

PAPERWORK REDUCTION ACT SUBMISSION SUPPORTING STATEMENT

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

June 2022

ATTACHMENT F-1

***EDFacts* Data Set
for School Years 2022-23, 2023-
24, and 2024-25
Response to 30-Day Public
Comments**

OMB No. 1850-0925 v.9

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INTRODUCTION

This attachment contains responses to public comments on the Annual Mandatory Collection of Elementary and Secondary Education Data through *EDFacts*. The 30-day comment period for the *EDFacts* package closed on April 28, 2022. The Department (ED) received a total of 22 comment submissions, many covering multiple topics, totaling 191 individual comments. The majority of submissions and comments came from states (see below).

Submitters	Submissions	Individual Comments
Total	22	191
State	19	185
Association	3	6

ED received comments on each of the 16 directed questions. This document is organized by directed question topic. Comments not related to any of the directed questions are provided at the end of this document under “Other Public Comments.”

ED also received comments on the previous 60-day directed questions during the 30-day comment period. Those comments did not provide any new perspectives. Responses to the original 60-day directed questions can be found in Attachment F (*EDFacts* Data Set for School Years 2022-23, 2023-24, and 2024-25 Response to 60-Day Public Comments).

Each section of this document provides a summary of the public comments received, ED’s response(s) to those comments, and any resulting changes, if any, being made to the proposed data collection package. In addressing the public comments and revising the package, ED focused on recommendations from the public comments that continue to move *EDFacts* forward in achieving the goals of consolidating collections, obtaining high quality data, and reducing burden on data submitters.

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

ASSESSMENT

Directed Question #1: *As noted in the 60-day package, the Department is proposing to split the assessment files between lower grades and high school. This split will likely require reprogramming by states. In some states, the assessment results for high schools are collected and processed separate from the assessment results of the lower grades. In addition, if the assessment files are split, then the business rules for lower grades and high school can be tuned towards those grade spans.*

- a. *Will the long-term benefit of splitting the assessment files between lower grades and high school compensate for the short-term cost of reprogramming?*

Public Comments

Eight states provided a response to this question. Five states indicated there was no benefit from splitting the files between lower grades and high school. An additional state indicated it would be hard to quantify any benefit, noting that the split files would be more complicated to maintain. Two states indicated splitting the file would not be a problem but did not identify any benefits to splitting. Two other states reminded ED that their states would not use any of the additional assessment options.

ED Response

Based on the response, ED will keep the assessment data for lower grades and high school in the same file.

Directed Question #2: *IDEA: The proposal to collect the participation and achievement assessment data on children with disabilities disaggregated by disability category has been withdrawn. The Department is maintaining the proposal to collect the participation and achievement of assessment data on children with disabilities disaggregated by major racial and ethnic group. The Department proposes to include this in the existing assessment files versus submitting this additional data in a separate file.*

- a. *How would your state be impacted by adding this to the existing files?*
- b. *How would your state be impacted by collecting this in a separate file?*

Public Comments

Twelve states provided a response to this question. Three noted that the withdrawal of the disaggregation by disability category was appreciated.

Seven states stated that the impact of submitting these data was minimal. Two indicated concerns with the collection of data disaggregated by major racial and ethnic groups. One state was concerned about small counts, and another indicated that they may not be able to submit the data until SY 2023-24. The remaining states did not raise concerns.

Three states expressed a preference for adding the data to the existing file. Two indicated that either adding to the existing file or creating a new file was acceptable.

ED Response

Based on the comments provided, ED will proceed with the proposal to add disaggregation by major racial and ethnic groups for children with disabilities to the existing files.

TITLE I: NEGLECTED OR DELINQUENT

Directed Question #3: *Neglected Programs: The list of Subpart 1 Neglected Programs has been expanded to include “other.”*

- a. *Is this addition sufficient to allow for full and complete reporting of Subpart 1 Neglected Programs?*

Public Comments

Nine states responded to this question. Eight states commented that the addition of “other” would be sufficient to allow for complete reporting. One state responded that the addition of “other” would not impact their reporting because they cannot report these data since the state agency does not run or operate neglected programs in the state. One state added that ED should consider that the term “neglected” has negative connotations.

ED Response

Based on responses that the proposed change would allow for more complete reporting for the states, ED is adding “other” to the permitted values for programs serving neglected students. As for the term “neglected” having negative connotations, ED agrees, but notes that this term is part of the program statute and therefore cannot be changed without legislative amendment.

