

**Colorado Law**  
*and the*  
**Every Student Succeeds Act**

*A Side-By-Side Comparison*

## Comparing ESSA and Colorado Law

	EVERY STUDENT SUCCEEDS ACT	COLORADO LAW
<p><b>Assessments</b></p>	<p style="text-align: center;"><i>Current Colorado law substantially meets all ESSA requirements below.</i></p> <ul style="list-style-type: none"> <li>• State assessments may be administered through single summative assessment or through multiple assessments during course of the year.</li> <li>• May include measures of student growth.</li> <li>• Math and ELA assessment: grades 3-8; once in 9-12.</li> <li>• Science assessment: once in grade 3-5; once in grade 6-8; and once in grade 10-12.</li> <li>• Districts may administer a nationally recognized high school assessment approved by the state in lieu of required statewide assessment.</li> </ul>	<p style="text-align: center;"><i>State law exceeds ESSA by requiring a social studies assessment for each grade span and BOTH 9<sup>th</sup> grade math/ELA assessments AND 10<sup>th</sup>/11<sup>th</sup> grade assessments. (ESSA requires math/ELA assessment only once in grades 9-12).</i></p> <ul style="list-style-type: none"> <li>• State board must adopt system of assessments.</li> <li>• CDE must administer a state assessment in English language arts, math, science and social studies, as adopted by State Board.</li> <li>• Math and ELA assessments: grades 3-9.</li> <li>• Science assessment: once in elementary school, once in middle school, and once in high school (but not in 12<sup>th</sup> grade), in specific grade selected by CDE.</li> <li>• Social studies assessment: once in elementary school, once in middle school, and once in high school (but not in 12<sup>th</sup> grade); CDE must select representative sample of schools each year.</li> <li>• All 11<sup>th</sup> grade students must take a curriculum-based achievement college entrance exam selected by CDE that tests in the areas of reading, writing, math and science.</li> <li>• All 10<sup>th</sup> grade students must take an exam that is selected by CDE and aligned to the 11<sup>th</sup> grade curriculum-based achievement college entrance exam and state academic standards.</li> </ul>

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<b>School Evaluation Criteria</b>	<p><i>Current Colorado law substantially meets all ESSA requirements below. (Currently, ACCESS results are included in academic growth indicator. Clarification is needed as to whether this sufficiently addresses progress of ELL students).</i></p> <ul style="list-style-type: none"> <li>• Accountability system must place “substantial weight” on each of the following indicators: <ul style="list-style-type: none"> <li>• Academic achievement, based on proficiency on annual assessments;</li> <li>• Another indicator of academic achievement that can be broken out by subgroup (i.e., growth on state assessments);</li> <li>• For high schools, graduation rate (4-year adjusted cohort rate and, in state’s discretion, extended adjusted cohort rate);</li> <li>• Progress of ELL students in achieving language proficiency; and</li> <li>• An indicator of school quality/student success.</li> </ul> </li> </ul>	<p><i>State law exceeds ESSA by incorporating multiple PWR measures. (ESSA requires only graduation rates and one other measure of school quality/student success.) Colorado law also incorporates READ Act data.</i></p> <ul style="list-style-type: none"> <li>• Accountability system must be based on the following 4 indicators: <ul style="list-style-type: none"> <li>• Student longitudinal academic growth;</li> <li>• Student achievement levels on the statewide assessments;</li> <li>• Progress made in closing the achievement and growth gaps; and</li> <li>• For high schools, postsecondary and workforce readiness (PWR): achievement on college entrance exam (SAT), graduation and dropout rates, and percentage of students who enroll in CTE program, community college or 4-year institution of higher education.</li> </ul> </li> <li>• Evaluation criteria must include credit for percentage of 3<sup>rd</sup> and 4<sup>th</sup> grade students who were once identified as having a significant reading deficiency and who have scored partially proficient, proficient or advanced on statewide reading assessment.</li> </ul>

