

**Annual Mandatory Collection of Elementary and Secondary
Education Data through *EDFacts***

February 2016

ATTACHMENT F-2

***EDFacts* Data Set for School
Years 2016-17, 2017-18, and
2018-19:
Response to 30-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 *EDFacts*. The 30-day comment period for the *EDFacts* package closed on December 31, 2015. ED received a total of 18 comments from 17 commenters, many covering multiple topics. A total of 116 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	18	116
State	14	103
LEA	1	1
Other	4	12

Each section of this document 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 *EDFacts* 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 *EDFacts* 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 *EDFacts*.

DIRECTORY

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 comments on the directory from three states.

Public Comment

One state concurred with the changes to the names of the LEA types in the 30 day package.

ED Response

No response needed.

Public Comment

One state pointed out that the characteristics listed for specialized public school districts do not include having a superintendent. The SEA concluded that if a public school district did have a superintendent it would not be a specialized public school district.

ED Response

ED was not intending to imply that specialized public school districts do not have superintendents or similar management. ED will clarify the characteristics of the specialized public school district: “Has an organizational structure which could include a superintendent who is either appointed or elected.” Attachment B-2 has been modified.

Public Comment

One state reiterated that the field for education unit name in the file specification needs to be longer.

ED Response

The field sizes will be reviewed when the directory file specification is updated.

Public Comments – *Directory Metadata Survey*

Two of the states made comments on the metadata survey. One state asked if the metadata survey would be annual. One state pointed out that questions two and three in the metadata survey should be asked independently at the LEA and school level as the responses at each level can be different.

ED Response

ED plans to collect the metadata annually. ED also concurs that the questions should be asked independently at the LEA and school level. Attachment B-2 has been modified to include both of these changes.

CHARTER SCHOOLS AND MANAGEMENT ORGANIZATIONS

Comments were received from seven states and one organization.

Public Comment

Four states noted that the state can submit the requested information. However, the information is not currently available and would require changes to current state data collections. The states noted several concerns:

- One state reported that there is no state or legal obligation for a charter school to report any of the management organization data elements to the SEA. The SEA will have limited opportunities to verify the accuracy of the data because roster information is collected directly from the charter schools (not management organizations).
- One state would need General Assembly approval to add the data elements to the data collection.
- One state reported concerns about the time it would take to set up the collection. All fields would need to be added to the collection system and the process would involve programming changes, education at the LEA level, and securing access to information currently unavailable to the school or LEA. The state anticipated this could take longer than a calendar year.

Two states do not collect information about CMOs.

- One state does not collect information regarding CMOs/EMOs for charter schools. However, a state statute requires charter schools to submit copies of management agreements with CMOs/EMOs to their auditor annually. In consultation with the finance division, the SEA found that the finance division has no mechanism to ensure that all charters that have CMO/EMO agreements are submitting the annual audits and agreements.

One state reported that they do not have CMOs because they are not authorized by the state board. The state will have no data to submit.

ED Response

The program office has determined that it will make no changes to the data collection as a result of the comments. However, the program office understands the challenges with new data collections. If a state is unable to submit the information the first year of the collection, the state will be able to provide a justification and plan for collecting and reporting the data. States will use the *EDFacts* Partner Support Center (PSC) to communicate with the program office about any reporting anomalies the first year.

Public Comment

Three states responded to the question about linking management organizations to charter schools using the EIN.

- One state reported that EIN for management organizations are not collected by the SEA. The state did not know if the SEA could require a CMO/EMO to report its EIN to the SEA. The state did not have an alternative to suggest for the EIN.
- One SEA can link the requested information, if it collects the EIN for the management organization at the time the LEA reports a management organization working with a

charter school, to the SEA. In the future, the state can collect the requested information when a charter-authorizing LEA requests a new charter school identification number from the SEA. The state did not have an alternative to suggest for the EIN.

- One state has not authorized charter schools and would have no data to report.

ED Response

No viable alternatives to the EIN were proposed and no changes were made to the collection. ED appreciates the states' responses.

Public Comment

Two states and one organization responded to the question about whether the SEA could submit the information requested on charter contracts.