Directed Question #4: *Academic Achievement: The public comments identified several difficulties in collecting post-test data for students once they have exited Title I, Part D programs. The Department revised the existing data groups (628 and 629) in FS 113 from “both a pre- and post-test” to “initial and follow-up assessment.” In addition, the Department is proposing adding an optional data group to FS113 for state assessment data in mathematics and/or reading. This optional data group would be in addition to reporting the existing data groups 628 and 629.*

- a. *Does the modification to the existing data groups to “initial and follow-up assessment” address collection concerns with post-test data for students who were served by Title I, Part D programs?*
- b. *Do the results from the state assessment for students who have exited Title I, Part D provide useful data on the academic achievement of students served by Title I, Part D programs?*
- c. *Should states have the option of reporting either “initial and follow-up” or reporting results from the state assessments?*

Public Comments

Twelve states responded to the academic achievement question for Title I, Part D programs. Five states commented that the proposed modification would potentially address concerns with collecting post-test data. Two states responded that more information was needed to determine whether this change would have an impact. Four states commented that the proposal did not address concerns because the limitations on collecting these data, due to students who stay less than 90 days in the program, remain.

Regarding whether data from statewide assessments would provide meaningful outcome data for students in Title I, Part D programs, one state commented yes and two commented that states should have the option to provide these data. The remaining eight states were unsure. One state responded that it would need to develop a tracking system to collect these data. Four states commented that these data would be very difficult to collect from subgrantees. Two states commented that state assessment data would not necessarily demonstrate that outcomes were related to program services. One state had very strong objections to this proposal because it could “expose and over-identify students” as being in a Title I, Part D program, which could violate student privacy and contribute to stigmatizing students in these programs.

Regarding whether states should have the option of reporting state assessment data instead of pre- and post-test data, eight states responded, yes, that having additional options would be helpful. Two states responded, no, because the state assessment data were unavailable and/or not meaningful. One state strongly objected, for the reasons described above.

ED Response

The modification to the existing data groups to “initial and follow-up assessment” is to emphasize that students do not need to be tested only at the time of leaving a facility, which is implied by the term “post-test”. Rather, a “follow-up assessment” could be given to all students every 90 days, resulting in improved data collection. Therefore, ED is keeping this proposed change and will provide further guidance on its intent and application in the future.

ED takes the concerns of the usefulness of these data seriously. However, since concerns were expressed by only one state, it seems that states will have ways to address confidentiality concerns at their levels. Based on the responses received, ED is keeping this proposed change.

Directed Question #5: Exit Outcomes: The definition two data groups for academic and career and technical outcomes in FS 181 has been revised to “at the time of exiting from the program and up to 90 calendar days after exiting the program.”

a. What impact does this modification have on your state?

Public Comments

Ten states responded to this question. Two states noted that the intent of the proposed change was unclear, and that if the intent was to eliminate the collection of outcomes attained while students were in the programs, this would have a negative impact and diminish the collection of meaningful data.

Four states noted that collecting at time of exit and up to 90 days after exit would be of limited use because the state may not track students after exit. However, they acknowledged that more information might be available if collected at the time of exit but that it would be limited. Four states (including the two described in the previous paragraph) noted that no change would occur with the proposed modification, and two states noted that this would impose a data collection and training burden.

ED Response

Eliminating the collection of outcomes attained while students were in the programs was not the intent of the proposed change. The collection of data while “in program” will not be eliminated. There was also confusion about the purpose and meaning of the proposed change, which would only change the reporting of outcomes from “up to 90 days” to “at the time of exit and up to 90 days.” This is not a change in reporting since at time of exit could always be considered part of “up to 90 days.” Only four states saw some potential for additional data collection at time of exit. However, given the confusion expressed by states and the concerns regarding burden, ED will not keep this proposed change but will provide guidance to states that “up to 90 days” can also include data collected at time of exit.

TITLE I

Directed Question #6: *LEA Reservation to Serve Homeless Children and Youth: The definition of the data group has been revised to “The initially reserved dollar amount of Title I, Part A allocation reserved by the LEA to serve homeless children and youth.”*

- a. *What impact does this modification have on your state?*

Public Comments

Ten states responded to this directed question concerning the revision of the LEA Reservation to Serve Homeless Children and Youth to be the “initially reserved dollar amount of Title I, Part A allocation reserved by the LEA to serve homeless children and youth.” All ten reported little to no impact of this data collection since they already collect these data from LEAs. One state affirmed the value of having these data reported to the state and ED.