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<b>Identification of Poorly-Performing Schools</b>	<p style="text-align: center;"><i>Current Colorado law substantially meets all ESSA requirements below.</i></p> <ul style="list-style-type: none"> <li>• “Substantial weight” must be given to each of the required academic indicators. When aggregated, academic indicators must be given “much greater weight” in the differentiation of schools than any other indicator of school quality or student success.</li> <li>• States must use methodology to meaningfully differentiate all schools in the state and, at least every 3 years, identify schools needing “comprehensive support and improvement.” Identified schools must include lowest performing 5% of all Title I schools and any high school failing to graduate 1/3 or more of its students.</li> <li>• States must notify districts of any schools in which a subgroup of students is consistently underperforming and in need of “targeted support and improvement.”</li> </ul>	<p style="text-align: center;"><i>State law exceeds ESSA by evaluating and identifying poorly performing districts (in addition to schools). State law requires identification each year, rather than every 3 years. State law allows districts to submit additional local data for consideration.</i></p> <ul style="list-style-type: none"> <li>• State Board annually assigns districts to accreditation categories and assigns school plan types to all schools. (Names of categories and plan types are specified in statute.)</li> <li>• State Board will determine criteria for assigning accreditation categories and school plan types, with greatest emphasis on the 4 performance indicators.</li> </ul> <p><u>State Board Rule:</u></p> <ul style="list-style-type: none"> <li>• When assigning accreditation categories/school plan types, “greatest emphasis” will be placed on growth and PWR indicators.</li> <li>• CDE evaluates performance of districts/schools on 4 performance indicators and READ Act data, then Request to Reconsider process allows districts to submit additional local data for consideration.</li> </ul>

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<b>Participation Rates/ Opt Out</b>	<p style="text-align: center;"><i>Current State Board rule meets the ESSA requirements below, but State Board resolution/current practices do not.</i></p> <ul style="list-style-type: none"> <li>• States must assess 95% of all students and subgroups.</li> <li>• ESSA does not preempt state law regarding decision of parent to not have his child participate, but that child is still counted against the 95% participation rate.</li> <li>• Participation rates must be a factor in accountability system, but states may determine the consequences for districts and schools with lower participation rates.</li> <li>• Proposed ESSA regulations require that, for a school that misses the 95% participation rate, the state takes and action that will result in “meaningful differentiation” for that school under the state’s evaluation system and “will lead to improvement in the school’s assessment participation rate so that it meets the 95% participation rate.” These schools would also be required to develop and implement improvement plans that address the reason(s) for low participation and include interventions for improvement in participation rates, which plans must be developed in partnership with stakeholders, including parents.</li> </ul>	<p style="text-align: center;"><i>State Board resolution is inconsistent with what is required by proposed ESSA regulation. If “meaningful differentiation” were applied, schools would be held liable for low participation rates.</i></p> <ul style="list-style-type: none"> <li>• Districts may not impose negative consequences on students who opt out of statewide assessments</li> </ul> <p><u>State Board Rule/Resolution:</u></p> <ul style="list-style-type: none"> <li>• State Board rule indicates that districts or schools with below 95% participation rate will have accreditation rating lowered; however, Feb. 2015 State Board resolution declared that schools and districts would not be held liable for parent excusals.</li> </ul>

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<p><b>School Support &amp; Improvement</b></p>	<p><i>Current Colorado law substantially meets ESSA requirements below.</i></p> <ul style="list-style-type: none"> <li>• Schools identified for comprehensive support and improvement will implement a “comprehensive support and improvement plan” to improve student outcomes. (See below for required elements of plan.) School, district, and state agency must approve plan. Upon approval and implementation, plan must be monitored and periodically reviewed by state agency.</li> <li>• Schools identified for targeted support and improvement will implement a school-level “targeted support and improvement plan” to improve outcomes for subgroups of students who are struggling. (See below for required elements of plan.) Plan must be approved by district and implementation of plan must be monitored by district. Following unsuccessful implementation of plan after a number of years determined by district, “additional action” must occur.</li> <li>• State must establish statewide exit criteria for schools identified for either “comprehensive support and improvement” or “targeted support and improvement.”</li> <li>• If a school identified for comprehensive support and improvement does not meet the exit criteria in the state-determined number of years (no more than 4), it will be subject to “more rigorous state-determined action.”</li> <li>• If a school identified for targeted support and improvement does not meet the exit criteria within the state-determined number of years, the school will be identified for comprehensive support and improvement.</li> </ul>	<p><i>State law exceeds ESSA by including district-level consequences and plan requirements. ESSA allows different consequences for schools and for list of school restructuring options to be broader.</i></p> <ul style="list-style-type: none"> <li>• Districts and schools must develop and implement improvement plans that include specified elements, depending on plan type. (See below.)</li> <li>• State board may not allow a district to remain in accreditation category below “accredited” for longer than 5 consecutive years before removing accreditation.</li> <li>• Accreditation only reinstated after district takes one of the following State Board-directed actions: (1) district reorganization, (2) private or public entity takes over management of district or school(s), (3) school(s) converted to charter school(s), (4) school(s) seek “innovation” designation, or (5) school(s) closed.</li> <li>• State board may not allow a school to implement a plan type of either “priority improvement” or “turnaround” for longer than 5 consecutive years before directing district to take one of the following actions: (1) shift management of the school to a private or public entity other than the district, (2) for a charter school, replace the school’s operator or governing board, (3) convert the school to a charter school, (4) convert the school to an innovation school, or (5) close the school.</li> </ul>

