

Response to comments received for Education Stabilization Fund – Elementary and Secondary School Emergency Relief Fund (ESSER I / ESSER II / ARP ESSER Funds) Recipient Data Collection Form, Docket ID ED–2022–SCC–0002 during the 60-day public comment period

**Education Stabilization Fund – Elementary and Secondary School Emergency Relief Fund
(ESSER I / ESSER II / ARP ESSER Funds: Comments Received for Recipient Data Collection
Form (April 2022))**

Comment I: A commenter claimed that the Department’s data collection is not based on an understanding of how SEAs and LEAs collect data, which presents challenges in completing the requirement.

Response: This comment is not directly related to the form revision. However, in addition to inviting public comment, the Department held focus groups with multiple SEA and LEA representatives to both align the collection to current data collection activities and meet the Department’s and stakeholders’ needs for information regarding the use of these funds to equitably support recovery from the pandemic emergency. Specifically, the Use of Funds table that grantees complete for Year 1 and 2 of CRRSA (ESSER II) and ARP ESSER is now aligned to standard accounting objects (personnel - salary, personnel - benefits, etc.); these object codes fall under four main categories. This was a significant revision to reduce reporting burden and align to current data systems to the extent possible while obtaining the information needed to understand how these funds were being used to support an equitable recovery for students. The Department also changed the reporting periods to allow SEAs to choose a reporting period that makes the most sense within their State accounting system and context. Specifically, States may align reporting to their State fiscal year, their NCES F33 fiscal year (NCES LEA finance survey) or remain on the Federal fiscal year. The Department thanks stakeholders for informing these adjustments that better account for the reporting requirements for SEAs and LEAs during this unprecedented time.

Comment II: A commenter claimed that the ESSER data collection form was revised at least 10 times, causing SEAs and LEAs to adjust their data collection each time.

Response: The Department agrees that it produced four drafts of the data collection form based on public comment and one revision was made to the annotated form. The annotated form is a companion document intended to clarify definitions and promote consistent reporting and is a standard approach for promoting accurate data collection across Department programs. Revisions were made in response to public comment and to better align the collection with current collection activities for LEAs and SEAs. In order to reduce burden, the Department moved several elements to “preview” status, delaying formal collection until 2024. The Department also introduced revisions to improve clarity, such as adding guidance directly to the form regarding whether the respondent should input unduplicated or duplicated headcounts.

Comment III: A commenter claimed that the Department has not provided clear communication about revisions and that implementation timelines do not allow for SEAs to adjust accordingly.

Response: The Department has communicated all changes with grantees and maintains the most up-to-date version of the form and associated reporting templates on the Grantee Help Page: <https://covid-relief-data.ed.gov/grantee-help>. The Department has also conducted several webinars, provided file checkers in advance to allow grantees to check inputs in advance of the collection, and delayed collection of several new items to allow SEAs time to adjust data information systems accordingly. The Department recognizes that this unprecedented amount of funding requires unique data collection and will work with grantees to provide ongoing assistance.

Comment IV: A commenter claimed that the Department did not engage key stakeholders adequately or consistently.

Response: In addition to inviting public comment, the Department held focus groups with multiple SEA and LEA representatives to both align the collection to current data collection activities and meet the Department’s and stakeholders’ needs for information regarding the use of these funds to equitably

support recovery from the pandemic emergency. Specifically, the Use of Funds table that grantees complete for Year 1 and 2 of CRRSA (ESSER II) and ARP ESSER is now aligned to standard accounting objects (personnel - salary, personnel - benefits, etc.); these object codes fall under four main categories. This was a significant revision to reduce reporting burden and align to current data systems to the extent possible while obtaining the information needed to understand how these funds were being used to support an equitable recovery for students. The Department also changed the reporting periods to allow SEAs to choose a reporting period that makes the most sense within their State accounting system and context. Specifically, States may align reporting to their State fiscal year, their NCES F33 fiscal year (NCES LEA finance survey) or remain on the Federal fiscal year. The Department thanks stakeholders for informing these adjustments that better account for the reporting requirements for SEAs and LEAs during this unprecedented time.

Comment V: Page 10 (Question 2.4a) and Page 22 (Question 3.1b)

A commenter requested the Department withdraw the definitions for Social Emotional Learning (SEL) and Mental Health services. They noted that ESSER does not define SEL or Mental Health services and claimed that this annotation sets a federal nonregulatory threshold for reporting that may differ from State and local policies. They also commented that this definition of SEL versus mental health service depends on the credentials of the person delivering the service rather than the nature of the service. They also raised concern that these definitions may lead to underreporting of SEL support or Mental Health services.

