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

February 2016

ATTACHMENT F-1

ED*Facts* Data Set for School Years 2016-17, 2017-18, and 2018-19 Response to 60-Day Public Comments

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INTRODUCTION

This attachment contains the responses to public comments on the Annual Mandatory Collection of Elementary and Secondary Education Data through ED*Facts*. The 60-day comment period for the ED*Facts* package closed on September 8, 2015. ED received a total of 52 comments from 49 commenters, many covering multiple topics. A total of 695 comment/topic combinations (hereinafter referred to as 'statements') were received. The majority of submissions and statements came from states (see below).

Submitters	Submissions	Individual statements
Total	**49**	**695**
State	44	666
LEA	1	4
Other	4	25

ED received comments on the nine directed questions, specific areas of data collection that were shown in the B attachments, and the information clearance process. This document is organized topically into the following sections:

- Directory
- Free and Reduced Price Lunch and Direct Certification
- Chronic Absenteeism
- Assessment
- Kindergarten Entry Assessment
- Homeless Category in Cohort Graduation
- General Education Provisions Act (GEPA)
- Deleted Data Groups
- Discontinued Collections
- Baseline Indicator Status
- Maintenance of Effort (MOE) in *EMAPS*
- General Comments

Each section provides a summary of the public statements received, ED's response to those statements, and any resulting changes being made to the proposed data collection package. In addressing the public statements and making revisions to the package, ED focused on recommendations from the public statements that continue to move ED*Facts* forward in achieving the goals of consolidating collections, obtaining high quality data, and reducing burden on data suppliers.

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

DIRECTORY

Unlike previous clearance packages, the information on the directory and the roster of charter school authorizers is in a separate attachment (B-2). In previous clearances, this information was included in the overview attachment (B-1).

ED received over 260 statements on the directory from 28 states and 1 organization.

Public Comment
Two states questioned making any changes to the directory.

- Could US ED explain its overall strategy with regard to the Directory? For example, it seems that in the last few years the Directory is trending towards expansion, with more values to report, more rules to follow, more granularities, and more complexity. Could US ED explain why the Directory is not trending towards fewer values to report, fewer rules to follow, simplified code sets, and less complexity?

- The added data elements proposed for collection – even where the data are already collected – are an issue from the perspective that US ED is expanding the collection of data elements without regard to necessity. Are the proposed data elements REALLY necessary? Most especially with regard to the charter schools, what is the added value to the states for providing this information? It is not clear from the proposed changes or directed questions why these additional elements will help states. The Directory information has been the most stable data collection over the years and the changes proposed in the definitions are ambiguous and change the stability of these data. US ED's proposal indicates that the changes and additional elements are an attempt by US ED to better understand each state's school structure but it's not clear why. US ED's desire for clarity about educational structure in the various states might be better served via a workgroup that obtains information via a one-time survey for analysis rather than an ongoing and growing collection of data elements.

ED Response
Based on these two statements and the overall content of the comments, ED decided to simplify the directory by moving virtual status and charter management organizations out of the directory and retracting the changes to operational statuses (DGs 16 and 531).

As explained in Attachment B-2, the directory collected by ED*Facts* has many uses and many users. ED needs more context to ensure that the directory data are interpreted and used correctly. The revised proposal for the directory retains, with some modifications, the revisions to the definitions, the new LEA type for specialized school districts (previously focused school districts), and the metadata survey.

DIRECTED QUESTIONS

The following directed questions were asked about the directory. The statements have been grouped and summarized below. Following the summary of statements for each group is ED's response. The summaries do not include states that indicated that the topic did not apply to the state.

> *Directed Question #1: LEA File – The approach to explaining what education units are reported in the LEA file has been changed from focusing on a definition of LEA to focusing on the various types of LEAs. Will this approach assist SEAs in capturing all the education units that should be reported in the LEA file? Are the expected reporting for each LEA type consistent with the definitions? Are the restrictions on reporting schools for Supervisory Unions, RESAs, and other LEAs consistent with the definitions?*

Public Comments
A total of 23 states and 1 organization provided 65 statements on or to related to this question. The responses are summarized by the specific portion of the question addressed in the statements.

Will this approach assist SEAs in capturing all the education units that should be reported in the LEA file?
- Nine states indicated that they should be able to report all education units based on the proposed definitions.
- Some states requested additional guidance on what LEA types to use specifically:
    o A Charter Collaborative is an entity where charter schools have banded together for fiscal services. It is a service agency providing services to a group of schools but does not perform the functions of an educational agency.
    o Facility Schools are independently operated entities receiving Title 1 Delinquent program funds. Some are related through an umbrella management organization. The state assumes these would be reported as 4- Alternative Education Schools; however the state may not be able to meet all the reporting requirements.
    o Independent districts are created for Charter Schools, Public Academies, and Joint Maintenance Agreements. These are not traditional districts and mostly fall under one charter supervisory union. These districts receive incoming students from other districts and do not send any students. The state does not believe these districts fit under the current description of "Focus" district. The state suggests the definition address these kinds of LEAs or that a new LEA type be created.
    o Correctional facilities
    o State academies
    o Charter schools that are their own LEAs
- Three states had concerns about definition of focused school districts.
    o The definition was unclear.
    o Are the focused school districts limited to part time students?
- One state questioned why SEA was excluded from the definition of state operated? Meaning that the SEAs could operate LEAs.
- Eight states had concerns about the term "focused school districts" since ESEA has focused schools. Possible suggestions included "specialized", "concentrated", "specific", "highlight", or "purpose" district.

Are the expected reporting for each LEA type consistent with the definitions?"
- Eight states indicated the proposed definitions are consistent with expected reporting.

Are the restrictions on reporting schools for Supervisory Unions, RESAs, and other LEAs consistent with the definitions?
- Five states indicated they have RESAs that operate schools and therefore the proposed definitions are not consistent with expected reporting.
- Other statements included:
    o State uses the label RESA in the names of school districts that are different from ED's definition.
    o The current definition does not clearly state that RESAs can operate schools and the proposed definition does not clearly state that they cannot.

o The educational service agency (ESA) and regional educational service agency (RESA) are used interchangeably and have no meaningful difference in various federal education policies, including (but not limited to) the Elementary and Secondary Education Act (ESEA), the Individuals with Disabilities Act (IDEA), Head Start, and E-Rate.

o The definition change (as outlined on page B2-16) has RESAs providing services but NOT operating schools. According to current law (as printed on page B2-40), the definition of ESA includes 'administrative control and direction of a public elementary or secondary school…'

o State noted that RESAs have schools but student membership is reported elsewhere.

Two states commented on the diagram of reporting relationships.

- One state suggested the collection be designed so it could be associated with an SEA, one or more LEAs, or one or more schools. Any and all combinations may occur.
- One state indicated that State Operated LEA types have relationship with regular schools

ED Response

ED concurs that the terms "focused school district" and "regional education service agency" can be confusing because these terms are used elsewhere for different purposes. To avoid that confusion, ED is proposing changing the name of "focused school district" to "specialized school district" and the name of "regional education service agency" to "service agency."

ED is retaining the change of adding an LEA type for LEAs that are not regular school districts that operate schools and the change of narrowing service agency to LEAs that do not operate schools. As noted in Attachment B-2, the directory data are used for many purposes, several of the data users do not need LEAs that do not operate schools.

Many of the statements were on state specific issues. These issues will need to be addressed individually. ED encourages SEAs to discuss the directory internally within the SEA through the data governance processes as well as with ED.

Directed Question #2: LEA File – The role of regional education service agencies (RESAs) (DG 453 LEA type when code or type is '4') and focused school districts (DG 453 LEA type when code or type is '9') within states is not always evident from the information available in the directory file. As part of the fiscal Common Core of Data, NCES calculates per student expenses. In particular, this means that expenses incurred by these LEAs cannot be attributed to the student populations they serve.

a. Can these regional education service agencies and focused school districts be linked to specific regular public school districts (DG 453 LEA type when code or type is "1' or '2")?

b. Currently, the supervisory union ID (DG 551) is used to link supervisory unions (DG 453 LEA type when code or type is '3') with the member LEAs they serve (DG 453 LEA type when code or type is '2'). Could this same data group also be used to link the regional education service agencies in your state with the LEAs they serve? Or is a new ID needed to link these entities?

c. Do any of these regional education service agencies serve the entire state? If so, would a reserve "ID" (e.g., '999') to indicate a RESA with state-wide scope be needed?

Public Comments

A total of 20 states and one association provided 26 statements on or related to this directed question. The responses have been summarized by sub question.

Can these regional education service agencies and focused school districts be linked to specific regular public school districts (DG 453 LEA type when code or type is "1' or '2")?

- Eight states they are able to link specific regular school districts to a RESA or focused school district based on the new definitions. Of those,
  - o Two states would get this data from the student information system or by determining on which LEAs send students to RESAs
  - o One state indicated that linking RESAs to public school districts would add burden due to an increase in the complication of business rules and programming to produce the directory in order to glean one data point (student expenses for RESAs) and does not feel the work involved is justified.
  - o One state was unclear why a focused school district would be linked to a specific regular school district since a separate LEA type would not be needed if they are not stand alone entities.
- One association while acknowledging that states have different models supported the linking to map which ESAs are serving which LEAs.
- One state indicated some but not all RESAs could be linked to regular school districts. The state has Charter School Collaborative that would not be linked to regular school districts as they provide services to specific charter schools but not entire school districts.
- Three states indicated that RESAs cannot be linked to specific school districts.
- One state indicated the RESAs have no administrative authority or responsibility but provide supportive serves and technical assistance. Each RESA partners with an LEA but are independent from the LEA. Fiscal information is reported but no other data is reported about them.
- One state indicated the relationship between REAs and regular school districts is not a one-to-one relationship. A RESA may work with multiple school districts
- One state indicated that RESAs do not serve students directly. Each regular public school district is geographically located within a Regional Management Information Center (RMIC) but may or may not work with the RMIC.
- One state asked how this information would be used by ED

Currently, the supervisory union ID (DG 551) is used to link supervisory unions (DG 453 LEA type when code or type is "3') with the member LEAs they serve (DG 453 LEA type when code or type is '2'). Could this same data group also be used to link the regional education service agencies in your state with the LEAs they serve? Or is a new ID needed to link these entities?

- One state indicated the use of the supervisory union ID would work.
- One state indicated that fiscal responsibilities and official supervisory responsibilities may lie with two different LEAs so concept of supervisory union does not translate to RESAs in the state. The state suggested that if the data must be collected to create a new ID to do so. The state also requests clarification about whether to link the fiscal agent or the superintendent-in-charge.
- One state indicated that RESAs are not linked to any supervisory union, LEA or other entity.
- One organization indicated a new ID is necessary to draw a clear distinction between supervisory unions and RESAs. Providing a separate ID would avoid confusion.

Do any of these regional education service agencies serve the entire state? If so, would a reserve "ID" (e.g., '999') to indicate a RESA with state-wide scope be needed?

- Three states indicated they have RESAs that do or could theoretically serve the entire state

- Six states indicated they do not have RESAs that serve the entire state. Of those, 1 state indicated that if they did, they would not want to introduce a fake id.
- One association indicated that two states have one only RESA that serves the entire state.

