



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Katy Anthes
Commissioner of Education
Colorado Department of Education
201 East Colfax Avenue, Room 500
Denver, CO 80203

February 4, 2020

Dear Commissioner Anthes:

I am writing to follow up on a letter I sent you on June 4, 2019, regarding the Colorado Department of Education's (CDE) percentage of students with the most significant cognitive disabilities taking an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). As you know, the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), limits the percentage of students that a State may assess with an AA-AAAS to no more than 1.0 percent of all assessed students in a State for each subject. In that letter, I noted that Colorado had exceeded the 1.0 percent threshold in the 2017-2018 school year in science, based on data submitted to the Department via the *EDFacts* reporting system.

I recognize that the limit on the number of students with the most significant cognitive disabilities who may be assessed with an AA-AAAS was a new requirement starting in the 2017-2018 school year, and understand that many States needed to provide training and guidance to reduce their AA-AAAS participation rates. Because CDE had rates of AA-AAAS participation that were greater than 1.0 percent in science without a waiver and had assessment participation rates that were less than 95 percent for all students and for students with disabilities in science, the Department placed a grant condition on the State's fiscal year 2019 Title I, Part A award. This condition required that the State submit a plan for reducing the rate of AA-AAAS participation in future years in order to come into compliance with the 1.0 percent threshold on AA-AAAS participation. The condition also required that the State submit assessment participation data (including AA-AAAS participation) via *EDFacts* for the 2018-2019 school year by October 1, 2019. Thank you for providing both the plan and data that were requested in the June 4 letter.

Based on CDE's 2018-2019 data for science, the State assessed fewer than 1.0 percent of all tested students on the AA-AAAS in science. Once the review of *EDFacts* data is completed for the 2018-19 school year, provided the final participation rate remains at or below 1.0 percent, the Department will remove the Title I, Part A grant condition.

Thank you for the good work in your State to come into compliance with this requirement. I recognize that the limit on the number of students with the most significant cognitive disabilities who may be assessed with an AA-AAAS was a new requirement starting in the 2017-2018 school year and understand that many States needed time to provide training and guidance to LEAs to reduce their AA-AAAS participation rate.

The Department continues to support Colorado and all States to ensure all students are being assessed using the appropriate assessments. Over the past two years, the National Center on Educational Outcomes has facilitated a variety of technical assistance activities for States working to meet the 1.0 percent threshold. I note that CDE has participated in some of these activities. You may find resources from these activities available at https://nceo.info/Assessments/alternate_assessments.

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<http://www.ed.gov/>

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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I appreciate the work you are doing to improve your schools and provide a high-quality education for students. If you have any questions, please contact my staff at ESEA.Assessment@ed.gov.

Sincerely,

/s/

Frank T. Brogan
Assistant Secretary for
Elementary and Secondary Education

cc: Joyce Zurkowski, Director of Assessment

