



January 27, 2025

Stephanie Valentine

Office of Planning, Evaluation and Policy Development, U.S. Department of Education
Washington, DC 20002

RE: ED-2024-SCC-0142

Dear Ms. Valentine,

The undersigned members of the Consortium for Constituents with Disabilities (CCD) Education Task Force are writing to provide comments to the U.S. Department of Education (ED) collection regarding EDFacts data for the 2025-26, 2026-27, and 2027-28 school years. The CCD Education Task Force is the largest coalition of national organizations working together to monitor federal legislation and regulations that address the educational needs of children and youth with disabilities and their families, including regulatory efforts under federal laws such as the Individuals with Disabilities Education Act (IDEA), the Every Student Succeeds Act (ESSA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA). On behalf of these children, their families, and the educators who support them, we offer the following recommendations to Attachment D-Directed Questions:

Elementary and Secondary Education Act (ESEA)

1) Academic Achievement – add aggregation by state performance levels

Comment: CCD supports the proposal to collect data by state performance levels for grades 4 and 8 on state assessment data available via the National Assessment for Educational Progress (NAEP). While NAEP represents just a subset of students nationally, including a cohort of students with disabilities selected to take the NAEP [and does not include students with the most significant cognitive disabilities taking the alternate assessment on alternate achievement standards]-whose flaw CCD has consistently pointed out to the National Assessment Governing Board, CCD sees benefit in having data benchmarked to NAEP.

Recommendation: CCD would like ED to clarify that these data refer to performance on the state's general assessment and do not include performance on state alternate assessments [on alternate academic achievement standards] for students with the most significant cognitive disabilities.

9) Chronic Absenteeism – expand to include Education Units (EUT) and the denominator

Comment: CCD supports an expansion of the data collected to include the denominator for all levels to calculate the percentages of students who are chronically absent and expanding the data collected for the state and local educational agency (LEA) to all students.

IDEA Part B

10) Children with Disabilities Child Count and Environments – expand to military-connected

Comment: CCD supports the addition (to the 2025-2026 collection) of data that counts children with disabilities *who are military-connected* to the IDEA Section 618 Part B Child Count and Educational Environments data collected. We also agree that these data will be collected by educational environment and by disability category for ages 3-5 (not in kindergarten) and ages 5 (in kindergarten) through 21.

11) Regular Class – add a question

Comment: CCD supports adding this question, which is an important first step in acquiring valid data on educational environments. As noted by ED, states currently differ in how LEAs define “regular class” and in how the data is collected. Disability advocates have raised serious questions about the validity of the educational environments data given evidence that in some cases a “regular class” can be a class where the majority of students are IDEA-eligible but also has some non-IDEA eligible students, making the educational environments data appear that IDEA students are included in general classes much more than is actually the case. Finally, some states do not have a definition that is used by all LEAs and it is unclear what definition is used. Having different definitions used across the state leads to questions about data validity and impacts policy, advocacy, and research endeavors. When the Department collects the responses, the information should be made publicly available to ensure the public has access to the comprehensive list of definitions used by states.

Recommendation: Because the addition of the proposed question will not fully address the concerns we raise above, the ideal solution is to require states and LEAs to use one definition of “regular class”. Specifically, the definition would ensure that “regular class” reflects *a natural proportion of students with disabilities compared to students without disabilities*.

12) Discipline – change aggregation by Removal Length

Comment: CCD supports this addition because further disaggregation of the data on the number of days children with disabilities are removed from their educational placements for disciplinary reasons will provide important detail that will assist in monitoring and technical assistance.

Recommendation: We also urge ED to clarify that any instance of a partial-day removal counts as a day for purposes of the cumulative removal calculation. (See: [OSEP, Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions, Answer to Q C-6](#), July 2022)

13) Personnel – change aggregation by Age Groups

Comment: CCD supports the proposed change aggregation by Age Groups.

IDEA Part C

14) Child Count and Settings – add options to settings

Comment: CCD supports the proposed revisions to the IDEA Section 618 Part C Child Count and Settings data collection to include a “home and community-based settings” reporting category to better represent infants and toddlers receiving early intervention services in natural environments.

CCD appreciates this opportunity to comment, and we look forward to an updated and improved EDFacts. If you have any questions, please reach out to one of the cochairs listed below.

Signing Organizations:

Access Ready, Inc.
Autism Society of America
Bazelon Center for Mental Health Law
Center for Learner Equity
Children and Adults with Attention-Deficit/Hyperactivity Disorder
CommunicationFIRST
Council of Parent Attorneys and Advocates
Learning Disabilities Association of America
Muscular Dystrophy Association
National Center for Learning Disabilities
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Disability Rights Network (NDRN)
National Down Syndrome Congress
Perkins School for the Blind
School Social Work Association of America
The Advocacy Institute
The Arc of the United States

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