

COLODRADO ED-FLEX REPORTING

(1) Report Narrative

Ed-Flex in Colorado provides a lens through which schools and districts can begin to think outside the proverbial box. Designed to provide districts and schools with more flexibility, E-F has been somewhat underutilized in Colorado over the past two years. The reasons for this are complex.

First, the reauthorization of ESEA begat many new requirements and increased accountability. Identifying and implementing these varied changes to the law required the full attention of the State. Opportunities that existed in the past to help districts and schools to explore how to utilize Colorado's designation as an E-F state were absorbed by the implementation of NCLB. This process aligns with what we know about change and the change process. When innovations are introduced, the implementers often experience a mechanized approach to the innovation's use. As the change becomes more familiar, implementers' level of concern is reduced, providing them with the opportunity for tinkering and adjustment.

Second, as districts and schools implemented the requirements of the new law, the State's focus remained on implementing what was required, rather than what was flexible. From the State's standpoint, this was a good stance to take. By asking districts and schools to implement all the various aspects of NCLB, we sought for there to be complete understanding of what was required. Complying with Public School Choice, developing Adequate Yearly Progress targets, implementing quality technical assistance for schools identified for improvement became the priority. Once districts and schools had a more comprehensive understanding of the law's requirements, it became easier to 'step back' and begin to identify areas where use of E-F would support educational innovation. As such, for SY 04, all E-F waivers related to the poverty rate requirement of schoolwide programs. As the accompanying tables demonstrate, these schools with E-F schoolwide waivers have continued to meet their annual measurable objectives.

As Table 7 on the accompanying database reveals, the State did not provide any flexibility regarding the highly qualified teacher requirements of NCLB over the course of 2002-2005. The reasons for this were alluded to above but need to be explicated here. With the enactment of NCLB, teachers and paraprofessionals supported with Title I funds had to demonstrate compliance with a specific set of requirements, requirements that had not been as explicit in previous legislation. These prompted initial confusion for some districts and varying degrees of outrage by individuals. The latter appeared connected to the notion by some that they had been assisting with instruction for 20 years

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and had never had to demonstrate their effectiveness in such specific ways. Some teachers had been teaching out of their content area endorsement for years, and complaints were heard from individuals and districts that many of these folks were competent. Thus, in order to shift the thinking of districts and schools to the updated accountability explicit in NCLB, the State deemed it inappropriate to provide flexibility with respect to HQ before it was clear that educators in the state understood the basic requirements. This is akin to what a teacher enacts at the beginning of a school year: setting up the basic requirements and expectations, and then tailoring these to individual student needs as the year progresses. Such is the case in Colorado. As it has become clear that educators understand the basic requirements, the State has begun to provide some additional flexibility with respect to this statute.

In response to evidence that most districts and schools had developed a greater understanding of the requirements of NCLB, in SY 04, the state initiated a reexamination of the potential for E-F. With the assistance of the State Committee of Practitioners and other organizations, the Colorado Department of Education began to identify areas of the law that might, under particular circumstance, be waived for districts and schools in exchange for improved academic performance of all students. The first of these pertains to Section 1119(l) of the NCLB law.

In section 1119 of the law, districts are required to spend not less than 5% nor more than 10% of their Title I, Part A allocation on ensuring that all teachers meet the highly qualified requirements by the end of school year 2005-2006. Since the State required a minimum of 5% to be set aside by all districts in 2002-2003 and 2003-2004, a few districts found that they were nearly meeting their targets of 100% highly qualified teachers earlier than expected. As such, the required 5% set aside may or may not have been needed to ensure that teachers met the requirements. The State encouraged districts to explore whether or not waiving this requirement might provide them with the opportunity to better support improved academic achievement for all students. In SY 05, three districts received approval from the State for an individual E-F waiver of the setaside requirement. With the close of this school year, the data reveal that not only did the Title I schools in these districts continue to meet the annual, measurable targets for HQ teachers, in some cases, schools in the districts now had 100% of their teachers highly qualified. An examination of the student achievement data will be conducted once this is available to the State in late July of 2005. The State believes that it is important to have educational achievement goals that relate to both student achievement and teacher quality as part of any E-F waiver request.

A second type of waiver that was developed by the State and utilized by many of its districts was a statewide waiver related to Title I, Part A, section 1119. In the fall of 2004, the state identified a need by many districts related to the date by which all instructional paraprofessionals supported by Title I

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funds needed to be highly qualified. Falling in the middle of the school year, the January 8th, 2006, date could be seen as problematic for some schools and districts. The timeline for meeting the rigorous requirements for Title I-supported paraprofessionals was awkward in that some paraprofessionals may be in the middle of coursework and a disruption to their work was not deemed academically sound for students. The State adopted a statewide paraprofessional waiver in late January of '05 that extended the timeline by which all Title I-supported paraprofessionals needed to meet the requirements of highly qualified to June 30, 2006. This six-month extension is seen as not only ensuring that the HQ requirement is met in a quality manner, but also providing consistency and support to students assisted by individuals who have nearly completed the coursework necessary to be highly qualified.

The reinvigorated use of E-F in Colorado continues to align with the State's original plan for the program. In addition, the monitoring of schools and districts with waivers has been incorporated into several oversight activities, which will improve the degree to which the State can intervene with waiver grantees when educational achievement goals appear to be in jeopardy. By using the State's consolidated application process, the State's monitoring system, and progress monitoring of the district or school's implementation activities, the State is poised to be able to provide constructive feedback to E-F grantees, particularly in cases where the waiver may be in jeopardy. However, the fidelity to the implementation activities by districts and schools has been high, and the State has not needed to intervene by revoking any waiver. This speaks much of the kinds of technical assistance that the State has provided, as well as to the caliber of district and school applications that received approval.

Colorado has been effective in its use of E-F. The relative success by three districts for which the 5% highly qualified setaside was deemed restrictive demonstrates the viability of exchanging flexibility for accountability for the improved academic performance of all students. The State will monitor closely the effects of extending the date by which paraprofessionals supported by Title I funds must be highly qualified. Doing so will reveal the State's own capacity for evaluating the effectiveness of such a waiver, as well as its impact on student achievement. Finally, data from the past three years demonstrate that Colorado students continue to improve in their reading and math performance, as measured by attainment of adequate yearly progress goals. A future area of focus may be, however, how the E-F program can assist with particular student population groups who appear to be at a higher risk of not meeting AYP targets. It is possible that E-F may assist schools and districts with the development of more strategic educational innovations that will result in greater numbers of at-risk students meeting the rising targets.

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Is there room for improvement? Certainly. As more avenues for appropriate application of the E-F regulations are identified, the State will be poised to assist schools and districts with applying for the kinds of flexibility that will result in improved academic performance for all students. By utilizing the many talented individuals and organizations in Colorado, the State will continue to learn from its evaluation of waivers and adjust its process accordingly. The State is pleased to be able to offer the E-F program to its constituents and accepts the responsibility to implement it with fidelity.

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I assure that the data reported in this document is reliable, complete, and accurate.

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name

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