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

December 2012

ATTACHMENT E

ED*Facts* Data Set
Response to Public Comment

Table of Contents

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 November 13, 2012. ED received a total of 280 comments from 25 commenters. Most (a total of 278) comments came from a total of 23 state educational agencies (SEAs), one from a non-profit, and one from a state agency that was not the SEA.

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:

- Career and Technical Education
- Charter Schools and Authorizers
- Free and Reduced Price Lunch
- General Education Provisions Act (GEPA)
- IDEA
- Limited English Proficient
- Membership (including Tuition-in/out)
- Migrant Education
- Neglected or Delinquent
- Virtual Schools
- General Comments

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

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 comment prior to analyzing all comments. This documentation will aid in the finalization of this data clearance package and will serve to inform future policy decisions regarding ED*Facts*.

CAREER AND TECHNICAL EDUCATION

The paperwork clearance package posted during the 60-day public comment period did not propose any changes to the Career and Technical Education (CTE) data groups or data categories. One reviewer of the package offered a few suggestions.

Public Comments

One state recommended the following changes for FS082 CTE Concentrators Exiting, FS083 CTE Concentrators Graduates, FS142 CTE Concentrators Academic, and FS154 CTE Concentrators Graduation Rate.

1. Change the measurement definition in these files to align with the measurement definition used for annual measurable objectives (AMOs). For example, the state reports AMO measures on students who took the test. Whereas, the Perkins denominator definition for these measures are looking at students used in the State's computation of AMO, and who in the reporting year, left secondary education. Meaning that Perkins is looking at students' 10th grade assessment scores.
2. Change the reporting time period for CTE files to a later date to align with the AMO reporting timelines.

ED's Response

The specifications tell states to use the state AMO computation for CTE that is used for other students unless the state has negotiated a modified definition with OVAE for use in reporting. The state should use the computation method negotiated in the Perkins program that they manage and has been agreed to with OVAE even if that definition is different from the computation method used for other non-CTE students.

If the state wants to reopen the negotiation on definitions and computations for CTE students to modify it in some manner, that can be done after December 31, 2012, when the current reporting period ends.

The state should coordinate with the State CTE office to determine the computation methodology that was negotiated and must be used in reporting this year.

CTE CHANGES TO THE PROPOSED ED*FACTS* DATA SET

No changes are proposed at this time.

CHARTER SCHOOLS AND AUTHORIZERS

The paperwork clearance package posted during the 60-day public comment period proposed the creation of a Charter Authorizer Roster (or directory) through ED*Facts* that would require the

creation of new data groups and changes to existing data groups. Additionally, the package included the following directed question:

Directed Question #1: ED has added the collection of directory information on charter school authorizers. Identification numbers will be needed to facilitate the collection of this directory information. Do states assign unique identifiers for charter authorizers that could be used in the Charter Authorizer Roster, or would SEAs prefer that ED create a unique ID system for Charter Authorizers?

A total of 17 states commented on the proposed creation of a Charter Authorizer Roster. No state expressed opposition to the collection of charter authorizer data. Two states expressed support. Two states commented that they do not have charter schools. The specific comments fall into three areas:
  * Requests for clarification on the proposed collection of Charter Authorizer or other charter data
  * Expression of ability or support for using unique identifiers assigned by the SEA
  * Expression of support for using unique identifiers assigned by ED
The comments are summarized below, along with ED's responses.

Requests for Clarification on the Collection of Charter and Charter Authorizer Data
A total of 5 SEAs requested additional information to understand the proposed change to collection of charter school and charter authorizer data and how it will impact states.

Public Comments
One SEA asked if the intent of giving charter authorizers a unique identifier is to be able to distinguish them from other districts.

ED's Response
The intent of collecting a unique identifier on charter authorizers is to be able to link charter schools reported in the ED*Facts* directory to the appropriate entity serving as a charter authorizer. As public interest in charter schools continues to grow, ED is seeking to collect information that will promote better use and analysis of charter school data. In some states, the charter authorizer may also be the local educational agency in which the charter school is located, but this is not true for all states.   We expect to collect the charter authorizer data in a new file, and we will add a field to the school-level directory file that will allow states to report the charter authorizer ID for schools flagged as charter schools.

Public Comments
Several SEAs asked for guidance in determining which entity is the charter school authorizer. One state asked if the entity submitting a charter would be considered the charter authorizer. One state uses a two-fold authorization in which the local board of education authorizes a charter school in the district and the State Board of Education gives final authorization. In this instance, which would be considered charter authorizers and would they need identifiers separate from those which already exist for the local educational agency (LEA) and the SEA?
ED's Response

The charter authorizer is the entity under state law that can authorize or create a charter school. Depending on the state, the charter authorizer may be the entity that is a party to the charter contract, oversees the application process, performs oversight and monitoring, and/or reviews charters for renewal/non-renewal. Whichever entity is primarily responsible for those duties would be the entity that SEAs should submit as the authorizer. In the two-fold situation stated above, if the local board of education isn't an actual entity per se, then the school district the local board of education governs will be the authorizer. ED will provide guidance in the file specification for how to determine which entity to report as the charter authorizer in cases where there may be multiple entities involved in authorizing charter schools.

For ED's Response to whether existing LEAs would need new identifiers, please see discussion of Unique Identifiers on Page E-8.

Public Comments
One state requested clarification on how a single district SEA that is not a charter district would indicate a charter authorizer.

ED's Response
If the district is not the authorizer, then the charter schools within the district must have some type of authorizing entity. The entity that authorizes and oversees the charter schools would be the charter authorizer.

Public Comments
One state suggested that the changes to the directory file FS029 be limited, and requested additional information on how the file will change as proposed in the package.

ED's Response
ED expects that the authorizer roster will be a separate file from FS029. Starting in SY 2012-13, ED will begin collecting DG653 Charter school LEA status (permitted values provided below) in FS168. This data group will be moved to the LEA level directory starting in SY 2013-14. At the LEA level, instead of the yes/no for charter status, there will be options for
- NA – State does not have charters or state does not permit charter LEAs
- Not a charter district – State has charter LEAs but this LEA is not a charter LEA.
- Charter district which is an LEA for programs authorized under *IDEA, ESEA* and *Perkins*
- Charter district which is an LEA for programs authorized under *ESEA* and *Perkins* but not under *IDEA*
- Charter district which is an LEA for programs authorized under *IDEA* but not under *ESEA* and *Perkins*
- Charter district which is not an LEA for any federal program

The only other addition to the directory file would be a requirement for SEAs with charter schools to submit the unique charter authorizer identifier for each charter school.

Public Comments
One state asked if the listing of DG27 in Attachment B-1 is the same as DG29 Charter Status.

ED's Response
Please excuse the error. The correct reference is DG27 Charter Status. This correction has been made in the current package.

Expression of Ability or Support for Using Unique Identifiers Assigned by the SEA
Public Comments
A total of seven SEAs commented that they have a unique identifier for charter authorizers. Six of the SEAs expressed a preference to continue using the identifier they assign versus an NCES ID for charter authorizers. One state did not express a preference for using a state-assigned identifier or one assigned by NCES.

Two states have charter authorizers that are education entities that already have a unique identifier assigned by ED via NCES or IPEDS. Three states use a state-created unique identifier. One state suggested prefacing the unique identifiers with its FIPS code to identify the charter authorizers with that state.

Changing the charter authorizer unique identifier for these states would result in additional burden to states by requiring them to create a new element in their data systems.

ED's Response
See below.

Expression of Support for Using Unique Identifiers Assigned by ED
Public Comments
A total of three SEAs expressed support for NCES creating and maintaining a charter authorizer identifier. One state shared its preference that the unique identifier be based on existing NCES codes. Two of the SEAs said the addition of a unique identifier for charter authorizers would result in little to no added burden.

ED's Response
Given state responses, ED will use SEA-assigned unique identifiers for charter authorizers. If the authorizer is a LEA, the NCES-assigned LEA ID may be used as the charter authorizer identifier. ED will preface the submittedidentifiers that are not the NCES-assigned LEA ID with the state's two-digit ANSI code to ensure that the identifiers in the charter authorizer roster are unique.

