

Encl. 7.2
Jan. 7, 2010

-----Original Message-----

From: An announce only list for EMSC news alerts to school district superintendents. [mailto:SUPT-INFO@listserv.nysed.gov] On Behalf Of NYSED emscsupinfo
Sent: Thursday, December 17, 2009 1:22 PM
To: SUPT-INFO@listserv.nysed.gov
Subject: Important information from Commissioner David Steiner about Race to the Top

Colleagues:

Schools across our state are facing a challenging environment, with serious budget problems, as they try diligently to educate our children. Fortunately, New York State now has a critically important opportunity to compete for a federal Race to the Top grant of up to \$700 million, 50% of which will be earmarked to participating districts according to the Title I funding formula. This funding would not only help provide our schools with much needed support, but would also help to underwrite a bold agenda for reform that will greatly improve the achievement of our students.

Our application for the Race to the Top is due to the United States Department of Education on January 19, 2010 and a critical action item for districts to be eligible for Race to the Top funding is the completion and submission to NYSED by January 8, 2010 of a Memorandum of Understanding (MOU) to confirm district commitment to implement the Race to the Top strategies.

I invite you to log on to the New York State Education Department Website <http://usny.nysed.gov/rttt> to view a webcast that provides an overview of New York State's agenda for education reform and a written summary of New York State's Race to the Top strategy, as well as information detailing the steps required of individual school districts to partner with us in the Race to the Top and the MOU required to participate. If you have questions about the Race to the Top application please send them to RTTT@mail.nysed.gov

I hope you will join me in this crucial effort.

Sincerely,

Dr. David M. Steiner
Commissioner of Education,
President, University of the State of New York

Signed MOUs from School Superintendents (and wherever possible, Board of Education Presidents, and local Education Union Leadership) are due by 5 p.m. on January 8, 2010. Please:

- a. *Scan the signed document and email to RTTT@mail.nysed.gov and include in the subject line of the email "Signed MOU" or you may fax it to 518-486-9070.*

AND

- b. *Send hard copy with original signatures by overnight/express mail to Rebecca Kennard, Attn: RTTT, Room 152 Education Building, New York State Education Department, 89 Washington Avenue, Albany, NY 12234*

Participating LEA Memorandum of Understanding and Preliminary Scope of Work

This Memorandum of Understanding ("MOU") is entered into by and between the _____ School District/Charter School ("Participating LEA"), the teachers' collective bargaining representative serving the Participating LEA, if any, and the State of New York ("State") through the New York State Education Department ("Department"). The purpose of this agreement is to establish a framework of collaboration, as well as articulate specific roles and responsibilities, in support of the State in its implementation of an approved Race to the Top grant project. If the State is awarded a Race to the Top grant, a subgrant will be provided to the Participating LEA.

I. SCOPE OF WORK

In order to be eligible to participate in the State's Race to the Top grant project, an LEA must agree to implement all or significant portions of the State's proposed reform plan ("State Plan"). Exhibit I, the Preliminary Scope of Work, indicates which portions of the State Plan the Participating LEA is agreeing to implement.

As described below in "Section III: Assurances," the Participating LEA hereby agrees to provide a Final Scope of Work ("LEA Plan," which will be appended to this MOU as Exhibit II) no later than 90 days after a grant is awarded to the State. The LEA Plan will describe the Participating LEA's specific goals, activities, timelines, budgets, key personnel, and annual targets for key performance measures in a manner that is consistent with the Preliminary Scope of Work (Exhibit I) and with the State Plan. The LEA Plan shall be subject to the approval of the Commissioner of Education, including but not limited to the activity or activities to be implemented as part of "Element E – Turning Around the Lowest-Achieving Schools."

