

**ESEA Flexibility Collection
through *EDFacts***

Responses to Public Comments

August 2012

ATTACHMENT C

INTRODUCTION

This attachment contains responses to comments received during the 60-day public comment period concerning the proposed ESEA Flexibility Collection through ED*Facts*. The comment period closed on July 30, 2012.

ED received a total of 39 questions and comments from 10 state education agencies. The majority of the questions and comments were related to the two directed questions included in Attachment B. Some questions and comments were also raised on other topics related to ESEA Flexibility reporting. As a result of the comments and questions received, some changes were made to the proposed data set. Those changes are described in the responses to public comments and also highlighted in Attachment B2, which provides full details of the new flexibility collection.

This document is organized into the following sections:

- Responses received to the directed questions during the 60-day comment period
- Responses to other questions and comments

RESPONSES TO DIRECTED QUESTIONS RECEIVED DURING 60-DAY COMMENT PERIOD

Each of the directed questions included in Attachment B are restated below. The questions are followed by a summary of the public comments and ED’s responses.

Question 1.

If your state education agency proposed the use of new subgroups in its flexibility request, would you be able to report data for those subgroups using the proposed permitted values for the new flexibility subgroup category found on page 5 [of Attachment B] without needing to use the permitted value of ‘other’? If you believe you would need to use ‘other’ to report data on your state’s subgroups, please describe the subgroup(s) used in your state.

Public Comment	ED’s Response
Six states reported that they would be able to report data for their flexibility subgroups using the proposed permitted values without needing to use the permitted value of ‘other.’	No response required.

Public Comment	ED’s Response
Three states responded that they did not propose the use of flexibility subgroups and thus would not need to report these data.	No response required.
One state responded that it would be able to report data for its flexibility subgroups using the proposed permitted values without needing to use the permitted value of ‘other.’ However, it also indicated that it would like to report by gender.	In order to minimize reporting burden, ED will not collect gender with the flexibility subgroups.

Question 2.

Two new data groups are proposed for collecting information on state interventions used in priority and focus schools [see page 18 of Attachment B]. To what extent do the proposed permitted values for those data groups reflect the types of interventions used in your state?

Public Comment	ED’s Response
Four states confirmed that they could use the proposed permitted values for types of interventions used in the state.	No response required.
Five states proposed additional permitted values to be included.	<p>Some of the suggestions for additional permitted values for state interventions involved listing the turnaround principles as separate interventions for priority schools. However, a state must use all of the turnaround principles for interventions in priority schools, so ED will not be listing the turnaround principles individually for state interventions used in priority schools. Interventions used in focus schools may be related to individual turnaround principles, so accordingly, each of the turnaround principles is already listed as an individual permitted value for state interventions used in focus schools within the elements of the proposed data collection. States may select multiple interventions used for each school.</p> <p>One state suggested adding a new intervention of ‘Family engagement’ for focus schools; ED feels however, that this value is incorporated in the turnaround principle currently provided as a permitted value: ‘Providing mechanisms for family and community engagement.’</p>

Public Comment	ED’s Response
	Other recommended interventions for focus schools appeared to be state-specific. To accommodate the reporting of state-specific interventions, ED will add a permitted value of ‘other’ for state interventions used in focus schools.
One state also asked if the use of multiple permitted values was possible.	Yes, states may select multiple permitted values for state interventions used in priority and focus schools.

RESPONSES TO OTHER QUESTIONS AND COMMENTS

Public Comment	ED’s Response
<p>One state commented: In Attachment B, page 9 and 10, the Category Set A descriptions for Math and Science contain the same text “Participation Status (MS)”. The state suggests that this is a typo and recommends that for the data group Assessment Participation in Mathematics table-Flex, the Category Set A description for Participation Status should contain (MA), and for the data group Assessment Participation in Science table-Flex, the Category Set A description for Participation Status should contain (SC) to match existing <i>EDFacts</i> category set abbreviations.</p>	<p>For the collection of data on assessment participation starting with school year 2011-12, <i>EDFacts</i> has a category for Participation Status which includes two subcategories. The first of these subcategories, Participation Status (MS), is used for reporting on participation in the mathematics and science assessments. A second subcategory, Participation Status (RLA), is used for reporting on participation in reading/language arts assessments. The distinction is necessary to account for the fact that some students participate in their state’s reading/language arts assessment by taking the English Language Proficiency assessment in lieu of the regular reading/language arts content assessment. The subcategory Participation Status (RLA) includes a permitted value for reporting information about those students.</p> <p>The state’s reference to Participation Status (MA) and Participation Status (SC) as ‘existing <i>EDFacts</i> category set abbreviations’ is not accurate.</p>