ED Response
ED recognizes that the roles of RESAs vary greatly from state to state and even within states. It will not always be possible to identify linkages between RESAs and the school districts they serve. ED's objective in identifying these linkages where possible, and documenting them using the supervisory union ID, is to better understand the public education governance structure within states and the roles of the various agencies. Additionally, the linkage between RESAs and school districts will make it possible to better estimate per-pupil expenditures by school districts because in some states RESAs make substantial expenditures on behalf of students in local school districts. These expenditures cannot be attributed to school districts if the RESAs cannot be linked and this can lead to a considerable underestimating of local per-pupil expenditures. Expenditures by regional agencies generally make spending across the state more equitable, and this effect is lost when the expenditures cannot be attributed to a local district.

> *Directed Question #3: School File – The definition of a public school has been changed. Will this approach assist SEAs in capturing all the education units that should be reported in the school file?*

A total of 20 states provided 27 statements on or related to this directed question. None of the states who provided responses were opposed to this change although some requested additional refinement.

Public Comments - *Definition of School*
- Three states indicated that the new definition would help clarify what education unit qualifies as a school
- Eleven states indicted the changes would have little or no impact on how education units would be reported.
- Four states provided examples of how the proposed definition of a school would not capture all the education units that should be included in the school file. Reasons cited included;
    o A school may not have student and/or teacher membership. One state cited timing of when the school opened or contracting of all students to another district as potential reasons why students would not be reported.
    o Per the state constitution, local school boards authorize the schools and are responsible for opening, closing and changing the composition of schools within their division. Regular schools within the state would not meet the definition of "authorized by the state"
    o Facility schools are brought into the directory. The governing bodies are complicated structures. If so, how should they be coded, and what ED*Facts* files would be required?

ED Response
Based on the comments, the new definition of school appears to be heading in the correct direction. ED acknowledges that additional clarification is needed to avoid the situations cited. ED has made some revisions to the definitions.

As noted elsewhere, SEAs are expected to report on all schools providing public education in grades K to 12 including schools operating at correction or detention facilities. The purpose of the metadata survey is

for SEAs to report when they were unable to obtain all the data on all the schools providing public education in grades K to 12.

Public Comments - *Alternative Schools*
Three states indicated the definition of Alternative school or commented that it was too broad and could apply to any school that is not a regular school.
- One state indicated its definition of "alternative" school includes schools for students at risk of academic failure or behavioral issues.
- Others asked if the definition would include charter schools that provide non-traditional education or facility schools and detention centers.

ED Response
Based on the comments, ED acknowledges that the definition of alternative schools proposed in the 60 day package is too broad. ED proposes aligning the alternative school definition to the Civil Rights Data Collection (CRDC) definition.

> *Directed Question #4: Metadata on the Directory – The approach to the directory includes a metadata survey to capture information about the scope of the education units submitted by the SEAs. Are the proposed questions understandable? Will the proposed questions capture the information needed to correctly interpret each SEA's directory?*

Public Comments
A total of 17 states provided 37 statements to or related to this question.
- Eight states indicated that the proposed questions for the Directory Metadata Survey were understandable and will help capture the data needed to correctly interpret the directory. Of these one state indicated that examples may provide additional clarity.
- Nine states indicated that one or more of the questions were not clear or would not capture the needed information correctly.
  - Three states indicated the question "Are there state agencies other than the state education agency (SEA) that coordinate and supervise public elementary and secondary instruction?" was unclear or would not capture the information correctly. Specific statements include
    - It is not clear how this question is different from the new definition for State Operated Agency. What is needed for this question that cannot be derived from the directory?
    - The answer to the question is both yes and no because one state agency might be included while another is not included.
    - Including an option to provide explanations for situations that may only partially fit into a yes or no answer would be helpful
  - One state indicated the structure of the question "are students served by the public education system not reported in Membership?" is odd and difficult to answer. The only students not reported in the membership file are outside the age range of 5-21. Under state statute, the state is mandated to provide services for birth to 26.
  - Seven states indicated the question "Are there differences in the definitions of education units for different purposes?" was unclear. Specific concerns included that the question is too vague and that the intention of the question was not clear. One state suggested an example may provide additional clarification

- Two states indicated a metadata survey would create additional burden due to managing additional due dates, coordinating responses, responding to questions when metadata is used for edit checks. One indicated they saw no additional benefit associated with the metadata survey.
- Suggestions for information that ED should have to interpret the directory included:
  o A flag for LEAs that have no schools so that ED does not ask where the schools are every SY.
  o An additional question asking for "any other details necessary for SEA to provide so that ED can understand the directory".
  o An additional question specifically asking states to describe any LEAs or RESAs that should be eliminated from the CRDC or the FAFSA and why.
- One state asked that ED specifically link errors on reports to the exact question on the metadata survey

ED Response
States that responded were divided on the metadata survey. As noted, the questions were designed to interpret the scope of the directory data submitted by the state. ED acknowledges that the question "are there differences in the definitions of education units for difference purpose" is vague and is dropping the question. ED revised the other questions further based on the feedback. These questions will be used to inform data users about the scope of the directory data for each state.

Directed Question #5: Names and Addresses – Names of education units are used to confirm mapping to other data sets. Addresses are used to assign locale codes. The data historically submitted has had errors in names and addresses. What changes can be made to improve the quality of these data?

Public Comments
A total of 19 states provided 21 statements in response to this question.
- Four states indicated names are not reliable for matching. Two of those states indicated that names may change or may not be unique across the state. Suggested alternatives include
  o Using Zip code for geographic local and NCES ID to link across school years and reports
  o Using NCES IDs or State School Identifiers
  o Using latitude and longitude
- One state suggested increasing the size of the fields so information is not cut off.
- Nine states suggested ED provide a list of name errors, error types or edit checks so the state can verify the names, provide explanations or incorporate validations in to their source systems.
  o Two states indicated it may take time to implement new edit checks into their current systems and processes.
  o Two states indicated that additional data quality review by the state would be time consuming and would require additional staff
- One state stated it is a local data quality issue over which NCES has limited influence
- Three states indicated they already have processes in place to manage data quality issues. Specific processes mentioned include
  o Improved data governance
  o State staff monitor directory information by viewing school websites
  o Implementation of an entity management system to address the challenges
- Three states were unaware of name and address errors or had no suggestions for how to deal with them.

- Two states noted that noted that ED's policy that LEA names cannot be duplicated within a state can require the SEA to alter names. This practice leads to unintended consequences of LEAs not being able to find themselves in public releases and inconsistencies with CRDC.

ED Response

ED acknowledges that the question could have been phrased better. To clarify, the names are not used for matching. The names are used after matching by an identifier to confirm or validate the match. ED encourages SEAs to have internal controls that include involvement of LEAs and schools in improving the data quality of the master data on the education units in the ED*Facts* directory. The state internal controls should include entity management systems and a data governance program.

For SY 2016-17, ED plans to upgrade the directory file specification (technical guidance). At that time, ED will consider changes to the field lengths and changing the policy on unique names for LEAs within the state.

Directed Question #6: Entity management system – Does the SEA have an entity management system?

A total of 17 states provided one or more statements regarding this question.
- Nine states indicated they have an entity management system. Of those, two indicated that data is updated by district or school personnel. Two states indicated they were in the process of upgrading their existing entity management system.
- The other states asked for additional information related to the definition or functions of an entity management system.

ED Response

ED acknowledges that the question could have been phrased better. For purposes of this question, an entity management system meant an information system focused on maintaining the unique identifiers or master data for the entities in the SEA's information systems. The purpose of the entity management system is to ensure that the master data or unique identifiers for entities are consistent throughout the SEA's information systems. Other names for this type of information system might be directory manager, organization directory application, or organization reference glossary.

ED appreciates the feedback and encourages SEAs to have an entity management system. As part of its internal control environment, ED also encourages states to have a data governance program that includes discussions of what entities are submitted in the directory to ED*Facts*. Attachment B-2 includes an explanation of how the directory data are used.

DIRECTORY – OTHER ISSUES

In addition to the directed questions, states raised other issues related to the directory:
- Charter Management Organizations
- Operational Status
- Public Finance Report
- Grades Offered
- File Specification for Directory

CHARTER MANAGEMENT ORGANIZATIONS

Public Comments

ED proposed adding the collection of charter management organizations. A total of 11 states provided 29 statements on the collection of charter management organizations (CMOs).

- Two states indicated they already collect this information or that the proposed data elements are acceptable.
- Three states indicated that they do not currently collect this data.
    - One state commented that it would be difficult to obtain because it would involve programming changes and training at the LEA level and individuals at the LEA may not have access to the data. The state indicated it may take longer than one calendar year to implement.
- One state currently collects data on CMOs for subgrantees under a state sponsored Charter program. They indicated it would not be difficult to obtain for new charters but may take some effort to obtain for existing charters.
- Two states indicated they did not have a standard working definition for CMOs at the state.
- Two states requested more information on the need for the data to improve the completeness of the data on charter schools.
- Several states raised questions or concerns about the definition of a CMO:
    - The definition included in section B-2 was inconsistent with the Charter School Program (CSP) definition. The CSP differentiates between a "non-profit Charter Management Organization" (CMO) and a "for-profit Education Management Organization" (EMO). The proposed definition for ED*Facts* includes both non-profit and for-profit organizations.
    - Clarification about the types of organizations the definition encompasses.
- Several states requested additional clarification related to the reporting requirements for CMOs. Specific concerns include:
    - How will charter schools be linked to a CMO?
    - Not all charter schools are required to have a CMO, how will this be accounted for in the file specification
    - Reporting when the state does not differentiate between "not profit" or "for-profit"
    - Would CMOs and Charter Collaborative be reported in the LEA directory? If so, what LEA type would be used for CMOs and in what files would CMOs be reported?

Alternative suggestion for obtaining these data included:
- ED using existing data collected by the charter program office.
- Focus the collection on "Management Organization of a Charter School" defined as "A Management Organization of a Charter School is a non-profit or for-profit organization contracted by the charter school or the Authorized Public Chartering Agency to operate or manage the charter school. The management organization is either identified as a non-profit Charter Management Organization or a for-profit Education Management Organization".
    - Have a binary identifier as Yes/No indicating whether the charter school has a management organization. If Yes, identify by the values CMO or EMO defined as follows:
        - Charter Management Organization – a non-profit organization contract by either the Authorized Public Chartering Agency or the charter school to operate or manage the charter school.
        - Education Management Organization – a for-profit organization contracted by the charter school to operate or manage the charter school.
- ED providing a national roster of known CMOs with a standardized CMO identifier.

ED Response

The purpose of the data items being collected regarding Charter Management Organizations is to provide the Charter School Program Office of the U.S. Department of Education insight into the extent and scope of the relationships between CMOs and EMOs with charter schools. The federal grant funding provided to states are allocated to schools that work with such non-profit and for-profit organizations, which assist in directly managing and overseeing the charter schools, without always having accountability to a district or the state. It is important that the U.S. Department of Education begins to form a roster of these organizations to provide stronger oversight and accountability for federal funds.

Furthermore, ED acknowledges that the proposal was incomplete and technically confusing. ED has revised the proposal to correct the error regarding charter management organizations and education management organizations. The revised proposal is in attachment B-3 in the section on Charter Schools and Districts. In addition to revising the proposal on management organizations, ED has added a data request for data on charter contracts.

OPERATIONAL STATUS

ED proposed modifying the permitted values for operational status for LEAs (DG 16) and for schools (DG 531).

