



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

DEC 19 2012

The Honorable Robert Hammond  
Commissioner of Education  
State Department of Education  
201 E. Colfax Avenue, Suite 500  
Denver, CO 80203-1799

Dear Commissioner Hammond:

I am writing in response to the Colorado Department of Education's (CDE's) request to amend its approved ESEA flexibility request. Following discussions between the U.S. Department of Education (Department) and your staff regarding the proposed revisions to Colorado's approved request, the Department has determined that the revised request is consistent with principles of ESEA flexibility. For this reason, I am approving CDE's amended request, which we will post on the Department's website. A summary of CDE's requested amendment is enclosed with this letter. As you know, any further requests to amend CDE's ESEA flexibility request must be submitted to the Department for review and approval.

CDE continues to have an affirmative responsibility to ensure that it and its districts are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility as well as their implementation of all other Federal education programs. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

I am confident that CDE will continue to implement the reforms set forth in its approved ESEA flexibility request and to advance its efforts to hold schools and school districts accountable for the achievement of all students. If you have any questions regarding the implementation of your ESEA flexibility request, please do not hesitate to contact Victoria Hammer of my staff at [Victoria.Hammer@ed.gov](mailto:Victoria.Hammer@ed.gov) or 202-260-1438. Thank you for your commitment to Colorado's students.

Sincerely,

Deborah S. Delisle  
Assistant Secretary

Enclosure

cc: Pat Chapman ✓  
Alyssa Pearson

400 MARYLAND AVE., SW, WASHINGTON, DC 20202

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

### **Amendment to the Colorado Department of Education's Approved ESEA Flexibility Request**

The following is a summary of the Colorado Department of Education's (CDE's) amendment request. The Department is approving the following amendment because the CDE's ESEA flexibility request, as amended, continues to be aligned with the principles of ESEA flexibility. Please refer to the Department's website (<http://www.ed.gov/esea/flexibility>) for the CDE's original and amended ESEA flexibility requests.

- **Optional Waiver**

Revision: The CDE requests the optional waiver offered under ESEA flexibility of the requirements in ESEA sections 4201(b)(1)(A) and 4204(b)(2)(A) that restrict the activities provided by a community learning center under the Twenty-First Century Community Learning Centers (21st CCLC) program to activities provided only during non-school hours or periods when school is not in session (*i.e.*, before and after school or during summer recess). The CDE requests this waiver so that 21st CCLC funds may be used to support expanded learning time during the school day in addition to activities during non-school hours or periods when school is not in session.