Public Comment	ED’s Response
<p>One state questioned whether the proposed combinatory schema of the EDFacts files C171, C172, C173, and C174 as outlined on Attachment B page 3 will satisfy the intent of the Supporting Statement for this notice (page 2), to wit: “to provide transparency around SEA implementation of new reforms and accountability measures.” The state suggests that transparency will be more difficult once subject data groups and cohorts are combined into one file, and that the files should be split and coded as 200-level EDFacts files.</p>	<p>The file structure used for submission is not specifically related to, nor does it define, the database storage structure upon which transparency in usage and analysis relies. Data are collected by individual data groups within the files. As long as the data groups are defined by subject, the data will be stored in the EDFacts Data Warehouse by data group in the same way as the non-flexibility performance data, which is in tables by subject. The flexibility data will be no less transparent with this collection approach than if we were to split out the data groups into individual files by subject. The decision to combine data groups into single files was made to help reduce submission burden on states. File specifications 171, 172, 173, and 174 will have ‘Flexibility’ in the file names to identify them as using the combined subgroups allowed under flexibility and distinguish them from the related non-flexibility files.</p>
<p>One state asked: The <i>State Defined School Improvement Status</i> is not clear. We received the waivers which say that we no longer have to identify schools and districts on improvement. Is this data piece referring to the schools in the ESEA Flexibility Guidance that are priority, focus, and not making progress schools?</p>	<p>Some states receiving flexibility have opted to identify schools into categories beyond the three standard categories of Priority, Focus, and Reward. This data group will be used to collect data from those states on the school statuses used within their specific accountability system.</p>

Public Comment	ED’s Response
<p>Three states requested clarity on how to report Flexibility Funds Spent. The states all commented on the need for additional clarity around the definition of “Flexibility Funds Spent” if they were to be able to report consistent and usable information.</p> <p>One state asked for clarification on the type and source of funds that would be included. Another state asked for clarification about how interventions should be defined as compared to supports. The third state asked whether all funding spent under the School Improvement Grant program would be included with this new reporting.</p>	<p>ED appreciates these requests for clarification. We are interested in how LEAs in ESEA flexibility states are using their Title I, Part A funds, particularly with respect to supporting their priority and focus schools. Based on the comments received, we are proposing to revise this item to request information that is more easily defined and thus more likely to produce consistent and usable information; specifically, the amount of Title I, Part A funds allocated to a priority or focus school from its LEA under section 1113 of the ESEA. This information would complement data that SEAs already report to ED on the amount of section 1003(a) and 1003(g) funds schools receive. Our thinking is that an SEA would already have this information, most likely from an LEA’s annual Title I plan or application that the LEA submits to the SEA. During the 30-day comment period, we would appreciate comments from SEAs about their capacity to report data for the proposed item outlined below.</p> <p>Proposed Revised Item <u>For each school identified as a priority or focus school for SY 2012-2013:</u> The dollar amount of Title I, Part A funds allocated to the school by its LEA under section 1113 of the ESEA:</p> <ul style="list-style-type: none"> • For the 2011-2012 school year (from the Federal fiscal year (FY) 2011 appropriation): _____ • For the 2012-2013 school year (from the Federal fiscal year (FY) 2012 appropriation): _____ <p><u>Also, for each priority or focus school from an LEA that used a measure of poverty other than free and reduced price lunch data to allocate Title I, Part A funds to schools under section 1113 of the ESEA:</u></p> <ul style="list-style-type: none"> • The number of children from low-income families that was used for allocating Title I, Part A funds to schools under section 1113 for SY 2011-12 and 2012-13.

Public Comment	ED’s Response
<p>One state asked: Will States with the approved ESEA Flexibility be expected to complete only “Flex” files or will they complete a combination of the tradition files and flex files depending on what was approved in their ESEA Flexibility? For example, the <i>Academic Achievement in Mathematics Table-Flex</i> would not apply to our State as we can still report the number of students by the traditional subgroups that completed state assessments and have proficiency levels assigned. The use of the flexibility subgroups is with the annual measurable objectives (AMO).</p>	<p>States will complete a combination of the traditional files and the flex files, depending on what was approved in their ESEA flexibility request. However, all states will be required to continue to report data on AMOs.</p>
<p>One state asked: Will the Flex files have as permitted values the traditional subgroups as well as the flexibility subgroups?</p>	<p>The files used to collect data on combined subgroups will be separate from the traditional files used to collect data on ESEA subgroups. Clarifying language has been added in Attachment B.</p>

Public Comment	ED’s Response
<p>One state asked: Our state ESEA Flexibility was built around four assessment-related annual measurable objectives: increasing achievement, improving growth, decreasing gap and reducing non-proficient. It’s important to us that we report data on all AMOs so there is a complete picture of accountability. We’ve been told to only report the reducing non-proficient in the <i>EDFacts</i> files. Will a State be able to provide data on more than one AMO?</p>	<p>ED will continue only to collect the annual measurable objective (AMO) data that have been collected in previous years. As background, in order to meet the requirements of ESEA flexibility to develop and implement a State-based accountability system for all LEAs and all Title I schools, a State-based differentiated recognition, accountability and support system must include ambitious but achievable AMOs in at least reading/language arts and mathematics for the State and all LEAs, schools and subgroups that reflect the percentage of students the state expects to be proficient. These are the only AMOs for which States are required to report publicly and through <i>EDFacts</i>. A state is permitted to report to the public on additional state-specific AMOs; ED, however, will not be collecting this information through <i>EDFacts</i> at this time.</p>

Several state-specific questions were received as well. ED is conducting conference calls with those states to respond to their questions.