Public Comments

A total of 6 states provided 16 statements on the proposed changes to operational status.
- One state addressed the burden of adding new operational statuses because states have to develop and implement translations that consider internal Operational Status codes AND multiple years of previously reported ED*Facts* Operational Status codes to determine the present Directory Operational Status code to report.
- Two states provided statements about the new operational status for "Never opened.
  - One supports the change but asked that a different number be used for the code because the state already uses the code 9 for other purposes.
  - The other state asked why the status is needed, by whom, and how will it be used.
- Three states indicated they disagree with the proposal to revise the operational status for "changed boundary" and to create a "Changed educational activity" status. Reasons cited include
  - Unclear about the definition and potential use of the new status. It would be helpful to know what ED will do with this information and how it will be more useable.
  - Unable to report if an LEA had both a changed geographic boundary and a changed educational activity
- One state asked if there are alternative means for collecting changed geographic boundary. Does ED collect geographic data outside of ED*Facts* that could be used to derive the data?
- Additional clarification was requested for the following
  - *o* How to tie old and new districts together if a school changes the LEA affliction
  - How will the Status Code "Never Opened" work? Are there requirements governing when it can be used?
  - Are there limitations on whether "Future" can be used in consecutive years
- Two states encouraged ED to clean up inconsistencies in wording in the explanation of the operating statuses.

ED Response

Based on state feedback, ED is dropping this proposed change. ED revised the descriptions of the statuses in the Attachment B-2 to address the inconsistencies in the wording.

PUBLIC EDUCATION FINANCES

Public Comments

One state commented on the Public Education Finances Report published by the U.S. Census Bureau (http://www2.census.gov/govs/school/13f33pub.pdf).

- Charter schools are public schools that need to be included in order to have an accurate and comprehensive view of the SEA directory. NCES erroneously removes these entities from the public finance report, the state requests NCES stop removing these schools from the public finance report.
- With the introduction of the charter management authorization type, profit or not-for-profit indicator, will census reevaluate their classifications so that not-for-profit charters are included in the public finance report?

ED Response

The public finance report referred to in the comments is a report by the Census Bureau, not the National Center for Education Statistics (NCES). The report includes a full explanation of what is included and what is not included. In summary, the report by the Census Bureau includes only entities that are defined by the Census Bureau as local government units. In some cases, charter schools, including charter schools that are their own LEA, will not match the definition used by Census for a local government unit. A local government unit requires an oversight board or entity that is either elected or appointed by an elected official.

GRADES OFFERED

Public Comments

One state requested that the due date for Grades Offered be moved closer to the due date for Membership.

- There are actual and implied relationships between the Grades Offered and Membership files. Both files also have relationships to other files that can be challenging. We often have to submit Grades Offered before we are really ready to do so. The state would benefit from more time to work on Grades Offered.

ED Response

While there are relationships between grades offered and other files including membership, grades offered is needed for the directory data quality check. SEAs can resubmit the grades offered data if the state identifies issues when submitting membership or other files.

FILE SPECIFICATION FOR DIRECTORY

Public Comments

One state provided the following statements about the Directory file specifications.

- The Directory File Specification is intended to be a set of instructions that explains how submitters are supposed to compile and submit the Directory. This 'extra' information distracts from the Directory instructions that are already challenging to follow. The specifications contain unnecessary references, guidance, statements, footnotes, and other information that is not necessary to submit the Directory accurately and completely this 'extra' information distracts from the Directory instructions that are already challenging to follow.
- Key information about Operational Status codes is spread across 55 pages and multiple Tables and Sections and Appendices of the Directory file specification. The state recommends placing all of the Operational Guidance in the same location within the file specification and remove duplicate or conflicting information while doing so.

ED Response

The directory file specification was last upgraded in SY 2008-09. For that upgrade, ED added more information to the file specifications because SEAs requested more context and explanation. Because of the changes to the directory in this package, ED plans to upgrade the file specification for SY 2016-17. ED will be soliciting ideas from SEAs for how to make the directory file specification most useful to the SEAs.

VIRTUAL SCHOOLS

Directed Question #7: Virtual Schools – In order to be of more use as a sampling frame, an expanded set of permitted values is being proposed, moving from yes/no to full/partial/not. Can your state distinguish between these values; do you have other suggestions for permitted values based on your own collections and work in this area?

Public Comments

A total of 23 states provided 35 statements to this question.

- Six states either currently collect this data or indicated it would not be a burden to collect it. Of these, one indicated that the data would be based on data collected in June at the end of the prior school year.
- Eight states indicated that it would require a change to their systems to collect this data.
    - o Five indicated them can currently identify full time virtual schools but do not currently identify partially virtual schools.
    - o Two indicated sufficient time would be needed to update their systems, one requested an additional year to collect the data
    - o One indicated the burden to update the system was unknown
- Four states have few or no virtual schools or do not collect data on virtual schools.
    - o One state collects data on virtual courses but not schools.
    - o One indicated with sufficient time they could accommodate the changes for the small number of virtual schools in the state.
- Two states indicated they have a state sponsored virtual school that students can enroll in. One indicated that because of this, most high schools in the state would be coded as partial.
- Nine states requested additional clarification on the definition of a "partial" virtual school or districts. Specific issues raised include:
    - o Are schools that offer virtual instruction to other entities being considered partially virtual?
    - o Are schools that receive virtual instruction considered partially virtual?

- o Is there are percentage of virtual classes needed to meet the partial definition?
- o There are varying degrees in which a class can be considered virtual. The definition of virtual class should be fully defined by ED.
- o How many schools for a district to be partial virtual?
- One state recommended a two part question. First, whether virtual as yes or no followed by the degree of virtual as full or part. Another state suggested an "Unknown" option.
- One state requested that the change not be made.

ED Response

Virtual school status was added to the ED*Facts* collection as part of the last clearance for SYs 2013-14, 2014-15, and 2015-16. SEAs have been submitting as yes/no virtual status for SY 2013-14 and SY 2014-15 as part of the directory file and it is part of the directory file specification for SY 2015-16. For SY 2016-17, ED has decided to remove the status from the directory and put it into the CCD school file (FS 129). As discussed earlier in these responses, this change will focus the directory on the master data elements needed to unique identify education units.

ED acknowledges that the definition of partial was vague. Based on the feedback from the states, ED has revised the options for the virtual status in Attachment B-3 in the section on non-fiscal CCD data groups. ED has dropped the derived data group of district virtual status.

FREE AND REDUCED PRICE LUNCH AND DIRECT CERTIFICATION

The following directed question was asked about free and reduced price lunch and direct certification data. The statements have been grouped and summarized below. Following the summary of statements for each group is ED's response.

> *Directed Question #8: The count of students eligible for free and reduced-price lunches (FRPL) has long been used as a proxy indicator for poverty at the school level. However, the ways schools certify their eligibility for the NSLP have changed substantially in recent years and made these data less reliable. In particular, the Community Eligibility Option (CEO) eliminates the requirement for individual eligibility information once a school has determined a baseline percentage of FRPL-eligible students. Under CEO, schools must serve all students free lunch and breakfast. All students in a school are therefore eligible for free lunches and there is no count of reduced-price lunch students. This has led to substantial fluctuations in the reporting of these counts in recent years. A new data group is being proposed that counts the total of students in membership at the school whose National School Lunch Program (NSLP) eligibility has been determined through direct certification. States would report either FRPL counts and/or counts of directly-certified students and to distinguish between the two. Will your state utilize the new direct certification data group? Why or why not?*

A total of 60 statements were received from 24 States, 2 outside organizations and 1 anonymous respondent. Of the 60 statements, 9 were generally supportive and positive, 34 had questions on definitions, comparability and burden, and 17 were unsupportive or negative.

COMMENTS SUPPORTING THE PROPOSED DATA GROUP

Public Comments

A total of 9 generally supportive statements were received from 9 different states. The statements from these states indicated they would report or are in support of collecting the proposed data group. All nine

states reported that they are currently collecting or are looking in to collecting additional data on lunch eligibility based on direct certification. There were several reasons cited in support of the data group:

- FRPL eligibility data is not available for schools under the Community Eligibility Option or Provision 2 and 3
- Direct certification is an efficient and accurate way to report data in cases where FRPL is not available
- The majority of schools in the state will participate in the Community Eligibility Program

Additionally at least two states indicated they intend to report both direct certification and free and reduced price lunch data.

ED Response
ED appreciates all of the comments received. We appreciate the responses from some states that are moving forward and defining an alternate measure of student-body poverty. ED expects to continue to collect FRPL data and is proposing to add a data group about directly- certified students when states have that data to submit. As noted in comments in data group 565 and 813 in Attachment B3 of this package, states will submit one or the other data group. The state may choose to report both. The ultimate goal is to find a better measure of school level poverty going forward.

CLARIFICATION QUESTIONS

A total of 34 statements were submitted with general questions about topics such as definitions, burden, and compatibility. Twelve states, 2 organizations, and 1 anonymous submitter made up these questions.

Public Comments – *Comparability of Data*
There were two states and two organizations that raised concerns about the comparability of using FRPL and Direct Certification data along with using this new data to compare states.

ED Response
ED shares the concern about comparability across the states. ED realizes that the count of Directly Certified students will generally be much lower than the count of FRPL students. In collecting counts of directly certified students, ED is not trying to match or re-create the FRPL count; ED is looking for an alternative measure of student-body poverty. The FRPL counts currently collected are increasingly less comparable, even within states. This is the reason ED is asking to collect directly certified counts. ED does not expect that the first year of collecting these data will yield an ideal measure. Direct certification counts will not be used for any program administrative purposes; they will be used only for analytical purposes with a goal of finding a more reliable indicator of student-body poverty. No state will be adversely impacted by reporting these data. The purpose in collecting these data is to find a measure of student-body poverty that can be used to make meaningful comparisons across states.

Public Comments – *Alternative Measure of Poverty Needed*
Three states and an organization expressed a desire for ED to develop an alternative measure of poverty.

ED Response
ED is adding this data group in an attempt to collect accurate and comparable data on the poverty level of each school. ED has found that FRPL counts have become increasingly unreliable as a poverty indicator. ED has not found other "readily available" and "reliable" school-level poverty measures but would welcome such discussions. The particular subject of collecting counts of directly certified students was proposed by NCES at the 2015 summer data conference.

Public Comments – *Reporting Period*
Several commenters mentioned the reporting period and would like to move to a date of October 31 instead of October 1st to align with USDA counts.

ED Response
ED understands the concerns. The reporting period is intended to be a point in time count (defined as October 1 or the closest school day to October 1). The reporting period is the same for the FRPL files (C033) and the Membership files (C052). States submit the files to ED at the end of March (current due date). If a state uses a date other than the defined reporting period, the state can submit that information and an explanation to ED through the ED*Facts* Partner Support Center as notification. ED does not consider this a data quality issue and has no concerns about the reason provided.

Public Comments – *Clear Rules and Guidance on Definitions*
Several commenters mentioned the need for clear business rules to include explanation of what the term "direct certification" includes (ex. will the count include also those students that are "categorically eligible"?) Will this designation include any child eligible by any avenue other than application? Definitions will need to be very definitive on what is included.

ED Response
ED will clearly define the business rules that apply to the file submission. Business rules are published as technical guidance. Direct certification is a process whereby school districts and the state education agency work with the State SNAP/Food Stamp agency to match enrollment data to determine which children can be certified for free school meals without paper applications.

Public Comments – *File Specification*
For the revised definition of specification #129, recommendation from business area is to change reference of "CEO" to "CEP" in order to align with current verbiage.

ED Response
ED agrees to change file specification #129 to reflect Community Eligibility Provision (CEP).

