



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 20, 2011

The Honorable Robert K. Hammond
Commissioner of Education
Colorado Department of Education
201 E. Colfax Avenue, Suite 500
Denver, Colorado 80202

Dear Commissioner Hammond:

Thank you for submitting Colorado's request for ESEA flexibility. We appreciate the hard work required to transition to college- and career-ready standards and assessments; develop systems of differentiated recognition, accountability, and support; and evaluate and support teacher and leader effectiveness. The U.S. Department of Education (Department) is encouraged that Colorado and ten other States are leading the way in designing plans to increase the quality of instruction and improve student academic achievement.

As you know, Colorado's request was reviewed by a panel of seven peer reviewers during the week of December 5-9, 2011. During the review, the expert peers considered each component of Colorado's request and provided comments in the form of Peer Panel Notes to inform the Secretary's decision whether to approve Colorado's request. The Peer Panel Notes, a copy of which is enclosed with this letter, also provide feedback on the strengths of Colorado's request and areas that would benefit from further development. Department staff also reviewed Colorado's request, informed by the Peer Panel Notes, to determine consistency with the ESEA flexibility principles.

The peers noted, and we agree, that Colorado's request was particularly strong in Principles 1 and 3. Colorado took advantage of the head start provided by Senate Bill 08-212, Colorado's Achievement Plan for Kids, to prepare a smooth transition to the Common Core State Standards, has adopted a definition of postsecondary and workforce readiness indicating P-20 collaboration, and is on track to implement aligned assessments consistent with the principles of ESEA flexibility. We also agree with the peers that Colorado has developed and is implementing a comprehensive plan for an educator evaluation and support system that promises to increase the effectiveness of teaching and learning for all children in Colorado. In addition, under Principle 2, Colorado has created an impressive set of tools to support a strong system of differentiated recognition, accountability, and support, including the Colorado Growth Model, the SchoolView reporting system, and the Unified Improvement Plan process for all schools.

Colorado clearly has been a leader in moving toward the next generation of accountability systems. The State is in a unique position since its accountability system is now in its second year of implementation, and educators, students, parents, and community members are already familiar with using the rich data provided through the SchoolView reporting system to drive improvements in their schools.

At the same time, based on the peer reviewers' comments and our review of the materials Colorado has provided to date, we have identified certain components of your request that need further clarification and may need additional development or revision. In particular, significant concerns were identified with respect to the following:

- The lack of ambitious AMOs that provide a meaningful incentive for all schools to improve;
- The low weighting of status achievement in your District and School Performance Frameworks, particularly given the system's emphasis on normative growth;
- The low proportion of Title I schools identified due to large achievement gaps; and
- The lack of evidence that Colorado will implement rigorous interventions in priority and focus schools.

The enclosed list provides details regarding these concerns as well as all other issues raised in the review of Colorado's request. We encourage Colorado to consider the peers' comments and technical assistance suggestions in making revisions to its request.

Please keep in mind that while the peers identified weaknesses in all of the requests submitted by States during this first round of review, this result should be viewed in the context of the difficult, trailblazing work that Colorado and others are doing in the context of ESEA flexibility. You and your team deserve great credit for your efforts thus far, and we are confident that we will be able to work together to address outstanding concerns and provide Colorado with the requested flexibility.

At the same time, it is our responsibility to ensure that as we permit States to depart from the requirements of current law, they do so in a manner that continues to increase the quality of instruction and improve achievement for all students, but especially those most at risk of academic failure, including low-achieving students, English Learners, and students with disabilities.

While the Peer Panel Notes for Colorado provide information specific to your request, your State also may benefit from comments and technical assistance suggestions made by other peer panels regarding issues common to multiple States' requests. For this reason, we will soon send you a document that summarizes some of these technical assistance suggestions and other considerations that may be useful as you revise and refine your request.

We remain committed to working with Colorado to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with Colorado as quickly as possible and will be in touch to set up a call as early as this week to discuss the timeline and process for providing revisions or materials. If you have any additional questions or want to request technical assistance, please do not hesitate to contact Victoria Hammer, at 202-260-1438.

