



*Affiliated with the National Education Association*

March 10, 2017

Colorado Department of Education  
 Federal Programs Unit  
 1560 Broadway, Suite 1100  
 Denver, CO 80202-5149

To the Attention of the CDE Federal Programs Unit:

Thank-you for the opportunity to comment on the draft of the Accountability and State Plans under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA). The purpose of ESSA and its regulatory scheme was to provide a more flexible, less complex, and less costly accountability framework for Colorado and other states. The draft of the State Plan provides a system to achieve those goals; however, the CEA believes that some sections of the draft State Plan could be clearer, more explicit, and more clearly support the underlying goals of the ESEA as amended by ESSA, and therefore would submit the following comments to the State Plan.

Draft State Plan Provisions	Comment, Impact, and Suggestions by CEA
<b>Section 1 – Long term Goals</b>	
<b>Academic Achievement</b> (pp. 6-7)	The state plan does not identify the term “Colorado stakeholders,” which should differentiate between those providing information and input and indicate the sources which were relied upon.
<b>Graduation Rate</b> (pp. 7-8)	While the Colorado State Plan language is consistent with the goal of utilizing extended year graduation rates to incentivize and capture all efforts to increase graduation rates, it would be helpful to use additional language where appropriate that specifies the urgency in prioritizing efforts and strategies for economically disadvantaged students, students with disabilities, and minorities. Further, the 90.3% graduation rate goal is aggressive in comparison with the current national rate of 80% and the state’s 82.5%.
<b>English Learners</b> (pp. 8-9)	The Colorado State Plan clearly describes the uniform procedure to establish research-based student-level targets on which the goals and measurement of the interim process is based.

<b>Section 2 – Consultation and Performance Management</b>	
<p><b>Consultation</b> (pp. 11-27)</p>	<p>The Hub/Spoke process included some practitioners and did allow for some important discussion of the state plan, as did the statewide outreach, including listening tours and the current round of comments. This process did meet federal requirements.</p> <p>The Committee of Practitioners could have been broader, and been more inclusive of practitioners from many different school districts. The process should have recognized more centrally the ESSA Summits which were conducted by stakeholders which were more focused on practitioner support.</p> <p>The Colorado State Plan does not adequately address conflicts with existing school district collective bargaining agreements in regard to supports and interventions.</p> <p>Collective bargaining has been permissive in school districts in Colorado since 1976. The State Plan should account for this, and include some recognition or acknowledgment that supports and interventions may be affected by existing collective bargaining agreements – and that they should be recognized and honored.</p> <p>The Department should create a collaborate review process in which the voice of local school districts and local affiliate associations of the Colorado Education Association may be heard in regard to supports and interventions.</p> <p>The Department should consider creating, as part of the Plan, a liaison position to monitor statewide collective bargaining efforts along with the Colorado Association of School Boards, the Colorado Association of School Executives, and the CEA.</p>
<p><b>System of Performance Management</b> (pp. 27-38)</p>	<p>Although the Department, over twenty years ago, may have put in place an ESEA Committee of Practitioners (CoP), the currently constituted CoP completely lacks classroom practitioners. The Department should immediately put procedures or structures in place to add or replace current members with classroom practitioners.</p> <p>The Colorado consolidated application and competitive grant applications are developed with the support of the CoP. Having a process in place to add classroom practitioners to the CoP, and utilizing Educational Data Advisory Committee (EDAC) to help develop and approve Colorado’s consolidated application and competitive grant applications, would create an opportunity for classroom practitioners and other educational professionals to</p>

