

# Race to the Top Assessment Program Guidance and Frequently Asked Questions



U.S. Department of Education  
Washington, DC 20202

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### **Purpose of this Guidance**

The purpose of this guidance is to provide information about the fiscal year (FY) 2010 competition of the Race to the Top Assessment program. This guidance provides the U.S. Department of Education’s interpretation of various statutory provisions and does not impose any requirements beyond those included in the American Recovery and Reinvestment Act of 2009 (ARRA), the Race to the Top Assessment program notice inviting applications (NIA), and other applicable laws and regulations. This version revises and supersedes prior guidance that the Department issued on June 17, 2010. In this revision, we have added the following questions: G-7a, H-4, and H-5. In addition, it does not create or confer any rights for or on any person.

The Department will provide additional or updated program guidance as necessary on the Race to the Top Assessment program Web site at [www.ed.gov/programs/racetothetop-assessment](http://www.ed.gov/programs/racetothetop-assessment). If you have questions that are not answered in this guidance, please e-mail [racetothetop.assessment@ed.gov](mailto:racetothetop.assessment@ed.gov) or call (202) 453-7246.

If you are interested in commenting on this guidance, please e-mail us your comment at [racetothetop.assessment@ed.gov](mailto:racetothetop.assessment@ed.gov), or write to us at the following address: U.S. Department of Education, Race to the Top Assessment Program, 400 Maryland Avenue, SW., Room 7W104, Washington, DC 20202.

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## **A. INTRODUCTION**

### **A-1. What is the Race to the Top Assessment program?**

Authorized under the ARRA, the Race to the Top Assessment program provides funding to consortia of States to develop assessments that are valid, support and inform instruction, provide accurate information about what students know and can do, and measure student achievement against standards designed to ensure that all students gain the knowledge and skills needed to succeed in college and the workplace. These assessments are intended to play a critical role in educational systems; provide administrators, educators, parents, and students with the data and information needed to continuously improve teaching and learning; and help meet the President's goal of restoring, by 2020, the nation's position as the world leader in college graduates.

The Department published the NIA for the FY 2010 Race to the Top Assessment program competition in the *Federal Register* on April 9, 2010 (*see* 75 FR 18171-18185, available at <http://edocket.access.gpo.gov/2010/pdf/2010-8176.pdf>).

### **A-2. What types of grants are available under the Race to the Top Assessment program?**

Through the FY 2010 Race to the Top Assessment program competition, the Department will award two categories of grants: Comprehensive Assessment Systems grants and High School Course Assessment Programs grants. Following is an overview of the two grant categories:

- Comprehensive Assessment Systems grants. Comprehensive Assessment Systems grants provide funding for the development of new assessment systems that measure student knowledge and skills against a common set of college- and career-ready standards (as defined in the NIA) in mathematics and English language arts in a way that covers the full range of those standards, elicits complex student demonstrations or applications of knowledge and skills as appropriate, and provides an accurate measure of student achievement across the full performance continuum and an accurate measure of student growth over a full academic year or course. Assessment systems developed with Comprehensive Assessment Systems grants must include one or more summative assessment components in mathematics and in English language arts that are administered at least once during the academic year in grades 3 through 8 and at least once in high school and that produce student achievement data and student growth data (both as defined in the NIA) that can be used to determine whether individual students are college- and career-ready (as defined in the NIA) or on track to being college- and career-ready (as defined in the NIA). In addition, assessment systems developed with Comprehensive Assessment Systems grants must assess all students, including English learners (as defined in the NIA) and students with disabilities (as defined in the NIA). Finally, assessment systems developed with Comprehensive Assessment Systems grants must produce data (including student achievement data and student growth data) that can be used to inform (a) determinations of school effectiveness; (b) determinations of individual principal and teacher effectiveness for purposes of evaluation;

(c) determinations of principal and teacher professional development and support needs; and (d) teaching, learning, and program improvement.