CHARTER AND CHARTER AUTHORIZER CHANGES
TO THE PROPOSED ED*FACTS* DATA SET

ED will not collect the proposed data group named Charter school authorizer identifier (NCES). Instead, it will collect the data group for the state-assigned charter authorizer ID. There are no other edits to the proposed changes to the charter related data.

FREE AND REDUCED PRICE LUNCH

ED proposed the addition of three new Free and Reduced-Price Lunch-related data groups that measure: 1) whether a school is working under a school lunch program and, if so, which provision (NSLP Status), 2) how many lunches are actually served to free and reduced-price lunch eligible students (Lunches Served), and 3) the number of students who are directly certified to be eligible for free and reduced-priced lunches (Directly Certified).   Eighteen states submitted approximately 45 comments on these new data groups.

GENERAL COMMENTS

Public Comments
Four states provided general comments concerning the changes in the National School Lunch Program (NSLP) and the impact of those changes on Free and Reduced Lunch Eligibility data. One state noted that the state's department of agriculture administers the school lunch program rather than the SEA; however, the data requested for the new data groups would be available from that department. All three states commented on the additional burden on states for submitting these new data, and expressed concerns about the continued use of free and reduced price lunch data as a measure for economically disadvantaged students.

ED's Response
ED appreciates all of the comments received. As noted below, two of the three new proposed data groups will not be collected based on public comments received. In addition, ED will continue to research alternatives to free and reduced price lunch data as a measure for economically disadvantaged students.

NSLP STATUS

Ten states submitted comments regarding the NSLP status. One state commented that these data were available and could be reported. Other comments fell into the general categories listed below.

Permitted Values
Public Comments

Three states requested further clarification on "traditional requirements" within the permitted value "Yes, participating using traditional requirements for annual determinations of eligibility for free and reduced-price lunch."

ED's Response
"Traditional requirements" refers to schools' annual determinations of individual students' eligibility for FRPL, typically by means of a letter or questionnaire sent to the students' homes. ED will be changing the wording of the proposed permitted values to provide greater clarity.

Reporting Period
Public Comments
Two states expressed concern about the reporting period of October 1st for this data group, due to eligibility verification taking place during the month of October.

ED's Response
ED understands this concern and agrees that the reporting period should be moved to a later date, which will be October 31st.

Qualifying FRPL Programs
Public Comments
Two states inquired about the breakfast program, which can cause schools to have multiple provisions, one for lunch and one for breakfast. Also, one state asked whether feeding sites would be included.

ED's Response
ED is only concerned about the lunch program and what provision (if any) is based on the lunch program. These data will only be collected for entities that fit the definition of a "school" and are listed in the ED*Facts* directory and have membership.

Justification
Public Comments
One state requested an explanation of the benefit to ED in collecting this information.

ED's Response
This information will provide a better understanding of the reliability and accuracy of the submitted data for DG565, Free and reduced price lunch table, by understanding how students in the schools are deemed eligible.

NSLP STATUS CHANGES TO THE PROPOSED ED*FACTS* DATA SET

The proposed permitted value "Yes, participating using traditional requirements for annual determinations of eligibility for free and reduced-price lunch," is replaced with "Yes, participating without using any Provision or the CEO," where "the provisions below" refers to Provisions 1, 2, and 3

and "CEO" is the Community Eligibility Option of the NSLP. The reporting period will be changed to October 31st.

FRPL LUNCHES SERVED

Fourteen states submitted comments regarding the proposed collection of number of free or reduced-price lunches served.

Public Comments
Public comments submitted on this proposed data group mentioned the following concerns and recommendations:

- The general unavailability of these data in state data systems resulting in significant burden on states as well as the questionable quality of any data that would be reported.
- Requests for clarification and/or suggestions made on the definition for this new data group. In particular, one state suggested the definition provide clarity on whether it is measuring all students eligible or only students eligible due to direct certification. Another state suggested the definition be broadened to include any student eligible, regardless of direct certification.
- Recommendations to change the reporting period to a later date (and one that is not an entire month) so as to obtain more accurate and reliable counts.
- Requests for an explanation of the purpose of collecting these data. It was noted that if schools are operating their school lunch program under the CEO, then all students would be given a free meal even though not all students are eligible for free meals, thus these counts will not accurately reflect the true number of students in poverty.

ED's Response
Based on public comments received, ED has decided not to collect this data group as it appears the collection would place a significant burden on states and would not result in consistent data reported by states,

FRPL LUNCHES SERVED CHANGES TO THE PROPOSED ED*FACTS* DATA SET

This proposed data group will not be included in the ED*Facts* data set.

DIRECTLY CERTIFIED STUDENTS

Fifteen states submitted comments regarding the proposed collection of number of students who have been directly certified to be eligible for free and reduced-price lunches.

Public Comments

Several states requested clarification on which students should be included in these counts. For example, one state has access to the count of students who have been directly certified via SNAP, but not for TANF. Other states inquired whether migrant students, homeless students, or students with medical assistance whose income meets the criteria for free meals are included. Another state indicated it is not able to determine any student who is eligible as a sibling via the extension of direct certification.

States also commented that the reporting period suggested is not appropriate and a later date would lead to more accurate and reliable counts.

Several states indicated they either do not directly certify based on TANF, or their LEAs collect direct certification (not the schools), thus it is not in the state's student information system.

ED's Response
Based on public comments received, ED believes that the states do not have sufficiently consistent data available to report on this data group, and therefore, we will not be adding this proposed data group to the ED*Facts* data set.

DIRECTLY CERTIFIED STUDENTS CHANGES TO THE PROPOSED ED*FACTS* DATA SET

This proposed data group will not be included in the ED*Facts* data set.

GENERAL EDUCATION PROVISIONS ACT (GEPA)

The paperwork clearance package posted during the 60-day public comment included four directed questions (Directed Questions #2-5) concerning the possibility of discontinuing the collection of DG547 Federal programs funding allocation table. ED received responses from 17 states to these four questions. A summary of states' comments and ED's responses follow.

DIRECTED QUESTION #2 REPORTING THROUGH FSRS

The public was invited to respond to the following question:

Directed Question #2: 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

- Seventeen states submitted a total of 17 comments in response to directed question #2.
- Fifteen states currently do not report awards of less than $25,000 through the FSRS; one state reported that it reports awards of less than $25,000 through the FSRS and one state reported that some programs report through FSRS while others do not.
- Twelve states reported there would be no barrier to reporting these awards through FSRS.
- Four states raised the following specific concerns about burden:
    o One state indicated that there would be a burden if the question is interpreted to include awards to vendors that are less than $25,000.
    o One state noted that small sponsors would have to get a DUNS registration which is a challenge and the small sponsors would most likely opt of the program as a result.
    o One state pointed out that FSRS requires that each entity have a DUNS number with a nine-digit zip code that corresponds to a congressional district, but the data the state pulls from the Educational Entity Master is often incomplete. In many cases, the correct zip code is found by manually searching the US Postal Service website. The DUNS/zip code error often persists, resulting in a request for assistance on the Federal Service Desk (FSD) website which subsequently results in more delays. For a report that requires monthly updates, this level of technical support hinders timely reporting. In addition, when submitting a batch upload in FSRS, the website frequently shows that an upload is in process, but never gives a confirmation that the report has been submitted. This requires staff to check the activity log to see if that report was actually submitted successfully. Frequently, there is no record (successful OR unsuccessful) of an approval in the activity log, even after waiting a reasonable time. As a result, staff have to attempt to resubmit the same information again. Once a report actually shows up in the log as being submitted successfully, there is no mechanism to actually prove that the system accepted the exact data that was submitted. In a reporting system like FSRS, there should be e-mail confirmations, and users should be able to pull up a PDF of what was submitted.

ED's Response
See the response to Directed Question #5.

