

**Race to the Top Assessment Program
Guidance and Frequently Asked Questions
*Addendum 1***

B. GENERAL PROGRAM AND APPLICATION INFORMATION

General Application Information

B-13. Must an applicant provide original signatures in its application?

As discussed in B-7, an applicant must submit an original and one paper copy of its application. In the original application, an applicant must provide original signatures where signatures are required (*see below*). An applicant may not provide copies of signatures (including electronic signatures) in the original application.

An application for either grant category must include in Part I.E (Application Assurances) signatures from representatives of the applicant. If one member of the consortium is applying for a grant on behalf of the consortium, the application must include signatures from the Governor (or authorized representative of the Governor), the chief school officer, and, if applicable, the president of the State board of education of the applicant State. If the consortium has established itself as a separate legal entity and is applying for a grant on its own behalf, the application must include a signature from an authorized representative of the applicant.

As discussed in Part I.F of the application (Memorandum of Understanding) for each grant category, an applicant must provide in an appendix the Memorandum of Understanding or other binding agreement signed by each State in the consortium. The binding agreement for each State must be signed by the Governor, the chief school officer, and, if applicable, the president of the State board of education. In addition, the State's chief procurement official (or designee) must sign one of the State's assurances, which documents that the State has reviewed its applicable procurement rules and determined that it may participate in and make procurements through the consortium. *See C-8.*

C. ELIGIBILITY REQUIREMENTS AND INFORMATION ON CONSORTIA

Eligibility Requirements

- C-3a. Eligibility Requirement 2 for each grant category requires an eligible applicant to identify a proposed project management partner in its grant application; in addition, under the selection criterion on project management for each grant category (criteria (A)(8) and (B)(6)) reviewers will consider information about the proposed project management partner. How may an eligible applicant address these requirements and criteria?**

Under Eligibility Requirement 2 for each grant category, an eligible applicant must identify a proposed project management partner and provide an assurance that the proposed project management partner is not partnered with any other eligible applicant applying for an award under the grant category.

As noted in C-3, in selecting a proposed project management partner, an eligible applicant must comply with the requirements for procurement in 34 CFR 80.36, which include following State and local procurement policies and procedures. Due to the limited time period that eligible applicants have to select a proposed project management partner, we noted in the NIA that eligible applicants might, under 34 CFR 80.36, use informal procedures to select a proposed contractor for this purpose.

If one member of the consortium is applying for a grant on behalf of the consortium, any informal or expedited acquisition procedures used must be consistent with 34 CFR 80.36(a), as well as the procurement laws of the State that procures the proposed project management partner on behalf of the consortium. In light of these requirements, eligible applicants might consider whether:

- It is practical or advisable for a member State whose State laws permit informal acquisition procedures to select a proposed project management partner on behalf of the consortium. In such a scenario, the responsibility of that member State could be further detailed in the consortium's memorandum of understanding, as well as in relevant selection criteria narratives.
- Any member State's laws permit the naming of a proposed management partner through an "intent to bid" process.

If, alternatively, the consortium has established itself as a separate eligible legal entity and is applying for a grant on its own behalf, that entity, depending on the prevailing laws under which it was formed, may be able to make direct use of the informal acquisition procedures outlined in 34 CFR 80.36(d)(1) since it is not a State and therefore not subject to 34 CFR 80.36(a).

If no relevant State or other prevailing law permits the actual naming of a proposed partner, an applicant should use its best judgment to address the requirement and related selection

criterion in a manner that puts the strongest application forward and is also consistent with applicable State or other prevailing Federal, State, and local laws. For example:

- With respect to Eligibility Requirement 2, an applicant may provide explanatory information about relevant factors such as how far along in the procurement process the applicant is and how it will complete this process consistent with State law if a grant is received; the Department would consider such information in determining whether the applicant has met Eligibility Requirement 2. The applicant could also provide an assurance that it will not select a partner that is working with another consortium applicant or grantee.

Note that a grantee remains responsible for complying with Eligibility Requirement 2 throughout the course of the grant, and the Department will monitor the grantee's progress with respect to the requirement throughout the grant period.

- With respect to the selection criterion for each grant category, peer reviewers will consider the quality, qualifications, and role of a proposed project management partner (*see* Selection Criterion (A)(8)(a) and (B)(6)(a), respectively). An applicant could provide as much detail as possible regarding the proposed project management procurement that is underway, including the required qualifications of the project management partner to be procured, the qualifications for key staff to be assigned to this project, the proposed role of the project management partner, and any requirements placed around the partner's organizational size and experience.

Information on Consortia

C-8a. Must *all* States in a consortium commit, at the time the consortium submits its application, to adopt and implement the assessments developed by the consortium?

Whether a State must provide this commitment depends on its role in the consortium.

