

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

November 2021

ATTACHMENT B

**Directory Records for the
EDFacts Data Set
for School Years 2022-23,
2023-24, and 2024-25
(with 2021-22 continuation)**

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INTRODUCTION

This attachment explains the data collected to define and describe education units. Each SEA submits files containing the education units in the state referred to as the directory. All data collected through EDFacts are linked to education units in the directory. This attachment also explains the data used to describe charter authorizers and management organizations.

Details about the individual data groups and categories in the directory are in Attachment A. Changes to the data collected in the directory are marked in Attachment A.

SECTION 1: EXPLANATION OF THE DIRECTORY

This section describes the hierarchy of the Directory, how the Directory data are used and organized.

DIRECTORY HIERARCHY

At the start of each school year, each State Education Agency (SEA) submits files containing data that define the education units in that state, that is, a directory. The education units in each state are organized into a three-tier hierarchy:

- 1) State (SEA) level
- 2) Local Education Agency (LEA) level
- 3) School (SCH) level

The directory records include the following information on each education unit:

- Unique identifiers (e.g., name and identification numbers)
- Contact information (e.g., addresses)
- Descriptive information (e.g., virtual school status).

Every school is associated with an LEA. Schools and LEAs are associated with a state. The state and NCES identifiers link the education units to each other within the hierarchy. Thus, the record for each school includes both the state and NCES identifiers of the LEA to which the school belongs. Records for both LEAs and schools include the identifiers of the state.

HOW DIRECTORY DATA ARE USED

The directory determines the universe for EDFacts. Prior to submitting any other data, a directory record must exist for every school and every school must be linked to a directory record for an LEA. If a directory record does not exist, all other data submissions for that education unit will fail. Therefore, the LEA and school directory files must be the first files submitted for each school year.

Each state submits the education units needed to completely and accurately report data for all data groups in the EDFacts data set. In some cases, an education unit is used for some purposes (data groups) and not for others.

Other uses of the directory data include:

- **Reporting Program Data**

Attachment A describes in detail the data submitted for U.S. Department of Education grant programs. The directory must include all education units that need to report data for these programs. The program data submitted populates the Consolidated State Performance Report (CSPR), IDEA Section 618, other program reports, and are also used in program public analysis files.

- **Publishing the Official Directory and Report Official Statistics**

The Common Core of Data (CCD) is designed to be the Department of Education's comprehensive statistical database of all public schools and school districts. It serves as the basis of official statistics that provide information on the condition of education. Each year NCES "locks" their published directory for the CCD collection. While SEAs can make changes to the directory in ESS after the directory is "locked" for CCD, those changes will not affect the published CCD file and could have unanticipated consequences. Data in the final CCD collection are used in NCES publications, including the annual compendia, the *Digest of Education*, and the *Condition of Education*.

- **Serving as a Sampling Frame for Statistical Studies**

The CCD is used as a sampling frame for cross-sectional and longitudinal school-based surveys conducted by NCES. For example, the National Teacher and Principal Survey (formerly the Schools and Staffing Survey), draws a sample of public schools from the most recent CCD file that is available. Longitudinal surveys like the Early Childhood Longitudinal Study (ECLS), the Middle Grades Longitudinal Study (MGLS), and the High School Longitudinal Study (HSLS) also start with the CCD to create a full listing of schools that meet specified grade ranges. Sampled schools are then contacted for participation in the studies. The CCD is used to help produce the sampling weights. CCD variables are used as composite variables in the final data sets and are used by researchers as control variables in their analyses.

- **Serving as a Sampling Frame for NAEP**

The CCD serves as the public school sampling frame for the National Assessment of Educational Progress (NAEP). To annually construct the NAEP sampling frame, NCES requires the most current public school information regarding grade spans, enrollment, and district affiliation that is consistent both within and across states and jurisdictions of interest. Additionally, using the CCD as the sampling frame allows for NAEP results to be consistently reported with other NCES reports and products that also use CCD data.