	<p>comment on the effectiveness of this approach and suggest improvements.</p> <p>The CEA approves of the collaborative approach of the State Plan, which is clearly designed to help school districts and schools to improve in Tier II and III supports. This collaborative approach appears designed to allow solutions to match identified specific problems, which is a specific goal of ESSA.</p>
<b>Section 3 – Academic Assessments</b>	
<b>Academic Assessments</b> (pp. 38-40)	The Department is strongly urged to support testing audits, whether established in state regulation or current or prospective state law, to insure that students are not being tested unnecessarily.
<b>Section 4 – Accountability, Support and Improvement of Schools</b>	
<b>Accountability System</b>	
Academic Achievement (pp. 43-44)	Colorado’s growth percentile methods have effectively met federal requirements and are on target to meet ESSA requirements.
Academic Progress (pp. 44-45)	The statute does not restrict States to using growth based solely on statewide assessment results. Under §200.14(b)(2), a State may include either a measure of student growth based on annual reading/language arts and mathematics assessments or another academic measure that meets the requirements of § 200.14(c). The Department is urged to utilize capstones or portfolios as an option to measure academic progress.
Graduation Rate (pp. 45-46)	The CEA supports using extended year graduation rates and uniformity in calculating graduation rates for comparability. Where appropriate, given the state’s overall efforts to increase graduation rates, specific attention should be called to targeting activities that focus on economically disadvantaged students, students with disabilities, and minorities.
ELP Proficiency (pp. 46-47)	The CEA recommends “Student Growth Percentile” be added to the “Measures” column.
School Quality or Student Success (pp. 46-47)	The Plan requires that data on chronic absenteeism be collected for elementary and middle school students; however, the State Plan should also include high school students. The Civil Rights Data Collection for 2013-2014 reported that 11% of all elementary students, 12% of students in middle school, and 19% of all high school students are chronically absent.
School Quality or Student Success – High Schools (pp. 50-53)	The CEA supports the continued inclusion of high school dropout as an indicator of school quality.

<p><b>Long-Term Measures</b> (pp. 52-53)</p>	<p>The CEA supports including engagement indicators. Student engagement is predictive of achievement and retention. The CEA recommends that the Department consider using indicators predictive of college success. For example, the Department should consider the percentage of high school seniors who have successfully completed the full suite of college gateway courses in math and science, such as Algebra 1 and 2, Geometry, Trigonometry, Calculus, Biology, Chemistry, and Physics.</p>
<p><b>Subgroups</b> (pp. 53-54)</p>	<p>The State Plan is in compliance regarding the identification of the major subgroups, and uses the same number for accountability and reporting purposes.</p>
<p><b>Minimum Number of Students</b> (pp. 54-58)</p>	<p>The CEA agrees that the change from an “n” size of 16 to 20 is consistent for accountability purposes.</p>
<p><b>Annual Meaningful Differentiation</b> (pp. 58-59)</p>	<p>The former accountability system assigned outputs like test scores a majority of the weight. The CEA recommends designing an accountability system made up of both inputs and outputs. Data on inputs would enable stakeholders to diagnose and address any potential problems. Further, inputs contribute to outputs and should, therefore, count equally in accountability system. However, recognizing the limitations written within the statute, the CEA recommends a 51% (academics) - 49% (school quality/student success) weighting system.</p>
<p><b>Participation Rate</b> (pp. 59-60)</p>	<p>The provision regarding law accountability participation rates for schools should not include non-participation as a reason that schools are identified for targeted and comprehensive support (i.e. as an indicator in the accountability system). The Department should also insure that program reviews are collaborative and supportive.</p>
<p><b>Section 4.2 – Identification of Schools</b></p>	
<p><b>Comprehensive Support and Improvement Schools</b> (pp. 62-65)</p>	<p>The CEA would suggest that it is important to consider the implications of timelines for identification and exit in this section carefully. If timelines are too short, or the definitions too narrow, the number of identified schools can go up quickly, swamping state capacity to help schools and contributing to over-identification of schools. If the regulations are revised by the United States Department of Education, states may have increasing flexibility in defining the universe of schools and subgroups that need help.</p>
<p><b>Section 4.3 – State Support and Improvement for Low-performing Schools</b></p>	
<p><b>School Improvement Resources</b> (pp. 65-70)</p>	<p>The CEA supports empowering LEAs and schools to determine which improvement strategies best address their needs. The individual LEA and school must include stakeholders during the needs-assessment process and in the selection of school strategies.</p>