DIRECTED QUESTION #3: REPORTING SUBGRANT DATA VIA FSRS VS. EDFACTS

The public was invited to respond to the following question:

Directed Question #3: 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
- Seventeen states submitted a total of 17 comments in response to directed question #3.
- Eight states are not aware of other differences in how their SEA reports subgrant data to FSRS vs. ED*Facts*; nine states are aware of differences that would impact the quality and completeness of the data available to ED to meet its statutory obligations under GEPA.
- Six states commented on the differences in the information collected by FSRS versus ED*Facts*. FSRS collects its data at the beginning of the 27 month award period while ED*Facts* collects its data at the end of that period. As a result, FSRS only contains information on the award amount. EDFacts contains information on the actual award distribution, as well as information on amounts that went unallocated, distributed to non-LEAs, transferred to other state agencies, and retained. One state felt that due to these differences, ED*Facts* was more accurate.
- In addition, two states mentioned concern regarding DUNS numbers. One state indicated that GEPA does not require DUNS numbers, zip codes, or congressional districts and that USED requiring these fields will result in the state modifying their system. One state is concerned about how to handle non-LEAs and their lack of DUNS numbers.
- One state would like to see the FSRS system issues mentioned in the first GEPA directed question to be improved prior to expanding reporting on FSRS.

ED's Response
See the response to Directed Question #5.

<div align="center">DIRECTED QUESTION #4: ANTICIPATED IMPACT</div>

The public was invited to respond to the following question:

Directed Question #4: Do you anticipate any negative impact on your SEA's collected 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
- Seventeen states submitted a total of 18 comments in response to directed question #4.
- Twelve states do not anticipate any negative impact on their collected and use of subaward data if ED were to eliminate the EDFacts reporting requirement and fulfill its GEPA Section 424 obligations through data reported to FSRS; three states do anticipate negative impact and one state did not know.

- One state indicated that there will be no issues if the amount awarded is the only piece of data ED is looking for. In addition, the state is having a very difficult time getting and validating the data from their program areas. The file is often submitted late and incomplete. Out of all of the ED*Facts* files, this is the most difficult for a state to gather data. It would be helpful if this file was no longer an ED*Facts* reporting requirement.
- One state has experienced many challenges when entering data into FSRS.   For example, there are times when the system is heavily used and cannot accommodate additional users. Also, uploading large amounts of data has been problematic. There is a lack of assistance provided to our agency when these problems occur.   The state supports the consolidation of these 2 collections only if problems with the FSRS system can be addressed and corrected.
- One state is in the process of developing its FFATA reporting system.

ED's Response
See the response to Directed Question #5.

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DIRECTED QUESTION #5: GEPA BURDEN

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The public was invited to respond to the following question:

Directed Question #5: 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
- Seventeen states submitted a total of 17 comments in response to directed question #5.
- Twelve states fully support the elimination of the EDFacts reporting requirement (FS035, DG547) in lieu of relying on the FSRS data to fulfill its GEPA Section 424 requirements; one state does not support its elimination; one state indicated it does not matter either way; three states support the elimination only if their concerns are resolved.
- The states in support of the elimination noted that the elimination will reduce burden by freeing up staff.
- One state does not support the elimination, as the burden with the reporting is not with EDFacts but with GEPA. The state would prefer a single annual report closer to the end of the fiscal year.

- Two states commented on the reporting challenges when entering data into FSRS and would support the elimination if the FSRS system issues were resolved.
- One state commented that prior to eliminating the EDFacts file, the state would want to make sure their internal data are ready for successful submission of FSRS.
- One state supports the elimination of the EDFacts file, but noted that the EDFacts reporting does not represent a large reporting burden, whereas FFATA does represent a large and growing reporting burden. The state supports the elimination as it would result in not having to double report.

ED's Response

The issues raised in response to all four directed questions on GEPA warrant further discussion within ED prior to any decision is made regarding the elimination of the EDFacts reporting requirement in lieu of relying on FSRS data to fulfill the department's GEPA Section 424 requirements. Therefore, ED will continue to collect DG547 in ED*Facts* until ED has

(1) been able to determine the comparability and relative quality of the data in ED*Facts* versus FSRS (we expect to be able to conduct this analysis with FY2011 data),

(2) made further investigation into the functionality of FSRS, and

(3) determined how data could be transferred from FSRS into ED*Facts*.

GEPA CHANGES TO THE PROPOSED ED*FACTS* DATA SET

No changes are proposed at this time.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

The paperwork clearance package posted during the 60-day public comment period included several directed questions regarding the collection of data for IDEA Section 618. A total of 16 states submitted comments related to IDEA section 618 directed questions below. Eleven of the states commented on each of the three questions; three states commented on two of the directed questions; two states each provided a single response to collectively address the collection of IDEA Section 618 data. One state also submitted a comment related to IDEA discipline data.

States' comments and ED's response to them are included, below, in the following sections:
- Directed Question 6: Creation of a Separate School Level File Specification
- Directed Question 7: Auto-calculation of Subtotals
- Directed Question 8: Maintenance of Effort/Continuing Early Intervening Services
- IDEA Discipline Data

DIRECTED QUESTION #6:
CREATION OF A SEPARATE SCHOOL LEVEL FILE SPECIFICATION

The public was invited to respond to the following question:

Directed Question #6: ED is considering creating a separate file specification for reporting children with disabilities (IDEA) at the school level. Currently states report their data in FS002, Children with Disabilities (IDEA) School-Age, at all three educational levels (i.e., SEA, LEA, and School). School level data are used in the Civil Rights Data Collection (CRDC); SEA and LEA level data are used by the Office of Special Education Programs (OSEP). Would it be more or less burdensome for states if ED split off the School level into a separate file?

Burden
Public Comments
A total of eight states expressed their concern about splitting off the school level child count in a separate file specification from the SEA and LEA levels. These states reported that the proposed change would increase rather than decrease the burden, as it would require the SEA to rewrite programming code, create additional business rules, change data governance, and accrue additional contracting costs. One state shared that such a change would also require changes to its longitudinal data system (LDS).

Five states expressed neutral views about the proposed change saying that maintaining the file specifications as currently written or splitting off the school level would "be fine" and create no additional burden.

One state thought that splitting off the school level into a separate file would be less burdensome for the SEA. Another state noted that if the proposed new file specification maintained the current file structure, the additional burden would be minimal.

ED's Response
ED appreciates the responses. Based on the feedback received through this public comment process, we have decided to maintain the current structure of FS002. Please note that reporting instructions for SEA and LEA level data will continue to be stewarded by OSEP; reporting instructions for school level data will continue to be stewarded by OCR. The instructions may differ, depending on the reporting level and stewarding office, but the data elements that are reported in FS002 at the SEA, LEA, and school level will be consistent.

DIRECTED QUESTION #7: AUTO-CALCULATION OF SUBTOTALS

The public was invited to respond to the following question:

Directed Question #7: ED is considering the deletion of the reported subtotals and instead auto-calculating the subtotals. As an example in FS002, ED is proposing to delete all of the seven subtotals currently required for submission by the states. Do states believe that the quality of their IDEA 618 data submissions at the SEA and LEA levels will remain the same if the subtotals are auto-calculated instead of reported?

Burden
Public Comments
One state indicated that it would be more burdensome if ED eliminated the required subtotal reporting. It stated reasons similar to those cited in Directed Question #6 above.

Two states expressed no preference. Eight states reported that the quality of their data would remain the same whether the subtotals were reported or auto-calculated. One state uses the reported subtotals as one means to ensure data quality; another state uses the reported subtotals as validation checks and would continue to run the subtotals for that purpose; another state expressed concern that if the reported subtotals were eliminated it would no longer have the subtotals to use as data checks.

Two states indicated that eliminating the reported subtotals and replacing them with auto-calculated values would reduce their reporting burden. Both of these states said such a change would not impact their data quality.

ED's Response
To allow maximum flexibility, ED will allow states to either report subtotals or not report subtotals in FS002. This will allow states the choice to maintain their current coding and procedures. States will no longer be required to submit subtotals for FS002. For states that choose to submit subtotals in FS002, the reported subtotals will not be used by OSEP for data quality and public reporting purposes.

