

March 13, 2017

Commissioner Katy Anthes, PhD
Colorado Department of Education
201 E. Colfax Ave.
Denver, CO 80203

Dear Commissioner Anthes:

As a coalition of the 24 undersigned organizations working with and on behalf of Colorado students and their families, we write to you to outline our recommendations for the Colorado Department of Education's draft plan for implementation of the Every Student Succeeds Act (ESSA).

The Equity in Colorado Coalition is a diverse group, representing communities of color, disability and advocacy organizations, school and student groups, and institutions of higher education. The coalition was formed to harness the collective influence and voices of organizations working across the state to realize improved student outcomes for all Colorado students, and in particular students of color, students living in poverty, emerging bilingual students, and students with disabilities. Our goal is to create an educational system where (1) historic barriers of racism, class and discrimination do not determine any child's opportunity to succeed, and (2) each child has access to the resources, teachers, interventions and supports that they need to be successful.

Many of our coalition members served on the "hub" committee and various "spoke" committees that drafted and vetted parts of the plan. This work produced a number of positive aspects of the current draft plan worth highlighting, including:

- The continued disaggregation of student subgroups in accountability (specifically students in each major racial and ethnic group, students living in poverty, students with disabilities, and emerging bilingual students). We believe it is important that every student remains visible and counted in accountability systems.
- The inclusion of chronic absenteeism as an additional indicator of elementary and middle school quality. A compelling body of evidence shows attendance is closely associated with academic performance and graduation rates. We are also pleased there will be a process by which stakeholders will consider and hopefully adopt broader indicators of postsecondary workforce readiness.
- The continued commitment to challenging academic standards in 10 content areas that align to postsecondary success.
- The consolidation of Title I grants into a more streamlined application process.
- The extensive stakeholder engagement process undertaken by the Department to develop Colorado's plan, especially relative to other states. We also appreciate the translation of the plan into Spanish, making the document accessible to more Colorado families and stakeholders.

Alternatively, there are several areas where the coalition feels strongly that the plan should be amended to do one or more of the following: include missing information or detail; outline specific requirements or processes; add or strike specific language; and share important data or other information with key stakeholders. We are pleased to outline our key recommendations in italics below.

We believe ESSA is landmark legislation that maintains the critical civil rights goals of the Elementary and Secondary Education Act of 1965 and provides a framework for ensuring that Colorado meets the needs of every child. We evaluated Colorado's draft ESSA plan through the lens of the Equity in Colorado Coalition's four priorities: (1) Accountability for the achievement of every student; (2) Easily accessible and user-friendly data; (3) Robust parent, family and community engagement and consultation; and (4) Equitable and adequate access to critical education resources.

Accountability for the Achievement of Every Student

Count every student in participation rate calculations, including all non-participants.

Rationale: Colorado’s suggested method for calculating assessment participation rates is inconsistent with the Every Student Succeeds Act, which requires that districts and schools assess at least 95 percent of students across a state. The current method of excluding parent refusals from the participation rate calculations creates a perverse incentive for non-participation that must be addressed. The plan references state law (HB 15-1323) as part of the rationale for the proposed approach, however it is imperative to note that Colorado state law in no way contradicts federal law. In fact, current state law balances protection from negative consequences for students and families if students choose not to participate in state testing with an explicit assurance that schools and districts do not incentivize non-participation. The 95 percent participation provision of federal law originated to protect students with the most barriers to success, specifically students with disabilities, by ensuring their inclusion in statewide testing. As such, we recommend the State count every student in participation rate calculations, including all non-participants, to increase transparency and demonstrate a concerted effort to assess and report meaningful data about every child. We further recommend that the State reenact policies, in line with current state statute, that direct specific consequences for schools and districts with participation rates below 95 percent.

Revisit the metrics and cut scores in the accountability system to ensure the system reflects Colorado’s commitment to preparing all students for college and career success.

