAs requested that the transitional permitted values utilize the previous approach based on percentage of time or use a single value of regular early childhood program.

ED's response
For states that, despite their best efforts, are unable to report the setting where the child receives the majority of hours of special education and related services, the state may for SY 2010-11 only, report these students using the following permitted value to indicate type of program where the child spends time during the week: children attending a regular early childhood program.

In addition to the above comments about educational environment (IDEA) early childhood, ED received the following comment:

Public comment
Should educational environment data be reported for every child in the state who is served under IDEA?

ED's response
Yes, IDEA requires that states report data about all children with disabilities and the educational environment where the child is receiving special education services (see IDEA Section 618 (a)(1)(A) and Table 3, OMB 1820-0517).

CIVIL RIGHTS DATA COLLECTION

ED received comments on the CRDC described in Attachment B-5 regarding:

- Data collected on prekindergarten
- Using data collected from SEAs
- Children with disabilities (IDEA) school age (DG74, N/X002)
- Plans for the SY 2011-12 collection

Public comment - Prekindergarten

A few comments were received regarding the prekindergarten data that ED is proposing to collect as part of the CRDC. One commenter requested guidance on what would be considered a disciplinary "incident" and provided what it considered to be possible examples of incidents including drugs, alcohol and weapons offenses. A second commentator, also writing with regard to prekindergarten discipline, stated that there is a need for a definition of prekindergarten. Another commenter requested guidance on whether prekindergarten children in a variety of non-school settings, including child care and licensed nurseries, were covered by the CRDC.

ED's response

ED is proposing to collect data on the number of prekindergarten children who have been suspended or expelled. The Department is not proposing to collect data on the number or type of incidents that were the basis for the suspension or expulsion. Prekindergarten covers children from the age of birth until they begin kindergarten. The CRDC collects data on prekindergarten children in programs that are operated by LEAs or on behalf of the LEA.

Public comment – Using data collected from SEAs

A commenter expressed support for the concept that any data items that ED*Facts* already collects and are also collected by the CRDC should be used to reduce the amount of data that LEAs need to report. However, the commenter expressed concern about issues that would be raised if some data was reported based upon a student's school of attendance and other data was reported based on a student's school of membership.

ED's response

It has been ED's longstanding policy that for the purpose of submitting data for the CRDC, the Common Core of Data (CCD) and the IDEA, students are to be counted at the school where they receive most or all of their instruction. ED recognizes that there may be other situations where SEAs are permitted to count students based upon their official membership instead of their actual school of instruction.

Public comment - Children with disabilities (IDEA) school age (DG74, N/X002)

A commenter asked whether the school level data for Children with disabilities (IDEA) school age (DG74, N/X002) would be used by ED and expressed concern about the burden on the state ED*Facts* file steward of building and maintaining this data file.

ED's response

Historically LEAs have expressed concern that they were being asked to provide the same data about children with disabilities to their SEA (which reported the data to the Office of Special Education Programs (OSEP)) and to the Office for Civil Rights for the CRDC. To reduce burden on LEAs, ED proposed, beginning with the 2009-10 CRDC, that school level data on students with disabilities would be collected from the SEAs through ED*Facts* instead of from LEAs. The Department believes that it is important to continue this effort to reduce data burden on LEAs.

Public comment – SY 2011-12 collection

A commenter asked whether ED was planning to collect additional CRDC data from states though ED*Facts* for the 2011-12 CRDC. The commenter also asked when SEAs would know what data was going to be proposed for collection for the 2011-12 CRDC.

One commenter expressed the view that the 2011-12 CRDC should not be expanded to collect data from a universe of all LEAs as ED has proposed. The commenter also expressed the view that the burden of collecting data from a universe of all LEAs would be greater than the amount estimated.

ED's response

Currently three states provide all CRDC data to ED*Facts*. ED would like to discuss for the 2011-12 CRDC whether additional states would also be interested in providing some or all of the CRDC data on behalf of their LEAs. All of the data elements that ED is proposing to collect for the 2011-12 CRDC are included in this request for OMB clearance.

Historically, the CRDC has been periodically collected from a universe of all LEAs. The last universal data collection was the 2000 CRDC. ED believes that collecting data from a universe of all LEAs will provide important information, particularly in light of the significant changes that have been made in the data that is being collected by the CRDC. The burden estimate reflects the fact that the 2011-2012 CRDC will be collected over two fiscal years.

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DISCIPLINE DATA

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Public comment

Three SEAs commented on inconsistencies in defining discipline events. The Discipline incident table (DG523) and Students disciplined table (DG673) use the definition "at least an entire school day." The Children with disabilities (IDEA) disciplinary removals table (DG598) and Children with disabilities (IDEA) total disciplinary removal (DG682) use the definition "any kind of disciplinary removal."