<p><b>More Rigorous Interventions</b> (p. 69)</p>	<p>The CEA supports that more rigorous interventions should be developed in collaboration with stakeholders and should include interventions like class size reduction (see the Tennessee STAR study), early childhood education (see the Panel Study of Income Dynamics survey), and community schools (see the Communities in School study), all of which meet the highest level of evidentiary support. School closure is not a viable option, as studies show that there is no definitive evidence of either beneficial or negative impacts on academic performance. <i>See Learning from the Federal Market-Based Reforms: Lessons for ESSA</i> (National Education Policy Center)(Boulder, CO: Information Age Publishing, 2016)(Mathis &amp; Trujillo, Eds.). Additionally, in cases where higher performing schools are not accessible to displaced students, students may actually show declines in performance.</p> <p>The State Plan does not identify specific interventions, but the CEA is concerned that, if identified, the provisions of applicable collective bargaining agreements may be implicated. If so, Title I, Section 1111(d)(4) may be implicated, and bargaining over these issues may be required under applicable law.</p>
<p><b>Section 5 – Supporting Excellent Educators</b></p>	
<p><b>Section 5.1 – Educator Development, Retention, and Advancement</b></p>	
<p><b>Educator Growth and Development Systems</b> (pp. 70-71)</p>	<p>The State Plan notes that Colorado is not planning to use Title II funds to help support the State’s development of professional growth and development. This may need to be clarified by the Office of the Attorney General if this would apply to any compensation or other issues such as evaluation, professional development, mentoring and coaching, or other issues that are typically covered by collective bargaining provisions. Even in the absence of local collective bargaining agreements, there may be statutes that address some aspects of professional growth.</p> <p>Further, the State Plan notes that although improvement of these programs is a priority, these strategies are currently being supported with State resources. This is concerning to the CEA since so much Title II funding is being focused on improving state and local systems of educator development. There is no mention of the success of current strategies and practices supporting this decision. The CEA recommends that analysis of the current practices be assessed for improvement through Title II funding.</p>
<p><b>Section 5.2 – Support for Educators</b></p>	
<p><b>Resources to Support State-level Strategies</b> (pp. 71-72)</p>	<p>The State Plan provides that it will leverage Title II funds to support staff who possess the knowledge and skills to build LEA capacity for recruiting, developing, and retaining effective</p>

	<p>educators. Specifically, the Plan notes that these staff will provide training, guidance, resources and tools that improve the capacity of LEAs to plan high quality professional development, implement competency-based hiring practices, improve induction programs, improve mentoring programs, identify root causes of gaps in equitable access to effective teachers, and implement effective strategies to address those gaps.</p> <p>The CEA has concerns regarding these provisions, in that they do not provide specificity. It is not clear which staff are referenced, or whether they will be administrative staff or all educators. The links listed in the State Plan reference the former provisions under the No Child Left Behind Act, including references to “highly qualified” teachers and the definition of professional development, which has clearly been updated under ESSA. The CEA believes that it is critical that school districts work with educators to ensure that there are opportunities for professional growth for both teachers and para-educators, as well as opportunities for teacher leadership.</p> <p>The permissible uses for Title II funding include mechanisms to recruit and retain teachers from under-represented minorities, which is not mentioned in the State Plan. Also the funding should support training and support for teacher leaders and other school leaders as part of instructional teams, as well as career opportunities and advancement initiatives that promote professional growth and multiple career paths. There is no mention in the State Plan regarding creating career paths for educators or supporting teacher-led professional learning, professional development to integrate technology into curricula and instruction, or other programs.</p> <p>The CEA recommends that all opportunities under ESSA for educator growth and leadership be reviewed. In order to retain talented educators, it is essential to provide leadership opportunities beyond administrative roles that allow teaching to no longer be a flat career.</p> <p>Again, the savings clause covers existing collective bargaining agreements and any relevant statutory provisions or regulations that relate to potential supports for educators, including compensation, professional development, retention, recruitment, or other working conditions. Even in the absence of such collective bargaining provisions, it is critical to for school districts and the Department to collaborate with educators to ensure employee professional support.</p>
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<p><b>Skills to Address Specific Learning Needs</b> (p. 72)</p>	<p>The State Plan provides that it will include virtual and in-person professional learning focused on culturally responsive instructional practices, whole child supports, effective inclusion, and developmentally appropriate practices for children in preschool through the early grades. The CEA notes there are no specifics concerning the depth and breadth of the programs.</p> <p>The CEA recommends that educators must be included in a meaningful and collaborative way regarding discussions of their own professional learning needs, focusing on the specific skills referenced in the State Plan. The CEA further recommends that the professional learning is evidence-based, and that the State Plan also provide how the professional learning will be assessed and evaluated by educators to determine whether it is enhancing the skills of educators to improve student outcomes.</p> <p>Further, the CEA recommends further detail regarding inclusion. Efficient master scheduling and strategic student assignment, without more, will not improve student learning for students with disabilities unless teachers, specialized instructional support personnel, para-educators, and administrators receive the professional development necessary to determine the modifications needed by students with Individual Education Plans, effectively implement them, and seamlessly integrate these students into regular education classrooms to ensure that each student meets their potential.</p> <p>Finally, the CEA recommends that the State Plan include provisions which target supports to the individual needs of students in each class. Any theory of action must go beyond scheduling and assignment and include high-quality, intensive, job-embedded professional learning for the professionals that work with these students.</p>
<p><b>Section 5.3 – Educator Equity</b></p>	
<p><b>Educator Equity</b> (pp. 72-79)</p>	<p>The State Plan does not provide any guidelines for educator diversity. The U.S. Department of Education has issued guidance in regard to educator diversity, and the CEA recommends that the Department incorporate the guidance, in some respects, into the State Plan. The guidance located at <a href="https://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf">https://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf</a> identifies a diverse teacher workforce as contributing to the reduction of achievement gaps. More information can be found in the U.S. Department of Education’s recent report on Racial Diversity in the Educator Workforce located at <a href="https://www2.ed.gov/rschstat/eval/highered/racial-diversity/state-racial-diversity-workforce.pdf">https://www2.ed.gov/rschstat/eval/highered/racial-diversity/state-racial-diversity-workforce.pdf</a>.</p>

