



April 28, 2022

Juliana Pearson

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development  
U.S. Department of Education  
400 Maryland Avenue  
Washington, DC 20202

Re: Docket No. ED–2022–SCC–0002

Dear Ms. Pearson:

I am writing to provide the comments of the Council of Chief State School Officers (CCSSO) in response to the U.S. Department of Education’s March 29, 2022 request for comment on the Education Stabilization Fund – Elementary and Secondary School Emergency Relief Fund (ESSER I / ESSER II / ARP ESSER Funds) Recipient Data Collection Form. CCSSO is the nonpartisan, nationwide, nonprofit organization of public officials who head departments of elementary and secondary education in the states, the District of Columbia, the Department of Defense Education Activity, the Bureau of Indian Education, and the five U.S. extra-state jurisdictions.

CCSSO and our members value transparency and accountability for federal resources. As the Department collects, interprets, and shares ESSER data with the public, we encourage it to consider the challenges its process has posed for states and their local educational agencies (LEAs). Collecting and reporting new data on education spending requires significant investments of time and resources in the field to ensure accurate and timely submissions. CCSSO is prepared to support improved engagement between the Department and states to address the concerns raised below and ensure successful implementation of federal data collection requirements. Unfortunately, the rollout of the ESSER data collection process has caused substantial confusion and concern in states.

First, as CCSSO has noted in prior comments, the Department’s proposed data collection is not based on a clear understanding of how state and local school districts collect data, which has created disconnects and strained state and local operations at a very challenging time.

Second, the Department has substantially changed the data collection form numerous times over the past nine months, as noted below, which makes it difficult for states to be responsive to the Department’s requests or establish clear and consistent data collection processes at the state or local levels to ensure accurate, timely data collection and reporting.

Specifically, between July 2021 and April 2022, the Department has released at least 10 versions of the ESSER data collection form. Some of these were shared formally through publication in the Federal Register and some informally through emails to states, distribution through the Department’s grants



management system (G5), or postings to the Department’s website. Some included substantive annotations and some did not. Some of the changes between versions were significant and some were more minor, but every change affected state and local implementation processes, and adjusting to these continual changes has strained state and local capacity.

Version	Date	Description
1	Jul. 2, 2021	Published in the <a href="#">Federal Register</a> . CCSSO comments <a href="#">here</a> .
2	Oct. 29, 2021	Revised form published in the <a href="#">Federal Register</a> . CCSSO comments <a href="#">here</a> .
3	Jan. 4, 2022	Revised form emailed to states.
4	Jan. 10, 2022	Revised form published in the <a href="#">Federal Register</a> .
5	Jan. 26, 2022	Revised form posted to the Department website <a href="#">here</a> .
6	Feb. 24, 2022	Revised form posted to the Department website.
7	Mar. 1, 2022	Annotated version of the Feb. 24, 2022 form shown and discussed on a Department <a href="#">webinar</a> .
8	Mar. 14, 2022	Revised annotations to the Feb. 24 2022 form emailed to states.
9	Mar. 29, 2022	Revised form published in the <a href="#">Federal Register</a> and later posted to the Department’s website on Apr. 1, 2022 <a href="#">here</a> .
10	Apr. 18, 2022	Annotated version of the Mar. 29 form emailed to states.

At least four of the versions listed above were marked “final,” signaling to states that the form was in a final state and it was appropriate to begin collecting data. But the Department has continued to propose additional changes to the “final” versions of these forms even with state and local data collection efforts well under way, if not already completed. This will likely mean reporting for some states will align to older versions of the form and data may not be comparable across states, depending on which version of the form the state used to obtain data from its LEAs.

Minor changes to the form in response to state and local feedback or to provide necessary clarifications can be welcome and appreciated if states and LEAs are afforded sufficient time to adjust their processes. Frequent changes to the form, however, combined with limited front-end direct engagement with SEAs or LEAs, lack of clear communication by the Department about its reporting expectations, and short implementation timelines have made the process very difficult to manage. The process has caused significant frustration to the field as it works to promote transparency and comply with shifting federal rules while responding to challenging conditions on the ground.