- **Defining the Universe for the Civil Rights Data Collection (CRDC)**

The respondent universe of the CRDC will be based on the most recently available data from the CCD. The CRDC does not include schools and school districts in the outlying areas or overseas Department of Defense schools. The CRDC is primarily designed to collect data from public school districts about educational entities where students receive educational services for at least 50 percent of the school day, regardless of whether students are reported elsewhere for funding, accountability, or other reporting purposes. To be eligible to participate in the CRDC, schools must serve students at the site for at least 50 percent of the school year. Since the CCD and CRDC differ slightly in scope, some records are deleted, added, or modified in order to provide better coverage and a more efficient sample design for the CRDC. Districts with no membership or missing membership at the district level are generally excluded, except in some special cases, such as where membership data were available for the associated schools.

Additionally, the Office of Civil Rights (OCR) augments the CRDC frame with justice facilities, which may not be under the purview of the SEA. In collaboration with the Department of Justice Office for Juvenile Justice and Delinquency Prevention (OJJDP), OCR adds justice facilities which may not have been otherwise included in the CCD to ensure coverage of all youth in pre- or post-adjudication facilities that receive educational services. Also, state-operated programs for special populations of students (such as schools for the deaf and schools for the blind) are added to the universe if they are not already included in the CCD.

- **Populating the List of Schools Used on Free Application for Student AID (FAFSA)**

The Department's Federal Student Aid (FSA) program provides an on-line Free Application for Student AID (FAFSA) which helps students pay for their college education. Several years ago, information on high school of graduation was added to the on-line FAFSA. Through regular data sharing between NCES and FSA, the CCD Directory is used to populate the list of high schools presented to students when completing this application. This allows the official identifying and contact information from the CCD for the school to be pulled into the FAFSA record.

HOW THE DIRECTORY IS ORGANIZED

This section explains the education units that are submitted for the three tiers of the hierarchy used for EDFacts reporting: State level, LEA level, and school level. Each SEA fits its unique set of education units into this three-tier hierarchy so that the state can accurately and complete report its data.

STATE LEVEL

The only education unit reported at the state level is the SEA.

Definition – State Education Agency (SEA)

A state education agency (SEA) is the agency of the state charged with primary responsibility for coordinating and supervising public elementary and secondary instruction (education), including the setting of standards for instructional programs and is the state agency that administers federal grant programs under the *ESEA*.

State agencies, other than the SEA, may be involved in “coordinating and supervising public elementary and secondary instruction.” The directory record at the state level is for the SEA. While the directory record at the state level is for the SEA, data submitted at the state level may contain data for other state agencies. For example, if schools or reportable programs are operated by another state agency, such as the Department of Corrections, the SEA should make arrangements with that agency to obtain and submit the data.

LOCAL EDUCATION AGENCY (LEA) LEVEL

Several types of education units are reported at the LEA level. Agencies reported at this level are education units in a state that are not the SEA and are not schools. The definition of an LEA is from the Elementary and Secondary Education Act of 1965, as amended. The full citation from the Code of Federal Regulation is included in Appendix A.

Definition – Local Education Agency (LEA)

A Local Educational Agency (LEA) is a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools.

Name	Local education agency (LEA) type
ID	453
Definition	The classification of an education unit reported in the local education agency (LEA) file.
Permitted Values 1 – Regular public school district that is NOT a component of a supervisory union 2 – Regular public school district that is a component of a supervisory union 3 - Supervisory union 4 - Service agency 5 - State operated agency 6 - Federal operated agency 9 - Specialized public school district <i>If the state's legislation for charter schools allows the creation of school districts exclusively for charter schools:</i> 7 - Independent charter district <i>When needed:</i> 8 - Other local education agencies	

EXPECTED REPORTING BY TYPE

The table below indicates the expected reporting of key data by the type of LEA. The type “Other LEAs” should only be used when an SEA determines the entity does not fit the criteria for any of the other reporting types.

