August 31, 2021

Kate Mullen
PRA Coordinator
Strategic Collections and Clearance, Governance and Strategy Division
Office of Chief Data Officer
Office of Planning, Evaluation and Policy Development
400 Maryland Ave. SW,
LBJ, Room 6W208D
Washington, DC 20202–8240

RE: Comment Request; Education Stabilization Fund-Elementary and Secondary School Emergency Relief Fund (ESSER I/ESSER II/ARP ESSER Fund) Recipient Data Collection Form (Docket No. 2021-SCC-0096)

Dear Ms. Mullen:

The undersigned organizations welcome the opportunity to respond to the U.S. Department of Education's (ED's) request for comments regarding the Elementary and Secondary School Emergency Relief (ESSER) Fund Data Collection Form. We submit these recommendations as a collaboration of national organizations seeking to advance shared education equity priorities through federal, state, and local policy and advocacy.

We applaud the administration for its efforts to advance policies that serve and support improved outcomes for students from low-income backgrounds, students with disabilities, students learning English, students experiencing homelessness, students in the foster care system, students who are incarcerated, undocumented students, Black and Brown students, Native students, Asian students, and students who identify as LGBTQ. We recognize that these are cross-cutting and intersectional issues, and that many students experience multiple vulnerabilities (e.g., students of color, students with disabilities, and students learning English are dramatically over-represented among students who experience homelessness); thus, the proposed data collection will require careful and thoughtful consideration for addressing multiple needs.

We appreciate ED's comprehensive approach to ESSER data collection and reporting as demonstrated through the draft Data Collection Form, as it is vital for policymakers and the public to know how ESSER funds are being used, which students are benefiting, and how student outcomes are changing as a result. COVID-19 has exacerbated inequities that predate the pandemic and has created new ones. Funds provided through ESSER provide an unprecedented opportunity to address the disparities in our education system and implement new policies and practices that simultaneously address the impact of COVID-19 on students' academic and social and emotional well-being while building on students' inherent strength and resilience. While

high-quality data collection and reporting may present challenges for some State and local educational agencies, the need to gather data to ensure ESSER is effectively serving students who have been historically underserved and who have been disproportionately impacted by the pandemic far outweighs the burden. To achieve these goals, and in the spirit of partnership, we offer the attached recommendations in response to ED's directed questions and the draft Data Collection Form. In addition to the detailed comments offered in these two attachments, we offer the following broad comments for your consideration:

- **Maintenance of Equity (MoEquity):** We appreciate that Section 6 of the draft Data Collection Form calls upon State educational agencies (SEAs) to report data pertaining to the American Rescue Plan Act's Maintenance of Equity requirements. As ED knows, these requirements are critical for promoting resource equity by ensuring students who have been historically underserved do not face disproportionate reductions in resources. MoEquity requirements apply to local educational agencies (LEAs) in addition to SEAs. Therefore, it is vital for ED to provide guidance and oversight for SEAs regarding data reporting requirements for LEAs to ensure LEA compliance with MoEquity (see Attachment 2, Recommendation 17).

- **Focus on individual student groups:** ESSER's statutory language articulates an emphasis on individual groups of historically underserved students. We applaud ED for reflecting this priority in the draft Data Collection Form by calling upon LEAs to report on the use of ESSER funds to support learning recovery or acceleration for student groups who were disproportionately impacted by the COVID-19 pandemic (Section 4, Subsection B, Question 4) and have included several recommendations to enhance this reporting. However, we encourage ED to also collect similar information regarding the use of ESSER SEA reserve funds disaggregated by student group (see Attachment 2, Recommendation 13).

- **Uses of ESSER funds:** The list of ESSER uses of funds repeated throughout the draft Data Collection Form is a critical element of ESSER reporting as it will both provide information regarding how ESSER funds are used and will signal ED's priorities for how ESSER funds *should be* used. Therefore, we offer recommendations for additions and clarifications to this list to broaden the categories of activities included, align it with other lists of activities in the draft Data Collection Form, and ensure it fully incorporates priority activities such as professional learning and strategies to address lost instructional time and unfinished learning (see Attachment 2, Recommendations 6 and 7).