II. PROJECT ADMINISTRATION

A. PARTICIPATING LEA RESPONSIBILITIES

In assisting the State in implementing the tasks and activities described in the State's Race to the Top application, the Participating LEA subgrantee will:

- 1) Implement all or significant portions of the State Plan as set forth in Exhibits I and II of this agreement;
- 2) Actively participate in all relevant convenings, communities of practice, or other practice-sharing events that are organized or sponsored by the State or by the U.S. Department of Education ("ED");
- 3) Collaborate with other LEAs to share best practice and develop mentor relationships;
- 4) Post to any website specified by the State or ED, in a timely manner, all non-proprietary products and lessons learned developed using funds associated with the Race to the Top grant;
- 5) Participate, as requested, in any evaluations of this grant conducted by the State or ED;
- 6) Be responsive to State or ED requests for information including the status of the project, project implementation, outcomes, and any problems anticipated or encountered;
- 7) Participate in meetings and telephone conferences with the State to discuss (a) progress of the project, (b) potential dissemination of resulting non-proprietary products and lessons learned, (c) plans for subsequent years of the Race to the Top grant period, and (d) other matters related to the Race to the Top grant and associated plans.
- 8) With respect to the four assurance areas outlined in Exhibit I, the participating LEA subgrantee also agrees to engage in the following activities:

Standards and Assessments:

- Collaborate with the State regarding adoption and implementation of the common core standards;
- Participate in professional development regarding the common core standards and State curriculum frameworks;
- Participate in any growth model developed by the State and approved by USED.

Data Systems to Support Instruction:

- Implement the longitudinal data system developed by the State;
- Collect data as required by the State, including but not limited to, teacher and student absences and ACT/SAT scores;
- Implement or enhance a local instructional improvement system and make data from such system available to researchers, consistent with FERPA and other applicable confidentiality and privacy mandates;
- Use formative assessments, as developed and/or approved by the State, that are aligned to State standards and collect and use data from such formative assessments to inform instruction;
- Provide professional development for teachers and administrators on using data to improve instruction.

Great Teachers and Leaders:

- Develop teacher and principal evaluation and compensation systems, which will include annual evaluations using various measures including student achievement and/or growth data, consistent with any applicable collective bargaining requirements;
- Conduct the new APPRs for teachers and principals (as required);
- Use the APPRs to report on the equitable distribution of effective teachers and principals;

- Ensure the equitable distribution of effective teachers and principals, consistent with any applicable collective bargaining requirements;
- Provide ongoing programs of professional development for teachers and principals aligned with the common core standards and State curriculum framework; and
- Participate in any State and/or federal evaluations of such professional development programs.

Turning Around the Lowest-Achieving Schools:

- In schools that have been identified as persistently lowest-achieving, implement one of the four turnaround models outlined in the State Plan and approved by the Commissioner;
- Participate in any State and/or federal evaluations of the effectiveness of LEA turnaround efforts.

B. STATE RESPONSIBILITIES

In assisting Participating LEAs in implementing their tasks and activities described in the State's Race to the Top application, the State grantee will:

- 1) Work collaboratively with, and support the Participating LEA in carrying out the LEA Plan as identified in Exhibit II of this agreement;
- 2) Timely distribute the LEA's portion of Race to the Top grant funds during the course of the project period and in accordance with the LEA Plan identified in Exhibit II;
- 3) Provide feedback on the LEA's status updates, annual reports, any interim reports, and project plans and products; and
- 4) Identify sources of technical assistance for the project.

C. JOINT RESPONSIBILITIES

- 1) The State and the Participating LEA will each appoint a key contact person for the Race to the Top subgrant.
- 2) These key contacts from the State and the Participating LEA will maintain frequent communication to facilitate cooperation under this MOU.
- 3) The State and Participating LEA grant personnel will work together to determine appropriate timelines for project updates and status reports throughout the whole grant period.
- 4) The State and Participating LEA grant personnel will negotiate in good faith to continue to achieve the overall goals of the State's Race to the Top grant, even when the State Plan requires modifications that affect the Participating LEA, or when the LEA Plan requires modifications.

D. STATE RECOURSE FOR LEA NON-PERFORMANCE

If the State determines that the LEA is not meeting its goals, timelines, budget, or annual targets or is not fulfilling other applicable requirements, the State grantee will take appropriate enforcement action, which could include a collaborative process between the State and the Participating LEA, or any of the enforcement measures that are detailed in 34 CFR section 80.43 including temporarily withholding funds or disallowing costs.