Rationale: In the draft ESSA plan, Colorado reaffirms its “complete commitment to college- and career-ready standards” such that each student in the state’s public education system “is prepared to compete academically and economically within the state or anywhere in the nation or the world.” However, the accountability system set forth in the plan is almost entirely normative, evaluating students, schools, and districts on comparisons between students, instead of on what each student knows and can do. This is particularly inequitable for students who have not historically been expected or given opportunities to succeed at the levels of their more privileged peers. We believe these normative measures, including (a) the shift to average scores to measure student achievement, (b) the reliance on median growth without plans to incorporate adequate growth measures, and (c) indicator-level cut scores, overall cut scores, and long-term goals based on percentile ranks, will lead to less transparency and lower expectations, especially for students of color and low-income students. While there is value in each of these metrics and methods individually, when combined it is possible that schools and districts will receive the state’s highest ratings without students meeting the expectations Colorado has been establishing for 20 years. We ask that the Department reconsider the metrics and cut scores used in the accountability system such that it asks schools and districts to prepare every student for college and career success, not just to be better than the school down the street or on the other side of the Continental Divide.

Set more specific measures of interim progress for each student subgroup in order to reach the ambitious long-term goals set for academic achievement and graduation rates for all students.

Rationale: The plan outlines that Colorado will use a six-year timeframe for all students to achieve the 53rd percentile on the baseline scale on the English language arts and math assessments, and increase the graduation rate to 90.3 percent, but does not specify interim targets for each group to reach those targets. We believe these goals should be guiding the strategies and supports outlined in the plan. Yet even where the interim targets are outlined in the Appendix, the plan seems to disregard the current achievement of different student

groups. Considering the varying baselines for each subgroup, students will also need to make varying rates of progress to close gaps. We ask that the Department make ambitious commitments to our historically underserved students through both long-term goals and interim measures and map out the specific strategies that will make it possible for students to achieve those targets.

Clearly identify that the “more rigorous interventions” for schools identified for Comprehensive Support and Intervention align with the state accountability system.

Rationale: While the plan identifies the potential actions for schools that do not improve after the four-year timeline laid out in ESSA, the plan does not make it clear that these interventions also align with the accountability pathways that are embedded in state law. The state plan should make it clear that the strategies outlined in Senate Bill 09-163 (the Education Accountability Act) to improve and hold schools accountable is in alignment with the requirements in the Every Student Succeeds Act.

Consider student-specific characteristics such as age, initial English proficiency, disability accommodations, grade level, and length of time in the education system when establishing English Language Proficiency (ELP) benchmarks in a manner that supports home language instruction.

Rationale: In the process of setting English Language Proficiency benchmarks as additional data from ACCESS 2.0 becomes available, the State should consult with impacted communities and practitioners who use different supports and instructional models for emerging multilingual students to ensure benchmarks do not disincentivize a particular instructional model. Research is clear that home language instruction corresponds with greater academic achievement and higher rates of reclassification to English proficiency for emergent bilingual students. These gains manifest in the long-term (5-7 years, on average), by which time many schools have been discouraged from bilingual education because of outcomes on monolingual tests. By considering home language proficiency and program of instruction (along with age, initial English proficiency, and grade level, as articulated in the plan), the State can account for the initial lag in students’ progress toward English proficiency when students are in bilingual programs, and ensure that schools are supported in leveraging and developing students’ home language.

Articulate a plan for monitoring testing rates for newly classified English Learners (ELs), as well as reclassification rates for EL students who reach English proficiency.

Rationale: The plan allows districts to opt newcomer students into testing and, thus, accountability and growth calculations, based on initial English proficiency classifications from the WIDA screener. This screener is only designed to identify potential ELs, not assign them a specific level of proficiency. We are concerned that this may create perverse incentives for districts to test students with even minimal English competencies in hopes of large growth scores on core academic tests in the early years as students gain English proficiency, despite the fact that assessments in English cannot validly assess students at incipient English proficiency levels. With respect to reclassification, the plan allows districts to use a local body of evidence in the decision to reclassify students as proficient in English in addition to meeting prescribed scores on the ACCESS test, or in cases where ACCESS scores are unavailable. The effects of being EL-classified can be positive or negative depending on the supports EL students receive in specialized and mainstream classes; thus, it is crucial for the State to monitor how students fare across districts during *and after* EL classification to determine which supports are most helpful, which reclassification criteria best align with students’ future success, and whether particular reclassification criteria are delaying reclassification beyond students’ benefit.

Standardize and require testing supports and accommodations for English Learner (EL)-classified students.

Rationale: The plan notes the existence of trans-adaptations of tests and allowances for scaffolding strategies to support emergent bilingual students in standardized tests. Nevertheless, awareness and implementation of these supports is inconsistent, leading to invalid comparisons across districts and to unreliable measures of students' capabilities, insofar as academic achievement tests become de facto language tests as well.