- **Student outcomes:** While it is critical to collect information regarding how ESSER funds are spent, it is equally important to know if student outcomes are improving as a result of ESSER-funded activities. Recognizing that only limited conclusions can be drawn from the reporting of this data as it is not the result of a rigorous evaluation, we appreciate the inclusion of student outcomes under Section 4 and offer recommendations for additional data points to be collected (see Attachment 2, Recommendation 15). Knowing the pandemic has disproportionately affected students who already faced disparities in opportunity, we must gather the information needed to ascertain whether or not efforts are effectively supporting these young people.

- **Data quality:** Understanding how states and districts are using ESSER funds to meet the needs of students—especially underserved students who have disproportionately been impacted by the pandemic—requires detailed and high-quality data. We encourage ED to develop strong data quality checks during and after submission to maximize the utility of the information provided by SEAs and LEAs.

Thank you for your ongoing efforts in pursuit of educational equity and excellence. We offer our partnership and support in this endeavor and look forward to working with you on behalf of America's underserved students.

Sincerely,

Alliance for Excellent Education
Center for American Progress
Education Reform Now
National Center for Learning Disabilities
National Urban League
SchoolHouse Connection
The Education Trust
Teach Plus
UnidosUS

Attachment 1:
Responses to Directed Questions

<u>**Directed Question 1**</u>

COVID-19 has exacerbated and highlighted inequities in our nation's education system. A recent report from the [Office for Civil Rights](), *Education in a Pandemic: The Disparate Impacts of COVID-19 on America's Students*, outlines evidence of widening disparities in academic outcomes, mental health supports, resource access, and general health and wellness among historically underserved students, including students of color, students with disabilities, and students learning English. As noted in this report "The unprecedented resources delivered by the American Rescue Plan . . . enable this conversation—and related actions—to meet the urgency of this time."

Understanding how SEA, LEAs, and non-LEA entities are using ESSER funds to meet the needs of students—especially historically underserved students who have been disproportionately impacted by the pandemic—requires detailed, high-quality data. While high quality data collection and reporting may present challenges for some State and local educational agencies, the need to gather data to ensure ESSER is effectively serving students and to provide accountability that funds are creating impact where it is most needed far outweighs the burden. We appreciate ED's commitment to this. We urge ED to develop strong data quality checks during and after submission of the proposed Recipient Data Collection Form, with a focus on identifying zero reporting and implausibly large, small, or repeated values, and to specifically prioritize the quality of data in the following use-of-funds categories:

- Mandatory ESSER allocations to LEAs (Section 3), because it represents no less than 90% of total ESSER funding;
- Actual subgrants awarded to LEAs (Section 3, Subsection A, question 1), because we know that actual mandatory subgrants awarded to LEAs differ from ED's estimates of ESSER allocations; and
- Data on obligations and expenditures to address lost instructional time and identify and support students' social emotional needs (*i.e*., each individual use of funding specified under "activities addressing the academic impact of lost instructional time through the implementation of evidence-based interventions" and "social emotional supports"), school safety & operations, early childhood education, facilities, and staff professional development.

<u>**Directed Question 3**</u>

We applaud ED's inclusion of data collection fields related to the American Rescue Plan (ARP) Act's maintenance of equity requirement (MoEquity) to protect against the disproportionate state

education budget cuts that exacerbated funding gaps between low- and high-poverty schools during the Great Recession. To ensure ED has the data needed to track compliance with this critical protection and to compare cross-state data, we recommend use of the method described in Option A (completing the allocation data for each school on a list pre-populated by ED).

We believe that Option A is less burdensome overall for SEAs and will allow ED to consistently calculate and define the categories of high-poverty and non-high poverty schools to ensure consistency among all States and districts. Additionally, Option A makes it easier for ED to conduct cross-state comparisons, whereas Option B could result in different SEAs utilizing inconsistent methodologies to calculate average per-pupil spending.

Directed Question 4

Section 3, Subsection C, question 4: Please describe how the selected activities or interventions respond to students' academic, social, and emotional needs.

We appreciate ED's intention to gather information pertaining to the ways in which ESSER-funded activities respond to students' academic, social, and emotional needs. To gather this information in a consistent fashion across the nation's school districts, we recommend several additions and clarifications to the list of activities included throughout the Data Collection Form per Recommendation 6 on the accompanying attachment (see Attachment 2).

Section 3, Subsection C, question 5: Please describe how the selected interventions address the disproportionate impact of Covid-19 on underrepresented student groups, including each major racial and ethnic group, children from low-income families, children with disabilities, English learners, gender, migrant students, students experiencing homelessness and youth in foster care.