Public Comments – *Questions on Definitions*
Does the direct certification list, in the proposed data collection, include migrant, homeless, runaway, even start, head start, Food Distribution Program on Indian Reservations (FDPIR), Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF) and foster children and included the household members of TANF and SNAP?

Is the Identified Student Percentage (ISP) the same as the proposed Direct Certified list?

The reporting periods are different. ISP data are based on April 1 enrollment and the State only receives the list for School Food Authority (SFA)s interested in enrolling in Community Eligibility Provision (CEP). The proposed data collection denotes a reporting period of October 1

ISP data collection may not be an annual report. The ISP data are not collected every year if the SFA participates in CEP. The renewal for CEP is every four years.

NDE Direct certification list only includes SNAP, TANF, and foster children. It does not contain all eligible populations. The number of students eligible for free meals will be underestimated if the current NDE direct certification list is used for this data collection.

ED Response
"Direct certification" and "Identified Student percentage" are not the same. "Identified Students", includes all students approved as eligible for free meals who are not subject to verification. Directly certified students are one component of this count (see the Title I guidance, page 3, question 2). The ISP is the count of identified students divided by the student enrollment as of April 1 in the previous school year (Title I guidance, page 4, question 4). It is used by schools to certify their eligibility for the CEP option of the NSLP. ED is not interested in the ISP. While the ISP can be used for four years for NSLP purposes, schools not operating under a special provision are required to run direct certification with SNAP at least 3 times a year (Title I guidance, page 5-6, question 12). This means that direct certification counts are usually available for schools operating under a special provision as well. This is the count that ED wants to collect.

Public Comments – *Level of Data and Collection*
There were a few statements regarding which entity decides what data to report and how often the decision can be revisited. It is unclear whether schools, districts, or states would make this decision and whether it can be changed over time. Regardless of the data option ultimately offered, it will be important for the guidance to clarify these points.

ED Response
ED expects to collect both FRPL and directly certified counts at the school level only, and for only the October reporting date. FRPL data are currently due to ED at the end of March (following the October reporting period). States are responsible for submitting accurate data by the due date and for having internal controls to ensure accurate data at the due date. All files can be resubmitted, but ED begins data quality reviews at or near the due date. If a state resubmits data files after the due date, the resubmissions may not be represented in a publicly posted product.

GENERAL COMMENTS NOT IN SUPPORT OF THE PROPOSED DATA GROUP

A total of 17 statements were received from 12 states and 1 organization.

Public Comments
Of the 12 states that commented, 7 said they would not be reporting direct certification (data group 813) but will continue to report Free and Reduced Price Lunch data (data group 565) to ED and 5 of the 12 said they were collecting direct certification at some level (school and/or district).

The following reasons were cited for not intending to report Direct Certification counts with some examples of state statements:
- Virginia does not collect the requested data using the parameters indicated. Altering or augmenting existing data collections to capture the data as required by the new element would be burdensome to the state and confusing to LEAs. It is recommended that the new element be removed or that implementation is delayed by a year or more.
- Direct certification data is collected at the district level and not at the school level. Additional funding and programming would be needed to implement these changes and would take up to three years.

- The Memorandum of Agreement with the Kansas Department of Children and Family limits the use of direct certification data to determination of eligibility for Child Nutrition Programs.
- California could not provide this data without making a change to how LEAs submit data to California's longitudinal data system thus imposing a burden on LEAs.
- South Dakota is not able to collect direct certification at the school level. We only collect it at the district level. If we had to start collecting it this way, it would require more programming, more funding to implement these changes, and up to three years to get the changes implemented.
- Minnesota's individual student record system, the Minnesota Automated Reporting Student System (MARSS) does not collect data on directly-certified students. We do collect and store CEO participation data in CLiCS, and CEO participation determines eligibility for the USDA National School Lunch Program (NSLP). Many Minnesota schools participate in CEO.
- The Center on Budget and Policy and Priorities indicated that the Community Eligibility Option simplifies the administrative processes for school and reintroducing paperwork to report direct certification would undermine this benefit. They propose ED not require school district to collect household income information.

ED Response

ED's expectation in proposing the data group about direct certification is that schools are already collecting directly-certified counts in order to comply with USDA requirements for NSLP participation. ED hopes that schools can provide these data with minimal burden and with minimal additional guidance.

ED is not trying to deconstruct FRPL data by collecting directly certified counts. ED is trying to find a more reliable indicator of student-body poverty. FRPL and directly certified counts are considered separate data items. ED recognizes that not all eligible families participate in SNAP and/or TANF; not all eligible students participate in NSLP, either; we accept this as a limitation of the data. ED expects that the directly certified counts will generally be lower than the FRPL counts.

ED is not changing how FRPL is defined (see data group 565); the expectation is that the FRPL counts reported in prior years included all FRPL eligible students regardless of how their eligibility was determined.

ED revised the direct certification (data group 813) comment field to note that SEAs will report either FRPL or direct certification data. If a state chooses to submit both, that will be allowable in the submission system.

Public Comments - *Policy Concerns*

- We [Center on Budget and Policy and Priorities] for are concerned by the proposed approach to collecting information on which students are low-income and strongly advise several clarifications and improvements.
- Do not require school districts to collect household income data. We [Center on Budget and Policy and Priorities] appreciate that the proposed approach does not require schools to collect individual income data outside the school meals program. Community eligibility simplifies administrative processes for schools and reintroducing paperwork undermines this benefit. Regardless of whether you adopt the specific approach we recommend, we urge to continue to not require school districts to collect household income information.

ED Response

ED appreciates the comments and concerns about collecting individual income data outside the school meals program. ED is not directing states to require school districts to collect household income

information. ED's expectation in proposing the new data group related to direct certification is that schools are already collecting directly-certified counts in order to comply with USDA requirements for NSLP participation. ED hopes that schools can provide these data with minimal burden and with minimal additional guidance.

ED has not found other "readily available" and "reliable" school-level poverty measures, but would welcome such discussions. ED revised the direct certification (data group 813) comment field to note that SEAs will report either FRPL or direct certification data. If a state chooses to submit both, that will be allowable in the submission system.

CHRONIC ABSENTEEISM

The following directed question was asked about adding chronic absenteeism data into ED*Facts*. The statements have been grouped and summarized below. Following the summary of statements for each group is ED's response.

> *Directed Question #9. Several ED program offices requested that the data group measuring chronic absenteeism be moved from CRDC to EDFacts with a definitional change (it is currently included in the CRDC 2015-16 Information Clearance Package). Can your state provide the following school level data with the current definition, "The unduplicated number of students absent 10% or more school days during the school year" in the five different category sets?*

A total of 27 states, 1 school district and 1 anonymous respondent submitted 54 statements related to the collection of chronic absenteeism data.

SUPPORT OF NEW DATA GROUP

Public Comments
Fourteen states and 1 LEA indicated they are already collecting chronic absenteeism or are in the beginning stages of collecting it. The following benefits of collecting this data were cited:
- Chronic absenteeism is an important indicator in highlighting the amount of instructional time missed by students
- The data can help school personnel identify students at risk of academic failure

While commenters indicated they could report chronic absenteeism data, three states expressed concern about Section 504 data:
- One indicated the earliest they could provide Section 504 data would be school year 2017-18
- One indicated that Section 504 data was not integrated into the Statewide Longitudinal Data System (SLDS)
- One indicated the accuracy of the Section 504 data is questionable. The state will provide guidance to districts that the data will now be used for Federal Reporting. The state will also follow up with any district reporting 0 for this category set. These steps will not be a burden to the state.

One state indicated that state budget language prohibits the addition of new data elements to the state longitudinal data system, however schools and districts are expected to track chronic absenteeism at the local level so the state anticipates no issues reporting the five category sets with the proposed definition.

ED Response
ED appreciates the feedback on the proposal to move the collection of chronic absenteeism data from the Civil Rights Data Collection to ED*Facts* in School Year 2016-17. Due to the importance of the Section 504 data to the Office of Civil Rights, a limited number of respondents indicating that they would be unable to report the data, and a limited number of compelling reasons to remove or change the proposed collection, ED maintained the addition of data group 814, including the reporting category about Section 504 students (Category Set C).

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NOT IN SUPPORT OF DATA GROUP

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Public Comments
A total of 10 states and one anonymous respondent indicated they were not in support of the proposed data group. The following summarizes these statements:
- Six states indicated they currently do not collect attendance or absenteeism data at the state level or they do not collect it according to the proposed definition. Of these
  o Two noted that districts currently report this data to the CRDC.
  o Two indicated it would require a new collection or significant burden to implement
  o One state indicated that state law requires schools withdraw a student who is absent 15 consecutive days and therefore their system would not pick up chronically absent students
- One state currently collects attendance data; however it is not currently validated. A new process for data validation is needed. The state anticipates pushback from school districts.
- One state does not require notification of school changes within a district due to the mobility between schools within the district. Data is collected at the district level not at the school level. Implementation would require significant system changes for the current data collection.
- One state indicated a portion of students move quickly from public schools to tribal/BIE schools in the state, leading to existing delays and difficulty in attendance calculations.
- One state indicated the data are not specific enough for the report being requested. Additionally, changes to longitudinal data system requires approval from the state legislature
- One commenter indicated that data would not be an accurate picture of Title I funds, especially at residential facilities or correctional facilities.

ED Response
ED appreciates the feedback on the U.S. Department of Education's proposal to move the collection of chronic absenteeism data from the Civil Rights Data Collection to ED*Facts* in School Year 2016-17. While ED acknowledges that there is an increased burden placed on State Education Agencies in order to submit these data to ED*Facts,* public schools in each state are already required to submit chronic absenteeism data to the Department via the Civil Rights Data Collection. Due to the importance of the data to the Department, the program offices requesting the data do not find the comments compelling to remove or change the proposed chronic absenteeism data group (814). ED maintained the chronic absenteeism proposal (data group 814) in the ED*Facts* Information Collection package for school years 2016-17, 2017-18 and 2018-19.

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CLARIFICATION ON DATA GROUP

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Public Comments
A total of 16 states and 1 LEA requested clarification on the definition or guidance related to the proposed data group. The following clarifications were requested on the definition of what constitutes an absence.
- Are in-school suspensions, out-of-school suspensions, expulsions and tardies counted as absences? State recommends that tardies or an aggregation of tardies not be counted.

- Does this include both excused and unexcused absences? The following examples of excused absences were cited
    - Apprenticeships or internships
    - Travel days for sanctioned sports. This could be significant in rural schools.
    - School functions such as track meets, scholarship contests
- Must a student miss school all day or any part of a school day?
- Clear guidance and a robust definition is necessary for comparability between states.

The following clarifications were requested regarding the definition of a school day
- What constitutes a school day?
- Is the definition of school day applied at the school or student level?
- Does the definition of school day include the accumulation of time that equates to a school day?

The following concerns and requests for clarification were requested related to the definition of the total school days used in the 10% calculation:
- Requests for clarification on the definition of total school days used in the 10% calculation:
    - Is the total number of school days based on calendar days, the total number of school days as defined by the school, or the number of days a student was enrolled?
        - One state indicated that if the definition is based on the total number of days a student was enrolled it would place a burden on the state.
        - One state indicated that if the total days are based on the entire school year, students who move frequently may never meet the definition of 10% of school days.
    - If a student attends multiple schools, will that student be reported in each school where she/he missed more than 10% of school days? Or only at the last school of enrollment?
    - If a student attends multiple schools, does the count of days absent carry to the next school/LEA or does it reset with the transfer?
- One state suggested that ED include a minimum enrollment threshold for reporting. For example, students who exceed 10% of school days and who were enrolled for a minimum of X days and had more than X absences. Highly mobile populations such as students who are homeless and migrant would be characterized as chronically absent. The state expressed concern that the media, legislatures and the general public may get a false picture of chronic absenteeism.
- One state indicated their calculation would be based on the days enrolled (days of membership) plus days present.
- One state indicated that attendance is collected by the number of hours instead of days. The state requests the definition be modified to say "10% or more of their time during a schoolyear" so the state could use either hours or days.