	Regular public school districts (1 and 2)	Supervisory unions (3)	Specialized public school district (9)	Service agency (4)	State operated agencies (5)	Federal operated agencies (6)	Independent charter districts (7)
Have schools	Yes ¹	No	Yes	No	Yes	Yes	Yes
Membership (FS 052)	Yes	No	Maybe	No	Yes	Yes	Yes
Graduates (FS 040)	Yes	No	Maybe	No	Yes	Yes	Yes
Dropouts (FS 032)	Yes	No	Maybe	No	Yes	Yes	Yes
Staff (FS 059)	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Assessment	Yes	No	Maybe	No	Yes	Yes	Yes
Federal programs	Yes	Yes	Maybe	Maybe	Maybe	Maybe	Maybe
CRDC	Yes	No	Yes	No	Maybe	Maybe	Yes

REGULAR PUBLIC SCHOOL DISTRICT (1 & 2)

All states have regular public school districts; therefore, all states submit records on the regular public school districts in their states.

Definition – Regular Public School District

A regular public school district is a local government administrative authority which governs the education system at a specified local level on behalf of the public and the state.

Under this definition, a regular public school district:

- Is state authorized, either directly or through delegated authority
- Is governed in accordance with state statute (e.g., a publicly elected school board)
- Designs and develops education standards and goals, including curriculum in support of state guidelines
- Is authorized to provide education credentials (i.e., authorization to proceed to the next grade level or diploma)
- Has primary responsibility for providing public education
- Has an official (usually titled superintendent) who is either appointed or elected
- Has one or more schools that it manages or operates OR tuitions all students
- Procures and allocates funding from federal, state and local sources for schools and other education and related services

Regular public school districts are reported as either:

- Regular public school district that is not a component of a supervisory union
- Regular public school district that is a component of a supervisory union

SUPERVISORY UNION (3)

States that have supervisory unions submit records on those education units in the LEA level file.

Definition – Supervisory Union

A supervisory union is an administrative center or county superintendent's office serving as the administrative center.

Not all states have supervisory unions. The state may use a different name for these entities. As explained later in this attachment, states with supervisory unions include the supervisory union identifier in the file to link the regular public school districts to the supervisory union.

SPECIALIZED PUBLIC SCHOOL DISTRICT (9)

Some states have school districts that are designed for a specific need or purpose. For example, a state would report specialized public school districts if the state has school districts with only career and technical schools. These districts may serve a geographic region that encompasses multiple regular public school districts. If the state has such entities, then the state submits records on those education units in the LEA level file. Not all states have specialized public school districts.

Definition – Specialized Public School District

A specialized public school district is a school district that operates one or more schools that are designed for a specific educational need or purpose.

Under this definition, a specialized public school district:

- Is state authorized, either directly or through delegated authority
- Is governed in accordance with state statute
- Designs and develops education standards and goals, including curriculum for a specific need or purpose
- Has an organizational structure which could include an official (usually titled superintendent) who is either appointed or elected
- Has one or more schools that it manages or operates
- Procures and allocates funding from federal, state and local sources for schools and other education and related services

A specialized public school district may also provide specialized educational services or related services to other education agencies similar to a service agency. The difference between the two is that a specialized public school district is responsible for schools while a service agency is not.

A specialized public school district may be authorized to provide credentials, such as a technical education certificate. A specialized public school district would generally not provide regular high school diplomas.

As noted in the table on expected reporting, these districts may not have students reported in the Membership file (FS 052) if all the students are reported elsewhere.

SERVICE AGENCY (4)

Some states have LEAs that provide specialized educational and related services to other LEAs. If the state has such entities, then the state submits records on those education units in the LEA level file.

Definition – Service Agency

A service agency is an agency that does not operate schools instead it provides specialized educational services (such as career and technical education) or related services (such as services in IEPs) to other education agencies that the agencies cannot readily provide for themselves.

The state may use a different name for these entities, such as, regional education service agency (RESA), education service agency (ESA), or board of cooperative education services (BOCES).