We appreciate ED's intention to gather information pertaining to the ways in which ESSER-funded activities address the disproportionate impact of COVID-19 on underrepresented student groups. We recommend editing this language to clarify that SEAs should provide specific information on how selected activities/interventions met the intended purpose of the set-aside for *each listed* student subgroup. Doing so will strengthen ED's ability to assess the degree to which these students have been served through ESSER-funded activities.

Proposed Edits:
5. Please describe how the selected activities or interventions address the disproportionate impact of Covid-19 on each listed underrepresented student group, including each major racial and ethnic group, children from low-income families, children with disabilities, students learning English, gender, migrant students, students experiencing homelessness and youth in foster care.

Section 3, Subsection D, question 10: How did the LEA seek to reengage students with poor attendance or participation?

We appreciate ED including the topic of student reengagement in the Data Collection Form. We recommend asking both how the LEA identified students with poor attendance or participation in in-person, hybrid, and remote learning as well as how they sought to reengage those students. This information, combined with the information on daily attendance and chronic absenteeism collected under the Student Outcomes portion of the Data Collection Form, will help to provide insight on guidance ED can provide districts on effective means of tracking attendance and promoting reengagement.

Proposed Edits:
Did the LEA collect data on consistent attendance and participation in each school:
- for students learning in-person? (Y/N)
___ All students data only
___ Disaggregated data by student group
- for students in hybrid learning? (Y/N)
___All students data only
___ Disaggregated data by student group
- for students learning remotely? (Y/N)
___All students data only
___ Disaggregated data by student group

How did the LEA seek to reengage students with poor attendance or participation? (mark all that apply)
__ Direct outreach to families
__ Engaging the school district homeless liaison
__ Partnering with community-based organizations
__ Offering home internet service and/or devices
__ Implementing new curricular strategies to improve student engagement in remote learning
__ Offering credit recovery and/or acceleration strategies
__ Other (please describe)
__ Other (please describe)
__ Other (please describe)

Attachment 2:
Comments in Response to ESSER Recipient Collection Form

Please find below detailed comments and recommendations in response to the U.S. Department of Education's proposed Data Collection Form.

Recommendation 1: Add Summary Data Source Chart

To increase ease of reporting and to aid SEAs in understanding the full scope of reporting requirements, we recommend that ED produce a simple chart outlining the data collected through the Data Collection Form and what data will be included through other data sources, such as the Civil Rights Data Collection and Common Core of Data. To streamline and ease reporting requirements, this table could include links to data sources in one central location.

Recommendation 2: Include Flexibility to Report Holistic SEA Spending on Lost Instructional Time, Afterschool and Summer Enrichment Programs
Section 2- ESSER SEA Reserve (Pages 4-5)

In the proposed Data Collection Form, SEAs are required to report on the total amount of funding the SEA is reserving, as well as separately reporting the amounts retained for implementation of evidence-based interventions aimed specifically at addressing lost instructional time, summer enrichment programs, and afterschool programs (rows 1a-1c in the ESSER SEA Reserve chart in Section 2 on pages 4-5).

Ideally, SEAs would undertake spending in these critical areas as part of a holistic plan to address lost instructional time during the COVID-19 pandemic. Under such a comprehensive plan, it is foreseeable that spending in these three distinct areas would be blended or braided in ways that are not easily reported on the current chart. ED demonstrates it is aware of this difficulty later in the Data Collection Form, where there are specific instructions for flexibility around spending on tutoring, where that tutoring takes place during summer or afterschool programs.

We recommend that similar instructions or flexibility be added to this chart to clarify reporting requirements for SEAs and to encourage comprehensive and holistic approaches to spending on summer enrichment, afterschool programs, and programs to address lost instructional time.

Recommendation 3: Clarify the Percentage of SEA Reserve Funds That May be Spent on Administrative Costs and for Emergency Needs
Section 2- ESSER SEA Reserve (Page 5-6, with corresponding edit to the Definitions on page 2)

The ARP permits SEAs to reserve up to 10% of their ARP ESSER allocations for state-level activities, including *mandatory* set-asides for evidence-based interventions to address lost instructional time (5%), summer enrichment programs (1%), and comprehensive afterschool programs (1%) and *optional* uses of funds for administrative costs (no more than ½ of 1%) and emergency needs (up to 3%, depending on the amount an SEA spends on administrative costs). As question A-9 of ED's use of funds FAQ states: "In addition, not more than ½ of 1 percent of the State's total ARP ESSER award may be reserved for administrative costs. The remainder, if any, of funds not allocated to LEAs or reserved for mandatory set-asides or administrative costs (up to 3 percent, depending on the amount otherwise reserved) may be used for emergency needs as determined by the SEA to address issues responding to COVID-19."