One state has access to the requested information regarding charter contracts from existing charter schools. To create an ongoing collection, the SEA would need to alter data collection processes to ensure the information is collected at the time a new charter school identification number (school code) is requested from the SEA by the authorizing LEA.

One state reported that the Charter Center reviews new school charter contracts and renewal contracts for existing schools. The SEA tracks contract execution dates and renewal contract dates and a charter ID number is assigned by the finance division once the new charter contract is accepted by the SEA.

The responding organization supported the decision to include a charter contract ID number for each charter school. The organization also noted that the ID number would help identify those charter applications that have been approved but are not yet considered a school or have not yet been assigned an NCES school ID. The commenter further noted that a charter contract ID number may help identify charter schools versus charter campuses, the latter of which might include multiple campuses linked to a single charter ID. The organization believes the ability to link charter schools to their authorizing agency and management organization (when applicable) can help inform future discussions of charter school efficacy and the strategies for supporting the growth of charter schools.

ED Response

No changes were proposed and no changes were made to the collection. ED appreciates the responses.

Public Comment – *Definition of CMO*

One state suggested clarification of the definition of a Charter Management Organization. The state commented that the proposed language differed from the language used by the Charter School Program (CSP) in their Replication and Expansion of High-Quality Charter Schools grant program. The commenter also suggested identifying whether organizations are non-profit or for-profit because the latter is often referred to as an Education Management Organization (EMO). The EMO may or may not always be considered a subset of CMOs.

ED Response

ED concurs with the comment to clarify the definition and distinguish management organization types. The CMO definition was revised to align with other federal programs; the definitions for the types of management organizations were also revised.

Public Comment – *New Elements*

One state noticed ED included ten new data elements not previously mentioned during the 60 day comment window. They noted that this is unusual practice and were concerned that many states were not given sufficient time to review and consider the implications of the newly added data elements. The state reported that it collects three out of the ten newly proposed data elements: the charter contract identification number, charter contract approval date, and charter contract renewal date. The state does not currently collect the Employer Identification Number (EIN) for the charter management organization (CMO) or charter school, nor do they collect the CMO address location and organization mailing address.

ED Reponses

ED appreciates the comment. The new elements were a result of the comments from the 60-day package. ED is maintaining the proposed changes.

VIRTUAL SCHOOLS

A total of 6 individual comments were received from 5 states.

Public Comment

One state commented that the definition of full virtual was too restrictive and could be interpreted to exclude schools where the state assessment tests are conducted in a designated physical location.

ED Response

ED does not agree that the language in the definition is too restrictive. To address the concern about the interpretation of the definition as a result of state assessment requirements, ED will provide clarification in the policy guidance section of the file specification.

Public Comment

One state suggested renaming the permitted value “focus virtual” to “virtual with face to face options.”

ED Response

ED concurs with the change and revised the permitted value.

Public Comments

Two states suggested that states be able to classify schools as virtual status unknown because the SEA may not have sufficient information to determine the level of virtual education for some specific schools.

ED Response

The file specification will include options for the SEA to indicate that the information is not available for specific schools.

DIRECT CERTIFICATION

Public Comments

A total of 6 individual comments were received from 4 states. Two states expressed their support for the new data item. Comments were also received suggesting that ED*Facts* have clear instructions when releasing the file specifications, a concern about users comparing states with direct certification to states with free and reduced-price lunch data, and the difference in timing of the data for the USDA collection.

ED Response

ED appreciates the continued feedback on this new item and will provide clear business rules and file instructions. ED will also be clear when releasing the data in files or tables to indicate that the two data items are not comparable.

ED will revise the reporting period for this data group to be “October 1 (or the date that aligns with the reporting period used for USDA).”

CHRONIC ABSENTEEISM

A total of 11 individual comments were received from 6 states. Three states noted their support of ED’s decision to remove the proposal to collect chronic absenteeism data on N or D students. One state supported using the 10% definition to represent chronic absenteeism and noted this definition aligns with current research practices as well as the definition adopted by at least 6 states in state level policy. In addition, the commenter noted that 10% allows ED to take a more neutral position where states vary the number of school days in a year.