STATE OPERATED AGENCIES (5)

Some states have schools that are operated by a state agency. For example, a state may have a state school for the blind. As another example, the state’s Department of Justice may operate the schools in detention or correctional facilities. The SEA submits records at the LEA for the state operated agency so that the schools can be associated with that state operated agency.

Definition – State Operated Agency

State operated agency is an organization overseen by a state agency that operates schools or programs that provide public elementary and/or secondary level instruction.

While state operated agencies are submitted by the SEA and in the EDFacts hierarchy under the SEA, this does not mean that those agencies are necessarily under the authority of the SEA.

FEDERAL OPERATED AGENCIES (6)

Some states have schools that are operated by a federal agency, e.g., Department of Defense or the Bureau of Indian Education (BIE). SEAs report these schools only when the SEA runs programs in these schools and thus has data to report for these schools. When this occurs, the SEA either associates those schools with a state LEA coordinating the program OR sets up an LEA for the federal agency.

Definition – Federal Operated Agency

Federal operated agency is an organization overseen by a federal agency that operates schools or programs that provide public elementary and/or secondary level instruction.

INDEPENDENT CHARTER DISTRICTS (7)

See section on “Reporting for States with Charter Legislation” for an explanation of independent charter districts.

SCHOOL LEVEL

The school level file should contain all the public elementary/secondary schools in the state.

Definition – Public Elementary/Secondary School

A public elementary/secondary school is an organization authorized by public authority and financed primarily through public funds to provide public education to students.

Under this definition, schools:

- Are operated by a public school district, independent charter district, or state agency on behalf of the state (or federal government in the case of BIE and DoD schools)
- Provide instruction for students
- Have, will have, or had one or more students
- Have, will have, or had one or more teachers
- Have an assigned administrator(s) (principal) responsible to public authority
- Receive public funds as its primary support

The phrase “have, will have, or had” is intended to capture schools that may not have students or teachers at the time the directory is submitted. For example, a school that is being planned and reported as “future” operating status may not currently have students or teachers.

Most schools will have a single physical location. Few schools will share a single physical location with another school.

Name	School type
DG	21
Definition	The classification of schools based on the curriculum concentration.
Permitted Values	1 – Regular school 2 – Special education school 3 – Career and technical education school 4 – Alternative education school <i>When needed to report data:</i> 5 – Reportable program

EXPECTED REPORTING BY TYPE

The table below indicates the expected reporting of key data by the type of school.

Data reported	Regular (1)	Special Education (2)	Career and Technical (3)	Alternative (4)
Membership (FS 052)	Yes	Maybe	Maybe	Yes
Staff (FS 059)	Yes	Yes	Yes	Yes
Assessment	Yes	Maybe	Maybe	Yes
CRDC	Yes	Yes	Maybe	Yes
FAFSA	Yes	Yes	Maybe	Yes

For CCD, students are reported at the school level at their *school of record*. In some states, a special education or career and technical school does not have students in membership to report because all of the students attending the school are shared-time students with a different *school of record*.

REGULAR SCHOOL (1)

Regular schools are public elementary/secondary schools. Most schools in the state will be regular schools.

Definition – Regular School

A regular school is a public elementary/secondary school that does not focus primarily on career and technical, special, or alternative education, although it may provide these programs in addition to a regular curriculum.

SPECIAL EDUCATION SCHOOLS (2)

Special education schools are public elementary/secondary schools that focus on serving the educational needs of students with disabilities (IDEA).

Definition – Special Education School

A special education school is a public elementary/secondary school that focuses primarily on serving the educational needs of students with disabilities (IDEA) and which adapts curriculum, materials, or instruction for these students.

CAREER AND TECHNICAL EDUCATION SCHOOLS (3)

Career and technical education schools are public elementary/secondary schools that focus on occupation and career related curriculum.

