



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

August 11, 2017

The Honorable Katy Anthes
Commissioner of Education
Colorado Department of Education
1560 Broadway, Suite 1100
Denver, CO 80202-5149

Dear Commissioner Anthes:

Thank you for submitting Colorado's consolidated State plan to implement requirements of covered programs under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), and of the amended McKinney-Vento Homeless Assistance Act (McKinney-Vento Act).

I am writing to provide feedback based on the U.S. Department of Education's (Department's) review of your consolidated State plan. As you know, the Department also conducted, as required by the statute, a peer review of the portions of your State plan related to ESEA Title I, Part A, ESEA Title III, Part A, and the McKinney-Vento Act using the Department's *State Plan Peer Review Criteria* released on March 28, 2017. Peer reviewers examined these sections of the consolidated State plan in their totality, while respecting State and local judgments. The goal of the peer review was to support State- and local-led innovation by providing objective feedback on the technical, educational, and overall quality of a State plan and to advise the Department on the ultimate approval of the plan. I am enclosing a copy of the peer review notes for your consideration. Please note that the Department's feedback may differ from the peer notes.

Based on the Department's review of all programs submitted under Colorado's consolidated State plan, including those programs subject to peer review, the Department is requesting clarifying or additional information to ensure the State's plan has met requisite statutory and regulatory requirements, as detailed in the enclosed table. Each State has flexibility in how it meets the statutory and regulatory requirements. I encourage you to read the full peer notes for additional suggestions and recommendations for improving your consolidated State plan.

ESEA section 8451 requires the Department to issue a written determination within 120 days of a State's submission of its consolidated State plan. Given this statutory requirement, I ask that you revise Colorado's consolidated State plan and resubmit it through OMB Max within 15 days from August 9, 2017. If you need more time than this to resubmit your consolidated State plan, please contact your Office of State Support Program Officer, who will work with you in

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
<http://www.ed.gov/>

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establishing a new submission date. Please recognize that if we accommodate your request for additional time, we may be unable to issue a written determination on your plan within the 120-day review period.

Department staff are available to support Colorado in addressing the items enclosed with this letter. If you have any immediate questions or need additional information, I encourage you to contact your Program Officer for the specific Department program.

Please note that the Department only reviewed information provided in Colorado's consolidated State plan that was responsive to the Revised Template for the Consolidated State Plan that was issued on March 13, 2017. Each State is responsible for administering all programs included in its consolidated State plan consistent with all applicable statutory and regulatory requirements. Additionally, the Department can only review and approve complete information. If Colorado indicated that any aspect of its plan may change or is still under development, Colorado may include updated or additional information in its resubmission. Colorado may also propose an amendment to its approved plan when additional data or information are available consistent with ESEA section 1111(a)(6)(B). The Department cannot approve incomplete details within the State plan until the State provides sufficient information.

Thank you for the important work that you and your staff are doing to support the transition to the ESSA. The Department looks forward to working with you to ensure that all children have the opportunity to reach their full potential.

Sincerely,

/s/

Jason Botel
Acting Assistant Secretary

Enclosures

cc: Governor
State Title I Director
State Title II Director
State Title III Director
State Title IV Director
State Title V Director
State 21st Century Community Learning Center Director
State Director for McKinney-Vento Homeless Assistance Act: Education for Homeless Children and Youths Program

