

Legal Requirements and Technology Checklist



This checklist has been created to assist school leaders in implementing curriculum, professional learning, and local and READ Act assessments outside of what has been adopted by the district. For more information on legal requirements, please click on the available links. For additional information on overall English Language Acquisition and Special Education requirements, please see pages [6](#) and [7](#), respectively, of this document.

| Curriculum | | |
|------------------------------------|---|--------------------|
| Type | Statute or Guideline Requirements | Meets Requirement? |
| DPS | Purchase or build CCSS-aligned curriculum as demonstrated by evaluation on the DPS Curricular Resources Rubric, or a comparable national evaluation system (Instructional Material Evaluation Tool). | |
| DPS | Embedded pedagogical practices that support the diverse students in DPS or the specific student population at a given school. | |
| Consent Decree | The components of a school’s ELA Program must provide its ELLs with the same curriculum as that used for the main-stream English language instructional program. This includes equitable access to grade appropriate core content materials as well as effective English Language Development (ELD). In TNLI schools, this will take the form of Spanish instruction, Supported English Content Instruction, and ELD. In all other program schools, this will take the form of Supported English Content Instruction and ELD. | |
| Consent Decree | <ul style="list-style-type: none"> TNLI Program Schools shall select curriculum that provides grade and subject appropriate Spanish language core content materials, comparable to the English-language content materials used in mainstream English language classrooms. Comparability shall be determined with reference to the Common Core State Standards. When practicable (feasible), ELA-E Program Schools shall select curriculum that provide grade and subject appropriate Spanish language core content materials, comparable to the English-language content materials used in mainstream English language classrooms, so that the comparable materials can be used as instructional supports for ELLs. | |
| IDEA | All Students with Disabilities need to have access to the core content materials and grade level academic standards. Special education providers need to have copies of materials in order to meet this requirement for working with students. Many current curriculum sources have materials that support differentiated reading materials based on reading levels. These are a helpful tool for both general and special education teachers. Additional accommodations may also need to be provided to students with disabilities. | |
| Rehabilitation Act | Provide accommodations/modifications for all students. All accommodations must be met, per student’s IEP/504. An accommodation is a practice or procedure that is aimed at providing equal access to the content being taught. Access gives a student the opportunity to participate meaningfully in instruction. The | |

| | | |
|---------------------------------|--|---------------------------|
| | accommodation does not change what the student is expected to learn, but provides for adaptations in presentation, response, timing and/or setting. | |
| ECEA | Provide accommodations to meet the needs of gifted and advanced students. The curriculum should allow for considerations for gifted and advanced learners such as content acceleration and pacing adjustments. | |
| FERPA | Ensure compliance with Student Data Privacy laws . | |
| FERPA | <i>If purchasing from external vendor:</i> Agreement with vendor must be approved by DPS legal office to meet Student Data Privacy laws. OR School must obtain written parent consent using the district-approved process . | |
| Professional Development | | |
| Type | Statute or Guideline Requirements | Meets Requirement? |
| DPS | Focused support for implementing, calibrating expectations of, and assessing progress towards the DPS Priority Standards. | |
| DPS | Concrete, practical, embedded support for teacher teams to implement high-leverage instructional strategies. | |
| IDEA | Training that is provided by Student Services on IDEA/ECEA guidelines and implementation, including specific training for Center-Based Teachers is required for Special Education Providers to attend. | |
| DCTA | Notify teachers of summer professional learning dates by March 3 rd , 2017. Professional learning cannot be held between June 18 th and July 15 th , 2017 (may not apply to innovation schools with appropriate waivers). | |
| Local Assessment | | |
| Type | Statute or Guideline Requirements | Meets Requirement? |
| DPS | For grades 3-8: Develop a local assessment strategy that generates data throughout the year to inform instruction. A minimum of 3 formative assessments (one per trimester) are required to meet the requirements of the DPS Assessment Strategy. | |
| DPS | Selection or creation of standards-aligned blueprints for assessments that generate data throughout the year to inform instruction. | |
| DPS | School leaders will need to prepare data for ongoing conversations with their IS on the progress their students are making. This needs to be in a format that can be manipulated (not a PDF). It is up to the school leader and IS to define this process, format and frequency (Integration into Infinite Campus, Principal Portal, Teacher Portal, Student Portal, Parent Portal, and SchoolNet may not be available). | |
| Consent Decree | Schools shall utilize available grade- and subject-appropriate reading, writing, math, science, and social studies content assessments in Spanish, that are developed for and normed with a grade-appropriate student population, to assess the knowledge of ELLs in those subjects in which they have been instructed in Spanish. | |