Definition – Career and Technical Education School

A career and technical education school is a public elementary/secondary school that focuses primarily on providing secondary students with an occupationally relevant or career-related curriculum, including formal preparation for technical or professional occupations.

ALTERNATIVE EDUCATION SCHOOLS (4)

Alternative education schools are public elementary/secondary schools that serve students whose needs cannot be met in a traditional classroom setting. These may include students who:

- Are at risk of academic failure or dropping out of school
- Have been suspended or expelled or are at risk of being suspended or expelled
- Are pregnant or parenting
- Are in dropout recovery or credit recovery
- Are juvenile offenders or “delinquents”
- Engage in high-risk health behaviors
- Are disruptive or exhibit behavioral or discipline problems
- Are chronically truant or absent
- Have health problems that prevent attendance at a regular school

Definition - Alternative Education School

An alternative school is a public elementary or secondary school that addresses the needs of students that typically cannot be met in a regular school program and is designed to meet the needs of students with academic difficulties, students with discipline problems, or both students with academic difficulties and discipline problems.

Alternative education schools may be sited in locations other than a traditional school building such as hospitals, mental health centers, jails, or juvenile detention centers.

REPORTABLE PROGRAM (5)

The permitted value “reportable program” is available for SEAs that have data to report to EDFacts at the school level that the SEA has determined does not meet the definition of a public elementary/secondary school provided earlier in this document.

To be reported as a reportable program in the Directory, that program or entity:

- Is not a public school under the CCD and EDFacts definition of a school; and
- Must report students to EDFacts or the CRDC at the school level to meet a specific federal requirement; and
- Has students reported in the reportable program that are eligible to receive free public education from the state.

STATES WITH LEGISLATION FOR CHARTER SCHOOLS

The state legislation designates certain entities with the authority to establish charter schools. Every charter school has a charter from an authorizer. Like other public elementary/secondary schools, every charter school operates under a school district. The school district may be a regular public school district or, if allowed by state statute, an independent charter district. The charter school may contract with a management organization to manage, operate, or oversee the school. The boxes below contain the definitions of these entities.

Definition – Charter School

An indication that a public school provides free public elementary and/or secondary education to eligible students under a specific charter issued, pursuant to a state charter school law, by an authorized chartering agency/authority and that is designated by such authority to be public charter school.

A key point in this definition is that charter schools are public elementary and secondary schools.

All states that have charter schools also have charter authorizers, that is, authorized public chartering agencies.

Definition – Authorized Public Chartering Agency

An authorized public chartering agency (aka charter authorizer) is a state educational agency, local educational agency, a specialized charter granting entity or Independent Charter Board, Higher Education Institute, Non-profit entity, state, county, or local

governmental entity, or other entity that has the authority pursuant to state law to authorize or approve a charter school, and to decide to renew, not renew, or revoke charter contracts.

A key point in this definition is the state legislation dictates which entities can be authorizers.

Definition – Management Organization

A management organization is an organization that is a separate legal entity that 1) contracts with one or more charter schools to manage, operate, and oversee the charter schools; or 2) holds a charter, or charters, to operate a network of charter schools.

A key point in this definition is that a management organization manages, operates, or oversees one or more charter schools.

Some states have charter legislation that creates or allows for independent charter districts. In other states, all charter schools are under regular public school districts. If the state has legislation and has created independent charter districts, then any education units created under that authority are reported as independent charter districts.

Definition – Independent Charter District

An independent charter district is an education unit that is not under the administrative control of another local education agency and that operates one or more charter schools – and only charter schools.

In some states, charter schools are established as their own LEA. In these cases, the charter school is reported in the LEA file as an independent charter district and in the school file as a charter school.

SECTION 2: DATA COLLECTED

There are multiple data groups collected to provide information on the Directory detailed out below.

BASIC DIRECTORY INFORMATION

The directory for each state includes basic information about the SEA, LEAs, and schools including unique identifiers, contact information, and operational status.

UNIQUE IDENTIFIERS

The table below lists the unique identifiers collected to identify SEAs, LEAs, and school.