Public Comment

One state was concerned about the proposed definition change to report data about students enrolled at any time during the school year. The state has an established method for collecting and reporting data using a different standard for minimum days enrolled. To change the reporting method, the state longitudinal data would be impacted (more children would be included than are currently represented). This state recommended that ED use a snapshot, rather than a full year of data. The state also noted that adding a 504 subgroup would increase local reporting burden. However, the state is taking steps to collect the data starting in SY 2016-17.

ED Response

ED appreciates the state’s explanation of current methods for calculating chronic absenteeism. The data stewards in ED are concerned about high risk populations; the state comment would mean fewer students would be represented in the collection. ED declines to modify the collection as a result of the comment.

Public Comment

One state recommended adding grade level to the proposed collection.

ED Response

ED data stewards do not need data at the grade level and do not plan to use data by grade. The changes proposed by the state are declined to minimize reporting burden to only the data ED plans to use.

Public Comment

One state asked what additional funds are being provided to modify state data systems.

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.

Public Comment

One state asked for clarification about students who transfer to different schools.

ED Response

ED appreciates the question and will work with the data stewards to address technical reporting guidance in the policy guidance section of the file specification. States will have an opportunity to review a draft version of the file specification and can raise additional questions at that time.

Public Comment

One state asked if ED's intent was to count absences such as sports/internships/college visits in the numerator for chronic absenteeism.

ED Response

It is ED's intent for the new data group to be consistent with CRDC guidance on chronic absenteeism. States will have the opportunity to clarify unique situations when the technical guidance is presented in the draft file specification. Current CRDC guidance is available at the following link: <https://crdc.grads360.org/services/PDCService.svc/GetPDCDocumentFile?fileId=5473>

IDEA DATA ITEMS

Public Comments

One state noted that the proposed changes would eliminate the collection of previous year's 619 allocation for each LEA/ESA. However, eliminating the collection of previous year's 611 allocation for each LEA/ESA is not recommended. Please note that the increase in total Part B allocation by LEA/ESA is needed to determine if the LEA/ESA can take an adjustment to their maintenance of effort (MOE) expenditures that are available under §300.205 of the IDEA (i.e., MOE adjustment or flexibility). Additionally, clarification is needed concerning which 'Reference Year' should be used for reporting MOE compliance. The 'Reference Year' should

be a timeframe that would allow for the accurate reporting of data to USED and ultimately to Congress.

ED Response

The Department agrees with the commenter that there is a need for states to report the previous year's 611 allocation for each local educational agency (LEA) or educational service agency (ESA) that received an IDEA subgrant. The Department is not proposing to eliminate this data element. The Department is proposing to eliminate the reporting of the previous year's 619 allocation for each LEA/ESA since the increase in the 619 allocations from the previous year to the current year is not taken into consideration when calculating maintenance of effort (MOE) reduction under section 300.205. The Department is eliminating this data element to assist in clarifying the appropriate allocation increases to be used in the calculation related to MOE reduction under section 300.205.

The 'Reference Year' for reporting on the new MOE compliance data elements will align with the 'Reference Year' for the overall IDEA MOE Reduction and Coordinated Early Intervening Services (CEIS) data collection. For example, States would be required to report data on the following in the FFY 2016 MOE and CEIS data collection (due in May of 2018):

- FFY 2015 allocations
- FFY 2016 allocations
- SY 2016-17 MOE Reduction
 - Including data on the new MOE compliance data elements
- SY 2016-17 Required CEIS
- SY 2016-17 Voluntary CEIS

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/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 Comment

One commenter noted that the data collection for educational environment for children with disabilities, early childhood should more closely align with the same data for children with disabilities school age. To illustrate the discrepancy, they offered this example: a child, age 5 attends a regular kindergarten class and receives speech therapy twice a week in an office located

outside of the classroom. According to an example in the IDEA Data Center B6 Data Reporting Tools found at ideadata.org, this child would be reported as "attending a regular early childhood program less than 10 hours per week and receiving the majority of hours of special education services in some other location." If this same child was age 6 instead of 5, the child would be reported as Inside regular class 80% or more of day. Given that the structure of the placement setting reporting follows the continuum from least to most restrictive, this seems inconsistent. The 6-year old is reported in the least restrictive setting, while the 5-year old is not. They proposed that a child in a regular early childhood setting and receiving their services (e.g., speech) in a separate office at the same school should be reported as receiving the majority of hours of special education and related services in the regular early childhood program. The speech service IS part of their regular early childhood program. The program is designed holistically by the IEP team.