The auto-calculated subtotals will be derived from the detailed counts reported in FS002 based on the same calculations previously used in the business rules. We will not have data quality checks that evaluate the relationship between the detailed counts and the subtotals; however, data quality checks may be used to evaluate the relationship among auto-calculated subtotals and grand totals.

DIRECTED QUESTION #8:
MAINTENANCE OF EFFORT/CONTINUING EARLY INTERVENING SERVICES

The public was invited to respond to the following question:

Directed Question #8: ED is considering adding two new data elements to the Maintenance of Effort/Continuing Early Intervening Services. What benefits will be realized by having this information publicly available? How will states and the public use the information reported through these new data elements on significant disproportionality and CEIS? What challenges do states anticipate in submitting these data through EMAPS?

Burden
Public Comments
None of the commenting SEAs supported the public reporting of the state definition of significant disproportionality and calculation of CEIS. Seven states did not consider it beneficial

to publicly report their state definition of significant disproportionality and the calculation of CEIS. A majority of commenters stated that these data are already available on their state web sites or other state documents including their IDEA State Performance Plan (SPP) and Annual Performance Report (APR). Five states indicated that the proposed additional information would be an increased reporting burden. Several respondents questioned how the proposed new information would be useful to the public. One state expressed concern that this information could potentially be confusing to the public as to why an LEA was identified. One state questioned the statutory basis for collecting this additional information.

Three states expressed no objection to reporting the additional information related to MOE and CEIS.

ED's Response
ED believes that collecting and publicly reporting this information related to CEIS will increase transparency and public awareness around significant disproportionality. Though ED agrees that reporting the new data elements associated with CEIS may in some states increase burden, we believe the increase will be nominal. States should already be using the information needed for the proposed data elements to conduct their analysis for significant disproportionality. Though some states voluntarily report this information related to significant disproportionality to the public, it is not routinely collected from or reported by all states. OSEP offers states the opportunity to submit data notes to further explain a state's data to potential users.

Submission of Data
Public Comments
Two states emphasized the need to be able to upload information into the data collection tool rather than manually input it.

ED's Response
ED agrees that the data collection in EMAPS will need to allow states to enter one or more categories under which an LEA is identified for having significant disproportionality. ED is working with contractors to examine the possibility of a file upload feature for the submission of these data.

ED will explore the possibility of implementing the commenter's suggestion to collect the definition of significant disproportionality in the State Supplemental Survey-IDEA, which collects metadata related to the IDEA Section 618 collections.

IDEA DISCIPLINE DATA

Public Comments
One state submitted a comment on IDEA discipline data. Disciplinary action is required for all firearm incidents. The state has some incidents where no disciplinary action occurred.

ED's Response
ED is not proposing changes to the IDEA discipline data for SY 2013-14.

IDEA CHANGES TO THE PROPOSED ED*FACTS* DATA SET

ED will allow the reporting of subtotals on an optional basis in FS002. All other proposed changes to the IDEA portion of the ED*Facts* data set will be maintained.

LIMITED ENGLISH PROFICIENT

The paperwork clearance package posted during the 60-day public comment period proposed removing the school level collection from DG123, LEP students in LEP program table, and adding a school level collection to DG678, LEP enrolled table. Three comments were received on this change. In addition, one comment was received concerning ED's use of "home" vs. "native" language in the language category used in DG678 and DG519, Immigrant table.

Changes to School-Level Collections
Public Comments
One SEA asked whether the definition for DG678 will change for the new school level file that has been moved from DG123. Two SEAs commented that the new school-level file will be due during a busy period in the reporting year, and one SEA confirmed that they are able to report school-level data for DG678.

ED's Response
ED's rationale for the change and the definitions for DG678 and DG123 is grounded in improved data usage. DG123 is currently collected at the SEA, LEA, and school levels for use by the National Center for Education Statistics (NCES). NCES currently uses only the SEA- and LEA-level data. In addition, ED is receiving increased requests for school-level data for Title III data groups. To collect more useful data, ED has moved the school-level count of LEP students from NCES DG123 to Title III DG678.

The definitions of DG678 and DG123 will remain unchanged. DG678 will continue to collect a cumulative school-year count of all LEP students enrolled, while DG123 will continue to collect an October 1 count of LEP students enrolled in English language instruction educational programs designed for LEP students. The definition for DG678 will be the same at all three levels (SEA, LEA, and school).

While the due date for the school-level file for DG678 will occur during a busy period in the reporting calendar, the due date is seven months later than the school-level file for DG123 that is being eliminated. In addition, the new file will result in more usable data.

'Home' vs. 'Native' Language
Public Comment
One SEA asked about the status of changes they have been expecting to the language category used in ED*Facts* DG678 LEP enrolled table, and DG519 Immigrant table.

ED's Response
Based on the comment received, ED has revised the language category used in DG678 and DG519 to align with statutory definitions of native language. The revised definition is:

(11) NATIVE LANGUAGE- The term native language means —
(A) the language normally used by such individual; or
(B) the language normally used by the parents of the child or youth.

This definitional change will not require SEAs to revise their data collection systems. SEAs that currently report the home language of LEP and immigrant students may continue to do so, as allowed under option B in the definition above. States that wish to report the language normally used by the student may now do so under option A.

LEP CHANGES TO THE PROPOSED ED*FACTS* DATA SET

ED has replaced the "Language (Home)" category with "Language (Native)" for DG678 and DG519.   Reporting at the school level has been removed from DG123.   Reporting at the school level has been added to DG678

MEMBERSHIP
(INCLUDING TUITION-IN/OUT)

The paperwork clearance package posted during the 60-day public comment period proposed several changes to the membership data reported in the Common Core of Data (CCD). Several of those changes related to the collection of data related to free and reduced price lunches (FRPL). Comments and responses to those changes can be found in the section above titled, "Free and Reduced Price Lunch." This section summarizes the comments for membership data in three other areas and their respective sub-areas:

- Grade 13: The proposed change to the permitted value Grade 13
    o Definition of Grade 13
    o Current Reporting Practices
    o Burden

- Tuition-in / Tuition-out: The proposed change to determine the number of students tuitioned-in or -out of an LEA
    - o Clarification of Proposed Data Groups
    - o Burden
    - o General Recommendation
- Military Connected Student Identifier: A suggestion that student membership include an indicator for military dependent students

A total of 14 SEAs and one non-profit submitted comments regarding non-FRPL membership data. The comments are summarized, below, and are followed by ED's response.

GRADE 13

The paperwork clearance package posted during the 60-day public comment period proposed changing the permitted value "13/Postgraduate" used in several of the Grade Level and Grade/Age data categories to "Grade 13." An additional data category that uses the amended permitted value was also created. The purpose of the proposed change is to better account for students who remain in high school beyond grade 12 to jointly complete high school and college credit courses.

A total of nine SEAs submitted comments regarding the proposed change to the Grade 13 permitted value in one or more of the following topics:
- Definition of Grade 13
- Current Reporting Practices
- Burden

Definition of Grade 13
Each of the nine SEAs commented on the definition of Grade 13. Three of the states confirmed their understanding of the proposed Grade 13 and how it would be applied. Seven of the states requested additional information.

Public Comments
Four states requested that a definition be provided for the Grade 13 permitted value. Two states asked for clarification on what "satisfied grade 12 requirements" means, and whether it is equivalent to earning a high school diploma.

One state requested clarification regarding which students would be counted as "Grade 13." For example, would students have to be taking both high school and college courses to be counted or could they be high school students taking only college courses? Is the count of a student as "Grade 13" dependent on whether he or she is taking the college course at the college? Do all college credit courses, such as AP courses count as college courses?

One state commented that the current "Grade13/Postgraduate" permitted value seems to apply to students bridging between high school and post-secondary education while the proposed "Grade 13" permitted value seems to apply to students who need an additional year to meet high school requirements. If this logic holds true, the state asks whether "Grade 14" and "Grade 15" permitted values are needed for students who take six or seven years to graduate.

