



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 26, 2021

The Honorable Katy Anthes, Ph.D.  
Commissioner of Education  
Colorado Department of Education  
201 East Colfax Avenue, Room 500  
Denver, CO 80203-1799

Dear Commissioner Anthes:

I am writing in response to the Colorado Department of Education's (CDE's) request on March 17, 2021, for a waiver from sections 1111(b)(2)(B)(v)(I)(aa) and (II)(aa) of the Elementary and Secondary Education Act of 1965 (ESEA), requiring the administration of statewide assessments to all public elementary and secondary school students in each of grades 3 through 8. Rather than administer its mathematics and reading/language arts assessments to all students in all grades, CDE proposes to administer its general and alternate mathematics assessments to all students in grades 4, 6, and 8, and its general and alternate reading/language arts assessments to all students in grades 3, 5, and 7. In the other grades, CDE will offer the assessments but not require them, and will provide information about the assessments to parents. The State will also administer its high school reading/language arts and mathematics assessment, the SAT, to all students. As discussed, CDE will administer its general and alternate science assessments in grade 8 and in high school (including for this year only, using the SAT as its general science test).

The Department remains committed to supporting all States in assessing the learning of all students. Obtaining data on student learning includes high-quality statewide assessments, which can help identify where opportunity gaps are persistent and have been exacerbated – particularly during the pandemic – and, along with other data, can help States direct resources and support to close those gaps. At the same time, we must also recognize that we are in the midst of a pandemic that requires real flexibility.

After carefully considering CDE's request, I approve, pursuant to my authority under section 8401(b) of the ESEA, a waiver of the requirement in sections 1111(b)(2)(B)(v)(I)(aa) and (II)(aa) of the ESEA for the 2020-2021 school year as described above. CDE has demonstrated that this request will advance student academic achievement because, based on the specific circumstances in Colorado resulting from the pandemic, it maximizes the ability to obtain high-quality data regarding student learning that Colorado's statewide assessments provide. It also maintains the importance of the annual statewide assessments to provide data on all students (either reading/language arts and mathematics in each of grades 3 through 8) to provide information to parents and educators.

In your request, which incorporates significant and diverse stakeholder engagement, you describe how the impact of the pandemic prevents CDE from being able to safely administer your statewide summative assessments this spring using standard practices. Your request notes that "the impacts of the pandemic have limited CDE's ability to provide comprehensive and

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secure test administration in spring 2021 that can be safely and effectively managed in-person. Local [e]ducation[al] [a]gencies (LEA's) have significant state and local health restrictions that apply to on-site services, including assessment." You further describe the space and, in particular, personnel shortages associated with being able to adequately proctor your full battery of assessments in some classrooms (including in cases where accommodations must be provided) and instruction in others, with necessary mitigation strategies and other measures related to protecting health and safety during the pandemic. In addition, your request explains how each of the flexibilities described in the Department's February 22 letter is not sufficient or practicable to address these challenges given CDE's specific circumstances.

Your request also notes that in-person instruction in the State has been widely unavailable and/or inconsistent because of the COVID-19 pandemic. Most students are only now in the process of returning to in-person learning, with many middle and high school students still receiving some form of hybrid instruction. You provide data that, as of January, two out of three of your elementary students and three out of four of your middle and high school students were receiving remote learning. You also note that some districts that have returned to in-person instruction report that approximately 20 percent of their students are still receiving remote instruction based on parent choice. As part of this waiver request, Colorado assures that it will publicly report all assessment data collected and in accordance with section 1111(h) of the ESEA and that this request will be limited to this school year.

This waiver is conditioned on the State completing its public comment period and submitting those comments to the Department, including whether CDE would like to make any changes to its plan based on the comments received.

If you have any questions, please contact me or my staff at: [ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov).

Sincerely,

/s/

Ian Rosenblum  
Deputy Assistant Secretary for Policy and  
Programs  
Delegated the Authority to Perform the  
Functions and Duties of the Assistant Secretary  
Office of Elementary and Secondary Education

cc: Joyce Zurkowski, CDE