| | | |
|--|---|---------------------------|
| IDEA | Students with disabilities need to participate in local assessments for their grade level. Students may need to be provided accommodations that are identified in their IEP and are provided throughout instruction and other assessments. | |
| IDEA | Provide accommodations/modifications for all students. All accommodations must be met, per student's IEP/504. An accommodation is a practice or procedure that is aimed at providing equal access to the content being taught. Access gives a student the opportunity to participate meaningfully in instruction. The accommodation does not change what the student is expected to learn, but provides for adaptations in presentation, response, timing and/or setting. | |
| ECEA | Provide accommodations to meet the needs of gifted students. | |
| C.R.S. 22-7-1013.7 & 22-7-1013.8 (H.B.15-1323) | <p>Pursuant to State Law, District schools must publish an assessment strategy and calendar following state legislation guidelines. At a minimum, the assessment calendar shall include:</p> <ul style="list-style-type: none"> • an estimate of the testing hours required on each testing day; and • whether the assessment is required by federal and/or state law or was selected by the district or school. <p>In order to comply with District Policy, each school that opts-out of District interims must post their calendar on their school website before the first day of school and ensure there are paper copies available for parents at the school.</p> <p>See also DPS Policy IKA and Regulation IKA-R. Use HB1323 Template for support.</p> | |
| C.R.S. 22-7-1013.7 & 22-7-1013.8 (H.B.15-1323) | <p>Pursuant to State Law, District schools must develop and communicate the student and parent opt-out policy.</p> <p>See also DPS Policy IKA and Regulation IKA-R. Use HB1323 Template for support.</p> | |
| FERPA | Ensure compliance with Student Data Privacy laws . | |
| FERPA | <p><i>If purchasing from external vendor:</i> Agreement with vendor must be approved by DPS legal office to meet Student Data Privacy laws.</p> <p style="text-align: center;">OR</p> <p>School must obtain written parent consent using the district-approved process.</p> | |
| READ Act Assessment | | |
| Type | Statute or Guideline Requirements | Meets Requirement? |
| CDE | Selection and purchase of CDE Approved READ Act Assessment . | |
| CDE | Submission of assessment data to ARE (through Vendor Data Extract). | |
| CDE | Meet all CDE timelines and requirements with fidelity. | |