Easily Accessible and User-Friendly Data

Include plans for how the State will release and present data to the public.

Rationale: We believe one of the clear intents of ESSA is to provide greater transparency and accessible information about how students and schools are performing. We see this in several places in the legislation, including statutory requirements for a State report card "developed in consultation with parents and...in a language that parents can understand," and cross-tabulated data. Colorado has acted as a leader in providing data and information about schools to families, communities, and policymakers. Yet we are concerned, particularly given recent practices of changing data reporting rules and delaying data releases, that Colorado is not affirming its commitment to providing required information about schools to communities. We ask the Department to include in the plan: (a) how it plans to comply with data release requirements; (b) how it plans to present and release data and school performance information to communities, including families (inclusive of non-English speaking families and families without internet access), educators, policymakers, and researchers; and (c) how it plans to consult with these communities about how data is released and presented.

Omit new data suppression rules from the state plan.

Rationale: This coalition is a strong proponent of protecting student privacy. We are also strong proponents of systems-level transparency. We do not believe these principles to be in conflict; the State can protect individual student level data *and* be transparent about how different groups of students in schools, programs, and districts are doing. Yet, the Department recently introduced new suppression rules without evidence of a breach or problem in historical reporting practices. In the Department's recent introduction of new data suppression rules, it is significantly more challenging, if not impossible, to tell how students are being served by the education system, doing a disservice to both students and systems. This information is critical to not only understanding gaps in the opportunities students across the state can access, but also to learning and sharing lessons about what is working for students. We cannot improve and support education if we do not know how students are performing. Including the new suppression rules in Colorado's ESSA plan goes above and beyond federal requirements and cements a practice that needs much more thought, stakeholder involvement, and iteration before implementation.

Robust Parent, Family and Community Engagement and Consultation

Revise policies and procedures and improve communication and recruitment strategies for application and appointment to the State Advisory Council for Parent Involvement in Education (SACPIE) to increase representation and involvement from diverse populations and better involve parents on the Council.

Rationale: Recognizing the importance of parent involvement in their students' education, the Colorado General Assembly created the State Advisory Council for Parent Involvement in Education (SACPIE) in 2009. The Council's

membership is composed of a broad group of parents, advocates, and education stakeholders who are appointed to three-year terms and are responsible for the creation and implementation of parent engagement strategies throughout the state. Statute requires that parent representatives on SACPIE “reflect student populations that are significantly represented in the state,” but current membership does not meet this requirement. We urge the Department to improve its outreach efforts for membership on the Council to ensure the makeup of SACPIE more accurately reflects Colorado’s diverse student populations. There are additional opportunities to diversify membership of the following parent and community groups: school and district accountability committees (SACs and DACs), the Early Childhood Leadership Commission (ECLC), Preschool Special Education Advisory Committee, and the Colorado Committee of Practitioners (CoP).

Address how the 1 percent Title I Parent and Family Engagement set-aside funds will be coordinated or how the Department will engage stakeholders in deciding how funds are spent. The Department should also clarify who is part of the decision-making process when evaluating grant applications.

Rationale: Federal law states that 1 percent of Title I funds for family engagement must be used for at least one of four activities, which include supporting programs that reach families at home, in the community and school, and providing sub-grants for collaboration with community-based organizations that have a track record of improving family engagement. The law also requires states to involve parents and low-income families in deciding how funds are spent. Clarifying allowable uses for the 1 percent of Title I funds and how parents will be meaningfully consulted in that process will ensure decisions are being made in the best interest of students and that we are maximizing the full protections families are entitled to under ESSA.

Specify what steps the Department will take to ensure that the instructions for applying for the Title IV Statewide Family Engagement Centers grant are clear and widely accessible and how it will ensure that parents from low-income backgrounds, parents of students with disabilities and parents of English learners are represented.

Rationale: Title IV, Part B of ESSA, the 21st Century Community Learning Centers (21st CCLC) Grant Program, supports the creation of community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools. To ensure the education of high-poverty students is at the core of these centers, it is critical that the Department spell out in the plan what steps it will take to ensure that the instructions for applying for the Title IV Statewide Family Engagement Centers grant are accessible to the diverse families, advocates and community members across the state.

