



ASHA
American
Speech-Language-Hearing
Association

September 23, 2020

The Honorable Frank T. Brogan
Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

RE: Agency Information Collection Activities; Education Stabilization Fund—Elementary and Secondary School Emergency Relief Fund (ESSER) Recipient Data Collection Form (Docket ID ED–2020–SCC–0124)

Dear Assistant Secretary Brogan:

On behalf of the American Speech-Language-Hearing Association (ASHA), I write to offer comments on the July 29, 2020, *Federal Register* notice on Information Collection Activities on the Education Stabilization Fund—Elementary and Secondary School Emergency Relief Fund (ESSER) Recipient Data Collection Form.

ASHA is the national professional, scientific, and credentialing association for 211,000 members and affiliates who are audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students.

Audiologists specialize in preventing and assessing hearing and balance disorders as well as providing audiologic treatment, including hearing aids and cochlear implants. Speech-language pathologists (SLPs) identify, assess, and treat speech, language, swallowing and cognitive impairments. More than half of all ASHA members work in educational settings and provide services to students in regular and special education.

ASHA offers the following comments on information collection under the Education Stabilization Fund.

(1) Is this collection necessary to the proper functions of the Department?

Yes, this collection is necessary. ASHA supports collecting this data throughout the coronavirus disease 2019 (COVID-19) pandemic and assessing its impact on state education agencies (SEAs), local education agencies (LEAs), and schools in a timely manner.

Particularly, the Department must collect data on the “total amount expended by the LEA on equitable services for Nonpublic School students and teachers.” However, the Department should verify that the LEA calculated this amount based on the number of low-income students in non-public schools from a particular LEA, and reported in a manner consistent with existing data collected on “payments to private schools” from the U.S. Census Bureau’s *Annual Survey of School System Finances*.¹

ASHA previously commented in response to the *CARES Act Programs; Equitable Services to Students and Teachers in Non-Public Schools (Docket ID ED–2019–OESE–0091)*

request for comment that the Department’s interim final rule “disregards Congress’ clear mandate in Section 1117 [of the Elementary and Secondary Education Act] that the number of low-income students attending non-public schools in the LEA should serve as the basis for calculating the allocation of equitable services funding.”² The Department should not use this information collection to further advance its misinterpretation of how equitable services funding for non-public schools under the CARES Act should be apportioned.

(2) Will this information be processed and used in a timely manner?

SEAs and LEAs may experience additional burdens to capture data, including student participation rates and access to internet learning platforms, during the reporting periods that may result in delays. They may need additional time and funds to create mechanisms that will capture this important information on student participation and gaps in access to internet services during the COVID-19 pandemic.

Other Comments

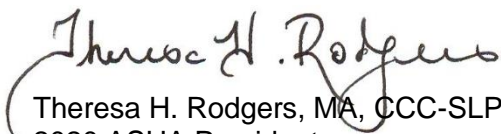
1. ASHA affirms that the Department should collect data on all students, including students with disabilities, as students with disabilities are, first and foremost, general education students and state and local authorities must meet their needs.

Whether students receive accommodations and/or modifications under Section 504 of the Rehabilitation Act of 1973 or special education and related services under the Individuals with Disabilities Education Act, all students are entitled to an appropriate education from the public school system. Today, students require access to technology and the internet in order to receive an appropriate education during the COVID-19 pandemic. With online instruction, students with special needs require accessible formats in order to derive benefit and make adequate progress toward their goals and objectives.

2. ASHA supports the categories of ESSER allowable uses for LEAs as they cover a broad array of uses for funds and offer flexibility by allowing for other activities, as appropriate.

Thank you for your consideration of these comments on the Education Stabilization Fund—ESSER Recipient Data Collection Form under the CARES Act. If you or your staff have any questions, please contact Catherine D. Clarke, ASHA’s director of education policy, at cclarke@asha.org, or Tim Nanof, ASHA’s director of health care and education policy, at tnanof@asha.org.

Sincerely,



Theresa H. Rodgers, MA, CCC-SLP
2020 ASHA President

¹ United States Census Bureau. (n.d.). *Annual Survey of School System Finances*. <https://www.census.gov/programs-surveys/school-finances.html>.

² American Speech-Language-Hearing Association. (2020, July 30). *ASHA Comments on Equitable Services in CARES Act*. <https://www.asha.org/uploadedFiles/ASHA-Comments-on-Equitable-Services-in-CARES-Act-073020.pdf>.