An eligible applicant receiving a Comprehensive Assessment Systems grant (*see* A-3) must ensure that the summative assessment components of the assessment system (in both mathematics and English language arts) will be fully implemented statewide in each State in the consortium no later than the 2014-2015 school year. It is the expectation of the Department that States that adopt assessment systems developed with Comprehensive Assessment Systems grants will use assessments in these systems to meet the assessment requirements in Title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

- High School Course Assessment Programs grants. High School Course Assessment Programs grants provide funding for the development of new assessment programs that cover multiple high school courses (which may include courses in core academic subjects and career and technical education courses) and that include a process for certifying the rigor of the assessments in the assessment program and for ensuring that assessments of courses covering similar content have common expectations of rigor. Each assessment in the assessment program must measure student knowledge and skills against standards from a common set of college- and career-ready standards in subjects for which such a set of standards exists, or otherwise against State or other rigorous standards; and must produce student achievement data and student growth data that can be used to inform (a) determinations of principal and teacher effectiveness and professional development and support needs, and (b) teaching, learning, and program improvement. In addition, assessments in the assessment program must be designed to assess the broadest possible range of students, including English learners and students with disabilities.

An eligible applicant receiving a High School Course Assessment Programs grant (*see* A-3) must ensure that at least one course assessment developed under the assessment program will be implemented in each State 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. The Department will not require that assessments developed with High School Course Assessment Programs grants be used to meet the assessment requirements in Title I of the ESEA.

### **A-3. Who is eligible to apply for Race to the Top Assessment grants?**

Eligible applicants for grants in this Race to the Top Assessment competition are consortia of States. Consistent with section 14013 of the ARRA, the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

To be eligible to receive an award, an eligible applicant must meet the eligibility requirements for the grant category. The eligibility requirements for the grant categories are described in section C.

**A-4. May an eligible applicant apply for both a Comprehensive Assessment Systems grant and a High School Course Assessment Programs grant?**

An eligible applicant (i.e., a consortium of States) may apply for grants in both categories, provided it meets the eligibility requirements for each category (*see* section C).

**A-5. How might assessments developed with High School Course Assessment Programs grants interact with assessments developed with Comprehensive Assessment Systems grants?**

Assessments developed under the two grant categories might interact in several ways. For example, an eligible applicant for a Comprehensive Assessment Systems grant might propose to develop, using a common set of college- and career-ready standards, an assessment system that uses a single high school summative assessment in mathematics and in English language arts to determine student college- and career-readiness. To complement this assessment, an eligible applicant for a High School Course Assessment Programs grant might propose to develop, using the same set of college- and career-ready standards, assessments for a series of high school courses in mathematics and English language arts. Such an alignment of assessments would enable stakeholders to receive more frequent and comprehensive information on student achievement and college- and career-readiness.

Alternatively, an eligible applicant for a Comprehensive Assessment Systems grant might propose to develop an assessment system that uses a series of high school course assessments in mathematics and English language arts (rather than a single summative assessment in these subjects) to determine student college- and career-ready readiness. An eligible applicant for a High School Course Assessment Programs grant might then propose to complement these course assessments by developing course assessments in other subjects using a set of similarly rigorous standards for those subjects.

Note that, while assessments developed under the two grant categories might be designed to complement each other, there is no requirement that eligible applicants propose to develop assessments that do so.

**A-6. What other assessment development funding opportunities will the Department make available to States?**

The Department recognizes that there are assessment needs – particularly for alternate assessments based on alternate academic achievement standards and assessments of English language proficiency – that we do not attempt to address through this Race to the Top Assessment competition. We have plans to address these needs in other ways. For students with the most significant cognitive disabilities, alternate assessments based on alternate academic achievement standards are critical components of a complete assessment system. It is the Department’s intent to support States or consortia of States in developing high-quality alternate assessments based on alternate achievement standards, in coordination with this Race to the Top Assessment competition, through a separate competition that will be administered by the Department’s Office of Special Education and Rehabilitative Services; we intend to issue a notice inviting applications for this program later this year. For English learners, new assessments of English language proficiency are also needed. The Department

intends to set aside other funds in its FY 2011 appropriation to support State efforts to develop assessments of English language proficiency that are aligned with the college- and career-ready standards in English language arts currently being developed and adopted.

For information on funding available from the Department for the administration of assessments developed with Race to the Top Assessment funds, *see* G-8.