III. ASSURANCES

The Participating LEA hereby certifies and represents that it:

- 1) Has all requisite power and authority to execute this MOU;
- 2) Is familiar with the State's Race to the Top grant application and is supportive of and committed to working on all or significant portions of the State Plan;

3) Agrees to be a Participating LEA and will implement those portions of the State Plan indicated in Exhibit I, if the State application is funded. Nothing in this MOU shall be construed to override any applicable State or local collective bargaining requirements. The LEA and local collective bargaining representative agree to negotiate in good faith over any terms and conditions necessary for full implementation of the State Plan (indicated in Exhibit I);

4) Will provide a Final Scope of Work to be attached to this MOU as Exhibit II only if the State's application is funded; will do so in a timely fashion but no later than 90 days after a grant is awarded to the State; and will describe in Exhibit II the LEA's specific goals, activities, timelines, budgets, key personnel, and annual targets for key performance measures ("LEA Plan ") in a manner that is consistent with the Preliminary Scope of Work (Exhibit I) and with the State Plan; and

5) Will comply with all of the terms of the Grant, the State's subgrant, and all applicable Federal and State laws and regulations, including laws and regulations applicable to the Program, and the applicable provisions of EDGAR (34 CFR Parts 75, 77, 79, 80, 82, 84, 85, 86, 97, 98 and 99).

IV. MODIFICATIONS

This MOU may be amended only by written agreement signed by each of the parties involved, and in consultation with ED.

V. DURATION/TERMINATION

This MOU shall be effective, beginning with the date of the last signature hereon and, if a grant is received, ending upon the expiration of the grant project period, or upon mutual agreement of the parties, whichever occurs first.

VI. SIGNATURES

LEA Superintendent (or equivalent authorized signatory) - required:

_____	____ / ____ / ____
Signature	Date

_____	_____
Print Name	Print Title

President of Local School Board (or equivalent, if applicable):

_____	____ / ____ / ____
Signature	Date

_____	_____
Print Name	Print Title

Local Teachers' Union Leader (if applicable):

Signature

/ /
Date

Print Name

Print Title

Authorized State Official - required:

By its signature below, the State hereby accepts the LEA as a Participating LEA.

Signature

/ /
Date

Print Name

Print Title

A. EXHIBIT I – PRELIMINARY SCOPE OF WORK

The _____ School District/Charter School ("Participating LEA") hereby agrees to participate in implementing all or significant portions of the State Plan as indicated in "Section II: Project Administration; A. Participating LEA Responsibilities" and as outlined below. As indicated in "Section I: Scope of Work," the Final Scope of Work ("LEA Plan," which will be appended to this Memorandum of Understanding as Exhibit II) must be consistent with the Preliminary Scope of Work and shall be subject to the approval of the Commissioner of Education, including but not limited to the activity or activities to be implemented as part of "Element E – Turning Around the Lowest-Achieving Schools."

Elements of State Reform Plans	LEA Participation (Y/N)	Comments from LEA (optional)
B. Standards and Assessments		
(B)(3) Supporting the transition to enhanced standards and high-quality assessments	<input type="checkbox"/> Yes <input type="checkbox"/> No	
C. Data Systems to Support Instruction		
I(3) Using data to improve instruction:		
(i) Use of local instructional improvement systems	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(ii) Professional development on use of data	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(iii) Availability and accessibility of data to researchers	<input type="checkbox"/> Yes <input type="checkbox"/> No	
D. Great Teachers and Leaders		
(D)(2) Improving teacher and principal effectiveness based on performance:		
(i) Measure student growth	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(ii) Design and implement evaluation systems	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(iii) Conduct annual evaluations	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(iv)(a) Use evaluations to inform professional development	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(iv)(b) Use evaluations to inform compensation, promotion, and retention	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(iv)(c) Use evaluations to inform tenure and/or full certification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(iv)(d) Use evaluations to inform removal	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(D)(3) Ensuring equitable distribution of effective teachers and principals:		
(i) High-poverty and/or high-minority schools	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(ii) Hard-to-staff subjects and specialty areas	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(D)(5) Providing effective support to teachers and principals:		

Elements of State Reform Plans	LEA Participation (Y/N)	Comments from LEA (optional)
(i) Quality professional development	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(ii) Measure effectiveness of professional development	<input type="checkbox"/> Yes <input type="checkbox"/> No	
E. Turning Around the Lowest-Achieving Schools		
(E)(2) Turning around the lowest-achieving schools	<input type="checkbox"/> Yes <input type="checkbox"/> No	

For the Participating LEA

For the State

Authorized LEA Signature

Date

Authorized State Signature

Date

Print Name

Print Name

Print Title

Print Title