ED Response

Based on the majority of responses that the proposed change would have little impact on burden for the states, ED is keeping this proposed change to the definition.

Directed Question #7: *Title I Part A Foster Care Enrolled: The definition of the data group has been revised to “The number of students who are in foster care and enrolled in a public LEA that receives Title I, Part A services.”*

- a. *What impact does this modification have on your state?*

Public Comments

Eleven states responded to this directed question concerning the revision of the definition of foster care enrolled to “students who are in foster care and enrolled in a public LEA that receives Title I, Part A services.” While two states indicated that this definition may add some burden to their internal procedures, all others reported little to no impact of the proposed definition. One state indicated that the proposed definition would make its data collection easier.

ED Response

Based on the majority of responses that the proposed change would have little impact on burden for the states, ED is keeping this proposed change to the definition.

Directed Question #8: *Chronic Absenteeism: In addition to the current collection of chronic absenteeism at the school level, the Department is proposing collecting chronic absenteeism for homeless enrolled and economically disadvantaged students at the state and LEA level but not at the school level.*

- a. *Can your state report these students at the state and LEA level?*
 b. *What impacts with reporting this data are anticipated in your state?*

Public Comments

Seven states provided comments to the proposal to collect chronic absenteeism data for homeless enrolled and economically disadvantaged students at the state and LEA level but not at the school level. All states commented that they could report these students at the state and LEA level. Five states said there would be minimal to no burden, but some states included that some development time would be required. Two

states commented that adding these data would lead to additional burden at first and that following up on data quality issues would add extra burden.

ED Response

Based on the majority of states responding indicating minimal burden to collecting chronic absenteeism data for homeless enrolled and economically disadvantaged students at the state and LEA level, ED is keeping the proposed change.

Directed Question #9: *Indicator Type: The number of indicators available for reporting in FS 200, 201, 202, 205 has been adjusted:*

- *School Quality or Student Success Indicator – 12 measures*
- *Academic Achievement – 6 measures*
- *Other Academic – 6 measures*
- *Progress Achieving English Language Proficiency – 2 measures*
 - a. *Are the number of measures available sufficient for your state to report its indicators?*

Public Comments

Eight states provided comments about the addition of permitted values to four of the five indicator status file specifications to allow reporting results in cases where a state has defined more than one measure for the indicator. Specifically, whether the proposed changes are sufficient to allow complete reporting by the State for its indicators. All eight states commented the proposed changes are sufficient.

ED Response

Because all the states that commented indicated that the number of measures for each indicator is sufficient, ED is keeping this proposed change.

Directed Question #10: *Comprehensive Support and Improvement Identification: The permitted values have been changed:*

- *Lowest-performing school*
- *Low graduation rate high school*
- *CSI school not exiting such status*
- *ATSI school not exiting such status*
 - a. *What impact does this modification have on your state?*

Public Comments

Eight states provided comments about revisions to permitted values for reasons for identification for schools identified for comprehensive support and targeted support. Seven states commented that the proposed change would have little impact on burden for the state and no state noted concerns. One state noted that this change would require more programming but would “allow more accurate and granular reporting.”

ED Response

Based on the responses that the proposed change would have little impact on burden for the states and the expected improvements in data quality, ED is keeping this proposed change.

MIGRANT EDUCATION PROGRAMS

Directed Question #12: *Migrant Education Program (MEP) Continuation: The definition of students that have continuation of services has been changed to, “An indication that formerly eligible migratory children received MEP-funded services under the continuation of services authority in section 1304(e)(1-3) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended.”*

a. *What impact does this modification have on your state?*

Public Comments

Seven states provided responses to the question of MEP Continuation. Six states responded that there would be little or no impact with the proposed change, with one state requesting additional clarification. One state noted that adding 1304(e)(1) would add confusion and additional burden.