**A-7. Does a State applying for or receiving a grant under the Race to the Top State program receive a competitive advantage when applying for a Race to the Top Assessment grant?**

No. The Race to the Top Assessment program and the Race to the Top State program both provide competitive funding to support States' efforts to significantly improve academic outcomes for students. However, a State applying for, receiving, or participating in a grant under one program does not receive an advantage when applying for a grant under the other program.

**A-8. May States use funds from the Race to the Top State program for assessment development?**

As discussed in section F of the Race to Top Program Guidance and Frequently Asked Questions (*see* [www.ed.gov/programs/racetothetop/faq.html](http://www.ed.gov/programs/racetothetop/faq.html)), States may not use Race to the Top grant funds to pay for costs related to developing or administering statewide summative assessments. The rationale for this prohibition is that the Department will use this Race to the Top Assessment competition (specifically, the Comprehensive Assessment Systems grant category) to fund the development, by consortia of States, of new statewide summative assessments that measure student knowledge and skills against a common set of college- and career-ready standards. The Department believes that consortia of States, by pooling resources and developing new statewide assessments using these common standards, will be able to produce significantly better assessments at lower cost than any single State could produce alone.

**B. GENERAL PROGRAM AND APPLICATION INFORMATION**

***General Program Information***

**B-1. Who is the “applicant” for a Race to the Top Assessment grant?**

Under the requirements for this Race to the Top Assessment competition, eligible applicants are consortia of States. However, because the Department can make a grant award to a single entity only, an eligible applicant (i.e., a consortium of States) applying for a Race to the Top Assessment grant must indicate in its application whether (a) one member of the consortium is applying for a grant on behalf of the consortium, or (b) the consortium has established itself as a separate eligible legal entity and is applying for a grant on its own behalf; *see* the Department's regulations for group applications at 34 CFR 75.127-129. The

single entity that is applying for a grant on behalf of the eligible applicant is considered to be “the applicant.”

Under the Department’s regulations for group applications, if a consortium is awarded a grant, the applicant then becomes the “grantee” and is legally responsible for the use of grant funds and for ensuring that the project is carried out by the consortium in accordance with Federal requirements. In addition, each member of the consortium is legally responsible to carry out the activities it agrees to perform and use any funds it receives in accordance with Federal requirements that apply to the grant.

**B-2. What are eligibility requirements, absolute priorities, competitive preference priorities, and selection criteria?**

Eligibility requirements are the requirements that an eligible applicant must meet in order to be eligible to receive an award. The eligibility requirements for the grant categories in this Race to the Top Assessment competition are described in section C.

Absolute priorities describe the items an eligible applicant must address in its application in order to receive an award. Under 34 CFR 75.105(c)(3), we consider for funding only applications that meet the absolute priority for the grant category. Each grant category in this Race to the Top Assessment competition has one absolute priority (*see* D-1 and E-1).

Competitive preference priorities describe items an eligible applicant may, but is not required to, address in its application. Consistent with 34 CFR 75.105(c)(2)(i), we may award additional points to an application that addresses a competitive preference priority. The Comprehensive Assessment Systems grant category has one competitive preference priority, and the High School Course Assessment Programs grant category has two competitive preference priorities. *See* the NIA for these priorities.

Selection criteria are the criteria used to evaluate an application and the focus of the application and review process. Each selection criterion has a maximum point value, and a panel of reviewers will assign points to an application based on how well it addresses each of the selection criteria. The Comprehensive Assessment Systems grant category has eight selection criteria, and the High School Course Assessment Programs grant category has six selection criteria. *See* the NIA for the full selection criteria.

**B-3. If an eligible applicant does not fully meet a selection criterion, or does not address one, is it still eligible to receive a Race to the Top Assessment grant?**

Yes. If an eligible applicant does not address a selection criterion, it will not receive points on that criterion but is still eligible to receive an award (provided it meets the eligibility requirements for the grant category). If an eligible applicant addresses a selection criterion but does so only partially or poorly, it may receive some or no points on that criterion as determined by peer reviewers; if an eligible applicant receives some or no points on a selection criterion, it is still eligible to receive an award. An eligible applicant that does not address or does not fully meet a selection criterion may receive an award if the overall score for its application is high enough to warrant funding.

## ***General Application Information***

### **B-4. Where can one obtain an application for a Race to the Top Assessment grant?**

Each grant category in this Race to the Top Assessment competition (Comprehensive Assessment Systems grants and High School Course Assessment Programs grants) has its own application. Prospective applicants can obtain an application for either grant category via the Internet or from the Education Publications Center (ED Pubs).