Sincerely,

Michael Yudin
Acting Assistant Secretary

Enclosure

SUMMARY OF ADDITIONAL INFORMATION REGARDING COLORADO'S ESEA FLEXIBILITY REQUEST

CONSULTATION

- Please provide more specific information on the steps Colorado took to meaningfully engage diverse stakeholders and communities, particularly evidence of significant outreach to civil rights organizations or describe how Colorado will meaningfully engage diverse stakeholders and communities as it continues to develop and implement ESEA flexibility. *See Consultation Question 2.*

PRINCIPLE 1: COLLEGE- AND CAREER-READY EXPECTATIONS FOR ALL STUDENTS

- Please address the concerns regarding professional development and training, specifically the lack of an integrated professional development approach to ensure that all content teachers are well equipped to teach content as well as use differentiated instructional strategies to assure English Learners and students with disabilities have equitable access to college- and career-ready standards. *See 1.B.*

PRINCIPLE 2: STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

- Please address concerns regarding the emphasis on growth in Colorado's proposed differentiated accountability system, including:
 - The low median growth percentile (MGP) required to earn a "meets" designation on overall growth and growth gaps. *See 2.A.i, 2.A.i.b.*
 - The low weighting of status proficiency (*e.g.*, in high schools only 15%), combined with the fact that overall achievement points are distributed across four subjects, resulting in minimal attention paid to proficiency, particularly achieving standards in reading and math. *See 2.A.i, 2.A.i.a.*
 - The absence of status achievement for subgroups in the frameworks or AMOs, either on statewide assessments or the ACT. *See 2.A.i, 2.A.i.a, 2.A.i.b, 2.B.*
 - The over-reliance on normative growth in the proposed system (*i.e.*, comparisons only to other students rather than to standards) leading to annual changes to cut points for performance categories, the perpetual designation of Does Not Meet and Exceeds irrespective of improvements or declines in the State, and potentially inaccurate longitudinal reporting of the percent meeting each performance category. *See 2.A.i.a, 2.A.i.b.*
- Please address concern that Colorado's AMOs do not meet the ESEA flexibility requirements because they do not represent expectations for a pre-defined pattern of academic progress over time and thus do not provide adequate incentive for all schools to improve. *See 2.A.i, 2.B.*
- Please address concerns regarding the identification of reward, priority, and focus schools, including:
 - By demonstrating that the schools Colorado provided on its list of reward, priority, and focus schools align with the respective definitions of these schools provided in the document titled *ESEA Flexibility*. *See 2.C.i, 2.D.ii.b, 2.E.ii.b-c.*
 - That priority and focus designations and plans may be less meaningful with one quarter of Title I schools identified because resources and capacity to support these schools may be diluted and it will be more difficult to distinguish between the weakest schools and others. *See 2.D.iii.a, 2.E.ii, Principal 2 Overall Review.*
- Please address concerns related to intervention and support strategies, including:

- The lack of articulation of LEA responsibilities for supporting/intervening in priority schools. *See 2.D.iii.a, 2.D.iii.b.*
- The lack of detail on evidence-based interventions in the Unified Improvement Plan (UIP), including evidence-based interventions for English Learners and students with disabilities. *See 2.D.iii.b.*
- The reliance on the UIP process to generate interventions consistent with the turnaround principles without assurance or evidence that the interventions required to meet the turnaround principles will be implemented. *See 2.D.iii.b.*
- Some of the interventions associated with being a priority school stop as soon as the school achieves “improvement plan” status, which may be prior to the end of the required 3-year intervention period. *See 2.D.iii.c.*
- The lack of delineation or description of the roles and responsibilities of the LEA and SEA for implementing interventions in focus schools. *See 2.E.iii.*
- The lack of examples of specific interventions the SEA will require LEAs to provide for focus schools, including interventions appropriate for different school levels and academic improvement needs. *See 2.E.iii.*
- The lack of detail about the interventions Colorado will expect in other Title I schools that, based on the SEA’s new AMOs and other measures, are not making progress in improving student achievement and narrowing achievement gaps. *See 2.F, 2.G.i.*
- Please address concerns regarding exit criteria, including:
 - Schools need only achieve “improvement school” rating for one year in order to exit priority status; therefore, sustained improvement may not have been achieved. *See 2.D.v.*
 - Priority school exit criteria may not be sufficiently high if set at the 47th percentile, and may change annually, potentially resulting in exit with little or no improvement, or, conversely, retention in priority status despite significant improvement. *See 2.D.v, 2.E.ii.*
 - Achieving “meets” status on academic growth gaps/disaggregated graduation rates for only one year is an insufficient indication of sustained improvement that should be required to exit focus status. *See 2.E.iv.*

ADDITIONAL CONCERNS

- Please note that Colorado is prohibited from using ESEA Title I, Part A funds to support public school choice and supplemental educational services (SES) options in low-performing non-Title I schools, as currently described in your request. *See pages 92-94 of Colorado’s request.*

Please note that ESEA flexibility does not include any waivers of the requirements of Title III of the ESEA. The Department is currently considering Colorado’s request for a waiver to redefine its Title III annual measurable achievement objectives to better align with the measures in its Performance Frameworks, and will follow up if additional information is needed. **Start your letter here.**