

November 29, 2021

Ms. Juliana Pearson
PRA Coordinator, Office of Chief Data Officer
U.S. Department of Education
400 Maryland Avenue, SW Room 3W113
Washington, D.C. 20202

Re: ED Docket No. ED-2021-SCC-0096

Dear Ms. Pearson,

I write on behalf of AASA, The School Superintendents Association (AASA) in response to the U.S. Education Department's (USED) proposed changes to the data collection form for the Education Stabilization Fund/Elementary and Secondary School Emergency Relief Fund (ESSER). AASA is the nonpartisan national organization representing public school superintendents; the core of our work is advocating for equitable access for all students to the highest quality public education.

The superintendents we represent and the public school systems and students they serve have endured a year and a half unlike any other in their careers or lifetimes. Faced with the unprecedented nature of the COVID-19 pandemic and how it up-ended everything considered normal meant educational leadership was vital. Related to this, the school superintendents remain grateful for the assistance provided to support local education agencies via the three appropriations of ESSER funds. School superintendents are putting ESSER funds to use in myriad ways focused on equity; learning recovery; safe reopening; COVID mitigation; and addressing community, family and student needs, among others. The important work of investing these dollars responsibly works in tandem with the effort to ensure detailed information on how and where those dollars are spent is collected and available to support evaluation of the policies and funding available from Congress, as well as the efficacy, equity and efficiency of the programs, supports and services schools access. The comments we submit today are in alignment with those of our counterparts at the state level, the Council of Chief State School Officers (CCSSO).

We appreciate USED's willingness to receive and incorporate some changes to the data collection form, as submitted earlier this year. Even with those tweaks, though, the form remains problematic for state and local education agencies (SEAs/LEAs) alike. While the data collection at the center of these directed questions rests at the state level, the reality of implementation means that the responsibility will be shared by state and local education agencies (SEAs, LEAs) alike. State data collection does not happen in a vacuum and the scope of data collection—that is, the extent to which the data collection requires LEA-level detail—means that the data collection form has a direct impact on LEAs. To that end, we align ourselves with the constructive feedback submitted by the Council of Chief State School Officers (CCSSO) and submit these comments to reiterate the importance of the data collection as well as avoiding unnecessary burden, complication or overreach.

We remain committed to working with USED to strengthen the reporting process in a balanced manner. Our comments focus on five specific areas: reporting period, use-of-funds categories, activities by sub-population, section 3.c, and survey burden.

- **Reporting Period:** The reporting periods align to the federal fiscal year which is not necessarily the same as state fiscal years or state grant cycles for education funds. This means that reported data are likely to change after the reports are submitted and may not provide an accurate spending picture. We urge USED

to allow states to choose which funding cycle would best reflect the most accurate picture of how funds are being spent, or to make clear that anything reported at the end of the federal fiscal year is a preliminary report.

- Use-of-Funds Categories: The categories currently included in the reporting form are not from the CARES, CRRSA, or ARP law that Congress approved but are instead new categories developed by the Department. This creates challenges for SEAs and LEAs that have already implemented reporting processes for ESSER funds in the absence of guidance from the Department. Since these Department-developed reporting categories are only being required now – 20 months after ESSER was first enacted – SEAs and LEAs have not been tracking spending according to these categories. Instead, SEAs and LEAs have relied on existing grants management and accounting systems to administer ESSER funds. Consequently, SEAs and LEAs would have to retroactively assign spending to the new categories, which will be a lengthy and burdensome process that requires multiple data runs and manual calculations in many (if not most) cases. This is one reason we believe, as noted later in this letter, that the Department’s estimate of burden hours for this reporting will be a small fraction of the actual number required. We strongly urge the Department to only require SEAs and LEAs to report spending in the three broad categories aligned with the laws passed by Congress: (1) supporting physical health and safety; (2) meeting students’ academic, social, emotional, mental health and other needs; and (3) operational continuity and other allowed uses. Activities by Sub-Population: Reporting on sub-populations is an important consideration, but we continue to question if USED’s approach will actually accurately capture ESSER spending in a manner that benefits subpopulations. The proposed approach is also burdensome for SEAs and LEAs alike. It is not the best use of resources to burden LEAs with collecting these data especially when the data will likely not properly reflect student experiences.
- Section 3.c: The revision to this section clarifies there is no requirement to allocate ESSER funds directly to schools, but remains unclear on how LEAs should report spending under this section. This clarification is needed because many kinds of district-level activities benefit individual schools—such as transportation, curriculum, teacher bonuses, out-of-school time programs, construction, health and safety costs and building services among others. It is unclear how the Department expects LEAs to derive school-level per-pupil expenditure numbers in these cases.
- Survey Burden: The revised projections for survey burden have increased 14-fold for SEAs (from an estimated 10 hours per SEA to 140 hours per SEA) and 28-fold for LEAs (from an estimated 5-hour per LEA to 140 hours per LEA). While we appreciate USED being more realistic in the scope of the work they are requiring, we find the increase untenable and still likely a low estimate. The data reporting will be a burden to SEAs and LEAs, and every dollar and hour spent on this data collection is a dollar and hour not invested in student learning recovery.

Thank you for the opportunity to weigh in on this important data collection. We look forward to seeing these recommendations reflected in the final form. If we can be of further assistance, do not hesitate to contact me.

Sincerely,



Noelle Ellerson Ng
Associate Executive Director, Advocacy & Governance
AASA, The School Superintendents Association