ED Response

The Department does not believe the proposed change in reporting categories for the Part B Preschool Educational Environment data is needed at this point in time. IDEA formula grants are delineated by age groups, instead of grades. Since the Part B 619 Preschool formula grants support services to children with disabilities ages 3 through 5, the data collected on these children needs to align with the ages associated with the formula grant.

The Educational Environments for Children with Disabilities – Early Childhood was developed recognizing that the regular education programs available for young children ages 3-5 are different than programs available for school age children. This data collection aims to capture the variety of regular early childhood program options that exist for children ages 3 – 5 as well as where special education and related services are delivered. A regular early childhood program is a program that includes a majority (at least 50 percent) of nondisabled children (i.e., children not on IEPs). This may include, but is not limited to the following:

- Head Start
- Kindergarten
- Preschool classes offered to an eligible pre-kindergarten population by the public school system
- Private kindergartens or preschools
- Group child development center or child care

KINDERGARTEN ENTRY ASSESSMENT

A total of 4 individual comments were received from 3 states.

Public Comments

One state noted that it has data to report, but the data will not be representative of all kindergarteners in the state due to a limited rate of school participation. Another state noted ongoing concerns about the use of KEA data to prevent kindergarten entry and to make high stakes decisions.

ED Response

As was noted in responses to the 60-Day comments, 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.

Public Comments

Two states noted that data may not be available in SY16-17 due to phased in implementation. In addition, one state raised questions about the data reporting requirements of the grant.

ED Response

ED appreciates the notification about data availability for the KEA. States will have an opportunity to explain data reporting anomalies (e.g., no data; partial data) as a result of phased-in implementation.

Each grantee will continue to work with the grant offices to provide data if and when it is required for grant monitoring purposes. All states will answer one policy question for this collection. Not all states are required to submit data. ED advises states to work with their grant project officer about KEA reporting requirements.

No changes to the data elements were proposed. ED appreciates the comments.

HOMELESS

Public Comments

A total of 17 individual comments were received from 5 states, 2 national associations and 1 Federal agency. Of the 17 comments, 5 were supportive and positive, 8 concerned clarification or caution but were supportive neutral, and 1 was negative. Questions included the technical aspects of reporting these students in a separate file and some concerns about the complexity of the calculations.

ED Response

The Department and program office will proceed with the data collection request for a 4-year and extended Adjusted Cohort Graduation Rate within each state and LEA; a homeless student chronic absenteeism count for schools and states; a reduction of the homeless SERVED data to only early childhood age groups; and the continuation of other data elements. In addition, technical assistance (TA) will be available to states. TA providers will consult with states that have implemented adjusted cohort graduation rates for homeless students when providing TA to states that have not previously collected the data.

Public Comments

There were 3 comments regarding the definition of homeless students used throughout the data collection documents. Commenters supported the inclusion of a standard definition of homelessness throughout *EDFacts* but notes that the definition currently included will be out of date as of December of 2016.

ED Response

ED concurs. Data Group 655 will be amended to eliminate “awaiting foster care placement” from the sheltered category of primary nighttime residence.

GENERAL EDUCATION PROVISIONS ACT (GEPA)

Public Comments

A total of 5 individual comments were received from 2 states. One state submitted responses to the original set of directed questions (60-day). The other state submitted one comment asking about the FSRS.

ED Response

Given the range of responses from states regarding the methods used to report data for GEPA and FFATA, ED is not confident that the collections are duplicative and will maintain the collection from the previous package.