Response: This comment relates to the Department’s annotated form, not the form revision published in the Federal Register. The annotated form is intended to provide clarity to grantees for the data collection process and promote consistency in reporting. The form establishes a category for reporting data and does not establish a rule governing implementation of the ESSER program. The goal of this form is to provide clear and distinct reporting categories so that States and LEAs provide consistent, comparable information. Providing distinct reporting categories is consistent with accepted practices for data collection and reporting.

For the purposes of this reporting, the distinction between SEL and mental health is needed for the expenditure tables. The Department realizes that these definitions may not align precisely with LEA and SEA definitions. Those services that provide students emotional, psychological, and social well-being support via a licensed mental health professional should be reported as mental health supports while those services that are provided by another professional should be reported as social-emotional supports, even if they are provided by other types of licensed professionals. Thus, any such service that is not reported in one category should be reported in the other, eliminating the occurrence of under-reporting. We appreciate the commenter’s interest in ensuring clarity for stakeholders. Accordingly, we will update our FAQ to make this distinction clearer. The data for questions 2.4a and 3.1b will be reported in 2024 for activities that occurred in States’ fiscal years 2023.

Comment VI: Page 36 (Question 2.2e)

A commenter requested that the Department remove the definitions of voluntary and mandatory programs as ESSER does not establish or define voluntary vs. mandatory programs. The commenter claimed that the annotation sets a Federal nonregulatory threshold for reporting that may differ from state and local policies. They raised a concern that the definitions may lead to underreporting of SEA-Reserve funded programs.

Response:

This comment relates to the Department’s annotated form, not the form revision published in the Federal Register. The annotated form is intended to provide clarity to grantees for the data collection process and promote consistency in reporting. The form establishes a category for reporting data and does not establish a rule governing implementation of the ESSER program. The goal of this form is to provide clear and distinct reporting categories so that State and local educational agencies provide consistent information that can be compared. Providing distinct reporting categories is consistent with accepted practices for data collection and reporting.

With respect to the supports and services being provided to students, some of are voluntary, where families can opt in, and some are mandatory. As such, not all supports and services will reach all students. This reporting form is designed to understand how many supports and services funded by the ESSER program reached students. That is the purpose of distinguishing the voluntary and optional nature, as well as setting attendance thresholds. For the purposes of this reporting, we consider extended instructional time to be a mandatory, school-level intervention since students are not permitted to opt out. The data for this question will be reported in 2024 for activities that occurred in States’ fiscal years 2023.

Comment VII: Page 36 (Question 2.2e)

A commenter requested that the Department withdraw the definition of summer learning or summer enrichment programs as ESSER does not define evidence-based summer learning or summer enrichment programs. The commenter claimed that this annotation sets a Federal nonregulatory threshold for reporting that may differ from State and local policies. In addition, the commenter raised the concern that the definition may lead to underreporting of evidence-based summer learning or summer enrichment programs. They also commented that the timing for the change to this definition will mean that States will not be able to align the data to this new definition.

Response:

This comment relates to the Department’s annotated form, not the form revision published in the Federal Register. The annotated form is intended to provide clarity to grantees for the data collection process and promote consistency in reporting. The form establishes a category for reporting data and does not establish a rule governing implementation of the ESSER program. The goal of this form is to provide clear and distinct reporting categories so that State and local educational agencies provide consistent information that can be compared. Providing distinct reporting categories is consistent with accepted practices for data collection and reporting.

For the purposes of this reporting, we consider summer learning or summer enrichment programs to include programs that are voluntary; are full-day lasting five to six weeks, include three hours of language arts and mathematics taught by a certified teacher each day; and include enrichment activities and experiences. This definition is consistent with the discussion of summer learning programs in the “ED COVID 19 Handbook. Vol 2: Roadmap to Re-Opening Safely and Meeting All Students’ Needs.” For the purpose of reporting participation, the Department requires that a summer program conform to this definition. There are additional options for reporting summer enrichment activities that may not meet this definition. For example, under 3.d3, the 20 percent ARP ESSER set-aside for LEAs, there is the option of reporting other summer school activities in items f - h or n (other). This is also an option under 3.b2 (future reporting): if not under item h, under item j. The Department will outline these additional reporting options to ensure accurate reporting of other types of summer learning, including other

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evidence-based programs. The participation data for this question will be reported in 2024 for activities that occurred in States’ fiscal years 2023.

Comment VIII: Page 37 (Question 2.2e)

A commenter requested that the Department withdraw the definition of evidence-based afterschool programs as ESSER does not establish or define voluntary vs. mandatory programs. They claimed that this annotation sets a Federal nonregulatory threshold for reporting that may differ from State and local policies and that this definition may lead to underreporting of evidence-based afterschool programs.