ED Response

ED currently collects the count of children served under the Continuation of Services (COS) authority in section 1304(e)(2-3) in file specification 054. The proposed change is to collect the count of children served under the COS authority in section 1304(e)(1-3) during the performance period beginning SY 2022-23. This change requires states to include the count of all children served under COS values: 1, 2, and 3. The values are not changing, but rather ED is now including value 1 in the collection. ED believes that including all three COS values eliminates any confusion about the total number of children served under the COS authority. ED recognizes that states may need to modify existing data collection practices in order to submit all three COS values. However, Office of Migrant Education (OME) anticipates that the burden will be minimal because states are already collecting all three values. For reference, the definitions of each value are as follows: 01 - Child receiving services for the duration of the term after eligibility expiration; 02 - Child receiving services for 1 additional school year – comparable services are not available through other programs; and 03 - Student who was eligible for services in secondary school continues to be served in credit accrual programs until graduation. ED is keeping this proposed change.

Directed Question #13: *Migrant Education Program (MEP) Racial Ethnic: The Department is requesting input to better understand the impact to states of reporting race/ethnicity for migratory children in Category Set A, Data Group 634, File Specification 121. The Department is interested in answers to the following questions:*

- a. *Does your state use these data (migratory children by race/ethnicity)? If so, how and for what purpose(s)?*
- b. *Please describe any challenges your state has experienced in reporting data for migratory children by race/ethnicity.*
- c. *Would your state continue to collect race/ethnicity for migratory children if you were not required to report it to ED?*
- d. *Does your state have additional comments and/or recommendations regarding how race/ethnicity for migratory children are used at the Federal level?*

Public Comments

Nine states provided responses to this exploratory question. Answers varied in terms of usage (current and future) as well as adequacy of terminology versus need for finer granularity.

ED Response

ED appreciates this feedback and will use this as a reference when reviewing the data and considering future collections.

REPORTING

Directed Question #11: Reporting Zeros: Currently ED Facts requires states to distinguish between zero, missing, and not applicable.

- *Zero:* A count is possible, but none exist.
- *Missing:* A count is possible, but the SEA does not know what the count is.
- *Not Applicable:* A count is not possible.

There are some very important differences to the Department when reviewing SEA data between the three, especially when assessing data quality and compliance with terms of the grant award. Some states have noted that reporting zero counts (versus just leaving blank) is a burden.

- a. *How does reporting zero counts impact your state's burden?*
- b. *Are there certain files where this burden is more pronounced?*
- c. *If the requirement to report zeros is removed from the LEA and School levels how can the Department be assured that blank counts are zero?*
- d. *Do you have technical solutions you use, or propose the Department consider, to efficiently distinguish between zero counts, missing, and not applicable?*

Public Comments

Ten states provided comments on reporting zeros. Three states indicated that reporting zeros was not a problem. One of these mentioned it was not a burden because the zero reporting was already programmed. The others indicated it was a burden both because of the programming to include the zeros and because the larger files resulting from including the zeros were more difficult to work with. Finding errors and anomalies is more difficult in a larger file. Resulting in at least one state creating two files and using the file without zeros in the business unit review. The states that indicated zeros were a burden specifically identified the assessment, membership, and IDEA files.

The states proposed some solutions including ED assuming that applicable counts do not include zero counts. Also proposed were states confirming that all the LEAs and schools were accounted for, providing more metadata on not applicable counts, and addressing concerns about missing zeros through the business rules checking reporting against prior years.

One state noted that since zero records are created, the absence of these records means the same as the presence of these records. One state that responded that zero counts were a burden noted that zero counts at the state level could be retained. Another state noted that the burden was for files with zero count requirements at the LEA and school level.

ED Response

ED appreciates the proposed solutions and will explore whether a combination of options could work to address the need to distinguish between actual zeros, missing, and not applicable data (e.g., if the proposed solutions address data steward needs for all levels of data; retaining zero reporting at the state level while implementing the recommendations provided by the states for LEA and school level data). ED will maintain status quo for SY 2022-23 and explore whether more technically efficient methods could be incorporated for SY 2023-24 and beyond.

Directed Question #14a-b: Modernization – File Specifications: *The comments on the 60-day package around modernization raised concerns about the accuracy and completeness of the guidance and instructions provided in file specifications.*

- a. *What types of problems has your state identified with the file specification instructions? Please provide specific examples.*
- b. *How can the file specification be improved? Please consider structure and/or content.*

Public Comments

Six states provided responses to this question. The states identified the following problems with the file specification instructions: lack of explanation about what the data would be used for, which reduced the states' ability to determine the appropriate response (specifically for Shared time school status), posted late or updated last minute, errors in the posted documents, changes from prior year not being prominent, and unclear instructions about duplicate counts.