In response to the question about FSRS, the Federal Funding Accountability and Transparency Act (FFATA) requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website. The FFATA Subaward Reporting System (FSRS) is the reporting tool Federal prime awardees (i.e. prime contractors and prime grants recipients) use to capture and report subaward and executive compensation data regarding their first-tier subawards to meet the FFATA reporting requirements. Prime contract awardees will report against sub-contracts awarded and prime grant awardees will report against sub-grants awarded. The sub-award information entered in FSRS is displayed on www.USASpending.gov.

MEAN SCALE SCORES AND STANDARD DEVIATION

One state provided a comment noting a preference to submit scale score data in a file format. Another state thanked ED for clarification about reporting levels in the prior response package. The state also noted that adding means and standard deviations will add some complexity to the preparation of the files. The state noted challenges to meeting the reporting requirements for SY 2016-17.

ED Response

ED appreciates the comments.

As a result of the elimination of funds for the School Improvement Grant program in the reauthorization of ESSA since the 30-day package was published, the Department is eliminating the following Data Groups from the collection package:

- DG816 Scale score mean table
- DG817 Scale score standard deviation table

The concerns about complexity and timing are resolved through the elimination of the two newly proposed data groups.

GENERAL

A total of 18 individual comments were received from 7 states on a variety of other issues.

Public Comment – *English Language Learner*

One state suggested ED change LEP to English Learner (EL) in Attachment B-3.

ED Response

ED will adopt the change when the changes from ESSA are finalized by ED and part of ED*Facts*.

Public Comment – *New LEP Category Set Suggestion*

One state suggested that ED add a category set for an unduplicated number of LEP students who are dually identified as students with disabilities at the time of the state annual English Language Proficiency (ELP) assessment.

ED Response

ED appreciates the suggestion but is declining to add a new category set to this package.

Public Comment - *AMAO*

One state suggested ED change AMAO reporting.

ED Response

ED appreciates the suggestion. ED is not making changes to AMAO reporting yet. ED will consider making changes, if necessary, after ED has fully analyzed implications of ESSA on data reporting requirements.

Public Comments – *Discontinued LEA level collection CTE*

One state thanked ED for eliminating LEA level files for Career and Technical Education. Another state noted that LEA level data will still be needed within the state to report SEA level data. One state noted that ED did not define "Advanced Training" in attachment B-3.

ED Response

ED is not using the CTE LEA level data. ED is committed to eliminating the state burden associated with preparing and submitting files that are not needed and are not used by ED. This also eliminates collection and storage tasks within ED.

Regarding "advanced training," there is no Perkins IV approved definition for the term. Under Section 113 of Public Law 109-270 (Perkins IV), it is solely the responsibility of the state for defining, maintaining, and disseminating their performance indicators.

Public Comment

One state suggested that ED replace the term "vocational" with "Career and Technical" throughout the collection.

ED Response

ED appreciates the suggestions and is modifying the Directory package terminology to reflect "Career and Technical" where it previously used "vocational." The terminology change is a text update only and does not imply a change in reporting burden or individuals reported within the groups.

Public Comment – *Baseline Indicator Status*

One state suggested that ED re-evaluate its decision not to impute data after a few cycles of submissions. The state suggested that ED determine if the data provided differs from the data that could be imputed reliably so the baseline indicator status collection could be eliminated.

ED Response

ED appreciates the suggestion for eliminating future data collection of DG752 by using imputation. ED will consider the suggestion in the future as a strategy to minimize reporting burden.

Public Comment – *OMB Package*

Two states suggested that attachments in future packages include track-changes for more efficient review.

ED Response

ED appreciates the suggestion and will consider the change in future packages.

Public Comment – *Costs to SEAs*

One state noted that it disagreed with ED's supporting document about cost to SEAs.

ED Response

ED appreciates the comment about the costs associated with reporting burden. ED has been as responsive as possible in the new package to maintain reporting stability, reduce known duplicative reporting, allow for efficient data submission methods, eliminate underused data files or files where the need no longer existed, and eliminate unused files at particular reporting levels. ED worked with grant programs to identified reporting flexibilities associated with various grant programs and raised numerous directed questions to allow states to respond to specific reporting efficiency questions. ED maintains that the reporting changes and new data elements associated with this package are balanced by the elimination of data and new reporting efficiencies proposed.