However, row 1d of the reporting table in Section 2 (The total amount the SEA retained for administrative costs and emergency needs) indicates otherwise by stating that "this value may not exceed ½ of 1% of the value reported in Section 1.a for [the associated fund]." This is inconsistent with ED's guidance and the statute, as spending on administrative costs *and emergency needs* may constitute more than ½ of 1%. Thus, we recommend striking "and emergency needs" from row 1d and revising row 1f so that SEAs report their administrative costs, *separate* from their spending on emergency needs out of the SEA Reserve funds.

Relatedly, in the definitions on page 2, the SEA Reserve funds definition should be clarified to specify the 10% Reserve funds must be spent on the mandatory set-asides and may be spent on emergency needs and administrative costs, as detailed below.

Proposed Edits:
1d. The total amount the SEA retained for administrative costs ~~and emergency needs~~

1f. The total amount of SEA Reserve funds the SEA retained for state activities (such as emergency needs) from the SEA Reserve, other than funds for administrative costs, summer enrichment or comprehensive afterschool programs.

SEA Reserve funds- An SEA may retain 10 percent or less of its ESSER Fund grant (the "SEA Reserve"), for set-asides to support evidence-based interventions to address lost instructional time, summer enrichment programs, and comprehensive afterschool programs and to address emergency needs as determined by the SEA resulting from COVID-19, which may be addressed through the use of subgrants or contracts. The SEA may also use one-half of one percent of its total grant for administrative costs.

Recommendation 4: Request Data on Evidence Base and Evaluation Methods for Updated SEA Interventions
Section 2- ESSER SEA Reserve (Page 6)

Two narrative responses near the end of Section 2 request information on amended ARP ESSER State Plans. To provide important details on any amended activities or interventions, we recommend requesting information on the evidence base and method of evaluation the SEA intends to use to track and report outcomes for all interventions or programs funded using ESSER SEA Reserve Funds, whether they were included in the original SEA plan or included in an amended SEA plan.

Proposed edits:
"After submitting its ARP ESSER State Plan, did the SEA make any changes to the evidence-based interventions selected? (Y/N)
If so, please describe, including the level of evidence or evidence base for the selected interventions.

After submitting its ARP ESSER State Plan, did the SEA make any changes to how it plans to evaluate the effectiveness of interventions to ensure they ~~will ensure the selected interventions will~~ respond to students' academic, social, emotional and mental health needs? (Y/N)
If so, please describe."

Recommendation 5: Request Additional Information on Subgrant Eligibility of LEAs Awarded under SEA Reserve Fund
Section 2, Sub-Section A: ESSER I, ESSER II & ARP ESSER SEA Reserve (Page 7)

From a review of initial ARP ESSER State Plans, some states have reported using SEA Reserve Funds to make allocations to LEAs who are not eligible for ESSER funds under Title I. It would be useful to track whether this is a common use of SEA Reserve funds nationwide. We recommend adding a column to this chart asking whether LEAs receiving awards specifically from SEA Reserve Funds were otherwise ineligible for ESSER I, II, and ARP ESSER funds (LEA subgrants).

Recommendation 6: Edit and Expand ESSER Use of Funds Reporting Categories, including Uses of Funds to Address Lost Instructional Time
First appears Section 2, Sub-Section A, Sub-Section A-1: ESSER I SEA Reserve Funds (Page 7-8, repeated throughout Data Collection Form (Pages 9-13, 14-16, 18, 19-20, 25-29)

ED has provided several reporting tables with categories of listed activities to capture the use of ESSER funds awarded to LEA and non-LEA entities (either from SEA Reserve funds or via

LEA subgrants). While these categories of listed activities capture many uses for ESSER funds to address the academic impact of lost instructional time, provide social emotional support, and establish school safety and operations, we offer recommendations to gather more detailed data in some critical areas, represent a broader range of programs and activities, and clarify permissible use of ESSER funds. For example, the proposed Data Collection Form only considers staff training and professional development related to supporting remote learning and safe reopening, when we know that educators will need professional development in many other areas to support students' academic acceleration, provide for students' social and emotional well-being as in-person learning resumes, and reconnect with students and families with whom schools have not engaged since March 2020.