The states recommended posting file specifications earlier, providing more explanation of zero counts (perhaps using a chart), improving quality control before posting, including the school year in the file name, and adding instructions on duplication.

ED Response

ED will use the state recommendations and concerns as it plans the development and release of the SY 2022-23 and future file specifications.

Directed Question #14c-e: Modernization – Business Rules Single Inventory: *The comments on the 60-day package raised concerns about the difficulty in understanding the business rules in the Business Rule Single Inventory (BRSI).*

- c. *What types of problems has your state identified with the BRSI?*
- d. *How can the Department improve the BRSI?*
- e. *If specific rule logic is problematic, what are your recommended changes?*

Public Comments

Five states replied to these questions. One state had no concerns about the BRSI. Two states identified some issues with specific business rules. One commented that the number of business rules needed to be decreased. Another requested not being asked about the same errors every year. One suggested that ED provide webinars on the BRSI.

ED Response

As part of modernization, ED is reviewing the rules so that the business rules are the rules required to ensure the quality of the data. ED will follow up on the specific business rules identified and will review options to make the annual errors and responses more efficient. ED encourages states to report concerns with business rules to the ED Facts Partner Support Center.

Directed Question #14f: Modernization – Consolidating file specifications: *The comments on the 60-day package suggested consolidating data groups (DGs) into fewer file specifications (FS) as part of modernization. Specifically, combining DGs in FS052 Membership (DG 039) with FS033 Free and Reduced-Price Lunch (DG 565), and Direct Certification (DG 813) with FS141 EL Enrolled (DG 678). Also combining DGs in FS165 Migratory Students Eligible Regular School Year (DG 110) with FS118 Homeless Students Enrolled Table (DG 655).*

- f. *How would consolidating data groups into fewer file specifications during modernization reduce your state’s burden?*

Public Comments

Eleven states responded to this question. One state agreed that consolidating was possible to reduce files. Two states indicated it was possible when the data have the same time periods and are related. The other eight states indicated that consolidating the data would increase burden because the data came from different sources within the state. Noting that the consolidation would complicate the work and require changes in process and programming and possible the collection of the data.

ED Response

ED appreciates the states providing their perspective on consolidating the files. Based on that feedback, ED will not be consolidating files.

Directed Question #15: Sex (Membership): *The Department is continuing to gather information about current state practices around reporting sex (membership) data. The Department is interested in answers to the following questions:*

- a. *If your SEA data collection includes data beyond male and female permitted values, do you publish the data for the additional permitted values?*
 b. *If your SEA does not publish the data, how is your state using the data?*

Public Comments

Ten states and one association provided responses to this directed question.

Three states indicated data beyond male and female permitted values. One state was starting the collection with SY 2022-23. All three indicated that the data are, or would, be published. One state publishes only at the state level. Another mentioned suppressing the two smallest gender groups.

The other seven states indicated collecting only male and female. One of the seven indicated discussions about adding a separate data element on gender with more options.

One state stated its support for reporting additional gender options so that all populations of students are identified and supported.

The association requested that ED allow reporting of nonbinary gender identity data from those schools that use a nonbinary gender marker for data accuracy, to better understand current practice and subgroup outcomes, and for data about a population with limited data.

ED Response

ED is declining to add the permitted value of “Other” to the category Sex (Membership) because the burden exceeds the current utility. If ED makes changes in permitted values, ED must be able to justify the cost and burden, per the Paperwork Reduction Act. ED justifies cost and burden based on statutory or regulatory requirement changes (not met here), based on grant program monitoring needs (not met here),

and/or on a planned policy use of data (not met here). For ED to change existing permitted values, data stewards must be able to clearly define those permitted values and they must be prepared to answer clarifying questions from states about definition anomalies, practices that vary across states, and the information must be clear enough to support an expectation of high quality data reporting by states. To meet requirements of the Evidence Act, data stewards should have data quality checks that can identify low quality data and they should be able to describe how data can and will be used. None of those requirements or conditions are met for this data collection.