ED's Response

The proposed change to the permitted value "Grade 13" is to clearly differentiate among high school students who are beyond grade 12 status. ED has crafted definitions, as noted below, to describe students in the following situations: grade 13, ungraded, and adult education. ED believes that the new definitions of these permitted values are mutually exclusive and will more accurately describe the student population. For purposes of determining which students are counted as Grade 13, note that a student who has "completed grade 12" means a student who has successfully completed his or her grade 12 school year, and does not necessarily mean a student who has completed his or her academic requirements for graduation.

For the SY 2013-14 data collection, we plan to:

a. Modify section 2.1 of the file specifications for FS052 – Membership, to change the current definitions for grade 13 and adult education and to add a definition for "ungraded". The revised definitions are to read as follows.

> **Grade 13**: This grade label is used to designate high school students who are enrolled in programs where they can earn college credit in an extended high school environment, or CTE students in a high school program that continues beyond grade 12. All students reported under grade 13 must have completed grade 12.
>
> The following students are <u>not</u> counted under grade 13.
>   i. Students who are repeating grade 12.
>   ii. Dual credit students who have not completed grade 12; they should be counted in the grade to which they are assigned.
>   iii. Students pursuing certification in a career and technical education (CTE) program while in high school (grade 12 or below); they should be counted in the grade to which they are assigned.
>   iv. GED participants; they should be counted under adult education (AE).
>
> **Adult Education (AE):** This grade label is used for those LEAs and schools that provide adult education programs. It includes career and technical education (CTE) students who have completed grade 12 and are not enrolled in a high school program. GED program participants are also counted under Adult Education.

> **Ungraded (UG):** This grade label is used for an individual assigned to a class or program that does not have standard grade designations.
> This may also include:
> a. Students who remain enrolled in school after completing high school in order to earn additional high school credits,
> b. Students with disabilities (IDEA) who are continuing with their education, in accordance with their IEP, and who have completed grade 12.

a. Modify the guidance on Grade 13/AE in section 2 of the file specifications for FS039 – Grades Offered to read as follows.

> What is the difference between Grade 13 and AE?
>
> The grade designated "13" (Grade 13) is included for those LEAs or schools that offer a specific program, related to earning post-secondary credit, a CTE degree, or CTE certification, that extends beyond the traditional 4 grade high school structure. The AE (Adult Education) designation is for Adult Education programs. These programs are usually for students who have dropped out and returned to school or entered an Adult Education (GED preparation) program.
>
> The objective is for all reporting to be consistent. Where the SEA has specific definitions for Grade 13 and/or Adult Education, the SEA should include this information in the new explanation field so that users of ESS data have access to information on the SEA's definition of Grade 13.
>
> Please note that ESS is not trying to expand the scope of its data collection beyond pre-K through 12 levels. Some program areas include adult education as part of their reporting and therefore those "grade" designators are available for those programs only. Adult education programs as a rule are not reported for this collection unless they are specifically included in a program area.

b. Modify the CCD to include the above definitions.

c. Add "grade 13" as a permitted value in the following files:
   - Membership table (DG39, FS052)
   - Dropouts table (DG326, FS032)
   - Students involved with firearms (DG596, FS086)
   - LEP enrolled (DG678, FS141)
   - Title III LEP students served (DG648, FS116)
   - Homeless served (DG560, FS043)
   - Homeless enrolled (DG655, FS118)

Additionally, the following information provides further clarification. The grade 13 designation is not dependent on where classes are taken. What is essential is that the student is still enrolled in high school, beyond grade 12, and taking courses for college and high school credit. Other students earning dual credits or AP credits should be designated in the grade to which they are assigned.

The grade 13 designation is intended for students who stay in high school for more than four years to participate in a program that bridges the high school and college degree earning experience such as an early or middle college program. The grade 13 designation is not to be used for students who are repeating courses to meet high school requirements, and are not enrolled in college courses.   Such students should be reported as grade 12 students – or whatever grade it is that they are repeating. Given this logic, it is not necessary to have a "Grade 14" or "Grade 15" permitted value.

Public Comments
Two states made comments regarding which data groups would use the Grade 13 permitted value. One state recommended that the proposed permitted value be used throughout the ED*Facts* Data Set and not just for select data groups. Another state asked ED to identify all data groups that would use the permitted value and noted Attachment B-4 suggested the permitted value Grade 13 would only be used for the following data groups:
- DG560 Homeless served (McKinney-Vento) table
- DG655 Homeless students enrolled table
- DG39 Membership table
- DG326 Dropouts table

ED's Response
The permitted value Grade 13 would be used in the Grade Level (Membership), Grade Level (Basic w/13), Age/Grade (All), and Age/Grade (Basic) categories, which will only be used in the following data groups and files at this time, as documented in Attachment B-4:
- Membership table (DG39, FS052)
- Dropouts table (DG326, FS032)
- Students involved with firearms table (DG596, FS086)
- LEP enrolled table (DG678, FS141)
- Title III LEP students served table (DG648, FS116)
- Homeless served (McKinney-Vento) table (DG560, FS043)
- Homeless students enrolled table (DG655, FS118)

ED acknowledges that the permitted value Grade 13 may become applicable to additional data groups within other program areas in the future.   As federal program requirements change, ED will be in position to consider the use of the Grade 13 permitted value in response to new requirements.

Current Reporting Practices
Four states provided insight on their current reporting practices for students who remain in high school beyond grade 12. A summary of those reporting practices and any related questions submitted by the states are included below and followed by ED's response.

Public Comments
Two states reported that they do not track students who remain in high school after receiving their high school diploma. One state reports students as postgraduates if they return to high school after receiving a high school diploma. This state would like to know whether "Postgraduate" will still be a permitted value. Two states mentioned having five-year programs for students to receive both a high school and college degree simultaneously. Both states commented that the proposed "Grade 13" permitted value would not apply to students in such programs since the students have not completed their high school requirements but are still taking at least one high school course during their fifth year.

ED's Response
As proposed in Attachment B-4, "Postgraduate" will no longer be a permitted vale for age/grade categories. If a student returns to high school after receiving a high school diploma, he or she would be counted as ungraded (UG) or participating in adult education (AE), as described in an earlier response. IDEA students who are continuing with their education, in accordance with their IEP, and who have completed grade 12 should be designated UG unless they are participants in a program to earn college credits.

The grade 13 permitted value has been proposed particularly for states having five-year programs for students to receive both a high school and college degree simultaneously. With the grade 13 designation, ED is seeking to identify students in the 5th year of a five-year high-school/college degree program. The guidance that grade 13 students have "satisfied grade 12 requirements" is intended to make clear that a student is not repeating grade 12, and is progressing as expected in their program. ED would welcome suggestions for a clearer definition.

Burden
Three states commented on impact the proposed "Grade 13" permitted value would have on their data reporting. Their comments and ED's response follow.

Public Comments
Two states commented that the proposed change would add additional reporting burden. One state observed that the permitted value would apply to few students and would require much work to report. The other state commented that it would be unable to complete the necessary programming and training required for including the permitted value for SY 2013-14.

One state suggested that the current permitted values be retained and flags be added to capture students who need additional years to graduate grade 12.

ED's Response
ED does not agree that the proposed changes to the Grade 13 permitted value will result in significant additional reporting burden since the states which will utilize it are already collecting membership data on grade levels. It is anticipated that the Grade 13 permitted value will only be used by a subset of states that have a secondary to postsecondary education bridge program for which they are already collecting data, thus, requiring no additional data collection. The addition of the Grade 13 permitted value to ED*Facts* does not mandate its use by all SEAs.

While the suggestion to use flags to identify students needing more than four years to graduate is appreciated, it does not meet the intent of having a Grade 13 permitted value.

GRADE 13 CHANGES TO THE PROPOSED ED*FACTS* DATA SET

Based on the comments submitted, the proposed changes to the Age/Grade categories published in Attachment B-4 during the 60-day public comment period will be retained. We regret that we did not provide a clearer, more thorough description of the proposed changes related to the Grade 13 permitted value and its definition. We invite states to provide further comment given the additional information provided in this section.