The following statements were submitted related to having consistent definitions of chronic absenteeism.
- The definition proposed in OMB 1870-0504 for SY 2015-16 Civil Rights Data Collection does not match the definition proposed in the 60 day package.
- Request that the definition align with the Neglected or Delinquent definition of chronic absenteeism (data groups 815, 786, 787). Collecting chronic absenteeism two different ways is difficult from a data collection standpoint.

Clarification was requested on the definition of homeless enrolled students. Reasons cited:
- Reporting unduplicated counts of homeless students could be problematic because homeless students can be enrolled in multiple schools throughout the school year, and/or reenroll at the same school in the same school year.

- Does this include students who were homeless at any time during the reporting period or just when chronic absenteeism is calculated?

ED Response
ED appreciates the feedback on the proposal to move the collection of chronic absenteeism data from the Civil Rights Data Collection to ED*Facts* in School Year 2016-17. Below are points of clarification on how State Education Agencies should calculate chronic absenteeism.

Definition of absenteeism:
- In accordance with the Office of Civil Rights' guidance, a student is absent if he or she is not physically on school grounds and is not participating in instruction or instruction-related activities at an approved off-grounds location for the school day. Chronically absent students include students who are absent for any reason (e.g., illness, suspension, the need to care for a family member), regardless of whether absences are excused or unexcused.
- A student is absent for 50 percent or more of the school day, as defined by the state.
- Tardies should not be counted as absences.

Clarification on which school days to include in the 10%:
- Include students who were enrolled in the school at any time during the school year, as defined by the state, and who missed 10% of the school days in which they were enrolled in the school.

Regarding the statement requesting definition clarification, the definition for Homeless Enrolled Students is in Attachment B3 in data group 655.

DATA QUALITY CONCERNS

Public Comments
One state and one LEA commented on data quality of the proposed data group. The following data quality concerns were raised:
- There is a concern about the quality of school level data reported for inside district transfers in the high mobility districts. It is the practice of some of the larger districts with a mobile population to submit End of Year Accountability data for only the last school the student attended and not for the other schools that student attended throughout the year. The last building may not be where the chronic absenteeism took place.

ED Response
ED appreciates the feedback on the proposal to move the collection of chronic absenteeism data from the Civil Rights Data Collection to ED*Facts* in School Year 2016-17 and for sharing potential data quality issues. The ED*Facts* Partner Support Center (PSC) provides webinars and other support material to help states with training needs. States are welcome to submit suggestions to ED about training material that will be most helpful. States are encouraged to use the training materials developed for state data submitters as the basis for within state training.

Due to the importance of the data to the Department, the program offices requesting the data are maintaining the chronic absenteeism proposal (data group 814) in the ED*Facts* Information Collection package for school years 2016-17, 2017-18 and 2018-19.

BURDEN AND SCOPE

Public Comments
The following statements address the additional burden created by the collection of chronic absenteeism data:
- State does not currently collect Section 504 data at a student level. It would be an added burden on LEAs to establish a data source for this collection
- State is unable to collect partial day absences
- If this data is collected through ED*Facts*, it is critical that the Office of Civil Rights (OCR) discontinue the collection of chronic absenteeism via the Civil Rights Data Collection (CRDC).
- Attendance data collected by the LEAs is not currently validated by the state. If the state does add validation is will create additional burden at the LEA.

The following statement addresses the scope of the collection:
- The state questions why this is only a school level report. Approximately 13,000 students per year in the State are only included in local education agency–level calculations due to enrollment in local education agency level programs and/or mobility within a district.
- Should PK students be included or just K-12?

One state indicated that determining consecutive enrollment is very difficult with the system currently in place. A draft methodology for determining consecutive day enrollment has been developed but has not been officially approved or finalized.

ED Response
ED appreciates the feedback on the proposal to move the collection of chronic absenteeism data from the Civil Rights Data Collection to ED*Facts* in School Year 2016-17. While ED acknowledges that there is an increased burden placed on State Education Agencies in order to submit these data to ED*Facts*, public schools in each state are already required to submit chronic absenteeism data to the Department via the Civil Rights Data Collection. Due to the importance of the data to the Department, the program offices requesting the data are maintaining the chronic absenteeism proposal for data group 814 in the ED*Facts* Information Collection package for school years 2016-17, 2017-18 and 2018-19.

CHRONIC ABSENTEEISM FOR NEGLECTED OR DELINQUENT STUDENTS

The following directed question was asked about adding chronic absenteeism data into ED*Facts*. The statements have been grouped and summarized below. Following the summary of statements for each group is ED's response.

> *Directed Question 10: The Neglected or Delinquent Program proposes to also collect data on chronic absenteeism with a different definition "The unduplicated number of students who have participated in programs for neglected or delinquent students (N or D) under Title I, Part D, Subpart 1 (State Agency) or Subpart 2 (LEAs) of ESEA for 60 calendar days or more and who have missed 10% or more days of instructions whether the absence was excused or not." Can your state provide this information at the SEA level?*

A total of 43 individual statements were received on this topic from 29 different states (out of 33 that submitted comments) and 1 local education agency. Of the 43 statements, 29 were unsupportive or negative, 6 concerned definition clarification, and four were supportive and positive. An additional two statements requested clarification on the purpose of the collection, one statement noted the added burden of this collection and another was noncommittal/neutral.

Public Comments

The majority of the statements from states noted that the state did not collect information on N or D students in their state data systems (at the student-level) and therefore could not connect N or D students to other student attributes such as attendance. States also commented on the different definition used for N or D students versus all students and the challenges and confusion that would cause.

ED Response

The Neglected and Delinquent Program Office has reviewed state questions/comments. The responses were compelling to remove the proposed data groups from the package. As a result of the decision to remove the proposed new collection, the statements were not summarized in detail. However, all comments are publicly available. The data groups that were eliminated are only the data groups related to Chronic Absenteeism data for N or D students (see data groups 786, 787, and 815 in Attachment B3).

ASSESSMENT: STANDARD DEVIATION AND SCALE SCORE

A total of 37 individual statements were received on this topic from 24 different states. Of the 37 statements, 19 were in response to the directed question about submission format. Of the remaining statements, the topics included: purpose, planned use, and burden; definitions, data limitations, and methodology.

The following directed question was asked about scale score and standard deviation (data groups 816 and 817). The statements have been grouped and summarized below. Following the summary of statements for each group is ED's response.

> *Directed Question #11: There are two new data groups proposed to collect information on the mean scale scores and the standard deviation by three categories (Academic Subject (No Science), Assessment Administered (Scale Score), and Grade Level (Assessment)) at the SEA level. Without these data, the academic growth of schools with School Improvement Grants (SIG) cannot be interpreted. Should this data be collected as part of EMAPS or in a submitted file format?*

Public Comments

ED received mixed responses from states about preferred submission format in the directed question. Eleven states were supportive of a file format submission, 7 supported an EMAPS format, and 1 state did not have a preference.

States provided several reasons for preferring a file format submission: easier to calculate scale scores in an ESS file; faster to create the file year-after-year if it is generated for ESS submission; ESS is easier with numerous assessments and grades; easier to generate an ESS file using existing contract than to provide EMAPS responses. Of the states that preferred an EMAPS format, only one state provided a reason and the reason was that EMAPS allows states to provide descriptive information with the data.

ED Response

ED appreciates statements regarding submission format. ED anticipates using the file format submission method for state level data groups (816 and 817).

PURPOSE, PLANNED USE, AND BURDEN

Public Comments

Four states requested clarification about the purpose of the collection and the planned use of the data. The topics included: plans to discontinue the collection if the School Improvement Grants ceased to exist; ED's planned use of the data; clarification about why ED is expanding the collection from only SIG schools to all schools. Two states noted the new data groups increase reporting burden. One state requested clarification about what school level data ED is proposing to collect in the new data groups; another state asked ED to clarify if the collection was only at the state level.

ED Response
In response to the question about ED's plans to discontinue the collection of scale score and standard deviation data, ED does not have immediate plans to discontinue the newly proposed collection. If the SIG discretionary grant program ceases to exist, discontinuing the collection of scale score and standard deviation will be discussed.

Regarding planned use of the data and expanding the collection, ED proposed the two new data groups (816 and 817) to provide ED with contextual information to interpret scale score and standard deviation data already submitted about SIG schools (data groups 730 and 751). The new data groups are designed to supplement current knowledge about performance. ED anticipates that the topic of scale scores will again be discussed at the annual data conference; representatives from the stewarding office will be invited to share supplemental information at that time.

Regarding reporting burden, ED was intentional in requesting only state level data in data groups 816 and 817 to limit reporting burden. ED finds the data necessary for understanding the SIG data submitted in other data groups.

Regarding clarification about what school level data ED is proposing to collect, the new data groups do not include school level data. See Attachment B3, data groups 816 and 817.

No changes to the package were made as a result of the comments.

DEFINITIONS, DATA LIMITATIONS, AND METHODOLOGY

Public Comments
One state requested clarification about whether all schools are to be included in the new data groups (816 and 817); another asked about the level to be reported. Two states provided statements about data limitations. One states noted that school level means and standard deviations in schools with small populations will have limited utility; another state noted that a small number of SIG grants will make comparisons to the new state level data challenging.

ED Response
ED appreciates the comments and question. The intent is to represent all schools when the state submits the state level means and standard deviations in the new data groups. Regarding level, see data group 816 and 817 in Attachment B3; ED intentionally requested only state level data in the new data groups.

Consistent with other file specifications, technical guidance to address data limitations and methodology will be provided in technical trainings that will be developed when the package is finalized. As noted above, ED also anticipates the topic of scale scores will be on the agenda for the annual data conference.

Regarding the intent to collect standard deviation, ED was intentional in requesting the standard deviation.

No changes were made to data groups 816 and 817 as a result of the comments.

KINDERGARTEN ENTRY ASSESSMENTS

The following directed question was asked about the addition of Kindergarten Entry Assessment data. The statements have been grouped and summarized below. Following the summary of statements for each group is ED's response.

> *Directed Question #12: The Department of Education has three grant programs that support or incentivize State-wide implementation of Kindergarten Entry Assessments (KEA): Race to the Top – Early Learning Challenge, Enhanced Assessment Grants, and Preschool Development Grants. The Agency Priority Goal is "By September 30, 2015, at least 9 states will be collecting and reporting disaggregated data on the status of children at kindergarten entry using a common measure." The only data source is through these programs and does not capture the expansion of KEAs across the nation. The Department of Education is requesting policy information that is readily available to a State Education Agency about KEAs and a data file only in states with a KEA and only on the domains used within the KEA. Can your states provide this information? Did we capture the correct data to measure the program and its impact?*

A total of 41 individual statements were received on this topic from 25 different states (out of 33 that submitted comments) and one local education agency. Of the 41 statements, 22 were about data availability (response to the directed question). The remaining statements topics included: concerns about data use, terminology, and due dates; suggestions to expand the questions included.