ED's response

The data collected using the phrase "at least an entire school day" are collected for the Safe and Drug-Free School Program and are based on *The Uniform Data Set – A Guide to Measures for the Uniform Management Information and Reporting System.* The data collected using the

phrase "any kind of disciplinary removal" are collected for IDEA.   As discussed in Attachment E under discipline data sections, ED will continue to work with other groups to build more consistency in the discipline data collections.

SCHOOL IMPROVEMENT GRANTS (SIG)

Regarding the data collected for SIG, ED received comments on future plans for the metrics and the use of data. ED also received one technical comment.

Public comment – Future plans for metrics
Collecting the listed metrics for the Tier 1 and Tier 2 schools will not be a significant burden. Is ED planning on collecting these same metrics for other grant programs?

ED's response
At this time, ED is not planning to request this data for any other grant programs.

Public comment – Use of data
Is there a plan to use these metrics for future funding decisions? If so, what research was used to support the use of these metrics as indicators of successful use of funds?

ED's response
ED expects to use the new information collected for a range of purposes, including tracking implementation and results of the SIG program. This information includes data on indicators such as student and teacher attendance, as well as scale score data from state assessments.

With respect to future funding specifically, the amount an SEA receives is based on a statutory formula. Specifically, ED allocates SIG funds to SEAs with approved applications in accordance with the formula in section 1003(g)(2) of the ESEA. In terms of how SIG funds flow from an SEA to its LEAs, the SIG final requirements address the renewal of a SIG subgrant to an LEA (future funding). See section II.C in the final requirements: "Renewal for Additional One-Year Periods" [available at: http://www2.ed.gov/programs/sif/legislation.html].

The technical comment related to SIG is in the table below.

Category	Public Comment	ED's Response
Achievement percentile	Clarify if these are the achievement percentiles for each school, or are these achievement percentiles based on the average scale score in the state?	The achievement percentiles are based on the scores in each school.

....

STATE FISCAL STABLIZATION FUND (SFSF)

....

ED received comments on the requirements for submitting data and some of the indicators.

Public comment - General requirement to submit data
Two SEAs asked about the timing of the reporting of SFSF data. Will the states that received no funding after SY 2010-11 report data after that school year? Will SEA report data after phrase 2 is completed? Will more SFSF metrics be reported through EDFacts?

ED's Response
All states that received SFSF Phase 2 grants are required to report data for all SFSF metrics on school years 2010-11 and 2011-12. The one exception to this requirement is if States reported that they did not have the capabilities to collect and report data on specific metrics and instead submitted an approved plan covering how they would be ready to report data by September 2011 are not required to report in EDFacts on those metrics in 2010-11, but are required to report the data on those metrics for school year 2011-12.

There is no current plan to add additional SFSF metrics to the EDFacts collection. All data for SFSF metrics that is proposed for collection through EDFacts was outlined in Attachment B-7

Indicators (a)(4) and (a)(7)

Public comment - One SEA asked if ED would be publishing the teacher and principal evaluation results. The SEA also asked that if ED would be publishing the results would the resulted be aggregated at the state level by elementary and secondary classes and where the results would be published. The SEA recommended that the data be reported by elementary and secondary classes.

ED's Response: Yes, ED will be publishing the data.   The data will not be aggregated by elementary and secondary classes, as that would require the addition of more categories to the data group.

Public comment - One SEA stated that the state needed to at least Oct 31 or Nov 31 to provide correct and quality data.

ED's Response -   The required timelines for submission of the data will be worked out with the SFSF program office, and included in the File Specifications developed for any data groups cleared for collection through EDFacts.   The comment of the SEA will be taken into consideration when developing the deadlines for submission.

Public comment - One SEA indicated that data would not be available for the teachers at intermediate units.

ED's Response - ED would expect that evaluations are performed on all teachers regardless of whether they have been hired by a local education agency, an intermediate unit, or the SEA.   If

time is needed to incorporate teachers at intermediate units into the evaluation systems in place across the state, that should have been discussed as part of the plan for being able to submit data that was supplied in their Phase 2 application.

Public comment - One SEA stated that with many different performance levels in the state reporting on evaluation performance levels will be difficult and burdensome.

ED's Response: It is understood that for states with many different evaluation systems, the collection of information on teacher evaluations and performance levels will be difficult.   For this reason Phase 2 of SFSF allows the state until September 2011 to develop the complete capabilities to be able to report this data.

Indicators (c)(11) and (c)(12)

Public comment - One SEA understood that indicators (c)(11) and (c)(12) were to be collected only for institutions of higher education in the state. The definitions of the data groups for these indicators are not limited to in state.

