



COLORADO DEPARTMENT OF EDUCATION

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Dwight D. Jones
Commissioner of Education

Robert K. Hammond
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Kenneth R. Turner
Deputy Commissioner

August 28, 2009

Via www.regulations.gov

Attn: Race to the Top Fund Comments
Secretary Arne Duncan
U.S. Department of Education
400 Maryland Avenue, SW, Room 3W329
Washington, DC 20202

Secretary Duncan:

Thank you for the opportunity to compete for the Race to the Top Fund. We are extremely excited about the possibility to accelerate Colorado efforts in each of the four reform areas. We agree that each of these areas is critical to ensuring academic achievement for all students, and are pleased that they align so closely with priorities and initiatives already underway in our state.

We ask that you consider the following comments to the notice of proposed priorities, requirements, definitions and selection criteria published in the Federal Register:

- We support the comments included in the letter submitted by the Council of Chief State School Officers, in particular the recommendation that greater emphasis be given to the importance of integrating and supporting effective early education opportunities.

- We also support the comments of the National Governor’s Association concerning the development and adoption of common core standards. Specifically, the proposed draft application regarding the adoption of the common standards appears to conflict with the timeline agreed to by governors and chief state school officers in the Common Core State Standards Initiative Memorandum of Agreement (MOA). The MOA specified that states may adopt the common core standards in accordance with state timelines for standards adoption, not to exceed three years. In contrast, the proposed Race to the Top application criteria requires adoption of the common core standards by June 2010. Moreover, the Race to the Top proposed criteria suggests that States must adopt “identical” standards. This is in contrast to the MOA, which provides that the Common Core process will lead to “common” but not necessarily “identical” standards and that the process will respect states’ rights to set and adopt standards.
- We recommend that States be encouraged to adopt common standards that are associated with specific grade levels, or for a specified range of grades. Grade-by-grade standards permit grade-by-grade assessments which in turn facilitate longitudinal growth analyses. Because of its utility in helping to discern whether the system is improving overall, strong consideration should be given to encouraging the ability to gauge longitudinal growth on a year to year basis.
- We recommend that accountability for adherence to proposal budgets and timelines anticipate the need to make revisions and adjustments in response to interim feedback and results. In this way, Race to the Top investments can benefit from continuous improvement.
- We recommend that greater clarity be given concerning the requirement of a “certification” from the State Attorney General, or similar state official. Specifically, we propose that a general statement that the proposal has been reviewed and it does not include any inaccurate statements of law suffice for this purpose.
- We recommend that the “annual report” to be filed by LEAs consist of a report of progress made against plan benchmarks and milestones and not a separate uniform data collection report. The data anticipated to be reported as a result of Phase II of the State Fiscal Stabilization Fund will provide adequate evidence of progress

generally in each of the four reform areas, whereas a report of progress to date against plan deliverables will ensure appropriate accountability for execution of the state Race to the Top plan. Additional reports are likely to be duplicative in content and result in additional burden without enhanced information or transparency.

- We recommend that in addition to a national evaluation, States be required to conduct their own evaluation of program activities. Such an evaluation would be more likely to foster a cycle of “continuous improvement,” allowing for adjustments to be made as each state assesses its interim assessments and benchmarks. Further, we recommend that states be permitted to reserve a sufficient portion of Race to the Top funding to support state sponsored program evaluation, particularly evaluations that include return on investment analysis.
- Regarding the requirement that recipient States participate in applicable technical assistance activities, we recommend that the estimated costs of such participation be provided and that States be permitted to allocate a portion of their award amounts to offset the costs of such participation.
- Regarding the reform plan criteria that applicants have a high-quality plan for supporting a statewide transition to and implementation of internationally benchmarked K-12 standards and high quality assessments, which may include developing and implementing curricular frameworks and materials, formative and interim assessments, and professional development materials, we recommend that appropriate allowances be given to allow reasonable degrees of district-level autonomy and flexibility with regards to curriculum and instruction.
- Regarding the definition of “graduation rate” we suggest that States be permitted to supplement the four-year adjusted cohort graduation rate as defined by 34 CFR 200.19(b)(1)(i) with school completion rates, which include the receipt of a GED as well as extended graduation time for English Language Learners and certain other high-risk students.
- Regarding the state reforms conditions criteria that States will report on the extent to which they have increased student achievement, decreased the achievement gap and increased

graduation rates, we recommend that additional criteria be added to include the extent to which they have decreased safety and discipline indicators, increased attendance rates and decreased the numbers of habitually truant students, each of which is an important leading indicator for student achievement.

- We recommend expanding the definition of “high-need LEA” to include those whose poor academic achievement results demonstrate need for intervention.
- A scoring system should be designed and published along with the final priorities and selection criteria so it is transparent to potential awardees. In particular, we recommend publishing the scoring rubric to be used to determine the “strength” of the MOU between LEAs and the State.
- The Family Educational Rights and Privacy Act (FERPA) needs to clearly define how post-secondary institutions and K-12 can share restricted student information on one common statewide longitudinal system. Until data systems can link educators across state lines and capture the mobility of students and families the linkages to be implemented at this time should only be used to improve the system rather than making judgments that do not include comprehensive data on either students or educators.
- FERPA also needs to provide specifics about the de-identification process that all States must adhere to in order to share potentially identifiable information about students. This includes defining small cell size restrictions and rules for combining indicator information such as free or reduced priced lunch with ethnicity within a school building.

Should you have any questions about the comments included herein, please contact Nina Lopez, Director of ARRA at 303-866-6245 or Lopez_N@CDE.state.co.us. Thank you again for this unprecedented opportunity to invest aggressively in the success of our students.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Jones", with a stylized flourish extending from the end.

Dwight D. Jones
Commissioner

Copy: Bill Ritter, Jr., Governor
Colorado State Board of Education