To obtain an application via the Internet, use the following address:

[www.ed.gov/programs/racetothetop-assessment](http://www.ed.gov/programs/racetothetop-assessment).

To obtain an application from ED Pubs, write, fax, or call the following: Education Publications Center, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1-877-433-7827. Fax: (703) 605-6794. If you use a telecommunications device for the deaf (TDD), call, toll free: 1-877-576-7734. Prospective applicants can also contact ED Pubs at its website: [www.ed.gov/pubs/edpubs.html](http://www.ed.gov/pubs/edpubs.html) or at its e-mail address: [edpubs@inet.ed.gov](mailto:edpubs@inet.ed.gov).

If requesting an application from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.395B (Comprehensive Assessment Systems grants) or CFDA Number 84.395C (High School Course Assessment Programs grants).

### **B-5. Must an applicant use the application provided by the Department?**

An applicant may either use the application the Department has provided or format its own application, so long as that application looks substantially similar to the Department's application, contains all of the same information in the same order that it is presented in the Department's application, and is submitted in accordance with all other requirements. An applicant may not change any of the text or language in the Department's application. In other words, an applicant may cut and paste the text and tables from the Department's application into its own application document, but may not change any of this information.

### **B-6. Must an applicant adhere to the recommended page limit for the application narrative?**

The application narrative (Part I.H of the application for each grant category) is where the applicant addresses the selection criteria that reviewers use to evaluate applications. The Department recommends that applicants limit the application narrative for a Comprehensive Assessment Systems grant to no more than 60 total pages, and for a High School Course Assessment Programs grant to no more than 45 total pages. These page limits are recommended, but not required. An applicant should use the following page standards:

- A page is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.
- Each page is numbered.
- Line spacing is set to 1.5 spacing, and the font used is 12 point Times New Roman font.

The recommended page limits above do not cover any appendices an applicant provides in support of its application narrative. An applicant is not restricted in the number or length of appendices it provides to its application.

An applicant must limit the executive summary of its proposed project (Part I.D of the application for each grant category) to no more than two pages using the standards above (*see* B-10). We will not read information on any pages that exceed this page limit.

#### **B-7. May an applicant include electronic files in its application?**

An applicant must submit an original and one paper copy of its application for either grant category under this competition.

If an applicant's application includes content that cannot be presented in a paper copy,<sup>1</sup> the applicant may submit that content separately in one or more electronic files on a CD-ROM or DVD-ROM. The application content must reside on the CD-ROM or DVD-ROM; the Department will not review material in external references or links. The files may be in any of the following formats:

- .DOC/.DOCX (Microsoft Word Document)
- .PDF (Adobe Portable Document Format)
- .PPT/.PPTX (Microsoft Powerpoint)
- .HTML (Hypertext Markup Language)
- .JPEG (Joint Photographic Experts Group Image)
- .GIF (Graphics Interchange Format)
- .PNG (Portable Network Graphics)
- .TIFF (Tagged Image Format)
- .XLS/.XLSX (Microsoft Excel)
- .XML/.XSD (Extensible Markup Language/XML Schema)
- .CSV (Comma Separated Values)
- .TXT (Text File)
- .ZIP (Compressed Package).

If an applicant is submitting data files, it should include in its application a description or schema of the data elements within the files. If an applicant submits a file type other than the types specified in this paragraph, the Department will not review that material.

Applicants should not password-protect these files. Each electronic file name should clearly identify the part of the application to which the content is responding. The CD-ROM or DVD-ROM should be clearly labeled with the applicant's name and any other relevant information.

An applicant must provide 10 copies of any CD-ROM or DVD-ROM it submits with the original and paper copy of its application.

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<sup>1</sup> Application content that cannot be presented in a paper copy might include, for example, sample assessment items such as simulations, scenarios, or video-based items.

**B-8. May an applicant include hyperlinks in its application?**

No. Hyperlinks to websites or other documents may not be included in an application for either grant category. Reviewers will be instructed not to follow such hyperlinks if included. We understand that hyperlinks can be a convenient way to provide information; however, because hyperlinks can be updated after the deadline for submitting applications, they cannot be considered as part of an application.