ED's Response: Only Indicator (c)(12) is limited to IHEs within the state. (c)(11) uses information on students who graduate from K-12 in the state and enroll in any IHE.   (c)(12) utilizes information on students who graduate from K-12 and enroll in a public IHE within the same state.

Public comment - One SEA has a large public institution of higher education in the state that does not participate in the National Student Clearinghouse. The SEA is concerned about the providing complete reporting.

ED's Response: It is understood that states will be setting up new collection and reporting systems with all or some IHEs to develop the capability to report data on Indicators (c)(11) and (c)(12).   It is for this reason that Phase 2 of SFSF allows the state until September 2011 to develop the complete capabilities to be able to report the data. ED would remind the state that the National Student Clearinghouse is not the only source of information for these indicators.

Public comment - One SEA asked why the SFSF indicator (c)(12) was based on 16 months after the regular high school diploma while indicator 14 of the IDEA Annual Performance Report is based on one year after.

ED's Response: The requirements under IDEA pre-date the development of the SFSF Indicators.   The two programs had different needs, which led to different definitions for reporting.   ED will bring this discrepancy to the EDFacts Data Governance Committee for further discussion and to see what might be possible in future refinements.

Indicator (d)(7) – metadata on charter schools

Public comment - One state does not have a set number of charter schools that are permitted to operate under state law. The state requested an option of "not applicable."

ED's Response -   As state level metadata, the data group to capture the number of allowable charter schools will be implemented through the EDFacts Metadata and Process System (EMAPS). This system allows for the flexibility to enable a permitted value of "Not Applicable"

Public comment - One SEA noted that charter schools can close for multiple reasons. The data group is designed to collect a single reason for a closure.

ED's Response - If a charter school was closed for multiple reasons, the state can use the permitted value of "Other"

TECHNOLOGY DATA

As a result of public comment during the 60-day period, ED made several changes to the data groups in the section "Technology" of Attachment B-3. During the 30-day public comment period, ED received comments about those changes. The comments are organized by data group.

8th grade technology literacy table (DG 650)

Based on comments received during the 60 day public comment period, this data group was not changed.

Public comments
Three SEAs commented on this data group. Two recommended limited collecting to LEAs with at least $25,000. One of the SEAs also recommended that the data be collected on a scale. The third recommended a minimum definition of technology literacy.

ED's response
ED will not be changing to collecting data on a continuum. A state could choose to define multiple levels of technology literacy and collect data on the number of students at each level, if the state finds this information useful. The state would report to ED the number of students at or above the level of meeting State technology literacy standards. ED's program performance measure under the Governance Performance and Result Act (GPRA) is the percentage of students who meet their state technology literacy standards.

ED will not be limiting the reporting requirement to only those LEAs that receive at least $25,000 in Title II, Part D funds because of the emphasis of the legislation on the goal of "ensuring that every student is technogically literate by the time the student finishes the eighth grade, regardless of the student's race, ethnicity, gender, family income, geographic location, or disability" (Elementary and Secondary Education Act, as amended, Title II, Part D, Section 2402(b)(2)(A)).

At this time, ED will not be providing a minimum definition for technology literacy.

Computer equipment table (DG744)

Based on comments received during the 60-day public comment period, the previous data group "computer table" was removed from the collection and replaced with the data group "computer equipment table."

Public comments

Three SEAs commented on this data group. Two requested a definition of "other devices." One recommended that the data be collected by actual bandwidth. The third SEA expressed concerns about including the phrase "used primarily by students for instructional purposes (other than primarily on-line testing)." The SEA stated that this language requires school personnel to make generalized determinations for computers based on projected use. The SEA stated that the language would require significant additional technical assistance to the LEAs to comply with the data collection. The SEA requested that the language be removed.

ED's response

ED will not be collecting the data by actual bandwidth.

ED agrees with the concerns about the language used in the definition of the data group. The data group definition has been revised. In addition, the data group has been renamed to "Internet Access" to clarify the primary purpose of the data.

Integrated technology status (DG524)

Based on comments received during the 60-day public comment period, this data group was modified to use a scale or continuum of permitted values and the collection was limited reporting to LEAs with at least $25,000 in funds under Title IID.

Public comments

Four SEAs provided comments on this data group. Two SEAs stated that they agreed with the change to limit reporting and provide the status on a continuum. One of these SEAs preferred that the data be collected at the school level rather than the LEA level for accuracy. The other two SEAs requested more clarity of the levels. One of these SEAs suggested state definitions be collected and that a value for "not making progress" be added.