The categories/list of activities included in these tables are repeated throughout the Data Collection Form, with some variations, but first appears in Section 2, Sub-Section A, Sub-Section A-1. We recommend that the proposed edits found below be incorporated **in all data collection items that include categories of listed activities**, except where such data collection would not be feasible or would be redundant, including the following:
- Section 2, Sub-Section A, Sub-Section A-2 (p. 10-13);
- Section 2, Sub-Section A, Sub-Section A-3 (p. 14-16);
- Section 3, Subsection C, question 3 (p. 18);[1]
- Section 3, Subsection D, question 6 (p. 19-20);[2] and
- Section 4, Subsection B, question 2 (p. 25-29).[3]

Proposed Edits:

Activities addressing the academic impact of lost instructional time through the implementation of evidence-based interventions
*Administering and using high-quality assessments that are valid and reliable, in the language most likely to yield accurate results, to accurately assess students' academic progress and assist educators in meeting students' academic needs, including through differentiating instruction
*Reengaging students with poor attendance or participation
*Evidence-based summer learning or summer enrichment programs
*Evidence-based afterschool programs

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[1] For additional recommendations related to Section 3, Subsection C, question 3 (p. 18), please see Recommendation 7.

[2] For additional recommendations related to Section 3, Subsection D, question 6 (p. 19-20), please see Recommendation 7.

[3] The list of categories detailed in Recommendation 6 should be used for the data collection items detailed in Section 4, Subsection B, question 2 (p. 25-29), except for where it is not feasible to collect the data by student subgroup or where such data collection would be redundant with this Data Collection Form or other ED data collection efforts. For additional recommendations related to Section 4, Subsection B, question 2 (p. 25-29), please see Recommendation 13.

*Extended instructional time - ~~(including~~ extended school day ~~or school week or school year)~~
*Extended instructional time – extended school week
*Extended instructional time - extended school year
*Evidence-based high dosage tutoring during the school day (If tutoring takes place during summer school or afterschool programs, Please use categories ~~above~~ below)
*Evidence-based high dosage tutoring during summer school
*Evidence-based high dosage tutoring during afterschool programs
*Staff training/Professional development on evidence-based strategies for learning recovery and acceleration in response to the academic impact of lost instructional time
* Evidence-based activities, including staff training/professional development, to support language development for students learning English
*Evidence-based activities to support students' transitions from high school to postsecondary education
Other (please specify)_____
Social Emotional Supports
* Evaluating and addressing student's social and emotional well-being (including administering high-quality diagnostic assessments, surveys, and observations)
*Full-Service Community Schools
*Mental health services and supports in the primary language(s) spoken at home (including hiring additional school support staff, launching partnerships with community-based organizations and mental health service providers, and evaluating and addressing student mental health needs under IDEA and Section 504)
*Adoption or integration of social emotional learning into the curriculum
* Evidence-based restorative justice practices intended to implement more equitable and effective methods of intervention and support (including Positive Behavioral Interventions and Supports (PBIS) and Multi-Tiered System of Supports (MTSS))
*Staff training/Professional development on evidence-based strategies for supporting students' social and emotional well-being
* Social and emotional support for educators and staff
*Family and community engagement (including meaningful engagement on family and community needs, resource allocation, and programs)
School Safety & Operations
*Safe school reopening/continuity of operations
*Purchasing educational technology
*Staff training/Professional development to support remote learning and safe reopening
*Data Infrastructure or Capacity

*Early ~~cChildhood eEducation pProgram~~ ~~expansion or enhancement~~
*Expansion and enhancement to early childhood education programs
*Staff training/Professional development on evidence-based early childhood education practices to increase quality of early childhood education programs
*Evidence-based activities to support students' transitions to Kindergarten
*Allowable Activities under Other Laws
*Individuals with Disabilities Education Act (IDEA)
*Adult Education and Family Literacy Act (AEFLA)
*Carl D. Perkins Career and Technical Education Act (Perkins CTE)
*Education for Homeless Children and Youth Act (subtitle B of title VII of the McKinney Vento Homeless Assistance Act)
*Facility Upgrades
*Upgrading facilities to address COVID-19 safety measures (including upgrading or replacing HVAC systems)