DATA AVALABILITY

Public Comments
Eight states said the requested information about Kindergarten Entry Assessments (KEA) policies and results can be provided in School Year 2016-17. One of those states noted district reporting is voluntary and that ED can anticipate that not all LEAs will be represented in the collection. Three additional states reported that they have a KEA, but will not have results to report until School Year 2017-18.

Ten commenting states noted they do not have a federal grant that supports a statewide Kindergarten Entry Assessment (KEA); nine of those states do not have data to report; one state has a kindergarten entry assessment, but it is not through an ED grant.

ED Response
ED appreciates that states provided information about the availability of data and understands that some states will be unable to report in the first year of the collection. At least one state may not report data for all local education agencies because the reporting within the state is voluntary.

- In response to the statements about data availability and reporting anomalies, ED will design the survey with comment boxes that allow states to enter reporting anomalies (e.g., data will not be available until SY 2017-18; not all LEAs are represented in the state data because LEA reporting is optional within the state).
- In addition to the comment boxes, ED will provide instructions to states in a User Guide about what to do when reporting anomalies exist.

ED appreciates notification that at least one state has a KEA program and has data, but that the program is not associated with a federal grant.

- In response to the statement, ED will clarify in the User Guide that states with a federal grant are required to submit data and states without a federal grant will have the option of providing performance data. Allowing optional performance reporting will allow ED and interested stakeholders to better understand the use and result of KEAs nationwide.
- Note that all states will answer the first question of the survey about whether or not the state has a KEA.

CONCERNS ABOUT DATA USE, TERMINOLOGY, AND DUE DATE

Public Comments
- Two states submitted concerns that the result of a KEA will prevent a child's entry into kindergarten.
- One state suggested changing "KEA" to "Kindergarten Assessment" (KA).
- One state noted the importance of thoughtfully planning the due date to ensure states have an opportunity to review and verify data prior to the federal due date.
- One state noted that students included in their KEA include students at kindergarten entry and also includes first graders who did not participate at kindergarten entry.

ED Response
No changes will be made to the survey in response to the concern that the result of the KEA will prevent Kindergarten entry because the practice is already prohibited by the three associated federal grants. For example, see language from a recent Notice Inviting Application (NIA) for the Preschool Development Grants. The language in the most recent NIA is similar to the NIAs for Race to the Top – Early Learning Challenge and Enhanced Assessment Grants programs, which provides a definition for KEA:

> Kindergarten Entry Assessment means an assessment that--
> (a) Is administered to children during the first few months of their admission into kindergarten;
> (b) Covers all Essential Domains of School Readiness; (c) Is used in conformance with the recommendations of the National Research Council reports on early childhood; and (d) Is valid and reliable for its intended purposes and for the target populations and aligned to the Early Learning and Development Standards.

> Results of the assessment should be used to inform efforts to close the school-readiness gap at kindergarten entry, to inform instruction in the early elementary school grades, and to inform parents about their children's status and involve them in decisions about their children's education. This assessment must not be used to prevent children's entry into kindergarten or as a single measure for high-stakes decisions.

ED is maintaining the use of "KEA" in its federal reporting documents to align with terminology used across the current federal grant programs. ED is aware that states use similar descriptors such as, "Kindergarten Readiness Assessment," "Kindergarten Assessment," "Kindergarten Inventory of Developing Skills," and "Kindergarten Entry Profile." The User Guide will include comments acknowledging the terminology differences.

ED appreciates the statement on the due date and will align the KEA due date with the other Assessment files submitted by states to ED*Facts*. As an example, ED anticipates that SY 2016-17 assessment data for

grades 3 through 8 and high school will be due December 2017. If data quality issues are identified after the initial due date, ED offers states the opportunity to revise their data after the initial due date. KEA data will be on the reporting and resubmission cycle.

ED appreciates the state raising awareness about how KEA participants may be operationally defined within the state. ED will provide reporting instructions that states should only include students in reported KEA results that are consistent with the definition of KEA referenced above ("KEA is administered to children during the first few months of their admission into kindergarten").

SUGGESTIONS TO EXPAND THE COLLECTION

Public Comments

Several states suggested expanding the survey:

- One state recommended asking each state to describe how the KEA is implemented and that ED use the information to group states prior to doing any cross-state comparisons.
- Two states provided suggestions to expand or change the domains used in the survey.
- One state requested that ED collect vendor information for the tools used for each domain.
- One state suggested that ED ask the state to describe the methodology used to define "readiness."

ED Response

ED is not adding questions to the survey that were recommended during the public comment period. Following are responses to each statement topic.

- ED reviewed state websites and found descriptive information publicly available about KEA program implementation. In addition, ED also has implementation information available in grant applications. ED agrees with the suggestion that state implementation information should be considered when creating data products and when using the state reported data, but does not find it necessary to collect the information in the metadata survey.
- ED will maintain the five proposed domains to align with the domain terminology used in the three federal grant programs associated with the survey. The terminology used in the federal grant programs is, "Essential Domains of School Readiness." The associated domains include language and literacy development, cognition and general knowledge (including early mathematics and early scientific development), approaches toward learning (including the utilization of the arts), physical well-being and motor development (including adaptive skills), and social and emotional development. States will have the opportunity to point out within state differences in domain terms and categories in a comment box associated with reported domains; states will need to align their data with the federal reporting categories.
- ED will not change the survey in response to the request for vendor information because ED does not endorse vendors and vendor information would not be used by ED. ED requested the name of the tools used and that information is sufficient for ED purposes.
- ED is not revising the survey in response to the request for the state readiness definition because the information is available on state websites and ED does not need the information submitted in the metadata survey.

HOMELESS CATEGORY IN ACGR DATA GROUPS

The following directed question was asked about the homeless category in the ACGR data groups. The statements have been grouped and summarized below. Following the summary of statements for each group is ED's response.

> *Direct Question # 13.   Field recommendations have suggested the addition of a secondary education Government Performance and Results Act (GPRA) measure that requires longitudinal tracking of homeless students within States and LEAs over their four or more years of high school. Some states are already calculating and reporting such rates, the addition of a homeless category in the cohort graduation rate data groups would standardize measuring and reporting. Does the homeless status of students get moved with the students between districts and states? Are there other ways to get this information?*

A total of 53 individual statements were received on this topic from 31 different states (out of 33 that submitted comments) and 1 local education agency. Of the 53 statements, 17 were supportive of the proposed collection. The other statements included definition clarifications, school year clarification, or had concerns about availability of the data. No changes were incorporated in the 30 day package as a result of the comments.

Public Comment – *Clarification of Definition*
Several states requested clarification on how homeless status is identified (ex., at any time in the cohort) and where that determination lies.

- Would need specific business rules to define homeless, which would include guidance on which students to count (for example, homeless ever? Homeless in year of graduation? Homeless in more than one LEA?)
- The request for homelessness data can be interpreted differently. Is this an "anytime" measure, meaning that it is meant to capture if a student is homeless at any point in their high school career. This may be problematic because different interpretations of the data may reduce the comparability of data between states.
- How is the indicator determined for homeless? Is it students who were homeless when they graduated, homeless during their last year of high school, their cohort year of high school, anytime from 9th grade forward?

ED Response
The program office agrees that a student should be counted as homeless in the cohort if they were homeless at any time in the 4-year window. It is an "anytime" measure for students who were homeless at some point during their enrollment in high schools within the State but it will not involve cross-State data. Nevertheless, all States should be using the same definitions of homelessness; ED understands the data do not capture the duration or number of episodes of homelessness. The reporting of the ACGR by SEAs and LEAs will not involve cross-state data.

While a homeless status determination could start with a student's self-report, the LEA and local liaison must have an auditable and verifiable record indicating McKinney-Vento eligibility.

For the LEA ACGR, only students who are enrolled in the district or cannot be confirmed as having enrolled in another district will count in the denominator. If a student leaves one district, is confirmed as homeless and is enrolled in another district, that student will be included in the denominator for the State ACGR but not the first LEA's ACGR.

Public Comment – *Clarification of School Years*
Several commenters asked if the data will be collected going forward or if any data from prior years will be requested as part of the cohort. One commenter recommended beginning with a new 9th grade cohort in 2016-17, rather than trying to collect retrospectively.

ED Response
The ACGR data will be requested from SY 2016-17 forward. States will need to include students who were homeless during the cohort period in order to report in SY 2016-17.

Public Comment – *Alternative Measures*
Several states said they could not provide this information and some asked if there are alternative ways to collect this information.

ED Response

ED does not have an alternative way to obtain the proposed information. The program office will address the statement by providing additional technical assistance (TA) to States through its TA providers after consulting with States that have implemented adjusted cohort graduation rates for homeless students.

GENERAL EDUCATION PROVISIONS ACT

The following directed questions were asked about the General Education Provisions Act (GEPA). The statements have been grouped and summarized below. Following the summary of statements for each group is ED's response.

> *Directed Question #14: Does your SEA currently report awards of less than $25,000 through the FSRS? If not, would there be any barriers to reporting these awards through FSRS if FSRS became the sole collection vehicle for data required under GEPA?*

Public Comments

There were twelve statements directly related to DQ-14. Eight respondents indicated that they supported eliminating the current GEPA collection and change to using only Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS). Two of those responses noted that the state does not currently report awards less than $25,000 to FRSA, but they could make the change.

Four respondents indicated that they do not support the change to using only FSRS. Three states do not report below the $25K threshold and reported that it would be more burdensome to make the change than to maintain the current GEPA files. One of the respondents noted difficulties with the FSRS system and that the state does not support FSRS as the sole collection vehicle; another added that initial awards below $25,000 are reported to FSRS, but changes after the initial award is not tracked for FRSA purposes.

> *Directed Question #15: Are you aware of other differences in how your SEA reports subgrant data to FSRS vs. EDFacts that would impact the quality and completeness of the data available to ED to meet its statutory obligations under GEPA?*

Public Comments

There were fifteen statements directly related to DQ-15. Three states noted that they are unaware of quality and completeness differences between FRSA and GEPA.

Other states noted the following differences between FRSA and GEPA: reporting periods differ (monthly vs. annual); allocation details differ (FRSA does not require reporting of less than $25,000); funds retained by the state are reported in the GEPA collection and are not in FSRS; subawards are reported in FRSA and subgrantee allocations are reported for GEPA; GEPA includes administrative and assistance funds, while FRSA reporting only includes assistance funds.

> *Directed Question #16: Do you anticipate any negative impact on your SEA's collection and use of these subaward data if ED were to eliminate the EDFacts reporting requirement and fulfill its GEPA Section 424 obligations through data reported to FSRS?*

Public Comments

There were eleven statements directly related to DQ-16. Seven of the statements indicated that there would be no negative impact on the SEA's collection and use of the subaward data if ED were to eliminate the ED*Facts* collection of the GEPA data. The remaining states reported that there could be additional reporting burden to using only FRSA if the GEPA reporting requirements were added to FRSA reporting; one state noted that burden impact would be dependent on whether adjustments after initial awards would need to be reported.

> *Directed Question #17: Would you be supportive of ED eliminating the EDFacts reporting requirement (FS035, DG547) in lieu of relying on the FSRS data to fulfill its GEPA Section 424 requirements? If so, please describe the extent to which this change would result in a burden reduction for your SEA.*

Public Comments

There were nineteen statements directly related to DQ-17. Eight commenters noted that eliminating GEPA files would reduce burden or eliminate duplicative reporting. The additional commenters referred to differences between the two collections, lack of knowledge about FRSA reporting to provide an informed response, and challenges related to reporting accurate GEPA information. One commenter suggested that eliminating GEPA reporting would decrease reporting burden by 8 to 12 hours per year.

