



Colorado's Flexibility Waiver

Differences exist between two accountability systems

The Elementary and Secondary Education Act (ESEA) waiver enabled Colorado to move to a single accountability system. With the federal waiver, Colorado is able to use our own system of school and district performance frameworks and accountability to replace Adequate Yearly Progress (AYP) and the federal sanctions tied to not making AYP. This allows schools and districts to focus on Colorado's performance measures in place of the federal requirements laid out in the No Child Left Behind Act (NCLB) of 2001. In addition, the waiver allows CDE to target improvement funding to schools and districts using the state's performance measures instead of AYP.

If Colorado's waiver is not renewed, schools and districts must again demonstrate AYP toward federally defined performance targets. Sanctions required by ESEA will apply to schools that have not yet met 100 percent proficiency or safe harbor targets. In addition, the state and school districts will revert back to devoting duplicative staff time to comply with both state and federal accountability systems.

Waivers give states ability to use their own accountability system

In 2011, Secretary of Education Arne Duncan invited states to request waivers from certain requirements of federal law by showing a commitment to rigorous state-developed plans for improving educational achievement for all students. In February 2012, Colorado received approval of its waiver request.

Colorado's education reform laws provided the basis for the successful waiver application. Colorado has:

- Rigorous state standards and aligned assessments;
- A system for using assessment data to hold schools and districts accountable for student performance; and
- An educator evaluation system tied to improving student achievement.

2015 Renewal Application

Current Waiver Expires in 2014-15

Colorado's current ESEA waiver is set to expire at the end of the 2014-15 school year. The deadline for submitting a request to renew the waiver is March 31, 2015. The waiver has allowed schools and districts to focus on our state's accountability system that provides more meaningful solutions to the challenges faced by Colorado schools. The waiver also eliminated federal requirements dictating how federal funds should be spent and requiring conflicting messages to parents.

Public Input Opportunities

Stakeholders will have several chances to provide input on Colorado's waiver renewal application. For more information on submitting comments, visit : <http://www.cde.state.co.us/accountability/eseawaiver>

- **Phase 1 – January 16 to February 2**

CDE is seeking comments and ideas for improving the state's current ESEA waiver that has been in place for the last three years. For a copy of the current waiver, visit: <http://www.cde.state.co.us/accountability/eseawaiver>



- **Phase 2 – February 9 to March 13, 2015**

After consulting with stakeholders during Phase 1, CDE will incorporate the feedback received into a draft of the waiver renewal application. During Phase 2, CDE will seek input from stakeholders regarding Colorado’s proposed ESEA waiver renewal application. The draft will be available here:

<http://www.cde.state.co.us/fedprograms/proposed-esea-waiver-renewal-request>

Waiver Amendments

Although CDE is required to submit its waiver renewal request by March 31, 2015, the department can amend its current waiver plan at any time. Should state law change regarding assessments, standards or educator effectiveness, corresponding amendments must be made to the waiver request.

CDE is currently seeking an amendment to the current waiver to align with the February 2015 Board of Education motion to not hold districts liable for the decisions of parents who choose not to allow their children to take a portion of the state assessments.

Proposed Changes to Federal Law

Current ESEA Law and Reauthorization

The Elementary and Secondary Education Act of 1965 is the primary federal law governing K-12 education. The main goal of ESEA is to help all students in the country reach proficiency in English language arts and math. The law was most recently reauthorized in 2001 through the No Child Left Behind Act. Reauthorization of the current law is long overdue – originally scheduled to occur in 2007. As it has in recent years, Congress is currently considering draft legislation to reauthorize ESEA. However, reauthorization may not occur during this calendar year and until legislation is passed by both the House and Senate and signed by the President, current ESEA and ESEA waiver provisions remain in effect.

ESEA Requirements and Colorado’s Waiver

ESEA Requirements	Flexibility Granted by Waiver	Waiver Benefits
Schools must demonstrate Adequate Yearly Progress (AYP) toward meeting federal proficiency targets.	Colorado’s accountability system replaces AYP requirements.	Schools and Districts can focus on a single accountability system, reducing staff time necessary for both federal and state reporting.
Schools that do not meet 100 percent proficiency are identified for Title I Improvement funding and federal sanctions apply.	Colorado’s system gives schools one of four performance ratings and districts one of five accreditation ratings.	Schools, districts and parents have a more meaningful way to evaluate school performance.
ESEA dictates how federal funds for struggling schools may be used.	CDE and districts can use federal funds for innovative solutions to meet the needs of struggling schools.	Colorado schools have the resources to focus on what matters most – ensuring all students are ready for college, a career and life.



<p>Schools and districts identified for improvement using AYP must develop improvement plans in accordance with ESEA rules.</p>	<p>Strategies determined to be effective in Colorado are used for improvement planning.</p>	<p>The improvement planning process is meaningful and is focused on strategies identified in Colorado as leading to increased student success.</p>
<p>The federal requirements tied to AYP and Title I improvement are punitive and have been shown to be largely ineffective in raising student achievement.</p>	<p>These requirements are replaced by Colorado's system of frameworks and the 5 year clock.</p>	<p>The school and district improvement process is focused on effective Colorado-based support strategies instead of punitive measures.</p>
<p>School success is achieved only when all students meet proficiency levels at the same time.</p>	<p>Colorado's system focuses on student growth over time.</p>	<p>Schools are not labeled as failing as long as all students are making steady academic growth.</p>