Recommendation 7: Expand Activity Categories Reported for Use of LEA Subgrants

Section 3, Subsection C: ESSER Mandatory Subgrants to LEAs 20% Reserve to Address Lost Instruction Time, question 3 (Page 18) and Subsection D: ESSER Mandatory Subgrants to LEAs, Section 18003(c) - Use of Funds Detail, questions 6 (Pages 19-21)

In question 3 of Section 3, Subsection C and question 6 of Section 3, Subsection D, we recommend ED re-evaluate which activities supported by ESSER funds may address lost instructional time and consider more of the listed activities as strategies that could be supported using an LEA's mandatory 20% set-aside of ARP ESSER funds (i.e., adding activities to the options that may be selected in question 3 and making more cells fillable, rather than blacked out, in the far-right column of the reporting table in question 6). Many other activities supported by ESSER funds, such as staff training, early childhood education, and activities under IDEA, could meet students' post-pandemic learning needs and address lost instructional time. Specifically, we recommend including **all activities included under Recommendation 6 above**, except those under Facility Upgrades, as possible uses of funds to address lost instructional time in both questions.

Recommendation 8: Create Expanded Structured Response to Report Datapoints used for SEA and LEA Funding Allocation Decisions

Section 2, Sub-Section A, Sub-Section A-3: ARP ESSER SEA Reserve Funds (Pages 13-14) and Section 4, Subsection A: Identifying Students in Need of Targeted or Supplemental Support, question 1 (Page 24)

Throughout the proposed Data Collection Form, ED is collecting critical information on how SEAs and LEAs determined which students were most impacted by the COVID-19 pandemic and used that data to target ARP ESSER funding to students facing the greatest post-pandemic challenges. We recommend clarifying and adding further detail to the available responses to indicate how SEAs and LEAs identified the students most affected by the pandemic in Section 2, Sub-Section A, Sub-Section A-3, as well as in Section 4, Subsection A, question 1 (see suggested language below). For allocations of SEA Reserve Funds, we also recommend adding a structured response focused on which data points SEAs used to allocate funds and making other edits to clarify and expand some of the data collected throughout both structured responses.

Proposed Edits:

How did the SEA identify which students were most impacted by the COVID-19 pandemic? (mark all that apply)
__Student demographic data, such as race or ethnicity, FRPL eligibility, disability, or English learner status

__Student academic outcome data, such as ~~academic~~ data from state or local assessments

__Other student outcome data, such as data on students' school experiences and social and emotional wellbeing

__Opportunity to learn data, such as access to technology and access to educators, guidance counselors, and other support staff

__State administrative data, such as unemployment claims

__Health data, such as local Covid-19 infection rates or hospitalizations due to Covid-19

__Conversations with stakeholders ~~community (stakeholder input)~~, including:

    __Students;

    __Families;

    __Tribes (if applicable);

    __Civil rights organizations (including disability rights organizations);

    __School and district administrators (including special education administrators);

    __Superintendents:

    __Charter school leaders (if applicable);

    __Teachers, principals, school leaders, other educators, school staff, and unions; and

    __Stakeholders representing the interests of children with disabilities, students learning English, children experiencing homelessness, children and youth in foster care, migratory students, children who are incarcerated, and other underserved students.

__Other, please specify:_____

Which of the following data points were used to allocate funds to students most impacted by the COVID-19 pandemic: (mark all that apply)

__Student demographic data, such as race or ethnicity, FRPL eligibility, disability, or English learner status

__Student academic outcome data, such as ~~academic~~ data from state or local assessments

__Other student outcome data, such as data on students' school experiences and social and emotional wellbeing

__Opportunity to learn data, such as access to technology and access to educators

__State administrative data, such as unemployment claims

__Health data, such as local Covid-19 infection rates or hospitalizations due to Covid-19

__Conversations with stakeholders ~~community (stakeholder input)~~, including:

 __Students;

 __Families;

 __Tribes (if applicable);

 __Civil rights organizations (including disability rights organizations);

 __School and district administrators (including special education administrators);

 __Superintendents:

 __Charter school leaders (if applicable);

 __Teachers, principals, school leaders, other educators, school staff, and unions; and

 __Stakeholders representing the interests of children with disabilities, students learning English, children experiencing homelessness, children and youth in foster care, migratory students, children who are incarcerated, and other underserved students.