Another reason for confusion and concern is the distribution of annotated forms that include substantive definitions with substantial effects on reporting that were developed outside of the public notice and comment process. The lack of public input on these annotations means data will be reported according to unvetted definitions that will affect public perceptions of how ESSER funds were spent.



States and districts should have had the opportunity to comment on these definitions to ensure they accurately account for state and local systems, policies, and practices. CCSSO and a number of states have been pleased to provide comments when given the opportunity through the Federal Register.

CCSSO and our state members share ED’s goal of transparent, accurate data on ESSER spending. Because SEA and LEAs are charged with implementing federal requirements and have the deepest expertise in the state and local mechanics of data collection, we strongly encourage the Department to consistently engage the field prior to releasing forms or changing processes to ensure that federal data collections generate high-quality data that will enable meaningful public reporting and analysis.

In fact, the times in which the Department has engaged the field in its data collection proposals, we have seen marked improvement. For example, the Department addressed some concerns about its initial data collection form in response to public comments from CCSSO, states, and other stakeholders. The form was further strengthened based on SEA and LEA feedback shared in a December 2021 meeting. Unfortunately, engagement has not been consistent, and the Department has made new changes and released multiple versions without stakeholder input. We strongly urge ED to develop and maintain stronger working relationships with states and directly engage state experts and leaders early in the process of developing new federal strategies. CCSSO is prepared to facilitate improved engagement to accomplish our shared goals.

In addition to the general comments above, we have several concerns with the most recent version of the ESSER reporting form as announced in the March 29, 2022 Federal Register and the related annotated version of the form emailed to states on April 19, 2022. Most of these concerns pertain to questions that are not mandatory for this year, so we would appreciate the opportunity to engage further with the Department on these topics before they are required. To preview our concerns however, they are as follows:

Annotation	Comment
<p data-bbox="142 1314 435 1346"><b>Page 10 (Question 2.4a)</b></p> <p data-bbox="142 1373 435 1404"><b>Page 22 (Question 3.b1)</b></p> <p data-bbox="142 1493 699 1713">For the purposes of this reporting, Social Emotional Learning (SEL) support is conducted by non-licensed practitioners or professionals and Mental Health services are conducted by licensed practitioners or professionals, including psychologists and psychotherapists.</p>	<p data-bbox="738 1314 1455 1457"><b>Please withdraw this definition.</b> ESSER does not define SEL or Mental Health services. This annotation sets a federal nonregulatory threshold for reporting that may differ from state and local policies.</p> <p data-bbox="738 1486 1446 1822">In addition, this definition of SEL versus mental health service depends on the credentials of the person delivering the service rather than the nature of the service. These kinds of credentials are not typically captured in the financial management or student information systems that SEAs and LEAs rely on to report their data. Also, there are many licensed professionals in schools (social workers, school psychologists, counselors) that do not necessarily provide mental health services to students. For example,</p>

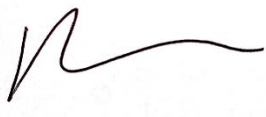
	<p>school psychologists participating in IEP teams, not mental health service delivery.</p> <p>This definition may lead to underreporting of SEL support or Mental Health services.</p>
<p><b>Page 36 (Question 2.2e)</b></p> <p>For the purposes of this reporting, a student has participated in a voluntary program if that student has attended 50% or more of the time he/she/they were eligible to attend. The student has participated in a mandatory program if that student is enrolled in a school with that mandatory program in place.</p>	<p><b>Please withdraw this definition.</b> ESSER does not establish or define voluntary vs. mandatory programs. This annotation sets a federal nonregulatory threshold for reporting that may differ from state and local policies.</p> <p>For example, this definition appears to ask SEAs to report a student as a “participant” in a mandatory program when they were enrolled in a school where the program took place, even if attendance data shows the student did not actually participate in the program. Likewise, a 50% participation rate definition for certain types of voluntary programs, may not be appropriate.</p> <p>This definition may lead to underreporting of SEA-Reserve funded programs.</p>
<p><b>Page 36 (Question 2.2e)</b></p> <p>Evidence-based summer learning or summer enrichment program</p> <p>For the purposes of this reporting summer learning or summer enrichment programs are defined as:</p> <p>Evidence-based intervention and/or enrichment programs that support accelerated learning in the core curriculum based on the state’s challenging academic standards during the summer months</p>	<p><b>Please withdraw this definition.</b> ESSER does not define evidence-based summer learning or summer enrichment programs. This annotation sets a federal nonregulatory threshold for reporting that may differ from state and local policies.</p> <p>In addition, this definition limits the reporting of evidence-based summer learning and summer enrichment programs only to accelerated learning programs in the core curriculum based on state standards when other summer learning experiences also have an evidence base.</p> <p>This definition may lead to underreporting of evidence-based summer learning or summer enrichment programs.</p> <p>We also note this definition is substantially changed from the definition in the March 14, 2022 annotated version. States have already begun or completed their data collection and most likely will not be able to align the data to this new definition.</p>

