

**Docket ID ED-2016-ICCD-0092:**  
**EDFacts Data Collection School Years 2016-17, 2017-18, and 2018-19**  
October 20, 2016

The South Dakota Department of Education (SD DOE) appreciates the opportunity to comment on the Revised 18-EDFacts Information Collection Package for school years 2016-17 through 2018-19.

Overall, the SD DOE has concerns about EDFacts defining the parameters of data collection related to changes from the Every Student Succeeds Act (ESSA). States, including South Dakota, are still in the process of determining how best to implement the law in a manner, consistent with Congressional intent, that will best serve their diverse needs and diverse populations of students.

Item C11 speaks to the School Quality or Student Success Indicator Status Table. The instructions are unclear whether and how states will be able to report schools' performance if the state incorporates multiple indicators under this category into their accountability systems. South Dakota may also choose the option of phasing this (or these) indicator(s) into its system, as the SD DOE is able to develop the data collection systems necessary to fully implement the recommendations of stakeholder groups. In such case, this (these) indicator(s) will not be comparable between years as additional data is factored in. In a similar vein, EDFacts reporting on this indicator will not be comparable across states as each state is likely to have a unique method of determining student success or school quality, as is allowed under the law. The SD DOE therefore questions the reliability of this data element into EDFacts reporting at this time.

Pertaining to item C12 – Summative Rating Status Table, it is not defined how this fits into the requirements of the law. The EDFacts information does not define "progress," so it is impossible to provide an informed comment on this item as the lack of a definition leaves ambiguity as to the collection's purpose. Additionally, although states are required to identify and have a process and weights for identifying schools for comprehensive and targeted support, ESSA does not require a summative rating in a state's accountability system. This further obfuscates what data states will be required to submit under this item.

The SD DOE would like to further point out that Congressional intent of the law is for the ESSA accountability systems to be in place for the 2017-2018 school year. The EDFacts package notes that the above items will be required for the 2016-17 school year. South Dakota will not have its ESSA accountability system in place in order to collect for the 2016-17 school year and does not believe that these requirements are appropriate to be collected in advance of what is required by law.

Item C21 of the Teacher Effectiveness Table (C13) requires states to submit "Effectiveness Level" for teachers. Section 2104 a3 of the Every Student Succeeds Act requires states to report data for teacher effectiveness only if Title II A funds were used to implement teacher effectiveness systems. South Dakota has not and has no intentions of using Title II funds to implement teacher effectiveness systems; therefore the requirement to report the data is overreaching the law. In addition, in Section 1111 under the minimum requirements for state report cards, the law outlines reporting requirements for professional qualifications for teachers as: 1) Inexperienced teachers, principals, and other school leaders; 2) teacher teaching with emergency or provisional credentials; and 3) teachers who are not

teaching in the subject or field for which the teacher is certified or licensed. There is no requirement to report teacher effectiveness on the state or district report cards. Therefore, again, reporting teacher effectiveness data is overreaching the minimum requirements outlined in the law.

Reporting teacher effectiveness data should be optional or not included at all.

Finally, item C12 – Language Instruction Educational Program Type – requires the types of English instruction education programs to be reported. The SD DOE would like to know whether this will be a required data element for all schools or simply the schools where this data would be relevant. Further, all five Permitted Values should be defined to provide clarity as to the parameters for each program. In addition to the five Permitted Values, EDFacts should also include an “other” value to accommodate programs that do not meet the requirements of the programs outlined. English as a Second Language and English Language Development are only taught by certified teachers. Most South Dakota students would qualify under this category or would require an “other” value.

The SD DOE appreciates the work necessary to define each data element to ensure it is meaningful and necessary. Clarity on the points above will enhance EDFacts utility.