TUITION-IN / TUITION-OUT

The paperwork clearance package posted during the 60-day public comment period proposed adding two new data groups to improve the CCD fiscal surveys and allow for more accurate calculations of per pupil expenditures, and thereby, more accurate allocation of Title I funds under the *Elementary and Secondary Education Act* (ESEA). The two data groups, "Students for whom tuition is paid (tuition-out)" and "Students for whom tuition is received (tuition-in)" were proposed to determine the number of students tuitioned-in or tuitioned-out of a local education agency (LEA).

A total of 14 SEAs submitted comments regarding the proposed data groups. The comments fall into one of the following topics:
- Use of the Data Groups
- Burden
- General Recommendation

Use of the Data Groups
Public Comments
Three states asked what the intended use, benefit, and audience are for collecting the proposed data groups. One needs to know the intended use and audience to determine whether it collects the data needed for the proposed data groups. One state mentioned that if the intent of the proposed data groups is to capture more complete financial data on high need or high cost students, ED will need to develop additional reporting.

ED's Response
First and foremost, ED is appreciative of the states' thorough responses on this proposal. Based on these responses, we realize that the originally proposed data groups will not result in the data that are needed. ED envisioned the collection of data that could reconcile the differences between a district's membership counts and the aggregate of a district's schools' membership counts. ED plans to change the name of the data groups to "Students sent to schools outside the LEA (students sent)" to replace "Tuitioned-Out" and "Students received from other LEAs (students received)" to replace "Tuitioned-In." The emphasis is not on monetary issues, but on reconciling headcounts. The data groups will be redefined as follows:

> **Students sent to schools outside the LEA (students sent)**: The number of students for whom the LEA is financially responsible, but who are educated in schools outside of the LEA. (These are students included in the sending LEA's reported membership, but not in the membership of any of the sending LEA's own schools.)

> **Students received from other LEAs (students received)**: The number of students from other LEAs who are educated in schools in the reporting LEA. (These students are included in the sending LEA's reported membership, but not in the membership of any of the sending LEA's own schools. They are not included in the receiving LEA's reported membership, but are included in the membership of the receiving LEA's school where they are instructed.)

Public Comments
A total of 11 states submitted comments seeking clarification on how the proposed tuition-in / tuition-out data groups would function or how the data would be used. Six states requested clarification on how students would be counted in either data group. Specific questions submitted by the SEAs include:
- Does the count include full-time students only or also part-time students?
- Are the student counts headcounts or full-time equivalents (FTEs)?
- How is "substantial portion of the children's educational cost" defined and determined?
- Which "applicable state requirements" pertain to the data groups?
- Does the count include
    o Students attending school in an open enrollment LEA?
    o Students enrolled in public virtual schools outside the LEA?
    o Students attending private schools on a voucher?
    o Students served by Title I only, all students, or students served by certain programs?

ED's Response
Based on states' responses, ED believes the original proposal put too much emphasis on cost, which was not the intention. "Students sent" are counts of students included in district-level membership of the sending district (i.e., students the district is responsible for financially) but when reporting school-level membership are counted in the membership of schools the students

are sent to that are not part of the home district. "Students received" are counts of students in the district-level membership of another district, but are educated in schools in the receiving district and are included in the membership of those schools. These counts are headcounts. It is expected that a district's aggregated school membership, minus the students received count, plus the students sent count should equal the district level membership count. Students sent to private schools should be included in the students sent count.

Public Comments
One SEA commented that several of its LEAs have long-standing send-receive relationships in which all or some of their students are tuitioned-in or out, for example, a K-8 LEA that tuitions all of its students to a regional high school. How would these students be counted versus students that the LEA sends under contract to a non-public school to receive certain educational services? Are the contract students considered students tuitioned-in or tuitioned-out?

ED's Response
ED believes these two situations would have the same guidance. The first scenario (K-8 LEA) would have a district membership count that includes all students for whom the district is fiscally responsible, a count of students the district has sent to the regional high school (students sent) and a 0 count of students the district is receiving (if they are not receiving any students). It is expected that a roll-up of school-level membership counts would differ from the district level membership count, since the district does not have any high schools. However, knowing that a certain number of students have been sent out will allow for the numbers to be reconciled. For the second scenario (contract students), these students would be part of the students sent count, since they are receiving educational services at a location outside of the home district. Guidance and examples on how to report these students will be provided in the file specification.

Public Comments
Two SEAs requested additional information on how data from the proposed data groups would be used to calculate per pupil expenditure. One of the states expressed concern that the current method of reporting LEA membership by the fiscally responsible LEA is burdensome and the potential application of data from the proposed data groups could result in a count equivalent to that produced by a former method of reporting membership by aggregating the school file to the LEA level. Furthermore, a couple states requested additional information on how data from the proposed data groups would be used to determine Title I allocations or how they would impact the calculation of the allocations. One state asked why low-income status of the reported students is not factored into these proposed data groups since the data are intended to impact LEA Title I allocations.

ED's Response
There is no planned change to the way Title I funds are allocated. Under the present methodology, the current expenditure per pupil (CEPP) is a factor in computing LEAs' Education Finance Incentive Grants (EFIG) under Title I. Presently the denominator used in computing the CEPP is the LEA membership variable. NCES is conducting an analysis to

determine whether, for reporting purposes, the aggregate school membership would be a more appropriate denominator. A change to the CEPP calculations for NCES reporting would not necessarily be carried over into computing Title I grants.

Burden
Public Comments
Ten SEAs commented on the expected impact on reporting burden the proposed data groups may have.

Three states mentioned that they may have the data needed to report the proposed data groups, though they need additional information (captured in the questions above) to be certain. One state commented that while it has the requisite data, they would require extensive new code to be extracted. Another state's data include students for whom tuition could be charged or paid in addition to the count of students for whom tuition is charged or paid.

Several states indicated that including the two proposed data groups would require additional programming and training. Four states did not support the collection of the new data groups. They commented that they do not currently collect all of the data required to report the two proposed data groups, and that collecting and reporting such data would be complex, labor intensive and expensive.

One state commented that the collection of the tuition-in / tuition-out data may interfere extend with a pending decade-long lawsuit between the state and its LEAs.

ED's Response
It is ED's hope that the change in data group name and definition will relieve concerns about the burden of these data groups. ED is purely interested in a headcount of students that are sent to other districts for educational services, as well as the headcount of students that are received in a district in order to provide educational services.

General Recommendation
Public Comments
One state suggested that ED pilot the collection of data for the proposed tuition-in / tuition-out data groups. The pilot should include LEAs that have a per pupil expenditure that is markedly impacted by funds tuitioned-in or tuitioned-out.

ED's Response
Given the change in focus for these new data groups, ED does not plan to implement a pilot.

TUITION-IN / TUITION-OUT CHANGES
TO THE PROPOSED ED*FACTS* DATA SET

ED has changed the names of the data groups, along with their definitions. They are presented below:

Students sent to schools outside the LEA (students sent): The number of students for whom the LEA is financially responsible, but who are educated in schools outside of the LEA. (These are students included in the sending LEA's reported membership, but not in the membership of any of the sending LEA's own schools.)

Students received from other LEAs (students received): The number of students from other LEAs who are educated in schools in the reporting LEA. (These students are included in the sending LEA's reported membership, but not in the membership of any of the sending LEA's own schools. They are not included in the receiving LEA's reported membership, but are included in the membership of the receiving LEA's school where they are instructed.)