ED's response

ED will not be expanding the collection to the school level. ED requests data at the LEA level because the Department is required to calculate and report to the Office of Management and Budget and Congress the percentage of LEAs that have effectively and fully integrated

technology, which is one of our Government Performance and Results Act (GPRA) program performance measures. A state could collect its data at the school level to obtain a detailed picture, if the state finds the school-level information useful.

ED agrees that the levels of integrated technology status need to be clarified. The definitions of the levels have been added to DG524 in Attachment B-3 in the section on "Technology."

ED agrees with the suggestion for collecting state definitions of each of the new levels of Technology Integration. ED will add this to the metadata to be collected through E*MAPS* for SY 2010-11.

ED will not be adding "not making progress" as a level. States would count any LEAs that have not made progress toward integrating technology within the lowest category ("Developing"), which describes LEAs with "limited use of technology."

Personnel skilled in technology (headcount) table (DG536)

Based on comments received during the 60-day public comment period, this data group was modified to limited reporting to LEAs with at least $25,000 in funds under Title IID.

Public comment
Two SEAs provided comments on this data group. They agreed with the change to limit reporting. They also recommended that the data be collected on a continuum.

ED's response
ED will not be changing to collecting data on a continuum. A state could choose to define multiple levels of the proficiency to effectively integrate technology into teaching and learning and collect data on the number of personnel at each level, if the state finds this information useful. Then state would report to ED the number of teachers, school administrators, and library/media specialists at or above the level of meeting state technology standards. ED's program performance measure under the Government Performance and Results Act (GPRA) is the percentage of teachers who meet their State technology standards.

DIRECTED QUESTIONS

During the 60 day comment period, ED asked 15 directed questions. The complete text of those directed questions is in Attachment E. ED analyzed the responses to those questions and made decisions that were reflected in the package used for the 30 day comment period. During the 30 day comment period, some responses expressed agreement with those decisions while other responses expressed disagreement.

1 - CHARTER SCHOOLS AND DISTRICTS – SUPPLEMENTAL INFORMATION

This directed question asked how data groups for charter schools and districts should be collected. Most SEAs recommended that the data be collected using a file submitted to ESS. Of the SEAs that recommended that approach, most preferred a new file for charter school data.

Public comment
One SEA stated that it would be more burdensome to create a new file than to add data groups to an existing file.

ED's response
No change

2 - CONSOLIDATED ANNUAL REPORT (CAR) - CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006

This directed question asked whether the changes to the Career and Technical Education data groups should be implemented for SY 2009-10. Most SEAs were in favor. In the package used for the 30-day comment period, ED indicated that a request would be made of OMB for early implementation.

Public comment
One SEA stated that it did not have issues with the early implementation as it would be able to provide data for SY 2009-10.

ED's response
ED is requesting that OMB allow the early implementation of changes so that SEAs can begin transforming the Perkins secondary data collection into ED*Facts*.

3 - DISCIPLINE

This directed question asked about the collection of data on discipline based on incidents and student counts. ED decided to keep the current practice of collecting data based both on incidents and student counts.

Public comment
One SEA stated that ED could lessen burden on LEAs and increase uniformity in collecting and reporting the data by providing guidance on how to collect incidents in various scenarios. The SEA stated that it had not received any guidance that was specific, useful and timely.

ED's response
ED acknowledges that the guidance on incidents needs improvement. As discussed in attachment E under discipline data sections, ED will be working with other groups to build more consistency in the discipline data collections.

4 – DISPUTE RESOLUTION – IDEA TABLE 7 (OMB 1820-0677)

This directed question was whether Table 7 Dispute Resolution should be collected through ED*Facts*. Most SEAs were in favor. In the 30-day package, the dispute resolution data was added to the data set as described in Attachment B-8.

Public comment
One SEA stated that it agreed with the decision. Another SEA disagreed with the decision and stated that including the data in ED*Facts* would complicate the communication protocol between OSEP and the SEA. The SEA stated that based on past experience it takes several years for ED to align OSEP and EDFacts.

ED's response
No change.

5 - EXPULSION/SUSPENSIONS OR "MORE THAN ONE DAY"

This directed question asked about the collection of data on discipline using State definitions of suspensions/expulsions or using more than one day. The CSPR collects the data using suspensions/expulsions while ED*Facts* uses more than one day. There was no consensus among the SEAs. ED decided to continue its current practices which would result in the CSPR data for 2.7 being collected manually.

Public comment
One SEA noted that the decision to keep the current practice would be a step backwards because the data would again not be populated from ED*Facts* to the CSPR.

Another SEA noted that suspension and expulsion data are highly useful at the local level. The data are used to revise discipline systems, program plans, create policy, and determine professional development topics for teachers and administrators. Thus, the SEA was not supportive of ever replacing the collection of the suspension and expulsion data with data based on more than one day. The SEA requested that ED provide the specific need for collecting data based on more than one day.

