



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

**JUN - 3 2016**

The Honorable Katy Anthes  
Interim Commissioner of Education  
Colorado Department of Education,  
201 East Colfax Avenue, Room 500  
Denver, CO 80203

Dear Interim Commissioner Anthes:

I am pleased to inform you that, pursuant to section 9207(d)(1) of the Every Student Succeeds Act (ESSA), the U.S. Department of Education (ED) is extending Colorado's designation as an Ed-Flex State under the Education Flexibility Partnership Act of 1999 (Ed-Flex), as amended by ESSA. Under Ed-Flex, as reauthorized by the No Child Left Behind Act, since 2002 the Secretary of Education has delegated States the authority to waive certain requirements of Federal education programs. States are authorized to grant these waivers in order to help local educational agencies and schools carry out educational reforms and raise the achievement levels of all children in exchange for enhanced accountability for the performance of students. The recent passage of the ESSA includes language permitting ED to extend a State's designation as an Ed-Flex State if the Secretary determines that the performance of a State educational agency justifies the extension of the designation.

This Ed-Flex designation is effective through the 2016–2017 school year only. Any new or existing waivers that your State grants under Ed-Flex will terminate at the end of the 2016–2017 school year. Please note that Ed-Flex authority applies only to waivers sought by individual school districts and schools; the statute does not give States the authority to waive Federal requirements that apply to State educational agencies. ED will provide more information on the new Ed-Flex authority authorized by the ESSA at a later date.

I look forward to working with you as you continue to use Ed-Flex to improve school and student performance in your State. If you have any questions, please do not hesitate to contact Cynthia Wright and Elizabeth Witt of my staff at: [OSS.Colorado@ed.gov](mailto:OSS.Colorado@ed.gov).

Sincerely,

Ann Whalen  
Senior Advisor to the Secretary  
Delegated the Duties of Assistant Secretary  
for Elementary and Secondary Education

cc: Patrick Chapman, Executive Director, Federal Programs

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

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