Directed Question #16: *Common Data Quality Issues and Modernization: As part of the responses to the 60-day package, one state recommended expanding metadata questions so that metadata could be used to resolve common data quality issues (e.g., discrepancies between subtotals and totals). The Department is interested in answers to the following questions:*

- a. *Do you have specific recommendations for the Department about additional metadata questions that could be used to address data quality issues observed at the due date?*
- b. *Do you have a recommendation for other data quality solutions that the Department should consider as process improvements? For example, business rules that should be added, revised, or eliminated? See Business Rules Single Inventory for a list of current business rules.*

Public Comments

Two states provided a response to this question. The recommendations including reviewing when Common Core of Data business rules apply to LEAs that were supervisory unions, assessing business rules to ensure that issues identified have an impact on the quality of the data, and avoiding having issues repeated.

ED Response

ED is reviewing business rules to ensure the applicability and usefulness of the business rules and will look specifically into the business rules identified in the comments.

OTHER PUBLIC COMMENTS

IDEA PERSONNEL

Public Comments

Two states provided input on the proposed change to revise the age groups associated with reporting the special education teacher full time equivalent (FTE) counts and the paraprofessional FTE counts from ages 3-5 and ages 6-21 to ages 3-5 (not in kindergarten) and ages 5 (in kindergarten)-21 in the IDEA Personnel data. One state was supportive of the proposed change to align the age groups used in the IDEA Personnel data, as collected via file specifications (FSs) 070 (special education teachers) and 112 (paraprofessionals), with the Part B Child Count and Educational Environments data age groups. One state provided confirmation that they can report IDEA personnel data in this manner for special education teachers but not for special education paraprofessionals. (See the full response to this issue in Attachment F - ED Facts Data Set for School Years 2022-23, 2023-24, and 2024-25 Response to 60-Day Public Comments)

ED Response

ED appreciates the support for the proposed change to the IDEA Personnel Data and understands that reporting the IDEA Personnel data by the revised age groups may result in states having to make changes to their data collections and/or data systems. ED feels it is important to align the age groups that are used

for reporting in the IDEA Part B Child Count and Educational Environments data collection and the IDEA Part B Personnel data collection to understand and analyze the number of special education personnel needed to support children with disabilities who are receiving services under Part B of IDEA.

IDEA STATE SUPPLEMENT SURVEY (SSS)

Public Comments

Four states and one association provided comments on the IDEA SSS metadata survey. Four supported the withdrawal of the proposed change to align the submission and resubmission dates of the surveys with the submission and resubmission dates for the data due the first Wednesday of November (file specifications 005, 006, 007, 088, 143, 144, 009, 070, 099, and 112) and the data due the first Wednesday of April (file specifications 002 and 089). Additionally, these four supported the proposal to remove the significant disproportionality question from the IDEA SSS. One commenter noted that no questions are problematic in the IDEA SSS and no questions need to be added to the survey.

ED Response

ED appreciates the support to maintain the collection of the IDEA SSS metadata as a single survey with one submission and one resubmission period as well as the support to remove the metadata question on significant disproportionality.

MOE AND CEIS

Public Comments

Four states and one association provided comments on the proposal to collect two new data elements associated with children receiving Comprehensive Coordinated Early Intervention Services (CCEIS) in the Maintenance of Effort Reduction and Coordinated Early Intervening Services (MOE Reduction and CEIS) data collection. Four expressed support for ED's withdrawing of the proposal to collect the count of children receiving CCEIS disaggregated by age group as well as support for the proposed one-year delay in reporting the proposed new data elements in the MOE Reduction and CEIS data collection. They also requested clarification on ED's intended use of the proposed new data elements as well as how to report children received CCEIS disaggregated by disability status. Specifically, they were interested in understanding the expectations on when disability status should be determined for this reporting and whether children should be reported in the new data elements if CCEIS funds are used for professional development or procedural improvements. One commenter noted that their state collects the data needed to report the number of children receiving CCEIS disaggregated by disability status.

ED Response

ED appreciates the support for withdrawing the proposal to collect the count of children receiving CCEIS disaggregated by age group as well as support for the proposed one-year delay in reporting the proposed new data elements in the MOE Reduction and CEIS data collection. OSEP will use the count of children receiving CCEIS disaggregated by disability status to monitor the implementation of the Equity in IDEA Regulations on Significant Disproportionality, published in the Federal Register on December 19, 2016. Allowing children with disabilities to receive CCEIS was a significant change in the implementation of IDEA. These data will allow OSEP to investigate, monitor, and understand the impact of this change on findings of significant disproportionality. Additionally, OSEP will work with states to determine the appropriate guidance needed to report the number of children receiving CCEIS disaggregated by disability status. These reporting instructions will be further clarified in the User Guide for the FFY 2023/SY 2023-24 MOE Reduction and CEIS data collection (due May of 2025).