ED's response

ED acknowledges that the decision does result in a section of the CSPR remaining as manual entry instead of population through ED*Facts* files. ED decided changes should not be made to the discipline data collection at this time. First, there was no consensus among the states about discipline data. As noted in Attachment E, the Department will be working with others on consistency in discipline data. Second, the data are collected for the Safe and Drug-Free Schools State Grant Program. Funding was discontinued for this program. States still have an obligation to provide data as long as the state is using grant money from the program. (In addition, data on students expelled under the Gun-Free Schools Act are still required.) Third, the reauthorization of ESEA may change the requirements to report data on discipline.

6 – HEADCOUNT AND FULL-TIME EQUIVALENT (FTE) OF STATE MIGRANT EDUCATION PROGRAM (MEP)

This directed question was whether the data on the state migrant education program should be collected through ED*Facts* or manually through the CSPR. Most SEAs preferred manually.

Public comment

One SEA stated that it agreed with the decision.

ED's response

None needed

7 - HOMELESS STUDENTS

This directed question was whether the assessment data should be collected for the McKinney – Vento program as students served by the program or as homeless students enrolled. Most SEAs stated that "homeless students enrolled" was a better approach.

Public comment

One SEA indicated that it appreciated the change since it would make data collection more feasible and improve data quality. Another SEA asked what requirements exist on LEAs to collect and report all homeless students enrolled and whether there would be analysis of the data that would require knowing the subset of students who are served by McKinney-Vento program.

ED's response

The requirement on LEAs to collect and report all homeless students is based on a requirement of the Department of Education to "… periodically collect and disseminate data and information regarding

    (A) the number and location of homeless children and youths;

    (B) the education and related services such children and youths receive;

(C) the extent to which the needs of homeless children and youths are being met; and

(D) such other data and information as the Secretary determines to be necessary and relevant
….”

In making the decision to collect the data by “homeless students enrolled” instead of “homeless students served,” ED is forgoing analysis of these data for the subset of students who are served by McKinney-Vento. As described in Attachment B-3 in the section “McKinney-Vento Homeless Program,” ED will continue to collect some data on homeless served by McKinney-Vento.

9 - OPEN ENROLLMENT

This directed question asked about adding an open enrollment indicator to LEAs. Based on the responses, ED determined that an indicator should not be collected. Instead, ED would collect metadata to interpret data on public school choice.

Public Comment
One SEA noted that the SEA would need to know what metadata would be collected before the SEA could comment on the burden. The SEA stated that it had very limited information on open enrollment practices so any metadata collection would like result in addition burden of collecting new data from the LEAs and schools.

ED’s response
Any metadata collected would be limited to information at the state level.

10 - STATE FISCAL STABILIZATION FUND (SFSF)

This directed question was about the most effective way to collect the SFSF data. After reviewing the comments, ED determined that a combination of ESS and E*MAPS* would be needed.

Public comment
One SEA noted that it preferred the data to be collected through a combination of ESS and E*MAPS*.

ED’s response
None needed

11 - SCHOOL IMPROVEMENT GRANTS (SIG)

This directed question was about the most effective way to collect the SIG data. After reviewing the comments, ED determined that a new ESS file would be needed.

Public comment
One SEA noted that there was a burden to building and submitting a file instead of just entering data into E*MAPS*.

ED's response
ED realizes that, for some states, building a file imposes a burden. Based on the responses we received during the 60-day comment period, however, states preferred the ESS file approach to E*MAPS*. In the 30-day comment period, only one state indicated disagreement with the decision.

12 AND 13 - STATEWIDE ASSESSMENTS – ACADEMIC ACHIEVEMENT AND PARTICIPATION

During the 60-day public comment period, ED asked states if they would be in favor of ED combining the data groups used to collect data on assessments for ESEA with the files used for IDEA. Most states were in favor. In the package used for the 30 day public comment period, ED combined the data groups used to collect data on assessments.

Public Comment – Disagree with decision
One SEA commented against the decision to combine the assessment files because it would have minimal impact on the time it takes the SEA to build the files while adding complexity. The SEA asked if the detailed data on assessment administered would be required at the school level. Under the previous collection method, data by assessment administered was not collected at the school level. The SEA was also concerned about the capacity of the system to process these larger files.

ED's response
ED will be collecting the data by assessment administered at the school level so that all levels are collected in the same manner. ED acknowledges that the data at the school level was not previously collected by assessment administered. ED agrees that the lack of system capacity to process these files is a risk. ED is working to address system capacity.