ED Response

The responses to the directed questions are not persuasive that ED should eliminate the GEPA collection; responses indicate that GEPA reporting is not duplicative with the FRSA reporting. ED will maintain GEPA reporting requirements. No changes will be made to the GEPA collection (C035/DG547).

DELETED DATA GROUPS

There was no direct question on the below deleted data groups but several statements were received.

- DG 563: Graduation Rate Table
- DG 664: Truants
- DG 491: Children with disabilities (IDEA) not participating in assessments table

A total of 11 individual statements were received on this topic from 8 different states and 1 anonymous statement. Of the 11 statements, 10 were supportive and positive and one statement requested clarification on the purpose of the OSEP data collection.

Public Comments – *Removing data groups*

Ten statements were in support of removing the data groups.

ED Response

ED appreciates the support for removing data groups. ED will maintain the elimination of data groups as proposed in the package.

DISCONTINUED LEA COLLECTIONS

There was no direct question on the below deleted LEA level collections from the Office of Migrant Education (OME) and the Office of Career and Technical Education (OCTAE), but several statements were received.

Data group revisions:
- DG102, MEP students served 12-month table
- DG515, MEP Personnel (FTE) table
- DG625, MEP personnel (headcount) table
- DG634, Migrant students eligible 12-month table:
- DG635, MEP students eligible and served:
- DG684, MEP services table:
- DG796, MEP students priority for services table
- DG320, CTE concentrators graduates tables
- DG521, CTE concentrators exiting table
- DG681, CTE concentrators academic achievement table
- DG702, CTE concentrators in graduate rate table
- DG703, CTE participants in programs for non-traditional table
- DG704, CTE concentrators in programs for non-traditional table
- DG705, CTE concentrators technical skills table
- DG736, CTE concentrators placement table

Public Comments

A total of four individual statements from three states were received on these LEA level deletions. All four statements were supportive of dropping the collections.

ED Response

Thank you, no change to the packet; ED will move ahead with the deletion of these LEA level data collections.

BASELINE INDICATOR STATUS

There was no direct question on baseline indicator status but several statements were received.

A total of five individual statements were received on this topic from five different states. Of the five statements, one recommended a change in ED practice and another noted the added burden of this collection. The other statements were neutral.

Public Comments - *Supportive*

Two states noted that they support the proposed change in definition and permitted values for School Improvement Grant Baseline Indicator status because the proposed changes will more clearly identify school status and align with new regulations. These commenters have no concerns with amending the current state data collection to align with the changes. One state said the proposed changes will have no impact as the state will have no SIG grant during the reporting period.

ED Response

ED appreciates the input; no changes requested and none made.

Public Comments – *Pre-population*

One state suggested that ED could impute the year of improvement that the school is in based on the baseline data already provided by the state.

ED Response

When ED imputes or infers information across collections, it introduces an opportunity for error. For accuracy purposes, ED prefers not to impute year of improvement based on baseline data provided by the

state. No changes were made to the package.

Public Comments - *Increased Reporting Burden*
One state noted that the changes will increase reporting burden and asked if ED will be compensating states for increased reporting burden.

ED Response
No additional funds will be provided to states for meeting reporting requirements. The program office determined that the proposed data elements are needed to monitor the implementation of grant programs that have already been funded.

MOE DATA ELEMENTS IN EMAPS

There was no direct question on the LEA Maintenance of Effort from the Office of Special Education Programs (OSEP) but several statements.

> *From Proposal: The Office of Special Education Programs (OSEP) is proposing to implement four new data elements associated with the implementation of the LEA Maintenance of Effort (MOE) provisions of IDEA in the MOE Reduction and CEIS Data Collection. OSEP will use the data reported for these elements to determine if LEAs/ESAs are meeting the MOE compliance standard and the amount of non-Federal funds States have returned to the Department based on the failure of the LEAs/ESAs to meet MOE compliance standard.*

A total of 20 individual statements were received on this topic from 12 different states and one organization. Of the 20 statements, 14 were unsupportive or negative and 6 requested clarification.

Public Comments - *Unsupportive*
The majority of unsupportive statements surrounded concerns about the duplication of effort, adding a new level of oversight that is not currently present for LEA information, and the extra time and burden imposed on providing the information since returned funds are already reported to a federal agency.

ED Response
As part of the continued effort to ensure the appropriate implementation of the final LEA MOE regulations, issued on April 28, 2015 (80 Fed. Reg. 23644), the Department is adding elements to the LEA MOE and CEIS data collection. The additional elements in the revised data collection will provide crucial information needed by the Department and Congress to make important policy decisions related to LEA MOE. This information includes the number of LEAs that are maintaining effort and not maintaining effort, the amount of the shortfalls for those LEAs that have not maintained effort and the amount of funds returned to the Federal government as a result of the shortfalls. In the absence of this information, it is challenging to make decisions about the impact of the LEA MOE requirements and the necessity of any possible changes in the future. In addition, this data collection will help the Department ensure that the required remedy for LEA MOE failures (recovery) is implemented. Although the Department can determine the amount of funds States actually returned to the Department due to LEA MOE noncompliance, the Department needs additional information from States to determine the amount of funds that should be returned.

In response to concerns about the undue burden of the proposed revisions, the Department notes that States are already required to have the requested data. Under the Individuals with Disabilities Education Act (IDEA), as part of the general supervisory responsibilities outlined in 34 CFR §§300.149 and 300.600, the State must ensure that the requirements of Part B of IDEA are carried out and monitor the

implementation of Part B of the IDEA. To fulfill this responsibility, States must ensure that LEAs are meeting the MOE compliance standard (34 CFR §300.203(b)). States must have a reasonable system for determining that LEAs meet the compliance standard on a regular basis. In order to do so, they must maintain documentation of compliance and non-compliance, including the amount of any shortfalls and the amount of money that should be and is returned to the Federal government as a result of the shortfalls. In addition, the Department notes that, although States are not required to monitor every LEA for MOE compliance on an annual basis, we believe most States have been monitoring each of their LEAs for MOE compliance annually. Annual monitoring is a best practice for meeting the LEA MOE requirement, and may actually reduce burden by making the monitoring process regular and routine. Please note that reporting any of the responses for the new MOE data elements is acceptable, and a "no" or "NA" is not necessarily an indicator of noncompliance. For example, if a State did not monitor an LEA for MOE compliance in a given year, the appropriate response to question 1 is "no" and to questions 2, 3, and 4 is "NA."

Public Comments
TEA is first seeking clarification on the following proposed data elements.

> 1. Determine whether the LEA/ESA met the MOE compliance standard during SY 15-16,

> 2. Specify whether the LEA/ESA met the MOE compliance standard during SY 15-16,

> 3. Determine by the date of submission, if the State returned non federal funds to the Department based on the failure of the LEA/ESA to meet compliance standards in SY 15-16,

> 4. Amount of non federal funds the state returned to the Department based on the failure of the LEA/ESA during SY 15-16.

> In regards to the data elements number 3 and 4 listed above, TEA is seeking clarification on whether a response to each question is expected for each individual LEA/ESA represented in the MOE/CEIS report or in the aggregate for the state?

ED Response
The LEA MOE and CEIS Data Collection seeks data regarding all LEAs – which includes ESAs as defined in 34 CFR §300.12 – in a State. The Department will expect States to provide one of the following responses to the four new MOE data elements for each LEA/ESA that received an IDEA section 611 and/or 619 subgrant during the reference period: (1) "yes"; (2) "no"; (3) dollar amount; or (4) "not applicable" (NA). Please see the information below about how to report for each of the four new MOE data elements. Please note that "no" or "NA" is acceptable, and does not necessarily indicate noncompliance. For example, if a State did not monitor an LEA for MOE compliance in a given year, the appropriate response to question 1 is "no" and to questions 2, 3, and 4 is "NA."

For question 1 - The Department will expect a response of "yes" or "no" for every LEA or ESA that received an IDEA section 611 and/or 619 subgrant during the reference period. If "Yes" is reported for question 1, a response should be reported for question 2. If "No" is reported for question 1, "NA" should be reported for questions 2, 3 and 4.

For question 2 –The Department will expect a response of "yes", "no", or "NA" for each LEA or ESA that received an IDEA section 611 and/or 619 subgrant during the reference period. Please note a State would report "NA" if it did not determine whether the LEA/ESA met the MOE compliance standard in

the reference year. If "No" is reported for question 2, a response should be reported for questions 3 and 4. If "Yes" or "NA" is reported for question 2, "NA" should be reported for questions 3 and 4.

For question 3 –The Department will expect a response of "yes", "no", or "NA" for each LEA or ESA that received an IDEA section 611 and/or 619 subgrant during the reference period. Please note that "NA" would mean that either (1) the State did not determine whether the LEA/ESA met the MOE compliance standard in the reference year; or (2) the LEA/ESA met the MOE compliance standard in the reference year. A "No" response to question 3 would mean the State had not returned funds to the Department by the time of the data submission. States will not be penalized for reporting "No" to question 3, but will still be expected to return funds to the Department. If "Yes" is reported for question 3, a response should be reported for question 4.

For question 4 – The Department will expect a response in the form of a dollar amount or "NA" for every LEA or ESA that received an IDEA section 611 and/or 619 subgrant during the reference period. Please note that an "NA" would mean one of the following: (1) the State did not determine whether the LEA/ESA met the MOE compliance standard in the reference year; (2) the LEA/ESA met the MOE compliance standard in the reference year; or (3) the State did not return non-Federal funds to the Department based on the failure of the LEA/ESA to meet the MOE compliance standard in the reference year by the date of this data submission.

The Department will clarify the specific values that the data submission system will allow for each data element and specific instructions for reporting on the new data elements in the User Guide for the data collection and through webinars with data submitters.

Public Comments – *Timeline for Data Collection*
TEA has the following general statement regarding the timeline for the data collection - The MOE/CEIS data collection occurs in May and August each year. Based on this reporting timeline, the May submission would not reflect final MOE data for all LEAs, and it would not include responses to data elements #3 and #4 above. Due to the potential length of an appeal process, the data may not be finalized by the date of the August MOE/CEIS report. For these reasons, the MOE/CEIS data elements regarding MOE compliance may not reflect accurate data for all LEAs in the report, specifically for LEAs that received an initial non-compliant determination. If the final determination occurs after the August submission, there would not be an opportunity to accurately report the LEAs compliance status. Likewise, the agency may receive and return nonfederal funds due to noncompliance after the August submission. This financial data would also not be reflected in the August submission.

ED Response
The Department acknowledges that States have procedures and timelines to fully identify and resolve any concerns or appeals associated with their LEAs' meeting the MOE compliance standard and to finalize data submissions. These procedures and timelines may make it difficult for some States to report, by the date of submission of this data collection, on the return of all non-Federal funds required by LEA MOE noncompliance in the reference year. We further note that there is no requirement that States return the funds by that time. However, the Department believes that the timeframe for reporting the new data elements is reasonable, and that the majority of States should be able to report information for these new data elements by the annual due date in May. States that have not yet completed their determinations of LEA MOE compliance for the reference year and/or have not returned funds to the Department by the time of the data submission will not be penalized. For the States that have completed their determinations of LEA MOE compliance and/or have returned funds to the Department by the date of the data submission, the Department expects that those States will be able to submit information regarding

LEA/educational service agency (ESA) compliance with MOE and the amount, if any, of non-Federal funds returned to the Department based on any LEA MOE noncompliance. Nothing in this data collection precludes the State and LEAs/ESAs from having sufficient opportunity to fully identify and resolve any concerns associated with meeting the LEA MOE compliance standard. Finally, States may, if they choose, submit additional data during the resubmission period. In addition, the Department has funded a technical assistance center that will provide templates and guidance to support States in collecting these data in a timely and accurate manner.