DG	Name	SEA	LEA	SCH
559	State code	X	X	X
7	Education entity name	X	X	X
551	Supervisory union identification number		*	
4	LEA identifier (state)		X	X
5	School identifier (state)			X
1	LEA identifier (NCES)		X	X
529	School identifier (NCES)			X

* The supervisory union identification number (DG 551) is used only by SEAs that have supervisory unions.

CONTACT INFORMATION

The table below lists the data groups collected on addresses and other contact information.

DG	Name	SEA	LEA	SCH
9	Address location	X	X	X
8	Address mailing	X	X	X
669	Out of state indicator		X	X
10	Telephone – education entity	X	X	X
11	Web site address	X	X	X

Most schools will have a single physical location. Few schools will share a single physical location with another school.

DESCRIPTIVE INFORMATION

The table below lists the data groups collected with descriptive information on LEAs and schools.

DG	Name	SEA	LEA	SCH
16	Operational status - LEA		X	
531	Operational status – school			X
571	Effective Date		X	X
453	Local education agency (LEA) type		X	
21	School type			X
743	Reconstituted status			X

REPORTING FOR STATES WITH CHARTER LEGISLATION

States with charter schools submit a file with the charter authorizers prior to submitting the school level file with the charter schools. The file with the charter authorizer is explained in the section “Charter Authorizer.”

In addition, states with charter schools submit a file with management organizations, a file linking the management organizations to the charter schools, and a file with charter contract information.

States with independent charter district include those entities in the LEA level file prior to submitting the school level file with the charter schools.

To ensure completeness of data on charter schools, SEAs submit a file (FS 190) with the list or roster of authorized public chartering agencies (aka charter authorizers) in their state. The charter schools are linked to the charter authorizers using the identifier. Only states that have charter schools submit data on charter authorizers.

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

The purpose of the data items being collected regarding charter contracts is to enable CSP to obtain a complete list of charter schools in the United States. CSP goes through a complex reconciliation process to compile a directory of all charter schools that are in operation across the nation. These data will fill in the data gaps so that for each school year CSP has a complete and accurate directory of charter schools.

DIRECTORY FILE

In the directory file, LEAs are marked as the type of charter LEA. Schools are marked as either charter or not charter. If the school is a charter school then the charter authorizer ID is provided.

LEA Data Group	School Data Groups
653 Charter LEA status	27 Charter status
	804 Charter authorizer identifier (state)

CHARTER CONTRACTS

FS 198 collects information on the charter contract. The following data groups are collected.

DG	Name
830	Charter contract ID number
831	Charter contract approval date
832	Charter contract renewal date

CHARTER AUTHORIZERS

To ensure completeness of data on charter schools, SEAs submit a file (FS 190) with the list or roster of authorized public chartering agencies (aka charter authorizers) in their state. The charter schools are linked to the charter authorizers using the identifier. Only states that have charter schools submit data on charter authorizers.

Below are detailed descriptions of data groups used for the roster of charter authorizers. Similar to other education entities, the data groups are organized as unique identifiers, contact information, and descriptive information.

UNIQUE IDENTIFIERS

The unique identifiers for charter authorizers are the name, state code, and a state identifier.

DG	Name
798	Charter authorizer name
559	State code
808	Charter authorizer identifier (state)

CONTACT INFORMATION

The roster includes the standard contact information of mailing and location address.

DG	Name
805	Charter authorizer address location
806	Charter authorizer address mailing

DESCRIPTIVE INFORMATION

The roster includes information about the type of organization that the charter authorizer is.

DG	Name
809	Charter authorizer type

MANAGEMENT ORGANIZATIONS

The roster includes information about management organizations.

UNIQUE IDENTIFIERS

The unique identifiers for management organizations are the name, state code, and a state identifier.

The unique identifiers for charter authorizers are the name, state code, and a state identifier.

DG	Name
825	Management organization name
559	State code
826	Employer identification number (EIN)

CONTACT INFORMATION

The roster will include the standard contact information of mailing and location address.