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)	
A.2: Eighth Grade Math Exception	In its State plan, the Colorado Department of Education (CDE) proposes to utilize the eighth grade mathematics exception described in ESEA section 1111(b)(2)(C). However, that exception is limited only to those States that administer an end-of-course test as its high school mathematics assessment for Federal accountability purposes. Beginning with the 2017-2018 school year, if CDE does not use an end-of-course assessment to meet the requirements in ESEA section 1111(b)(2)(B)(v)(I)(bb), then CDE is not eligible to take advantage of this flexibility.
A.4.iii.a: Academic Achievement Long-Term Goals	In its State plan, CDE provides long-term goals for academic achievement based on average scale scores, rather than goals based on proficiency. The ESEA requires a State to identify and describe ambitious long-term goals and measurements of interim progress for improved academic achievement, as measured by grade-level proficiency, on the annual statewide reading/language arts and mathematics assessments, for all students and for each subgroup of students. The ESEA also requires that a State’s long-term goals and measurements of interim progress for academic achievement take into account the improvement necessary for subgroups of students who are behind in reaching those goals to make significant progress in closing statewide proficiency gaps (requirements A.4.iii.a.2 and 3). CDE may use scale scores in the goal but must clarify how the use of scale scores relates to proficiency levels, including how the State ensures that a school will be able to meet the measurements of interim progress and long-term goals only by increasing the number or percentage of students who are proficient.
A.4.iii.c.1: English Language Proficiency Long-term Goals	The ESEA requires a State to identify and describe long-term goals and measurements of interim progress for English learners for increases in the percentage of such students making progress in achieving English language proficiency, as defined by the State and measured by the Statewide English language proficiency assessment, within a State-determined timeline. In its State plan, CDE provides baseline data and a long-term goal for the percentage of students meeting criteria for English language proficiency, but does not provide baseline data or a long-term goal for increases in the percentage of English learners making progress in achieving English language proficiency, nor does CDE provide a State-determined timeline for English learners to achieve English language proficiency. Therefore, it is unclear if CDE meets the statutory requirements.
A.4.iv.a: Academic Achievement	<ul style="list-style-type: none"> The ESEA requires a State, for purposes of measuring, calculating, and reporting the

<p>Indicator</p>	<p>Academic Achievement indicator, to include in the denominator the greater of 95 percent of all students who are enrolled in the grades assessed in public schools or the number of students participating in the assessments (ESEA section 1111(c)(4)(E)(ii)). The ESEA does not permit a State, in determining the number to be used in the denominator, to exclude students whose parents choose not to have their children participate in the assessment. CDE does not meet this statutory requirement because CDE proposes to exclude such students for purposes of determining performance on the Academic Achievement indicator. Note that, although the ESEA provides that nothing in the assessment provisions in ESEA section 1111(b)(2) preempts a State or local law regarding a parent’s decision to choose not to have the parent’s child participate in the statewide assessments (ESEA section 1111(b)(2)(K)), that provision does not negate the requirement in ESEA section 1111(c)(4)(E) that the Academic Achievement indicator be calculated as set forth above.</p> <ul style="list-style-type: none"> • The Academic Achievement indicator required under ESEA section 1111(c)(4)(B)(i)(I) must be measured by proficiency on the annual assessments required under ESEA subsection (b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics) and must annually measure performance for all students and for each subgroup of students. CDE proposes an Academic Achievement indicator based on scale scores. CDE may use scale scores in the indicator but must clarify how the measures included in the indicator measure proficiency on the statewide reading/language arts and mathematics assessments. To clarify its consistency with the statutory requirement to include all students, CDE should articulate how its approach will ensure that a school’s performance on the indicator reflects each student’s performance (e.g., how it will ensure that the performance of each student contributes to the overall performance on the indicator, including by ensuring that no student’s performance overcompensates for the results of a student who is not yet proficient).
<p>A.4.iv.d: Progress in Achieving English Language Proficiency Indicator</p>	<p>In its State plan, CDE indicates that it intends to use a student growth model related to its English Language Proficiency assessments. However, CDE states that the assessment information needed to gauge the proportion of students on track to attain fluency within the State-determined timeframe is not currently available and it is not clear at what point the State will have this information or how the State will use this information in its accountability system. The ESEA requires a State to establish and describe an indicator of Progress in Achieving English Language Proficiency, as defined by the State and measured by the statewide English language proficiency assessments, within a State-determined timeline for all English learners.</p>
<p>A.4.v.a: State’s System of Annual</p>	<p>The ESEA requires a State to establish and describe in its State plan its system of annual</p>

Meaningful Differentiation	meaningful differentiation, including a description of how the system is based on all indicators, for all students and all subgroups of students. In describing its system of annual meaningful differentiation in its State plan, it is not clear whether or how CDE includes the Progress in Achieving English Language Proficiency and Graduation Rate indicators. As a result, it is unclear whether CDE is meeting the statutory requirements. In addition, CDE does not provide sufficient detail for how the indicators will be calculated in order to meaningfully differentiate among schools in the State.
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