

# ESSA and the Colorado Revised Statutes: Possible Areas for Legislation

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# Testing Requirements

- §22-7-1006.3 (1)(b), C.R.S.
  - Directs CDE to apply for a waiver to allow 9<sup>th</sup> grade math and ELA assessment to qualify as single high school test
  - Waiver no longer required – ESSA recognizes 9<sup>th</sup> grade as high school for purposes of the math and ELA assessment



# High School Assessment Exception

- ESSA allows an LEA to administer a nationally recognized assessment that meets state-established requirements and is approved by the SEA in lieu of administering the high school assessments in math, ELA, and science.
  - CRS does not allow an LEP to administer an approved test in lieu of high school testing requirements
  - Neither CDE nor the SBE is required to adopt criteria for approving a nationally recognized assessment for high school



## 95% Participation Rate

- C.R.S. does not address the required level of participation on state assessments or how the participation rate is calculated – whether including or excluding parent-excused students.
- ESSA requires each state to explain how it will factor the 95% participation rate requirement into the state accountability system.
- C.R.S. does not address how CDE should calculate a performance rating for an LEP or public school that has very low participation.



# English Language Learners

- §22-7-1006.3 (4)(a) and (4)(c), C.R.S.
  - Colorado statute allows an LEP to administer an assessment in a language other than English to an ELL for 3 years; directs CDE to apply for a federal waiver to allow administration up to 5 years.
  - Waiver is no longer required for some students – ESSA allows administration of an assessment in a language other than English for a student who is enrolled in a U.S. school for at least 3 but fewer than 5 years.



# English Language Learners

- §22-7-1006.3 (5), C.R.S.
  - Directs CDE to seek a waiver to allow an EL, for the first 24 months he or she is enrolled in the US, to take the ELA and math assessments but to exclude the student's scores from LEP accountability.
  - ESSA makes allowances for the first 12 months in which a student is enrolled in the US, which include assessing the student in ELA and math, but excluding the scores from accountability the first year; using the scores only for growth in the second year; and using the scores for both proficiency and growth in the third and subsequent years.



# Performance Indicators

- ESSA requires states to measure progress in achieving English language proficiency as a performance indicator.
  - Colorado measures LEPs progress in closing the achievement and growth gaps for English language learners as part of one of its performance indicators. Unclear whether this is the same as measuring English language proficiency.



# Performance Indicators

- ESSA requires states to include a performance indicator that measures school quality or student success. States can adopt different measures for different grade spans.
  - Colorado does not have a school quality or student success performance indicator.





# Identifying Schools for Support

- ESSA requires states to annually measure performance and every 3 years identify schools that need “comprehensive support and improvement”:
  - At least the lowest-performing 5% of all schools, based on the performance indicators;
  - All public high schools that fail to graduate 1/3 or more of students; and
  - Public schools with low-performing student groups that fail to make sufficient progress



# Identifying Schools for Support

- §§22-11-208, 22-11-210, C.R.S.
  - CDE annually assigns an accreditation category to each district and the institute and a performance plan to each public school
  - CDE must provide technical assistance to LEPs and public schools in the 3 lowest categories
  - SBE sets the cut scores for determining which category or plan applies
- Colorado's performance categories (improvement, priority improvement, and turnaround) don't necessarily correlate with ESSA's criteria for comprehensive support and improvement.



# Comprehensive Support and Improvement Plan

- Contents are very comparable between state and federal law – state includes more items in Priority Improvement and Turnaround plan.
- ESSA requires the plan to be approved by the school, the LEA, and the SEA
- Colorado requires Priority Improvement plan to be approved only by LEP; requires Turnaround plan to be approved by LEP and Commissioner.
- ESSA allows an LEA to forego improvement activities for an alternative education campus that enrolls fewer than 100 students.



# Targeted Support and Improvement Plan

- ESSA requires a school to adopt a Targeted Support and Improvement Plan if a subgroup of students is consistently underperforming on performance indicators (as determined by the state).
  - Targeted Support and Improvement Plan identifies evidence-based interventions to improve the performance of the identified student subgroup.
- Colorado does not require a performance plan to improve the performance for a particular group of students; ratings and plans apply schoolwide.



# Timeline for Support

- ESSA requires state to adopt criteria for determining when a school may exit the comprehensive support and improvement category; school cannot continue in comprehensive support and improvement for more than 4 years, after which state must require “more rigorous” action.
- ESSA requires state to adopt criteria for exiting targeted support and improvement category; state establishes maximum time can remain in category, after which school may move to comprehensive support and improvement.



# Timeline for Support

- §§22-11-207 (4)(a), 22-11-209, 22-11-210 (5), C.R.S.
  - LEP cannot remain in Priority Improvement/Turnaround status for longer than 5 consecutive years, after which SBE may remove accreditation.
    - If accreditation removed, SBE determines which actions LEP must take
  - School cannot remain in Priority Improvement/Turnaround status for longer than 5 consecutive years, after which SBE will specify actions LEP is required to take regarding the school.
- Federal and state law conflict concerning maximum number of years a school may remain in a low-performing category.



# Assessment Pilot Program

- ESSA specifies several requirements a state must meet to receive innovative assessments and accountability demonstration authority.
  - Up to 7 states will be approved for authority in the first 3 years, after which program may be expanded.
- §22-7-1006.5, C.R.S.
  - Allows LEPs to apply to participate in a pilot program to identify a new state assessment to be used statewide.
- Federal and state law do not agree on criteria for participation or on description of the pilot will operate.



# Educators

- ESSA requires state report card to include information concerning the professional qualifications of teachers for state as a whole and disaggregated to compare low-income schools to high-income schools.
- ESSA allows an LEA to use federal grant money to:
  - Develop or improve an evaluation and support system for teachers, principals, or other school leaders that is based in part on evidence of student achievement and includes multiple measures of education performance.
  - Develop and implement initiatives to assist in recruiting, hiring, and retaining effective teachers.



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