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<b>Improvement Plans</b>	<p style="text-align: center;"><i>Current Colorado law substantially meets ESSA requirements below.</i></p> <ul style="list-style-type: none"> <li>• Schools that are identified for “comprehensive support and improvement” must locally develop a plan to improve student outcomes that: (1) is informed by all indicators; (2) includes evidence-based interventions; (3) is based on a school-level needs assessment; (4) identifies sources of inequities; and (5) is approved by the school, district, and state education agency.</li> <li>• Schools that are identified for “targeted support and improvement” must locally develop a plan to improve student outcomes that: (1) is informed by all indicators; (2) includes evidence-based interventions; and (3) is approved by the district prior to implementation.</li> </ul>	<p style="text-align: center;"><i>ESSA allows list of permitted improvement strategies for schools to be broader.</i></p> <ul style="list-style-type: none"> <li>• All district and school improvement plans must include targets, trends, needs assessment, research-based strategies to address needs, resources to implement strategies, and any other matters required by State Board.</li> <li>• “Priority improvement” and “turnaround” plans must be submitted to the state for review.</li> <li>• “Turnaround” plans must include one or more of the following strategies: (1) employing a lead turnaround partner, (2) reorganizing oversight and management structure, (3) reorganizing individual schools as innovation schools or clustering schools as an innovative school zone, (4) hiring an entity to operate one or more schools, (5) converting one or more schools to a charter school, (6) renegotiating a charter school’s contract, (7) closing a school, or (8) other actions of comparable or greater significance or effect.</li> </ul>

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<b>Report Cards</b>	<p><i>Clarification is needed about which data elements ESSA requires that are not otherwise collected pursuant to state law.</i></p> <ul style="list-style-type: none"> <li>• Annual state report card must be online, provide concise description of state’s accountability system, name all schools identified for improvement, and include the exit criteria for no longer being identified for improvement.</li> <li>• State report card must include specified information, such as professional qualifications of teachers, per-pupil expenditures, school safety information, NAEP scores, and information about post-secondary attainment.</li> <li>• Districts must prepare and disseminate district report cards that include assessment achievement information and any other information the district chooses.</li> </ul>	<p><i>State law specifies contents of district and school report cards. State posts the information online, rather than requiring districts to disseminate.</i></p> <ul style="list-style-type: none"> <li>• State prepares and posts online reports for the state, all districts, and all public schools.</li> <li>• Reports must include specified information, such as: <ul style="list-style-type: none"> <li>• Attainment of 4 performance indicators;</li> <li>• Completion, mobility and truancy;</li> <li>• Test participation rates;</li> <li>• School safety and discipline;</li> <li>• Enrollment and attendance;</li> <li>• Staff qualifications, student-to-teacher ratios; and</li> <li>• Course and program offerings</li> </ul> </li> <li>• Schools provide printed copies to parents, upon request.</li> </ul>
<b>Educator Evaluations</b>	<p><i>ESSA does not impose any requirements in this area.</i></p> <ul style="list-style-type: none"> <li>• States may use federal funding to develop and implement teacher and principal evaluation systems that are based, in part, on evidence of student achievement.</li> </ul>	<p><i>ESSA does not require any of the following:</i></p> <ul style="list-style-type: none"> <li>• District personnel evaluation systems must be based 50% on student performance measures.</li> <li>• Teachers earn non-probationary status after 3 consecutive effectiveness ratings and lose non-probationary status after 2 consecutive ineffectiveness ratings.</li> </ul>



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<b>Highly Qualified Requirements</b>	<p><i>ESSA does not impose any requirements in this area.</i></p> <ul style="list-style-type: none"> <li>• Teachers working in Title I schools must meet applicable state certification and licensure standards.</li> </ul>	<p><i>State law requires teachers to be licensed, but not to be qualified for the specific content area in which they are hired to teach.</i></p> <ul style="list-style-type: none"> <li>• Local school boards may not enter into an employment contract with any person as a teacher unless such person holds an initial or professional teacher’s license or authorization issued by CDE.</li> <li>• An initial teacher license requires an applicant to (1) hold a bachelor’s degree, (2) complete an approved preparation program or alternative teacher program, and (3) demonstrate subject matter competency, as specified by State Board rule (i.e., for elementary teachers, passage of the elementary content test, and, for secondary teachers, a degree in the endorsement area or passage of a relevant content test).</li> <li>• Minimum criteria are outlined for various authorizations (e.g., adjunct instructor, emergency, educational interpreter, adult basic education) and State Board is authorized to outline additional criteria in rule.</li> </ul>