Public Comment – Agree with decision
Two SEAs commented in favor of the decision to combine the assessment files. One stated that the change would ensure that data for all students were submitted to ED using consistent logic. The other while approving of the change indicated that there would be burden of approximately 200 hours to modify existing systems.

ED's response
None needed.

Public Comment – Implementing the combined assessment files
Another SEA noted that the data quality review of the assessment data used for IDEA has been different than the data quality review of the assessment data used for ESEA. The SEA requested that the documentation on data quality process that will be used for the combined files be provided to the SEAs. This SEA also encouraged ED to continue to message that the underlying assessment data used for ESEA are the same as the data used for IDEA. Finally, the SEA asked about the reporting of limited English proficient (LEP) students who are in the country less than 12 months. States have options in how these students are assessed.

ED's response
The business rules that will be used for the new combined assessment files will be included in the ED*Facts* Business Rule Guide. In the file specifications, ED will pay particular attention to explaining how the data are used for both ESEA and IDEA reporting. ED will also focus on explaining the reporting of LEP students who are in the county less than 12 months.

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14 - STATUS FILES

This directed question asked how best to organize the data groups that collect a status or a single value for each education unit.

Public Comment
One SEA noted that moving Poverty quartile designation (DG699) from N/X103 to N/X132 does not benefit SEAs. The data group has not relationship to the data in N/X132 to warrant the move. Moreover, N/X132 is due in September 30th while N/X103 is due by mid-December. Since the poverty quartile designation is used with the data on classes taught by highly qualified teachers which is due by mid-December. The due date is moved forward.

Another SEA noted that it agreed with the plan for restructuring the files except for School poverty designation (DG699). The SEA stated that the quality of data would be increased if the data group was moved to N/X063 or N/X064.

ED's Response
ED agrees. Poverty quartile designation (DG699) will remain in N/X103.

15 – TITLE I STATUS

This directed question asked how Title I status for eligibility and program participation were collected. After reviewing the responses, ED decided to continue the current practice.

Public comment
One SEA indicated that it preferred the current method of collection.

ED's response
None needed.

TECHNICAL COMMENTS

This section contains technical comments related to definitions, specific data groups, data categories and other general policies and procedures.

Definitions

The table below contains the technical comments that related to definitions in Attachment B-1 in the section "Standard Definitions."

Definition	Public Comment	ED Response
CTE Concentrator	Two SEAs indicated that their definitions of CTE concentrators are different than the definitions used by EDFacts. One of the SEAs requested that ED add to the definition "'If a State has a negotiated definition that is different, the State should use that definition.'	A footnote on state negotiated definitions has been added to both CTE concentrators and CTE participants in Attachment B-1.
LEP (Perkins)	One SEA indicated that it has been using the ESEA definition of limited English proficient (LEP) students when reporting under Perkins. The SEA indicated that changing this practice would require a new data collection.	As explained in Attachment B-1, the legislation for the program includes a definition of LEP students that is different than the definition in ESEA. The legislation allows for ED to negotiate some aspects of the collection of data for the program indicators. The SEA should work with the program office.

Specific data groups

The table below contains the technical comments that related to specific data groups.

Reference in package	DG	Public Comment	ED Response
B-1 Directory	DG453	Can multiple "other" education entity types be submitted in a file?	Multiple "other" education entities can be submitted in a file. The guidance in the directory file specification on the use of the permitted value "other" will be expanded.
B-3 Accountability	DG34 and DG662	Add comments to clarify the year of the improvement statuses.	ED believes additional clarification should be in the file specifications not the comments to the data group.
B-3 Accountability	DG381 and DG383	Each year the state struggles to report the data by elementary and secondary schools. Instead reporting data by school, LEA and state, states should report teacher quality data by elementary classes, secondary classes, LEA and State levels.	ED realizes that reporting data by school level is problematic given that a small number of instructional units in the country cannot be easily described as traditional "schools." However, statute requires that HQT data be reported not only in the aggregate, but also by poverty level. There is not available source of classroom-level poverty data, only school-level data. Therefore, ED collects HQT data at the school level.
B-3 Accountability	DG381 and DG383	Beginning in SY 2010-11, is there an expectation that each core academic class in a self-contained elementary class be reported individually? Currently, self-contained elementary classes are reported only once, while each elementary departmentalized core academic classes are reported separately.	In past years, the CSPR instructions have made clear that States may count elementary classes such that a single-self contained setting counts as one class per day, or such that each elementary departmentalized core academic classes counts separately. ED has not stated a preference for either method and has no plans to change this position.
B-3 LEP Students and Title III of ESEA	DG675	Data group is missing the comment "report only for LEAs with ESEA Title III programs" that other data groups for Title III have.	Agree. The comment has been fixed.
B-3 Non-Fiscal Common Core of Data	DG24	The description of NA for magnet school status (DG24) in the file specifications is inaccurate.	ED agrees. The description will be changed.
B-3 PSC and SES	DGs 574, 700, 544, 652, 679, 680	Add comment that these data groups are reported only for LEAs required to implement public school choice (PSC) and/or supplemental educational services (SES).	ED agrees. Comments were added to the data groups in the section on PSC and SES.