MILITARY CONNECTED STUDENT IDENTIFIER

Public Comments
One non-profit submitted a comment recommending that ED create a report-only student subgroup for military connected students. Such data could provide insight on:
- Where military connected students attend school
- The academic performance and graduation rate of military connected students
- The progression of military connected students to postsecondary education and the workforce
- Potential best practices used in schools educating a large number of military connected students which may be applicable for any agency when students move or experience 'disruption to academic continuity or opportunity'

ED's Response
While ED agrees that the data submitted through the addition of this subgroup for reporting purposes would be valuable to help meet the needs of military connected students, such an addition at this point in the clearance process for data collection related to the 2013-14 school year would impose a significant change upon state education agencies without allowing for proper discussion with state education agencies or federal program offices. State education agency officials have repeatedly informed ED that they need 2 to 3 years to phase in collection of new data groups or new category elements. Other comments received in response to this package continued to support that timeline.

As ED explores options for collecting and reporting data to promote transparency around the performance of military connected children, further input from stakeholders would be welcome. In particular, ED will find valuable any input regarding the potential burden on schools and LEAs to collect, manage and report these data.

MILITARY CONNECTED STUDENT IDENTIFIER CHANGES TO THE PROPOSED ED*FACTS* DATA SET

ED welcomes further input on the proposed subgroup and hopes that through this 30-day comment period a variety of stakeholders will provide input on the suggestions made by this commenter.

MIGRANT EDUCATION

The paperwork clearance package posted during the 60-day public comment period proposed several changes to the migrant data. A total of 10 states submitted comments related to the migrant data changes proposed. Two states specifically commented on overall confusion regarding the comprehension and justification of the proposed changes. The proposed revision of DG102, deletion of DG636 andDG637, and the change to staff category each received comments from four states, the most comments received for any of the proposed changes to migrant data.

This section summarizes the comments for the migrant data:
- Revision of DG102: MEP students served 12-month table
    o Duplicate reporting concern
    o Manageable change
- Revision of DG634: Migrant student eligible 12-month table
    o Confusion over what periods to report
- Deletion of DG636 and DG637: MEP students served regular and summer
    o Negative impact on MEP student counts
    o Confusion and concern over deletion of summer counts
    o Justification requested
- Revision of DG684: MEP services
    o Confusion on what to report
    o Justification requested
- Revision of staff category: Qualified or non-qualified paraprofessionals
    o Burden
    o Definition requested

GENERAL RESPONSE TO ALL COMMENTS FROM THE OFFICE OF MIGRANT EDUCATION

The Office of Migrant Education (OME) has proposed changes to Migrant data collected in ED*Facts*, with the intent to streamline the data collection by gathering data essential to program

Government Performance Results Act (*GPRA*) requirements, State Profile elements, and OME desktop and on-site monitoring requirements. The program office deployed a process that solicited input from the Migrant Education Program (MEP) Coordination Workgroup of nine MEP state directors, MEP state directors, the National Association of State Directors of Migrant Education (NASDME), and the Interstate Migrant Education Council (IMEC) in the development of the program's GPRA and State Profile elements.

OME's proposed changes reduce the burden of data collection for SEAs primarily by focusing on collecting data by program year (performance period), and eliminating most data sections that collect regular year and summer-intersession data. Finally, OME is currently exploring the use of the Migrant Student Information Exchange (MSIX) as a data collection tool, so that states may concentrate their data efforts on MSIX quality.

The comments are summarized below and followed by ED's response.

REVISION OF DG102: MEP STUDENTS SERVED 12-MONTH TABLE

The paperwork clearance package posted during the 60-day public comment period proposed the following revisions to DG102, MEP students served 12-month table:
- o Add two new Category Sets:
  - Category Set B, Age/Grade (w/o under 3) and Migrant Priority for Services (only)
  - Category Set C, Age/Grade (w/o under 3) and Continuation (only)

A total of four states commented on the proposed changes.

Public Comments
Two states expressed concern with this change. One state suggested that this change will lead to duplicate reporting and may result in programmatic changes. Two states stated they could report this data with no problem.

ED's Response
Prior to SY 2013-14, ED collected priority for services (PFS) served students by regular year (RY) and summer/intersession (SI) session type. ED plans to add performance period (PP) session type, PFS served data in SY 2013-14, in order to capture the total unduplicated number of PFS students served in the performance period. States will report in DG102 Continuation of Service (COS) students in one data set, in order to provide this number by performance period.

REVISION OF DG634: MIGRANT STUDENT ELIGIBLE 12-MONTH TABLE

The paperwork clearance package posted during the 60-day public comment period proposed the following revisions to DG634, Migrant students eligible 12-month table:
- o Revise Category set E by

- Changing Mobility Status (Qualifying Moves) to Mobility Status (12 months)
- Adding Category Set G: Age/Grade (All) and Referral Status

A total of two states commented on the proposed changes.

Public Comments

One SEA expressed concern with the proposed revisions, requesting clarification on whether it will still be required to report students served after the 12 month period, and, if so, where to report the data. The other state commented on the referral status and stated that it appears to clarify that a referral must be received to be counted.

ED's Response

ED will continue to use DG634 to collect Category 1 Child Count data, and ED will continue to use DG635 to collect Category 2 Child Count data. ED plans to provide technical assistance regarding the proposed changes, prior to the SY 2013-14 performance period. Summer/intersession child counts will continue to be collected in DG635. States will report in DG634 numbers of eligible Migrant children who experienced a last qualifying move during the performance period (September 1 – August 31).

DELETION OF DG636 & DG637: MEP STUDENTS SERVED REGULAR & SUMMER

The paperwork clearance package posted during the 60-day public comment period proposed to delete DG636 and DG637.

A total of four states commented on this proposed change.

Public Comments

All four states expressed concern with the deletion. One state said the change would negatively impact MEP student counts. Another state said it is against the elimination of the summer term reporting counts because the changes would impact funding. Two states also mentioned the increased burden due to adjusting data systems to meet the requirements. All of the comments opposed the proposed change.

ED's Response

The deletion of these data groups is ED's response to state MEP directors input to ED recommending a reduction of the burden in data reporting and types of data. While these data will no longer be reported to ED, they may be very useful at the SEA level, where such student-level data may be very informative to a SEA's comprehensive needs assessment, service delivery plan, and especially evaluation. ED encourages states that would like to continue to collect these data to do so, and to use the data to improve program effectiveness.

REVISION OF DG684: MEP SERVICES

The paperwork clearance package posted during the 60-day public comment period proposed the following revisions to DG684, MEP services table:

- o Delete the category MEP Session Type from Category Set A

One state commented on this proposed change.

Public Comments

The state requested clarification of whether it will be required to report (by service type) the cumulative unduplicated count of migrant students that received services during the performance period.

ED's Response

ED will collect types of services in DG684 by performance period, rather than by regular year and summer/intersession. ED is moving referred services to another data group because, by nature, referred services are not MEP-funded instructional or support services. The inclusion of referred services within MEP-funded services was somewhat confusing in the past.

REVISION OF STAFF CATEGORY: QUALIFIED OR NOT QUALIFIED PARAPROFESSIONALS

The paperwork clearance package posted during the 60-day public comment period proposed the following revisions to Staff Category:

- o Revised permitted values by
  - Changing "Paraprofessionals" to "Paraprofessionals - Qualified" and "Paraprofessionals – Not qualified"

A total of four states commented on this proposed change.

Public Comments

Four states expressed concern with this change. Three states stated they currently do not have this data available. Two states commented that this change would induce burden because they would have to change their data systems to collect it. Two states requested clarification of the definition of qualified and non-qualified.

ED's Response

Currently, states provide data on "All Paraprofessionals" and "Paraprofessionals - Qualified" in DG515 and DG625. The number of headcount or FTE for "Paraprofessionals – Not Qualified," should be the difference between the "Paraprofessionals" headcount or FTE and the "Paraprofessionals – Qualified" headcount or FTE.

MIGRANT CHANGES TO THE PROPOSED ED*FACTS* DATA SET

No changes are proposed at this time.

NEGLECTED OR DELINQUENT

The paperwork clearance package posted during the 60-day public comment period did not propose any changes to the data groups or data categories for the Neglected or Delinquent Students Program. One reviewer of the package provided a comment.

Public Comment
One SEA expressed concern that academic achievement reporting for at-risk neglected or delinquent programs would be eliminated.