| | | |
|--------------------------------|---|--|
| CDE/DPS | The screener and the confirmation/verification assessment must be same tool. | |
| Consent Decree | Schools with English Learners who are receiving more than 50% of their literacy instruction in Spanish must have a CDE-approved Spanish assessment. | |
| Consent Decree | Schools must select a vendor that provides access to Spanish assessments for any student who is receiving more than 50% of his/her literacy instruction in Spanish. | |
| IDEA | Students with disabilities need to participate in READ Act Assessments for their grade level. Students may need to be provided accommodations that are identified in their IEP and are provided throughout instruction and other assessments. | |
| IDEA | Provide accommodations/modifications for all students. All accommodations must be met, per student's IEP/504. An accommodation is a practice or procedure that is aimed at providing equal access to the content being taught. Access gives a student the opportunity to participate meaningfully in instruction. The accommodation does not change what the student is expected to learn, but provides for adaptations in presentation, response, timing and/or setting. | |
| ECEA | Provide accommodations to meet the needs of gifted students. | |
| DPS | In vendor contract, ensure that Denver Public Schools receives extracts of all vendor assessment data for each administration of the assessment and ensure data extracts are in a usable format. More information can be provided by ARE. | |
| DPS | For school leaders who decline the district option, schools submit assessment data for all students in fall/spring and students missing data in the mid-year windows to ARE via one of two options: <ul style="list-style-type: none"> • <i>Option 1 (preferred):</i> With your testing vendor, set up an automated system to extract data directly to ARE. Schools provide a direct contact from vendor (name, phone/email). • <i>Option 2:</i> Set up an administration account for a READ Act Coordinator on your test vendor website to extract the data directly. • <i>Please note:</i> schools must purchase and use a vendor data management online system as part of this option. ARE will not accept spreadsheets of data from schools. | |
| DPS | In vendor contract, ensure all of the following data elements are provided in data extracts from vendor: <ul style="list-style-type: none"> • DPS school name, DPS school number (3 digit), assessment name, assessment administration date, assessment scores and proficiency bands/benchmarks, student last name, student first name, correct 6-digit DPS student ID number. • READ Act SAL monitors, updates, and corrects student enrollment data in vendor website at ARE's request. | |
| FERPA | Ensure compliance with Student Data Privacy laws . | |
| FERPA | <i>If purchasing from external vendor:</i> Agreement with vendor must be approved by DPS legal office to meet Student Data Privacy laws . | |

| | OR | |
|--|---|--------------------|
| | School must obtain written parent consent using the district-approved process . | |
| Technology Requirements <i>The below requirements apply to any curriculum or assessment with technology components</i> | | |
| Type | Requirement | Meets Requirement? |
| Infrastructure | Bandwidth must not exceed standard for PARCC/CMAS (Test with data usage reports, Infrastructure Trial). | |
| Infrastructure | Require that the vendor have an existing Clever integration (http://www.clever.com), or that the vendor be willing to develop a Clever integration prior to DPS utilizing the vendor's product(s). Clever integration must be compliant with Student Data Privacy laws. | |
| Infrastructure | Require that the vendor supports single-sign on for security purposes (ADFS and/or SAML). | |
| Infrastructure | For cloud-hosted resources, isolated database (multi-tenant) required. | |
| Infrastructure | Obtain Service Level Agreement in event of system outage, system failure, network uptime, etc. | |
| Infrastructure | Device and browser requirements must comply with standard for PARCC/CMAS. | |
| Infrastructure | Verify availability of funds with Budget Office and Strategic Sourcing for annual renewal as there are limitations around spending Bond money. | |
| Infrastructure | Verify requirements for tablets, headphones, external keyboards, etc. Reference DPS Technology Purchasing Calculator . | |
| Supports | Printing and scanning (for paper and pencil assessments). | |
| Human Capacity | School Technology Representative (STR) will be responsible for configuring and preparing all devices. | |
| Accessibility | Per DPS agreement with the Office of Civil Rights Systems must adhere to W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA and the Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0 for web applications. | |

ELA Guidance Minimum Requirements

Overall Minimum Requirements for Support of English Language Learners (ELLs)

- The district's commitment to support English Language Learners, as stated in the 2013 Consent Decree, is to ensure that ELLs receive grade-appropriate content instruction designed to enable them to perform at grade level, reach their full potential, and be on track to graduate from high school prepared for success in life, work, civic responsibility, and higher education. To achieve this goal, schools shall use efficient and effective techniques to provide ELLs with the English language skills they need to meaningfully and equally participate in the district's mainstream English Language Instructional Program.
- Accordingly, the components of a school's ELA Program must provide its ELLs with the same curriculum as that used for the main-stream English language instructional program. This includes equitable access to grade appropriate core content materials as well as effective English Language Development (ELD). In TNLI schools, this will take the form of Spanish instruction, Supported English Content Instruction, and ELD. In all other program schools, this will take the form of Supported English Content Instruction and ELD.

Specific ELA Program Schools Minimum Requirements

Transitional Native Language Instruction (TNLI) Program Schools

Elementary:

- Native Language Instruction, Supported English Content Instruction, and ELD shall be available at each grade level in regular classrooms staffed by an on track or fully qualified ELA-S teacher.
- Teachers providing Supported English Content Instruction/ELD shall be on track or fully qualified ESL/ELA-E.