__Other, please specify:_____

Recommendation 9: Expand Scope of Information Collected on ESSER Allocations to High-Poverty Schools

Section 3, Subsection B: LEA Equitable Allocation to High-Poverty Schools, question 2 (Pages 17-18)

Under question 2, SEAs are asked to report average per-pupil allocations of ESSER I, ESSER II, and ARP ESSER funds for high-poverty and non-high poverty schools. To provide greater public transparency on schools that received ESSER funds, we recommend ED require states to collect information from LEAs on the total amount of ESSER I, ESSER II, and ARP ESSER funds provided to each school (in addition to the per-pupil allocations) and to submit this information to ED as part of this data collection.

Additionally, consistent with our response to Directed Question 3, to ensure ED has the data needed to track compliance and to compare cross-state data, we recommend SEAs submit data

on LEA allocation of ESSER funds to high-poverty schools by completing the allocation data for each school on a list pre-populated by ED (Option A under Directed Question 3). We believe Option A is less burdensome overall for SEAs and will allow ED to consistently calculate and define the categories of high-poverty and non-high poverty schools to ensure consistency among all States and districts.

Recommendation 10: Disaggregate Narrative Responses by Student Subgroups
Section 3, Subsection C: ESSER Mandatory Subgrants to LEAs, 20% Reserve to Address Impact of Lost Instructional Time, questions 4-5 (Page 18)

To collect information on LEAs' 20% mandatory set-aside of ARP ESSER funds, ED has provided narrative response boxes asking reporters to detail how these funds will be used to respond to students' academic, social, and emotional needs and to address the disproportionate impact of COVID-19 on underrepresented student groups. To strengthen ED's ability to assess responses on these crucial questions, and consistent with our response to Directed Question 4, we recommend editing this language to clarify that SEAs should provide specific information on how selected activities/interventions met the intended purpose of the set-aside for each listed student subgroup.

Proposed Edits:
5. Please describe how the selected activities or interventions address the disproportionate impact of Covid-19 on each listed underrepresented student group, including each major racial and ethnic group, children from low-income families, children with disabilities, students learning English, gender, migrant students, students experiencing homelessness and youth in foster care.

Recommendation 11: Expand Scope of Reporting on Staff Hired/Retained with ESSER Funding, including Demographic Data
Section 3, Subsection D, ESSER Mandatory Subgrants to LEAs, Section 18003(c) (at least 90% of the ESSER I, ESSER II, and ARP ESSER awards, respectively) – Use of Funds Detail, question 11 (Pages 22-23)

ED requests data on staff hiring and retention supported by ESSER funds disaggregated by staffing categories, including classroom educators, special educators, bilingual educators, school counselors, and other support personnel. To ensure a more comprehensive reporting of hiring and retention in LEAs, we recommend adding staffing categories for "school resource officers" and "school staff, tutors, and other student support personnel" and deleting "attendance officers."

Additionally, to understand how SEAs and LEAs have used ESSER funding to recruit and support qualified and diverse personnel, demographic data should be collected for all staff categories represented in the provided table.

Recommendation 12: Expand Scope of Data Collected on Funds for Resource Equity
*Section 3, Subsection D, ESSER Mandatory Subgrants to LEAs, Section 18003(c) (at least 90%
of the ESSER I, ESSER II, and ARP ESSER awards, respectively) – Use of Funds Detail,
question 12 (Pages 23-24)*

The proposed Data Collection Form collects information on use of ESSER funds to address
access to certain resources including mobile hotspots, internet connected devices, and home
internet service. We recommend that this table be expanded to represent more comprehensive
data on how ESSER funds are being used to address resource inequities, many of which have
been exacerbated by the COVID-19 pandemic. Additional dimensions of resource equity,
including mode of instruction, use of exclusionary discipline, access to/and success in advanced
coursework, and access to strong and diverse educators, should be added to the table under
question 12. Additionally, responses should be expanded from a simple "yes/no" to whether
ESSER I, ESSER II, and ARP ESSER funds were utilized for each purpose.

In addition, the current table provided in question 12 combines SEA Reserve and LEA subgrant
ESSER funds. To avoid confusion, ED should create two separate reporting charts to conform
with how spending is reported throughout the remainder of the proposed Form.