Public Comments – *Time required to make determinations*
Although WVDE has no objections to including the proposed indicators relating to whether or not districts meet MOE compliance standards, the department is concerned about the timeframes of any new required reporting related to MOE. We are concerned that the proposals do not adequately take into account the length of time that may be required to fully and accurately work through all the details surrounding determinations of compliance/non-compliance and to arrange for funds to be returned, when appropriate. Additional explanation and clarification is needed to ensure that the proposed reporting timeframes are adequate to ensure the department and districts have sufficient opportunity to fully identify and resolve all compliance issues prior to reporting.

ED Response
The Department acknowledges that States have procedures and timelines to fully identify and resolve any concerns or appeals associated with their LEAs' meeting the MOE compliance standard and to finalize data submissions. These procedures and timelines may make it difficult for some States to report, by the date of submission of this data collection, on the return of all non-Federal funds required by LEA MOE noncompliance in the reference year. We further note that there is no requirement that States return the funds by that time. However, the Department believes that the timeframe for reporting the new data elements is reasonable, and that the majority of States should be able to report information for these new data elements by the annual due date in May. States that have not yet completed their determinations of LEA MOE compliance for the reference year and/or have not returned funds to the Department by the time of the data submission will not be penalized. For the States that have completed their determinations of LEA MOE compliance and/or have returned funds to the Department by the date of the data submission, the Department expects that those States will be able to submit information regarding LEA/educational service agency (ESA) compliance with MOE and the amount, if any, of non-Federal funds returned to the Department based on any LEA MOE noncompliance. Nothing in this data collection precludes the State and LEAs/ESAs from having sufficient opportunity to fully identify and resolve any concerns associated with meeting the LEA MOE compliance standard. Finally, States may, if they choose, submit additional data during the resubmission period. In addition, the Department has funded a technical assistance center that will provide templates and guidance to support States in collecting these data in a timely and accurate manner.

GENERAL

There were 44 statements submitted from 9 different states that were not directly related to a directed question or proposed change. The statements have been grouped and summarized below.

HOMELESS SERVED – CHANGE IN 30-DAY PACKAGE

Public Comments - *Homeless Served*
There was a request to review the need for Homeless Served (C043) data. There seems to be much

confusion on the way this data is submitted and the data not being accurate.

ED Response
ED is proposing removing C043. Also, as part of the 30-day package, a new data group is proposed to collect the unduplicated number of homeless children who are younger than age 5 and received services under program subgrants funded by the McKinney-Vento Homeless Education Assistance Improvements Act of 2001. See Attachment C and B-3 for more details.

Public Comments - *Homeless Students Enrolled*
Guidance should clarify which nighttime residence (first, last?) over the course of the school year should be reported and how the data should be de-duplicated. There are multiple records reported for this highly mobile population.

ED Response
The statement is not related to a data element collected, but it is related to the guidance that would be provided in the file specification (technical instructions). The commenter may contact the ED*Facts* Partner Support Center to raise the question for a future file specification and discuss proposed solutions.

ADJUSTED COHORT GRADUATION RATE

Public Comments
Three states submitted statements on the Adjusted Cohort Graduation Rate, specifically that the denominator for the four, five and six year graduation rates are different. Five- and six-year rates could increase or decrease based solely on a change in the denominator, which is not meaningful if the purpose is to examine what happened with students in the four-year cohort in years five and six. Students identified in the original four-year cohort should remain constant and be used in the denominator of the five- and six-year cohorts and the six-year rate be eliminated altogether. Our findings suggest that the incremental improvement in graduation rates between the fifth and sixth years is negligible and constitutes a significant burden for a marginal to no meaningful gain.

ED Response
Thank you for your feedback. ED is currently discussing the five- and six-year rates. At this time, the program office requesting the data decided to keep the collection in the ED*Facts* Information Collection package for school years 2016-17, 2017-18 and 2018-19.

OUT OF SCOPE COMMENTS

Public Comments
A few states submitted statements on topics such as the format of ED*Facts* file specifications, standard operating procedures of the support contract managed by ED, how system errors are addressed, and the timing of system openings.

ED Response
The statements are out of scope for the proposed package. However, ED staff in the ED*Facts* office reviewed the statements. In most cases, the out of scope statements have been considered and addressed through state escalated tickets through the ED*Facts* Partner Support Center (PSC). ED operates with a limited number of resources and must prioritize improvements (e.g., format; procedures) within its operating context. While all suggestions are considered, not all suggestions are feasible.

ZERO COUNTS

Public Comments

One state commented on zero counts summarized as follows: Some of the Zero Count Exceptions are too technically complex and time consuming to justify the work required to implement them (e.g. C059, etc.). Please keep most of the exceptions optional, as is the case now. The Zero Count Exceptions in files like the C052 Membership are very complex to implement and to explain to stakeholders. In fact, more effort is required to explain the Zero Count programming for the C052 than is required to explain the rest of the programming for the C052.

IDEA implementation example: Most IDEA ED*Facts* files now include Zero Count language like this: "Not required; valid combinations for the state not included will be assumed to be zeros." IDEA data is obviously very important and is rigorously reviewed. If this kind of Zero Count model is acceptable to OSEP, why couldn't a similar approach work for non-IDEA EDFacts files? For example, USDoE could say that the 'valid combinations for the state' are set by what is submitted in the SEA level file and then follow a Zero Count strategy similar to OSEP in the LEA and SCH level files ("Not required; valid combinations for the state not included will be assumed to be zeros.").

ED Response

ED appreciates feedback on the reporting of zero counts. Several factors, including business needs, are taken into consideration when determining when zero counts are required for specific ED*Facts* data groups. At the SEA level, zeros are required unless the burden is unreasonable. At the LEA and SCH level, zeros are required only when there is a significant business need for zeros. This includes data that is used for statistical analysis such as Assessment or Common Core Data (CCD). Therefore zero counts will still be required at the LEA and SCH level for some files.

ED*FACTS* SUBMISSION SYSTEMS

Public Comments – *Permissions*

One state commented on the ED*Facts* Submission Systems. SEAs should be permitted to decide who within the SEA has the authority to complete EMAPS surveys. USDoE knows the problems that can arise when one person or group is responsible for the data submission and then a different person or group (selected by USDoE) is responsible for the survey submission about that data. Many SEAs have already provided input on this topic dating back to last fall. Please add more flexibility for SEAs.

ED Response

ED recognizes that the person designated to complete EMAPS surveys may be different from the person responsible for related data files. In most cases, EMAPS responses and data submitted by states in files are aligned. As noted during the annual data conference, ED believes it is reasonable to expect that a key person in the state office that represents a formula grant program will be able to provide accurate metadata responses (e.g., minimum age of graduation, according to state policy) and intentionally selects a person from the grant program office to respond to the survey. ED also intentionally includes ED*Facts* Coordinators on communication about the metadata surveys to respondents (e.g., announcements about metadata open periods, notification reminders near due dates, invitations to webinars). ED sends copies of submitted metadata survey responses to both parties. At any and all of those points, ED encourages state staff to reach out to each other to ensure accuracy of both metadata and data files. ED appreciates the statement, but will maintain the current respondent roles for the reasons noted.

COLLECTION PACKAGE QUESTIONS

Public Comments

One state asked several questions about the Package itself.

- Could USDoE please explain the difference between a proposed 'Deletion' and a proposed 'Discontinuation' in attachment C?
- The packet structure made it difficult to determine what change was specifically being proposed. Although Attachment C was intended to provide a central reference for the proposed changes, we were forced to make inferences particularly when it came to changes in category sets. We spent several hours cross-referencing to current names and definitions, and looking for detail in other attachments. In subsequent packages, we hope that ED provides a clear, consolidated list of all proposed changes, revisions and deletions. For example, providing a table that provides a side-by-side comparison (before and after) of proposed changes for a particular data element or code set might make the packet easier to review.
- For this proposed collection, 'changes' are really spread across three separate documents – Attachment B, C, and D. The concern is that some of the changes could be missed by potential commenters. Could USDoE review the comments and any feedback received to determine whether or not it is worth considering consolidation of all 'changes' and 'questions' into one document for the next proposed collection?
- It would be beneficial to see a strike through version of changes to the category definitions. For example, page B4-30, Category Name: Diploma/credential, we can see that it was revised but what was added or removed?

ED Response

"Deletions to the ED*Facts* Data Set" indicates an entire data group that was removed from ED*Facts* while "Discontinued Data Groups at Specific Reporting Levels" indicates a data group that remains in ED*Facts* but one level of the data group has been removed.

All other suggestions will be taken into consideration when developing future packages.

BURDEN

Public Comments

Three states commented on the burden of ED*Facts*.

- With the increasing number of collections and data elements, the administrative burden of ED*Facts* reporting has been gradually increasing for both LEA and SEA staff across recent years. There is minimal funding provided to either LEAs or SEAs for meeting these reporting requirements. It takes several FTE at both the SEA and LEA levels to collect, manage, prep, validate, and submit the data requested.
- Request is being made to review and assess all data elements collected to ensure that the benefits from the gathered data far outweigh the costs to the USDE, SEAs, and LEAs. Eliminating data elements that provide minimal return on investment would be a step in the right direction for minimizing the administrative burden and allowing states to redirect FTE, efforts, and other resources to increasing the quality of the programs administered by SEAs and LEAs.
- An alternative solution would be to allocate funding specifically earmarked for collecting, managing, prepping, validating, and submitting ED*Facts* and CSPR data and meeting public reporting requirements (e.g., State Report Cards for the SEA).

- In the ESEA Flexibility Document published by the US Department of Education on August 29, 2013 it states "Under Principle 4, each SEA is working to reduce duplication and unnecessary burden." We are finding it difficult to reduce unnecessary burden on the districts and schools when the number of required data elements is increasing. We feel that when there are new data elements added to ED*Facts* there should be an equal if not greater reduction of the previously collected data elements.
- Whenever possible, please derive subtotals and totals from category sets to save SEA time, resources, cost, and burden.
- If the clearance process results in changes that clearly benefit SEAs, the changes should be implemented immediately and not delayed until 16-17. Examples may include elimination of a data group, elimination of an ED*Facts* file, discontinuation of reporting at a certain level, or documentation/process improvements. Could USDoE please examine whether it can save SEAs burden by implementing certain changes early?
- Could USDoE please respond with specifics regarding what barriers prevent USDoE from implementing suggestions provided by all commenters during this comment period? For example, are the barriers technical, legal, administrative, lack of support for such efforts, insufficient time to consider other options, etc.?

ED Response
ED Program Offices went through considerable effort to reduce the reporting burden in this package by proposing the deletion of multiple data groups and levels of collection that were no longer necessary. Additional data is eliminated as a result of the comments received and summarized in this document. In some cases, commenters requested additional data burden by requesting additional questions or fields; ED declined to implement the suggestions. In the process of preparing for the package, all data elements collected were reviewed and those still needed by the stewarding office remained in the package. Regarding reasons for not implementing enhancements, ED provides as much information as possible.