Secondary:

- Native Language Instruction, Supported English Content Instruction, and ELD shall be available at each grade level in core content classrooms staffed by an on track or fully qualified ELA-S teacher.
- If only Supported English Content Instruction and ELD are provided in a classroom for students who are part of the TNLI program, a fully qualified ELA-E teacher shall be provided.
- Native language support services may be provided to ELLs at all levels, but should not be used as a substitute for native language instruction where such instruction is required.

All Schools:

- Spanish instruction includes the provision of instruction in one or more core subject areas in a student's native language.
- Spanish language instruction includes oral language development, reading, and writing.
- Spanish instruction will follow the district's research-based language allocation guidelines.
- Specifically, TNLI Program Schools shall select curriculum that provides grade and subject appropriate Spanish language core content materials, comparable to the English-language content materials used in mainstream English language classrooms. Comparability shall be determined with reference to the Common Core State Standards.

ELA E-Program Schools

- An ELA-E program school shall provide Spanish language support, supported English Content Instruction and ELD to Spanish speaking ELLs, and supported English Content Instruction and ELD to non-Spanish speaking ELLs.
- Spanish language support includes curricular resources in the Spanish, paraprofessional support in Spanish, preview/review in Spanish, and appropriate strategies to support the transition to English for ELLs.
- When practicable (feasible), ELA-E Program Schools shall select curriculum that provide grade and subject appropriate Spanish language core content materials, comparable to the English-language content materials used in mainstream English language classrooms, so that the comparable materials can be used as instructional supports for ELLs.
- If purchasing curriculum with comparable Spanish core content materials is not practicable (feasible), then the school shall develop its own grade and subject appropriate Spanish language core content materials that will be used as instructional supports for Spanish-speaking ELLs.

- A school's alternative materials must also provide teachers with the ability to provide an explanation of content in Spanish when the content cannot be adequately explained in English.

English Language Development (ELD)

- Schools must select an evidenced based English Language Development (ELD) curriculum that will be used for direct instruction in English Language usage including: content vocabulary development, survival vocabulary development, oral language development, listening comprehension, and the development of reading and writing skills in English.
- It is a district requirement that all schools, both Elementary and Secondary, schedule a minimum of 45 minutes of Dedicated ELD for all eligible English Learners in Infinite Campus.
- Core content classes cannot replace a Dedicated ELD block.
- The Dedicated ELD block shall not replace Math, Science or Social Studies classes.

SPECIAL EDUCATION GUIDANCE MINIMUM REQUIREMENTS

Overall Minimum Requirements for Support of Students with Disabilities (Special Education)

- The district's commitment to support students with disabilities is guided by the Federal level Individuals with Disabilities Education Act (IDEA) and the Colorado Exceptional Children's Education Act (ECEA). The key components of these laws are that students that have been identified as having a disability receive a Free Appropriate Public Education (FAPE), in the Least Restrictive Environment (LRE), through the use of Parental Engagement and ensuring that appropriate Parental Safeguards have been followed.
- Students with disabilities need to have access to grade level curriculum and non-disabled peers, make progress toward grade-level standards, be on track to graduate from high school, and be prepared for success in life, work, civic responsibility and higher education.
- Each school needs to be able to serve students from all eligibility categories; appropriately develop and implement Individual Education Plans (IEP) for identified students; design and provide special designed instruction for literacy, math, language development, career readiness, social and behavioral skills, daily living and adaptive skills; provide physical care for some students; and serves students through the use of large group, small group, and individual instruction.

Mild/Moderate Services

- Each school is required to have at least one teacher to provide Mild/Moderate services.
- Mild/Moderate services may need to be provided for some students up to two-thirds of the school day.

Center-Based Classrooms (Self-Contained)

- Serve students for more than two-thirds of the school day within special education
- Serves our highest needs students
- Provides services based on the evidence-based practices for their more targeted population of students.