**Recommendation 13: Expand Disaggregated Data Collected on Students Served by ESSER
Funded Activities and Interventions**
*Section 4, Subsection B: Equitable support for learning recovery: activities by subpopulations,
question 2 (Pages 24-29)*

The table provided under question 2 collects data on student subgroups served by activities
funded through LEA subgrants. To strengthen the data collected through this table and ensure it
reflects a full picture of the impact of LEA subgrant funds, we recommend that the disaggregated
student subgroup data be reported for the percentage of students served within each subgroup
(e.g., the percentage of an LEA's low-income students that participated in an activity), in
addition to the total number of students served. We further recommend adding categories for all
activities included under Recommendation 6 above, except where collection of this data
disaggregated by student subgroup would not be feasible or would be redundant either with other
items under this Data Collection Form or other ED data collection efforts.

Additionally, similar disaggregated student subgroup data should be collected for
activities/interventions funded through SEA Reserve Funds. Using the list in Recommendation 6,
ED should add a student data component to an earlier table or add a new space in Section 2 of
the data collection form for SEAs to report number and percentage of students served by SEA
Reserve Funds, disaggregated by subgroup.

Finally, for all activities in Section 4, Subsection B where ED is requesting information on subgroups, the language should be strengthened around the availability/accessibility of programs to students per the proposed (edits below).

Proposed Edits:
Is this program accessible for all students, including adequate outreach conducted to all students, transportation provided for programs, and accommodation for students with disabilities Is this program available to all students? Y/N

Recommendation 14: Expand Categories of School Staff Reported by LEAs
Section 4, Subsection C: Equitable access to key staff (Pages 29-30)

ED has requested data on specific categories of staff serving at schools within LEAs receiving ESSER subgrants. To strengthen this list, we recommend the following edits:

Staff Type
Special educators and related service personnel, including paraprofessionals
Bilingual educators
English as a second language educators
School counselors
Social workers
Nurses
School psychologists
Attendance officers School Resource Officers
Support personnel not covered by additional categories (including paraprofessionals, academic coaches, and student support personnel)

Recommendation 15: Expand Student Outcomes and Participation Data Collected
Section 4, Subsection C, Student Outcomes (Pages 30-31)

ED has provided a list of student outcomes data that will be appended to the proposed Data Collection Form to provide a more comprehensive picture of student engagement and learning progress. We recommend that this list be expanded (edits below) to include additional data points that capture critical information on student outcomes (including graduation rates, FAFSA completion rates, and college and career readiness indicators) and student engagement and participation (including data on disciplinary activities, such as suspensions). Additionally, available data on the impact and outcomes of programs undertaken with ESSER funding should be collected and appended where available.

Proposed Edits:

Engagement and Participation:

- % participating in math, reading and science assessment (where available)
- % participating in English language proficiency assessment (where available)
- Mean & mode daily attendance
- Chronic Absenteeism
- Rates of suspension and expulsion
- Incidences of bullying and harassment

Student Learning and Progression:

- Assessment data (where available), specifically % proficient in math, reading, and science
- FAFSA completion rate
- 4-year adjusted cohort graduation rate
- Extended cohort graduation rate (where available)
- Rates of college and career readiness (where available)

Recommendation 16: Collect Demographic Information Reported on Subgrantee Staff

Section 5: Full-Time Equivalent (FTE) Positions, question 9 (Pages 30-31)

ED requests information on staffing for all LEA and non-LEA entities awarded ESSER subgrants. To track whether LEA and non-LEA entities are utilizing funds to hire/retain qualified and diverse personnel, we recommend that this information be disaggregated by race and ethnicity.

Recommendation 17: Clarify SEA Responsibility to Report LEA MoEquity Data

Section 6: Maintenance of Equity (MoEquity) (Pages 31-33)

ED provides information under Section 6 on MoEquity requirements, including collecting data on SEA compliance with these critical provisions. However, MoEquity requirements apply to LEAs, in addition to SEAs. To ensure compliance at the state and local levels, we recommend ED issue guidance on SEA roles and responsibilities vis-à-vis the LEAs it serves in terms of data collection, monitoring, and enforcement of LEA MoEquity requirements, including requirements that high-poverty schools do not face disproportionate cuts in state and local funding and/or disproportionate reductions in staffing. As the proposed data collection form includes no required reporting on the LEA MoEquity provisions (only SEA MoEquity), further clarification and guidance should be provided to SEAs on how ED will monitor implementation and compliance with the new requirement as it is essential to providing fiscal equity for our highest-need communities and students.