**B-9. Should an applicant format its application in color or in black and white?**

When the Department prints copies of applications for reviewers, the applications will not be printed in color. Therefore, we recommend that applicants format their applications in black and white.

**B-10. What information should an applicant include in the executive summary of the proposed project?**

The executive summary (Part I.D of the application for each grant category) should provide an overview of the proposed project and orient reviewers to the project's design prior to their beginning the review process. An eligible applicant has flexibility to determine what information to include for these purposes. The executive summary will not be scored by reviewers.

An applicant must limit the executive summary to no more than two pages using the standards described in B-6.

**B-11. What is the deadline for submitting an application for a Race to the Top Assessment grant?**

The Department must receive all applications by 4:30:00 p.m., Washington, DC time, on June 23, 2010. We will not accept an application for this competition after 4:30:00 p.m., Washington, DC time, on this date.

**B-12. May an applicant amend its application after the deadline?**

No. Applicants may not submit amendments or updates to their applications after the application deadline.

**Note:** Further information on application submission procedures is available in Section III (Application and Submission Information) of the NIA and Part I.B (Application Submission Procedures) of the application for each grant category.

**B-13.** *From Addendum 1, published May 21, 2010.*

**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-1. What requirements must eligible applicants meet in order to be eligible to receive an award?**

To be eligible for a Comprehensive Assessment Systems grant, an eligible applicant (i.e., a consortium of States) must:

- Include a minimum of 15 States, of which at least 5 States must be governing States (as defined in the NIA; *see c-2*);
- Identify in its application 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 this category;<sup>2</sup> and

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<sup>2</sup> 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 remind eligible applicants that they may, under 34 CFR 80.36, use informal procedures to select a proposed contractor for this purpose.

- Submit assurances from each State in the consortium that, in order to remain in the consortium, the State will adopt a common set of college- and career-ready standards (as defined in the NIA) no later than December 31, 2011, and common achievement standards (as defined in the NIA) no later than the 2014-2015 school year.

To be eligible for a High School Course Assessment Programs grant, an eligible applicant must:

- Include a minimum of 5 governing States (as defined in the NIA); and
- Identify in its application 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 this category.<sup>3</sup>

### **C-2. What is a governing State?**

“Governing State” is defined in the NIA as a State that (a) is a member of only one consortium applying for a grant in the competition category, (b) has an active role in policy decision-making for the consortium, and (c) is committed to using the assessment system or program developed by the consortium.

For information on other roles that States in a consortium may play, *see* C-6.

### **C-3. Which types of entities or organizations may be the project management partner in a Race to the Top Assessment grant?**

The Department has not specified the types of entities or organizations that may be the project management partner in an application for a Race to the Top Assessment grant. An eligible applicant has flexibility with respect to the type of entity it selects as the project management partner and may select, for example, a State in the consortium, a nonprofit organization, or a university. However, the Department recommends that an eligible applicant select as its project management partner a third-party entity or organization with project management expertise. Under the Project Management selection criterion for each grant category, peer reviewers will consider the quality, qualifications, and role of the project management partner (Selection Criterion (A)(8)(a) and (B)(6)(a), respectively).

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

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For example, 34 CFR 80.36(d)(1) authorizes simple informal procedures to select contractors under the simplified acquisition threshold of \$100,000; the regulations only require that the eligible applicant request offers from an adequate number of qualified sources. In addition, even if the eligible applicant expects that the proposed project management partner would cost more than \$100,000, the regulations recognize special cases where a contractor must be selected within a very limited time period. Again, the eligible applicant must request proposals from an adequate number of qualified sources and select the contractor whose proposal is most advantageous to the program, considering price and other selection factors. In these situations, if informal solicitation does not result in an adequate number of proposals, the eligible applicant may select a single bidder so long as the eligible applicant documents the facts that formed the basis for its decision. 34 CFR 80.36(d)(1), (d)(3), and (d)(4). *See* G-9.

<sup>3</sup> *See* footnote 2.

have to select a proposed project management partner, we remind eligible applicants that they may, under 34 CFR 80.36, use informal procedures to select a proposed contractor for this purpose.<sup>4</sup>

**C-3a.** *From Addendum 1, published May 21, 2010.*

**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).

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<sup>4</sup> See footnote 2.