<p><b>Page 37 (Question 2.2e)</b></p> <p>Evidence-based afterschool programs</p> <p>For the purposes of this reporting, afterschool programs are defined as:</p> <p>Voluntary programs that assist students in meeting the challenging State academic standards by providing students with academic enrichment activities and other activities during non-school hours or periods when school is not in session (not including summer months).</p>	<p><b>Please withdraw this definition.</b> ESSER does not establish or define voluntary vs. mandatory programs. This annotation sets a federal nonregulatory threshold for reporting that may differ from state and local policies.</p> <p>This definition may lead to underreporting of evidence-based afterschool programs.</p>
<p><b>Page 38 (Question 2.2e)</b></p> <p>Extended Instructional Time</p> <p>For the purposes of this reporting, extended instructional time is defined as:</p> <p>Using a longer school day, week, or year schedule to significantly increase the total number of school hours to include additional time for a) instruction in core academic subjects including English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography; and b) instruction in other subjects and enrichment activities that contribute to a well-rounded education. Participation is considered mandatory.</p>	<p><b>Please withdraw this definition.</b> ESSER does not establish or define voluntary vs. mandatory programs. This annotation sets a federal nonregulatory threshold for reporting that may differ from state and local policies.</p> <p>This definition may lead to underreporting of extended instructional time.</p>
<p><b>Page 39 (Question 2.2e)</b></p> <p>Evidence-based high dosage tutoring</p> <p>For the purposes of this reporting, high dosage tutoring is defined as:</p> <p>Voluntary intensive tutoring aligned with an evidence-based core curriculum and led by highly trained tutors or certified teachers that occurs one-to-one or in very small groups at least 3 days per week on a sustained basis to help students accelerate their learning in the</p>	<p><b>Please withdraw this definition.</b> ESSER does not define evidence-based high dosage tutoring. This annotation sets a federal nonregulatory threshold for reporting that may differ from state and local policies.</p> <p>This definition may lead to underreporting of evidence-based high dosage tutoring.</p> <p>We also note this definition is substantially changed from the definition in the March 14, 2022 annotated version. While we appreciate the revision given our concerns about the March 14 definition, we note state data collection is</p>

<p>core curriculum based on the state's challenging academic standards.</p>	<p>already underway or complete and this definition may still lead to underreporting.</p>
<p><b>Page 39 (Question 2.2e)</b></p> <p>Early Childhood Education Program Expansion or Enhancement</p> <p>For the purposes of this reporting, early childhood education program expansion or enhancement is defined as:</p> <p>Programs that expand opportunities for all students, particularly traditionally underserved students, to attend high-quality early childhood education programs or that support the improvement of existing early childhood education programs in implementing the best practices of high-quality early childhood education programs.</p>	<p><b>Please withdraw this definition.</b> ESSER does not define early childhood education program expansion or enhancement. This annotation sets a federal nonregulatory threshold for reporting that may differ from state and local policies.</p> <p>This definition may lead to underreporting of early childhood education program expansion or enhancement.</p>

Thank you for your attention to this matter, and we look forward to continued engagement to ensure clear, transparent, and quality data.

Sincerely,



Melissa McGrath  
 Chief of Staff  
 Council of Chief State School Officers