As discussed in C-2, a governing State, by definition, may be a member of only one consortium applying for a grant in a Race to the Top Assessment competition category and must commit, at the time the application is submitted, to using the assessment system or program developed by that consortium. *See* D-15 and E-7 for guidance on how governing States may address this requirement.

A State that is not a governing State does not have to commit to using the assessment system or program at the time the application is submitted, if the rules of the consortium allow for this.

However, we note that upon being awarded a grant, the eligible applicant will have to ensure, as part of a grant condition or cooperative agreement term, that all States (regardless of their roles) that remain in the consortium will implement assessments consistent with Program Requirement (4).

C-9. Must a State in a consortium adopt and implement all assessments developed by the consortium?

As discussed in C-6, a consortium that receives a Comprehensive Assessment Systems grant must ensure that the summative assessment components of the assessment system in both mathematics and English language arts are fully implemented statewide no later than the 2014-2015 school year by each State that remains in the consortium. Accordingly, each State that remains in the consortium (regardless of its role) must adopt and implement the summative assessment components of the assessment system in both mathematics and English language arts by the 2014-2015 school year. There is no requirement in this grant category that a State adopt or implement components of the assessment system other than the summative assessment components (such as formative or interim assessments) or assessments in subjects other than mathematics or English language arts; the States in the consortium have flexibility to determine whether they will adopt and implement any such assessments. *See also* D-5 and D-6.

A consortium that receives a High School Course Assessment Programs grant must ensure that at least one course assessment developed under the high school course assessment program will be implemented by each State that remains in the consortium no later than the 2013-2014 school year and that all assessments in the assessment program will be operational no later than the 2014-2015 school year. Accordingly, each State in the consortium (regardless of its role) must adopt and implement at least one assessment developed under the assessment program by the 2013-2014 school year. There is no requirement in this grant category that each State adopt and implement the same course assessment or that a State adopt and implement all assessments in the assessment program. *See also* E-3.

C-10. May a consortium include entities other than States?

No. Under this competition, a consortium may consist only of States (*see* A-3). However, a consortium of States is not prohibited from partnering, under a contractual or other relationship, with other entities (e.g., institutions of higher education, nonprofit organizations, or for-profit companies) for purposes of proposing or carrying out a Race to the Top Assessment grant project. As noted in part II.F (Contracting for Services) of the application for each grant category, applicants should generally not include information in their grant applications about specific contractors (except for a proposed management partner) that may be used to provide services or goods for the proposed project if a grant is awarded.

D. COMPREHENSIVE ASSESSMENT SYSTEMS GRANTS

- D-17. To meet the absolute priority, an assessment system must measure student knowledge and skills against a common set of college- and career-ready standards in a way that covers the full range of those standards. Does this mean that the assessment system must measure student achievement and provide reportable data regarding each standard?**

It is up to a consortium to determine, consistent with its theory of action, the appropriate level of detail at which to measure student achievement and report data with respect to its set of standards. Reviewers will use a consortium's responses to the selection criteria to determine whether the requirements of the absolute priority have been met.

We note that a comprehensive assessment system may include components used for different purposes. For example, an assessment system may include formative assessment components used to check for understanding and guide instruction. These assessments might need to report data at a level of detail different from summative components used to assess a student's college- and career-readiness or a school's effectiveness. Thus, one assessment component might need to measure student achievement at a different level of granularity than another.

- D-18. In order to receive full competitive preference points under the competitive preference priority (Collaboration and Alignment with Higher Education), eligible applicants must provide letters of intent that demonstrate strong commitment from each partner institution of higher education (IHE) or IHE system and must demonstrate that the students in these IHEs represent at least 30 percent of direct matriculation students in public IHEs in member States in the 2008-2009 school year. Does this threshold refer to at least 30 percent of direct matriculation students in public IHEs in each member State individually or in public IHEs across the consortium as a whole?**

In order to receive full competitive preference points, an eligible applicant must provide letters of intent that represent at least 30 percent of direct matriculation students¹ in public IHEs *across the consortium as a whole*, not in each individual State that is a member of the consortium. Competitive points will be awarded based on the strength of the commitment demonstrated in the letters of intent and based on the percentage of direct matriculation students in the consortium represented. No points will be awarded for letters of intent that represent fewer than 10 percent of direct matriculation students in public IHEs in member States.

¹ "Direct matriculation student" is defined in the NIA as a student who entered college as a freshman within two years of graduating from high school.

D-19. What data source should consortia of States use regarding direct matriculation students?

Consortia of States should consult IHEs to identify the appropriate source and to gather these data. Applicants should provide a description of the data source(s) in the competitive preference priority narrative.

G. GRANT AWARDS, USES OF FUNDS, PROCUREMENT, AND OTHER PROGRAM REQUIREMENTS

Grant Awards and Uses of Funds

G-1a. Must a grantee use a percentage of its Race to the Top Assessment funds to provide subgrants to local educational agencies?