Provide more detail regarding how Colorado will ensure schools meet the needs of students with disabilities.

Rationale: Discussion of how Colorado will meet the needs of students with disabilities is generally limited in the plan, even in sections that focus on this subgroup of students. We believe the plan could provide more detail on (a) how the State will support students with disabilities to meet state standards and graduate, (b) the process for determining whether former students with disabilities will be included (or not) in the students with disabilities subgroup, and (c) how “significant cognitive disability” will be defined as it relates to alternate assessments. It is also not clear to what extent the State engaged with disability stakeholders in developing the plan.

Equitable and Adequate Access to Critical Education Resources

Clarify processes for evaluation and continuous improvement.

Rationale: One of the most impactful roles the Colorado Department of Education can play is to evaluate the progress and impact of school improvement strategies, and to share lessons learned with schools and districts across the state. There should be processes to gather information about implementation and interventions on the ground, as well as cost-impact analyses. We believe this will ensure scarce resources make it to the classroom and have the largest impact possible on students, as well as help make the case for additional smart investments in our education system.

Take advantage of the option to set aside 3 percent of Title I funds for Direct Student Services (DSS).

Rationale: The Elementary and Secondary Education Act made it clear that education is a civil right, and passage of the Every Student Succeeds Act presents an opportunity for Colorado to explore innovation in the service of student learning. This optional set-aside would help ensure that both Comprehensive Support and Improvement (CSI) schools, as well as Targeted Support and Improvement (TSI) schools, have the resources necessary to improve outcomes for students. Taking advantage of this optional set-aside would offer pathways for improvement that go beyond professional development, leadership training, curricular support, and other adult and school-focused interventions, and would instead focus school improvement efforts directly on supporting opportunities for students. This grant program would allow the State to provide additional funding to Colorado's most struggling schools, which we believe is the very essence and ethos of funding equity. These funds could then be used to increase access to career and technical education (CTE), concurrent enrollment, advanced course work, school choice transportation, credit recovery, and components of personalized learning.

Provide more detail on the State's "theory of action" for attracting and retaining educator talent.

Rationale: Classroom teaching is the number one in-school contributor to student achievement, making the quantity and quality of Colorado educators a top priority for all who care about education. While we agree with the theory of action articulated on page 76 of the plan, we believe it requires more detail, especially around how the State is planning to increase the supply of teachers in the pipeline who reflect the diversity of Colorado's student population and the specific strategies that will increase access to high-quality induction programs and ongoing professional development.

Outstanding Questions

Additionally, there are areas where the Equity in Colorado Coalition has outstanding questions we would like to see addressed. They include:

- How will the Department incorporate feedback on the draft state plan ahead of the State Board of Education vote and submission to the U.S. Department of Education?
- How will the Department communicate changes required by the Every Student Succeeds Act to educators, parents, students, and community members?
- How will the Department enact a transparent implementation process that continues to involve stakeholders throughout Colorado?

There is much work to be done, and our coalition is committed to partnering with you, your staff, and members of the State Board of Education to realize improved student outcomes for Colorado students, especially those who historically have been the most underserved by our public schools. We appreciate the opportunity to submit feedback and look forward to continued collaboration to find solutions that drive towards equity and result in the best possible outcomes for Colorado's children.

Respectfully,

A+ Colorado
Arc of Arapahoe & Douglas Counties
Arc of Aurora
Arc of Pueblo
BUENO Center for Multicultural Education, University of Colorado, Boulder
Climb Higher Colorado
Colorado Association for Bilingual Education (CABE)
Colorado Children's Campaign
Colorado Latino Forum, Metro Denver Chapter
Colorado Latino Leadership, Advocacy and Research Organization (CLLARO)
Colorado Statewide Parent Coalition
Colorado Succeeds
Democrats for Education Reform (DFER)
Education Reform Now
Escuela Tlatelolco
Higher Educators in Linguistically Diverse Education (HELDE)
NAACP Colorado State Conference
Padres & Jóvenes Unidos
Project VOYCE
Stand For Children – Colorado
Together Colorado
Understood – a Colorado-based affiliate of the National Center for Learning Disabilities
Urban League of Metropolitan Denver
Young Aspiring Americans for Social & Political Activism (YAASPA)

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State Board of Education Member Val Flores
State Board of Education Member Jane Goff
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Governor John Hickenlooper
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