DG	Name
827	Organization address location
828	Organization address mailing

DESCRIPTIVE INFORMATION

The roster will include information about the type of charter management organization.

DG	Name
829	Management organization type

Management organization can be:

- Charter Management Organization (CMO) – a non-profit organization that operates or manages a network of charter schools (either through a contract or as the charter holder) linked by centralized support, operations, and oversight.
- Education Management Organization (EMO) – a for-profit entity that operates or manages a network of charter schools (either through a contract or as the charter holder) linked by centralized support, operations, and oversight.
- Single Management (non-profit) – a non-profit organization that is not a CMO or EMO and that provides management services to one charter school.
- Single Management (for-profit) – a for-profit entity that is not a CMO or EMO and that provides management services to one charter school.

APPENDIX A: CITATION CODE OF FEDERAL REGULATIONS

The Education Sciences Reform Act of 2002 directed IES to use definitions from the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

TITLE I—EDUCATION SCIENCES REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the “Education Sciences Reform Act of 2002”.

SEC. 102. DEFINITIONS.

In this title:

- (1) **IN GENERAL.**—The terms “elementary school”, “secondary school”, “local educational agency”, and “State educational agency” have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and the terms “freely associated states” and “outlying area” have the meanings given those terms in section of such Act (20 U.S.C. 6331(c)).

When the Elementary and Secondary Education Act of 1965 was amended by the Every Student Succeeds Act, ESRA was amended with the following text that updated the references and some definitions:

(ff) **EDUCATION SCIENCES REFORM ACT OF 2002.**—The Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.) is amended as follows: (1) Paragraph (1) of section 102 (20 U.S.C. 9501) is amended to read as follows: “(1)(A) **IN GENERAL.**—The terms ‘elementary school’, ‘secondary school’, ‘local educational agency’, and ‘State educational agency’ have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965. “(B) **OUTLYING AREAS.**—The term ‘outlying areas’ has the meaning given such term in section 1121(c) of such Act. “(C) **FREELY ASSOCIATED STATES.**—The term ‘freely associated states’ means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.”. (2) Section 173(b) (20 U.S.C. 9563(b)) is amended by striking “part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.)” and inserting “section 8601 of the Elementary and Secondary Education Act of 1965”.

Below is the definition of an LEA from the Code of Federal Regulations (CFR).

34 CFR § 303.23 Local educational agency

(a) **GENERAL. LOCAL EDUCATIONAL AGENCY** or LEA means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(b) EDUCATIONAL SERVICE AGENCIES AND OTHER PUBLIC INSTITUTIONS OR AGENCIES. The term includes the following:

(1) EDUCATIONAL SERVICE AGENCY, defined as a regional public multiservice agency—

- (i) Authorized by State law to develop, manage, and provide services or programs to LEAs; and
- (ii) Recognized as an administrative agency for purposes of the provision of special education and related services provided within public elementary schools and secondary schools of the State.

(2) Any other public institution or agency having administrative control and direction of a public elementary school or secondary school, including a public charter school that is established as an LEA under State law.

(3) Entities that meet the definition of INTERMEDIATE EDUCATIONAL UNIT or IEU in section 602(23) of the Act, as in effect prior to June 4, 1997. Under that definition an INTERMEDIATE EDUCATIONAL UNIT or IEU means any public authority other than an LEA that;

- (i) Is under the general supervision of a State educational agency;
- (ii) Is established by State law for the purpose of providing FAPE on a regional basis; and
- (iii) Provides special education and related services to children with disabilities within the State.

(c) BIE-FUNDED SCHOOLS. The term includes an elementary school or secondary school funded by the Bureau of Indian Education, and not subject to the jurisdiction of any SEA other than the Bureau of Indian Education, but only to the extent that the inclusion makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the LEA receiving assistance under the Act with the smallest student population.

(Authority: 20 U.S.C. 1401(5), 1401(19))