Response:

This comment relates to the Department’s annotated form, not the form revision published in the Federal Register. The annotated form is intended to provide clarity to grantees for the data collection process and promote consistency in reporting. The form establishes a category for reporting data and does not establish a rule governing implementation of the ESSER program. The goal of this form is to provide clear and distinct reporting categories so that State and local educational agencies provide consistent information that can be compared. Providing distinct reporting categories is consistent with accepted practices for data collection and reporting.

With respect to the supports and services that are being provided to students, some of those are voluntary, where families can opt in, and some are mandatory. As such, not all supports and services will reach all students. This reporting form is designed to understand the participation rates for those supports and services funded by the ESSER program. That is the purpose for distinguishing the voluntary and optional nature, as well as for setting attendance thresholds. The data for this question will be reported in 2024 for activities that occurred in States’ fiscal years 2023.

Comment IX: Page 38 (Question 2.2e)

A commenter requested that we withdraw the definition of extended instructional time as ESSER does not establish or define voluntary vs. mandatory programs. The commenter claimed that this annotation sets a Federal nonregulatory threshold for reporting that may differ from State and local policies and that the definition may lead to underreporting of extended instructional time.

Response:

This comment relates to the Department’s annotated form, not the form revision published in the Federal Register. The annotated form is intended to provide clarity to grantees for the data collection process and promote consistency in reporting. The form establishes a category for reporting data and does not establish a rule governing implementation of the ESSER program. The goal of this form is to provide clear and distinct reporting categories so that State and local educational agencies provide consistent information that can be compared. Providing distinct reporting categories is consistent with accepted practices for data collection and reporting.

With respect to the supports and services that are being provided to students, some of those are voluntary, where families can opt in, and some are mandatory. As such, not all supports and services will reach all students. This reporting form is designed to understand the participation rates for those supports and services funded by the ESSER program. That is the purpose of distinguishing the voluntary and optional nature, as well as setting attendance thresholds.

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For the purposes of this reporting, The Department considers extended instructional time to be a mandatory, school-level intervention since students are not permitted to opt out. The data for this question will be reported in 2024 for activities that occurred in States’ fiscal years 2023.

Comment X: Page 39 (Question 2.2e)

A commenter requested that the Department withdraw the definition for evidence-based high dosage tutoring as ESSER does not define evidence-based high dosage tutoring. The commenter claimed that this annotation sets a Federal nonregulatory threshold for reporting that may differ from State and local policies and that this definition may lead to underreporting of evidence-based high dosage tutoring. They also commented that the change to this definition will mean that States will not be able to align the data to this new definition.

Response:

This comment relates to the Department’s annotated form, not the form revision published in the Federal Register. The annotated form is intended to provide clarity to grantees for the data collection process and promote consistency in reporting. The form establishes a category for reporting data and does not establish a rule governing implementation of the ESSER program. The goal of this form is to provide clear and distinct reporting categories so that State and local educational agencies provide consistent information that can be compared. Providing distinct reporting categories is consistent with accepted practices for data collection and reporting.

For purposes of this reporting, the definition of evidence-based high dosage tutoring is consistent with the discussion of evidence-informed tutoring practices included in the “ED COVID 19 Handbook. Vol 2: Roadmap to Re-Opening Safely and Meeting All Students’ Needs.” The data for this question will be reported in 2024 for activities that occurred in States’ fiscal years 2023.

Comment XI: Page 39 (Question 2.2e)

A commenter requested that the Department withdraw the definition of early childhood education program expansion or enhancement as ESSER does not define early childhood education program expansion or enhancement. They claimed that this annotation sets a Federal nonregulatory threshold for reporting that may differ from State and local policies and that this definition may lead to underreporting of early childhood education program expansion or enhancement.

Response:

This comment relates to the Department’s annotated form, not the form revision published in the Federal Register. The annotated form is intended to provide clarity to grantees for the data collection process and promote consistency in reporting. The form establishes a category for reporting data and does not establish a rule governing implementation of the ESSER program. The goal of this form is to provide clear and distinct reporting categories so that State and local educational agencies provide consistent information that can be compared. Providing distinct reporting categories is consistent with accepted practices for data collection and reporting.

For purposes of this reporting, early childhood education program expansion refers to increased enrollment capacity whereas program enhancement refers to improvements to the supports and services these programs provide. The definition is based on the definition under section 103 of the Higher Education Act, which is also the definition used by the ESEA as currently authorized. The data for this question will be reported in 2024 for activities that occurred in States’ fiscal years 2023.

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