LANGUAGES

Public Comments

Two states requested that ED use the International Organization for Standardization (ISO) 639-3 language code list to represent students' native languages more fully. One commenter noted that Native American languages are not represented in federal language reporting.

ED Response

ED collects language using the ISO 639, which contains the language code system. ISO-639-2 contains approximately 480 language codes, whereas ISO-639-3 contains all the ISO-639-2 codes plus additional language codes, for approximately 7,890 codes. The lists contain both "living" languages and ancient languages.

ISO-639-2 provides identifiers for groups of languages, such as language families, that together indirectly cover most or all languages of the world. Because ISO-639-2 is generally sufficient to capture students' native languages and because of the size of ISO-639-3, ED will continue to use the ISO-639-2 list as the base for language codes. As ISO-639-3 expands on the ISO-639-2 list, ED will add language codes from the ISO-639-3, as requested by the states for reporting and as resources allow for expanding the list.

ED will add the three specific languages noted by one commenter (K'iche', Dari, and Kabuverdianu), which will be available for SY 2021-22 reporting.

Language	Code
Afghan Persian, Dari	prs
K'iche', Quiché	quc
Kabuverdianu	kea

Regarding Native American languages, ED notes that there are codes for multiple Native American languages and language families in ISO-639-2, including the Algonquian language referenced by the commenter. If a state determine that those language codes are insufficient to properly identify their students' native languages, then that state may submit a request for specific language codes from ISO-639-3 to be added.

For SY 2022-23, ED's Title III, Part A program office will continue outreach to identify additional ISO-639-3 languages that should be prioritized to expand the language code list. For future school years, ED's Title III, Part A program office will review requests from states and prioritize language codes to add to the language list. The language codes will be added as resources allow.

COLLECTION OF RACE/ETHNICITY

Public Comments

One association requested that IES update their data collection, analysis, and reporting practices and guidelines to include, at a minimum, Asian American Native Hawaiian and Pacific Islanders (AANHPI) subgroups reported by the American Community Survey. The association was particularly concerned about civil rights issues and gathering data on how discipline impacts students in the AANHPI community. The association noted that the current two aggregate categories ("Asian" and "Native Hawaiian or Other Pacific Islander") "renders much of the AANHPI community invisible, effectively ignoring the significant disparities our communities experience in education, healthcare, housing, and other important social services that the federal government coordinates." The association requested that

“federal agencies should collect, analyze, and report disaggregated AANHPI racial and ethnic data beyond the 2014 OCR’s Civil Rights Data Collection Standards and the 1997 OMB Standards for Classification of Federal Data on Race and Ethnicity; at a minimum, should practices should include all AANHPI subgroups reported by the American Community Survey.”

ED Response

While not dismissing the concerns raised by the association, the *EDFacts* collection is required to follow the 1997 OMB Standards for Classification of Federal Data on Race and Ethnicity.

ACHIEVEMENT DATA DISAGGREGATION FOR SOUTHEAST ASIAN AMERICAN STUDENTS

Public Comments

One association provided comments regarding the collection of achievement data in *EDFacts*, specifically recommending that ED require disaggregation of achievement data for Asian American, Native Hawaiian, and Pacific Islander students for the subgroup of Southeast Asian American students.

ED Response

Under Title I, Part A of the Elementary and Secondary Education Act (Title I), a State has the flexibility to define major racial and ethnic subgroups for Title I assessment and accountability purposes in the State, which includes reporting of achievement data. (ESEA sections 1111(b)(2)(B)(xi)(I) and 1111(c)(2)(B)). A State is required to report to *EDFacts* for the major racial and ethnic subgroups defined by the State achievement data for assessments the State administers for Title I (*EDFacts* FS 175, FS 178, FS 179, FS 185, FS 188, FS 189) and accountability data (indicators: FS 199, FS 200, FS 201, FS 202, FS 205; graduates: FS 150, FS 151, FS 160; school identification: FS 206, FS 212). ED has aligned the permitted values for subgroups in these files with the major racial and ethnic subgroups defined by States for Title I assessment and accountability purposes. Because of the flexibility provided to States to define major racial and ethnic subgroups for their implementation of Title I, ED is not requiring more specific disaggregation of achievement data for Title I purposes.