No. Unlike in the Race to the Top State competition, there is no requirement in this Race to the Top Assessment competition that grantees use a percentage of Race to the Top Assessment funds to provide subgrants to local educational agencies.

G-6a. If an eligible applicant chooses to include indirect costs in its budget, which indirect cost rate should the eligible applicant use?

If one member of a consortium applies for a Race to the Top Assessment grant on behalf of the consortium, that State's current approved indirect cost rate constitutes the indirect cost rate for the eligible applicant. If a consortium has established itself as a separate legal entity and applies for a grant on its own behalf, it must negotiate an indirect cost rate with the Department within 90 days of receiving an award if it wishes to charge indirect costs to the grant. *See* 34 CFR 75.560(b). During the 90-day period, the consortium may charge indirect costs at a temporary rate of 10 percent of budgeted direct salaries and wages. *See* 34 CFR 75.560(c). A consortium applying as a separate legal entity may use the temporary 10 percent indirect cost rate in its application for any proposed indirect costs that may be included in the application. *See also* B-1.

Consortia that choose to include indirect costs in their budgets may use an unrestricted indirect cost rate. For more information regarding indirect costs, please see the Department's Cost Allocation Guide for State and Local Governments at <http://www2.ed.gov/about/offices/list/ocfo/fipao/guideigcwebsite.pdf>.

G-6b. How will an eligible applicant's budget be evaluated?

Under the Project Management selection criterion for each grant category, peer reviewers will consider the extent to which the eligible applicant's budget:

- *(For Comprehensive Assessment Systems grants only)* Clearly identifies Level 1 budget modules (as defined in the NIA) and any Level 2 budget modules (as defined in the NIA)

(Selection Criterion (A)(8)(c)(i)) (*see G-3 for more information on Level 1 and Level 2 budget modules*);

- Is adequate to support the development of an assessment system or high school course assessment program that meets the requirements of the absolute priority (Selection Criterion (A)(8)(c)(ii) and Selection Criterion (B)(6)(c)(i), respectively); and
- Includes costs that are reasonable in relation to the objectives, design, and significance of the proposed project, and the number of students to be served (Selection Criterion (A)(8)(c)(iii) and Selection Criterion (B)(6)(c)(ii), respectively).

In addition, the Department will conduct a thorough review of all successful applications, prior to funding them, to ensure that all costs are necessary, reasonable, and allowable, as required by OMB Circular A-87 (C).

Procurement

G-10a. Must an applicant include in its application requests for proposals or other documents it will use to solicit proposals from prospective contractors?

An applicant may, but is not required to, include in its application documents it will use to solicit proposals from prospective contractors. We note that, under the Consortium Governance selection criterion for each grant category, peer reviewers will consider the consortium's procurement process and evidence of each member State's commitment to that process (Selection Criteria (A)(1)(d) and (B)(1)(d), respectively).

Other Program Requirements

G-13. If one member of a consortium applies for and receives a Race to the Top Assessment grant on behalf of the consortium, and the consortium then establishes itself as a separate eligible legal entity, may the new entity become the grantee?

It may be possible for the Department to implement a grant transfer after an award is made if the transfer involves only a change in the legal recipient (*i.e.*, all other aspects of the grant remain unchanged). A grant transfer is a complex process and, before approving one, the Department would review a number of items in order to ensure that:

- The transfer does not circumvent or appear to circumvent the Department's competitive grant process;
- The need for the project or activity that existed at the time of the original award still exists;
- The terms and conditions of the transfer are acceptable to both the original grantee and the new entity;
- The new entity meets all standards of eligibility for the grant program;
- The new entity agrees to carry out future activities as specified in the original application and, if possible, keeps the same key personnel to manage the grant as were identified in the original grant;

- The new entity continues to serve the same population with the same level of service as the original grantee;
- The change is made in a timely manner; and
- No increase in funding over the original amount of the award is required.

The transfer agreement template to be completed by all parties and more details on the process for transferring a grant can be found at Appendix U to the Department's Discretionary Grant Handbook; *see* <http://www2.ed.gov/policy/gen/leg/foia/foia-hb-01.pdf>.

G-14. Must student achievement data and student growth data be reported using the same format for all States in the consortium, or may reports be tailored to specific States' needs?

There is no requirement that the same data reporting format be used for all States in the consortium. Consistent with the definitions in the NIA, student achievement data and student growth data from summative assessment components must be reported in a way that can be reliably aggregated across multiple students at the subgroup,² classroom, school, LEA, and State levels. Provided that this condition is met, and so long as reports are consistent with ESEA requirements in effect at the time the reports are made, data reports may be tailored to specific States' needs.

² Grantees under this competition must aggregate data using the student subgroups in section 1111(b)(3)(C)(xiii) of the ESEA (*i.e.*, by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged, except that such aggregation is not required in a case in which the number of students in a subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student).