ED's Response
ED responded by clarifying that "At-Risk" will remain an optional permitted value in the N or D academic achievement file FS125 (DG629). ED understands the concern expressed for States with a significant number of at-risk programs and long-term (LT) at-risk students. As a result, ED has opted to keep academic achievement reporting for long term at-risk students as an optional collection item in ED*Facts* FS125.

When ED considered changes to CSPR questions over the past two years, several State Title I, Part D coordinators commented that their at-risk programs do not explicitly address reading and mathematics performance and having to pre- and post- test all long-term students in these areas may unnecessarily restrict programming to focus on supplemental reading and math instruction. ED eliminated the pre- and post-test requirements for at-risk programs as their range of students served and services provided is broader and more flexible.

N OR D CHANGES TO THE PROPOSED ED*FACTS* DATA SET

No changes are proposed at this time.

VIRTUAL SCHOOLS

The paperwork clearance package posted during the 60-day public comment period included a proposal for a new data group to identify whether or not a school is a virtual school. The package also included a directed question concerning the use of the term 'virtual school.'

Public Comments
ED received a total of approximately 25 comments from 17 state education agencies (SEAs) plus one non-SEA state agency. Eighteen of the comments were in response to the directed question: Is "virtual school" the correct term to be using if the intent is to create a flag for schools that deliver only online education? Of the 15 comments that were responding to the question:

- Thirteen agreed that "virtual school" is an appropriate term for schools that deliver only online learning. Three of those states provided other commonly used terms, including e-school, online school, distance-learning school, virtual learning school. Concerns were raised by two states that the application of the virtual school flag be limited to schools and not programs.
- Two states said virtual school is not the right term and would not capture what is happening in those states where students are likely to have a mix of online and traditional coursework.

Additional concerns raised by states in their comments, both in response to the directed question or comments made concerning the proposed flag as it was shown in Attachment B1, included:

- The need for clear definitions and examples included with the guidance so as to get only virtual schools and not virtual programs as well.
- Simplifying the code set to Y/N (four states specifically recommended this).
- One state asked if the proposed ED*Facts* definition of virtual school will match the definition of 'virtual school' from the NCES Forum guide.

ED's Response
ED appreciates all of the helpful comments on this item. We understand that virtual education is rapidly evolving and what we collect may not exactly fit what it is happening in every state.   In light of the comments received from states, we will refine the definition for "virtual school" and confirm that it is in line with what has been published in the Forum guide on Elementary/Secondary Virtual Education. We will also change the code set to Y/N.   We are only seeking information on virtual schools, not programs. The flag will only be applied to schools in the ED*Facts* directory.

The opportunity for all students, including students with disabilities (IDEA), to participate in a public education system through virtual schools for part of or the entire school day is still an emerging body of knowledge and research. ED is interested in learning more about how states are using virtual schools to provide services to all students, including students with disabilities (IDEA). The proposed addition of virtual school flags will support ED in building an understanding of the use of virtual schools. Further guidance for educational environments will be considered as the knowledge base about virtual schools improves. In the meantime, states should apply the current guidance about educational environments when submitting data for FS002 and FS089.

VIRTUAL SCHOOL CHANGES TO THE PROPOSED ED*FACTS* DATA SET

ED will redefine 'virtual school' as a public school that offers only virtual courses, instruction in which students and teachers are separated by time and/or location, and interaction occurs via computers and/or telecommunications technologies, and generally does not have a physical facility that allows students to attend classes on site.

ED will change the code set to Yes or No.

GENERAL COMMENTS

Nine states included approximately 15 general comments in their comment submissions.

Review and Comment Process
Public Comments

- Two states said that they supported the proposed deletions to the data set.
- Three states expressed appreciation for the opportunity to comment as well as their support of ED*Facts*.
- Two states commented that the package structure led to some confusion on the proposed changes, especially in regard to proposed changes for Grade 13, Charter Authorizers, and Migrant.
- Another state requested that the clearance materials identify the ED*Facts* files that will be changed.
- One state pointed out that the edicsweb.gov site incorrectly directed reviewers to Regulations.gov, when in fact, the ED*Facts* data set had not been migrated to the new website.

ED's Response

ED greatly appreciates the time taken by commenters to read through the clearance package and provide thoughtful comments on how to improve the ED*Facts* collection as well as the review process. ED regrets any confusion caused by the structure of the package. The original intention was to keep Attachment C concise and direct reviewers to where the detailed information could be found. Changes and revisions were marked throughout the package documentation. However, we understand how some of the changes may have been difficult to follow. We have revised the structure of Attachment C to provide greater clarity on specific changes. Regarding the identification of file specifications that will be impacted by the proposed changes, assignment of data groups to specific files occurs after all proposed changes are final and cleared for collection. ED regrets the impact of the timing of the migration from EDICS to Regulations.gov. The ED*Facts* collection was already out for the 60-day public comment period when the migration occurred. We messaged the appropriate method for submitting comments to our major stakeholders.

Burden
Public Comments

One state expressed its continued support for ED*Facts* as a central data collection and reporting system, but expressed concern that over the years that ED*Facts* has been in place, this state has seen a net increase in data burden rather than reduction. As an example, the state mentioned the addition of ESEA flexibility data to the ED*Facts* collection. The state urged that Congress and ED work to streamline the ED*Facts* data collection by removing data elements that are no longer

useful, and pay particular attention to this during the ESEA reauthorization process. This state also mentioned the SLDS grant program's support of state data systems, and encouraged that in the reauthorization of ESEA, there be a 5% dedicated funding for maintenance of the state systems being developed with these grants.

ED's Response
As part of the process for identifying needed changes to the ED*Facts* data set, the ED*Facts* Data Governance Board (EDGB) reviewed all currently collected data with program offices to determine where data were not being used and could be eliminated. Some data groups were deleted or changed as a result of this process. As ED*Facts* has matured into a reliable collection and reporting system for ED, it has been increasingly viewed as the appropriate mechanism for collecting data required of SEAs. We will continue to work through EDGB to highlight burden concerns of states and identify and eliminate any unnecessary data collection.

Timeline
Public Comments
Several states commented on the necessary timeline for notifying states of changes or additions to the ED*Facts* data collection.
• One state noted that it needs know all final data collection requirements for SY 2013-14 by December 2012 rather than February 2013 in order to have sufficient time to update state and district data collection software and documentation. This state requested that implementation of these changes be delayed until SY 2014-15.
• One state reminded ED that a two-year lead time is generally needed to develop or modify data systems to accommodate new data requirements.
• One state requested that any proposed change that reduces burden and improves data collection should be made immediately and not delayed until SY 2013-14.

ED's Response
ED understands state concerns on this issue, and in response to repeated requests from states to hear of data collection changes earlier, we moved up the timeline on this three-year clearance. We expect this three-year package to be cleared approximately six months earlier than the previous (SY 2010-11) three-year clearance package. We will continue to work to move up our timelines for announcing changes in data collection. We work to implement deletions or 'streamlining' of collection as soon as possible. However, if a new data group or category is needed in order to eliminate other data groups or categories, we cannot implement changes until the new item has been fully cleared.

Data Quality – Postsecondary Data
Public Comments
One state commented that it had undertaken work to collect student-level postsecondary remediation rates for its K-12 high school graduates attending in-state colleges. Preliminary data exchanges with the National Student Clearinghouse indicate that half of the state's high school

graduates attend out-of-state postsecondary institutions.   Thus, any data it is able to collect from its in-state higher education institutions will be skewed in that it will represent less than half of the eligible population and be subjected to the self-selection biases associated with a student's decision to remain in state for postsecondary education.

ED's Response
This information will be shared with the ED*Facts* Data Governance Board (EDGB), so that offices that use the postsecondary data will be aware of these concerns.

GENERAL COMMENT CHANGES TO THE PROPOSED ED*FACTS* DATA SET

No changes will be made to the proposed ED*Facts* data set based on these general comments. However, as indicated above, ED will restructure Attachment C of the clearance package in an effort to improve clarity on proposed changes.