	<p>On March 10, 2017, the State Board of Education discussed a definition regarding “in-field” and “out-of-field, and voted to alter this definition in opposition to the recommendation made by the Hub Committee. In that sense, the draft of the State Plan has been a moving target.</p> <p>The current definition, as of the day of this Comment, instead of the definition contained on p. 73 of the State Plan, is that teachers will be considered “out-of-field” if they do not hold either through subject-matter endorsement on their license, a degree in their subject, 36 semester hours (not 24 semester hours) in their subject, or a passing score on a State Board of Education approved content examination in their subject.</p> <p>The CEA strongly recommends that teachers who do not hold a license with a subject-matter endorsement, and one other of the enumerated factors, be considered and reported to be “out-of-field.” Mere competency in a subject matter does not necessarily mean that the teacher is a professional educator, unless that content area is combined with pedagogical training and experience.</p> <p>The CEA would state that it is crucial that the theory of action and self-assessment, contained on pp. 76-77 of the State Plan, include educator input, whether under the auspices of collective bargaining or other meaningful collaboration process. It is imperative that involuntary transfers are not considered under the “theory of action.”</p> <p>Under Colorado’s current evaluation system, there is a requirement that 50% of a teacher’s evaluation be based on student growth which includes student growth measures in tested areas. The State Plan indicates that the Department is willing to refine and improve the current system.</p> <p>The CEA recommends that, given the focus on teacher voice and teacher professionalism under ESSA, the plan should be modified to include a criterion for Professional Growth in addition to the current Teacher Observation and Student Growth. Teachers should be meaningfully engaged in identifying professional growth measures, which would reflect that teacher involvement and professional growth are valued as noted in Colorado Teaching Quality Standards. Regarding the use of student growth measures, it is important to note that there</p>
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	continues to be little research that shows how “student growth measures” can be useful in enhancing teacher practice.
<b>Section 6 -- Supporting All Students</b>	
<b>Supports for Early Childhood Education</b> (pp. 81-83)	The CEA supports the State Plan in regard to improving the quality of early childhood education through the Colorado Shines QRIS, expanding access to the State Pre-School Program, and providing professional development and supports for educators working in pre-K through third grade classrooms.
<b>Support for District to District Transfers and Transitions</b> (p. 85)	The CEA supports this initiative but recommends that this be monitored to insure that no violations of state or federal privacy protections result in regard to student records.
<b>Support for HS to Post-Secondary Education</b> (pp. 84-85)	The CEA supports specific efforts and resources dedicated to student re-engagement activities. Concerning career and technical education, it is vitally important to highlight these options for students; however, the inclusion in this section of the State Plan may be perceived as part of dropout prevention and re-engagement instead of an additional opportunity for <i>students</i> . The CEA therefore recommends that there be additional language to clarify the role of career and technical education, and that it be aligned with other elements of the academic program.
<b>Supports for a Well-Rounded Education</b> (p. 87)	The CEA supports the State Plan in regard to providing every student access to a well-rounded education. The provisions of this section of the State Plan are consistent with the National Education Association GPS indicators, and the CEA recommends using them as well as the GPS School Improvement Guide as one needs-assessment tool. <i>See generally</i> GPS framework located at <a href="http://www.nea.org/assets/docs/GPS_Indicators_Framework.pdf">http://www.nea.org/assets/docs/GPS_Indicators_Framework.pdf</a> .
<b>Other EL Supports</b> (p. 92)	The CEA recommends that a specific goal be added to increase the professional learning and development for all teachers in the state specific to learning how to teach English Language Proficiency (ELP) integrated with the Common Core Standards for English language learners at all grade levels and all content areas to all teachers. This could be implemented over a multi-year period; for example, a period of time which would be tied to teacher licensure standards.
<b>Foster Care Education: Improving Educational Outcomes for Children and Youth</b> (pp. 92-95)	In regard to foster youth, the CEA would recommend that the State Plan provide support to ensure that LEAs work with their counterparts in child welfare programs to develop transportation plans as well as to provide joint trainings with child welfare agencies. In regard to homeless youth, the CEA would recommend that school district liaisons ensure homeless youth have access to an uninterrupted education by coordinating with other district liaisons on exit and entry. Regular meetings and trainings should occur throughout the year. High rates of