Reference in package	DG	Public Comment	ED Response
B-3 PSC and SES	DG652	Add comment that "report only additional funds necessary to provide transportation for PSC over and above regular funds spent for transportation costs.	ED believes that adding this comment will confuse more than clarify. The explanation of what funds are reported is more complex than a single sentence and is best explained in the file specifications.

Categories

The table below contains the technical comments that related to specific categories.

Reference in package	Categories	Public Comment	ED Response
B4 IDEA	Disability Category	An SEA noted that the term "mental retardation" from IDEA 2004 is used instead of the more current terminology of "cognitive impairment" or "intellectual disability."	ED uses the terminology found in the legislation.
B-4 IDEA	Interim Removal	The permitted value "unilaterally removed …" in the category "interim removal (IDEA) does not specify that the removal is not done by individualized education program (IEP) team.	ED agrees and has modified the permitted value

General policies and procedures

The table below contains the technical comments that relate to general policies and procedures.

Topic	Public Comment	ED Response
Data Quality - CCD Edit error reports	One SEA requested that edit check criteria be provided to SEAs preferably a year prior to the collection so that SEAs can adjust their systems. The SEA also noted that the edit checks should not be changed after the file specifications are released.	ED publishes the edit checks used in the EDEN Submission System (ESS). ED plans to publish the additional edit checks done by NCES. ED rarely changes the edit checks after the system opens to accept data. Some changes are necessary, for example, when the edits were programmed in error. While ED understands the need for business rules a year in advance, providing the rules in the time frame is not always possible.
Data Quality - Error report feedback	One SEA requested that error report feedback be provided as soon as the data are submitted by the SEA.	Most of the system generated reports are available the next day. ED acknowledges that, in some cases, because of resources, some processes are not run every day. ED continues to look at ways to improve the timeliness of reports generated by ED staff reviewing the data.
Documentation of zero requirements	The guidance on zero requirements needs to be clearer, perhaps, flow charts could be used to better explain the requirements.	ED agrees that the zero guidance could be improved and will work to do so.

Topic	Public Comment	ED Response
Early elimination of data	One SEA requested that ED not collect in SY 2009-10 data that will no longer be collected in SY 2010-11.	Only one data group is being proposed to be removed from the collection. That data group is not being collected in SY 2010-11.
Improvement to file specifications	One SEA requested that ED incorporate documentation improvements into the SY 2009-10 file specifications.	ED updates file specifications during the year when appropriate.
Publishing file specifications	One SEA noted that file specifications were not published early enough. The SEA also noted that ED does not have a consistent schedule for publishing file specifications.	ED acknowledges that file specification have not been issued as soon as SEA would like and that there has not been a consistent schedule. For SY 2010-11, ED plans to issue the file specifications between October and December. If there are no changes to data requirements for SY 2011-12, the file specifications would be issued between August and October.
Reporting by school year	ED*Facts* data should be submitted based on the school year of the data.	ED agrees and has added language to Attachment B-1 explain how data are reported by school year.

Some of the technical comments were covered in the previous response to public comment.

Public Comment – Core requirement table
One SEA requested that the core requirements table be include in the file specifications.

ED's Response
On page 68 of Attachment E, ED indicated that the core requirements table would be included in the SY 2010-11 file specifications.

Public Comment – Financial Support
One SEA stated that implementation of current and future changes may be burdensome and difficult to comply with, without the necessary financial support from ED after SY 2010-11.

ED's Response
As noted on pages 68 and 69 of Attachment E, "the ED*Facts* Data Coordination Task Orders have been awarded to States over a three-year period (2008-2010) to help with transition activities for meeting full ED*Facts* reporting requirements.   The majority of the data collected through ED*Facts* are needed to meet grant reporting requirements. Grant awards to States typically include a certain amount of administrative funds. Collecting data that are needed for reports to the grant-making offices at ED has traditionally been a grant administration task. Now that most of the required data are being reported through ED*Facts*, States should investigate how grant administration funds may be used to support State ED*Facts* reporting."

Public Comment - Changes
One SEA noted that all proposed changes to the SEAs system have to be presented to the board for approval by the January before the start of the next school year.

ED's Response

On pages 70 and 71 of Attachment E, ED discusses the impact of the anticipated upcoming reauthorization of ESEA and new data requirements. In that section, another SEA mentioned that their state law requires the SEA to post data collection requirements by April 1 of the school year preceding the collection. ED understands that changes to data requirements require some time to implement, and will keep this in mind as file specifications are developed. ED will work with SEAs so that the SEAs can be compliant with State and federal reporting laws.

CHANGES TO THE ED*FACTS* DATA SET

This section summarizes changes to the ED*Facts* data set as a result of the public comments during the 30-day comment period. Attachment C explains the changes from the data set used for SY 2010-11. This section summarizes the changes made to the ED*Facts* data set that was proposed for the 30-day public comment period and the final package. This section provides readers with a list of the changes and is not intended to be a comprehensive explanation of those changes.

ATTACHMENT B-1 OVERVIEW

The table below lists the substantive changes to Attachment B-1.

Section of B-1	Change	Where discussed in this attachment
Summary of ED*Facts*	Added bullets on reporting periods and school year	Technical comments/general policies and procedures
Standard definitions	Added footnotes to CTE concentrator and CTE participant	Technical comments/ definitions

ATTACHMENT B-2 EXPLANATION OF ED*FACTS*

There were no changes to Attachment B-2.

ATTACHMENT B-3 DATA GROUPS

Throughout attachment B-3, the format of percentages was changed to 5,4 as in 90% being reported as "0.9000." Also, the file specification numbers were updated to reflect the decision on directed question 14.

The rest of the changes to Attachment B-3 are organized by the sections in the attachment.

Non-Fiscal Common Core of Data

DG	Name	Change	Discussed
39	Membership table	Added comment about how to count students	Technical comments/Data groups

General Education Provisions Act

There were no changes to this section.

Limited English Proficient Students and Title III of ESEA

DG	Name	Change	Discussed
675	Title III LEP English language proficiency test table	Added comment found with other data groups for Title III	Technical comments/Data groups

Accountability and Reporting Provisions of ESEA

Corrected typos

McKinney-Vento Homeless Program

There were no changes to this section.

Neglected or Delinquent Program

DG	Name	Change	Discussed
628	N or D academic achievement table – State agency	Added comment about type of count	NA – Typo, similar comment in other N or D data groups.

Migrant Education Program

There were no changes to this section.

Technology

DG	Name	Change	Discussed
525	Integrated technology status	Added definitions of levels of integrated technology status	Data Collection / Technology Data / Integrated technology status
744	Computer equipment	Renamed "Internet	Data Collection / Technology Data

table	Access" and definition clarified	/ Computer equipment table

Funding Flexibility (REAP)

Corrected typos

Title I Program (Non-Accountability Provisions)

There were no changes to this section.

Public School Choice and Supplemental Educational Services

As discussed in the section on technical comments on data groups, the comment "report only for LEAs required to implement public school choice" is added to the following data groups:

Data Group Name	DG ID
Public school choice - applied for transfer	574
Public school choice – eligible	700
Public school choice - transferred	544
Public school choice funds spent	652

The comment "report only for LEAs required to provide public school choice/SES" is added to the Public school choice/SES 20 percent obligation (DG679).

The comment "report only for LEAs required to provide SES" is added to the SES per pupil expenditure (DG680).

Charter Schools and Districts

There were no changes to this section.

Safe, Drug-Free and Gun-Free Schools

There were no changes to this section.

Individuals with Disabilities Education Act (IDEA)

Subtotals that are currently collected were inadvertently omitted from the following data groups:

DG	Name
613	Children with disabilities (IDEA) early childhood table
647	Special education paraprofessionals (FTE) table
609	Special education related services personnel (FTE) table
486	Special education teachers (FTE) table

Career and Technical Education

Corrected name of category used in category set F. The name of the category was changed to "Single Parent Status" in response to a comment during the 60-day public comment period.

ATTACHMENT B-4 DATA CATEGORIES

The table below lists the changes to Attachment B-4.

Section	Category	Change	Where discussed in this attachment
Technology	Internet Access	Change name of data group	Data collection / Technology data / Computer equipment table
IDEA	Educational Environment (IDEA) Early Childhood	Changed transitional permitted value	Data collection / Children with disabilities (IDEA)
IDEA	Interim Removal	Clarified permitted value	Technical comments / categories

ATTACHMENT B-5 CIVIL RIGHTS DATA COLLLECTION

There were no changes to Attachment B-5.

ATTACHMENT B-6 SCHOOL IMPROVEMENT GRANTS

There were no changes to Attachment B-6.

ATTACHMENT B-7 STATE FISCAL STABILIZATION FUNDS

There were no changes to Attachment B-6.

ATTACHMENT B-8 DISPUTE RESOLUTION

There were no changes to Attachment B-8.