	<p>mobility and lack of access to quality nutrition and healthcare place homeless students at increased risk of missing school and dropping out.</p>
<p><b>Prevention and Intervention Programs for Child and Youth who are Neglected, Delinquent, or At-Risk</b>        (pp. 112-113)</p>	<p>The CEA supports trauma-informed education and believes all educators should be provided professional learning opportunities. Quality professional learning programs in this area can impact student engagement, the discipline rate, and academic achievement.</p> <p><b>The CEA also strongly supports professional learning and development in regard to culturally responsive teaching, wraparound services, and family and community engagement.</b> The CEA would also support efforts to gather graduation rates in this area and provide resources to help students earn their high school diplomas. Further, the CEA supports restorative approaches to increase student success.  <a href="http://www.otlcampaign.org/restorative-practices">http://www.otlcampaign.org/restorative-practices</a></p>
<p><b>21st Century Community Learning Centers</b>        (pp. 117-123)</p>	<p>The CEA strongly supports this federal program as beneficial to students, their families, and efforts to close achievement gaps. We do believe it is important, in the implementation of these programs, to attend to the following concerns:</p> <p>Non-school STEM and other academic improvement activities should supplement and not supplant course offerings during regular school hours;</p> <p>They may have the most positive impact on students’ success in mastering learning standards and developing their interest, confidence and enjoyment of learning where school-based educators and non-school personnel offering supplemental academic instruction are in communication with one another, to share information about how best to support individual students based on their learning styles and needs.</p> <p>It should not be assumed that such communication, aimed at mutual support, will occur absent intentional efforts by school and non-school staff to ensure this happens.</p> <p>21st CCLC staff engaged in supplemental academic instruction should have appropriate qualifications.</p>
<p><b>McKinney Vento Act</b>        (pp. 123-130)</p>	<p>As indicated above, the State Plan should include efforts to require or encourage regular, joint trainings between liaisons and community service providers.</p>
<p><b>Appendix A: Measurements of Interim Progress</b></p>	<p>These kinds of targets must be weighed in an individual state context in terms of achievability, since they will impact the percent of schools and subgroups that will be designated in need</p>

Colorado Education Association  
Comment on Draft of Colorado Department of Education State Plan

( pp. 140-141)	of targeted and, with time, comprehensive supports and interventions.
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We would like to thank the many Colorado Department of Education staff members who have been working tirelessly on these issues since last year. It is our hope that these comments, suggestions, and recommendations may prove helpful as the Department moves forward, with the assistance and collaboration of the many stakeholders in education, to finalize the State Plan. We would welcome any further opportunity to have input or collaborate, on behalf of our 35,500 education professionals, to continue to insure that our students receive equitable and high quality education.

Sincerely,



Bradley Bartels  
Executive Director