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.

**C-4. May an entity or organization be the project management partner in more than one application in the same Race to the Top Assessment grant category?**

No. The entity or organization that is identified as the proposed project management partner in an application in one Race to the Top Assessment grant category may not be the proposed project management partner in another application in the same grant category, even if the entity or organization intends to assign to different employees the project management responsibilities for the respective applications.

**C-5. May an entity or organization be the project management partner in an application for a Comprehensive Assessment Systems grant and in an application for a High School Course Assessment Programs grant?**

Yes. A project management partner in an application for a Comprehensive Assessment Systems grant may also be the project management partner in an application for a High School Course Assessment Programs grant.

## ***Information on Consortia***

### **C-6. Apart from the role of governing State, what roles may the States in a consortium play?**

Apart from the governing States that must be included in the consortium,<sup>5</sup> a consortium of States applying for a Race to the Top Assessment grant has flexibility in determining the roles that member States may play. These could include, for example, the following other roles:

- **Lead State.** A lead State has primary responsibility for project development (including setting policies associated with the project) and for project implementation.<sup>6</sup>
- **Lead Procurement State.** A lead procurement State oversees and is responsible for all procurement on behalf of the consortium.
- **Advisory State.** An advisory State consults on issues related to project development and implementation but has no decision-making authority for the project.

In determining the roles that member States may play, a consortium should bear in mind the following requirements. First, to be eligible to receive a Comprehensive Assessment Systems grant, the consortium must submit assurances from each State in the consortium that, to remain in the consortium, the State will adopt a common set of college- and career-ready standards (as defined in the NIA) no later than December 31, 2011, and common achievement standards (as defined in the NIA) no later than the 2014-2015 school year (*see* C-1). In addition, 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 by each State in the consortium no later than the 2014-2015 school year. Similarly, 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 in each State 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. *See also* C-8.

### **C-7. May a State enter or leave a consortium receiving Race to the Top Assessment funds?**

Yes. A State may enter or leave a consortium receiving Race to the Top Assessment funds according to the protocols the consortium has established for this purpose. A consortium has flexibility in developing protocols for member States to leave the consortium and for new member States to join the consortium. (Peer reviewers will consider these protocols

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<sup>5</sup> As discussed in C-2, “governing State” is defined in the NIA as a State that (a) is a member of only one consortium applying for a grant in the competition category, (b) has an active role in policy decision-making for the consortium, and (c) is committed to using the assessment system or program developed by the consortium.

<sup>6</sup> Though it is not required to be, a lead State would likely be the member of the consortium that applies for a Race to the Top Assessment grant on behalf of the consortium (if the consortium has not established itself as a separate eligible legal entity and is not applying for a grant on its own behalf). If such a lead State is awarded a grant, it then becomes the grantee (*see* B-1).

under the Consortium Governance selection criterion for each grant category (Selection Criterion (A)(1)(b)(iv) and (B)(1)(b)(iv), respectively.) However, because changes in State membership in a consortium may affect the scope of the project for which a grant award has been made, a grantee must submit to the Department a written request for approval of any changes to the membership of the consortium. In general, the Department and a grantee must agree in writing to any revision of the grantee's approved project.

**C-8. What information must be included in the Memoranda of Understanding or other binding agreements for the States in a consortium?**

Applications for either Race to the Top Assessment grant category must include, consistent with 34 CFR 75.128, copies of all Memoranda of Understanding or other binding agreements for each State in the consortium. These binding agreements must:

- Detail the activities that members of the consortium will perform;
- Bind each member of the consortium to every statement and assurance made in the application;
- Include an assurance, signed by the State's chief procurement official (or designee), that the State has reviewed its applicable procurement rules and determined that it may participate in and make procurements through the consortium; and
- Be signed by the Governor, the State's chief school officer, and, if applicable, the president of the State board of education;

The binding agreements for the States in a consortium may also address other requirements. For instance, the binding agreements for the States in a consortium applying for a Comprehensive Assessment Systems grant may include the assurance that must be provided for each State in order for the consortium to be eligible to receive a grant under that category -- namely, the assurance that the State will adopt a common set of college- and career-ready standards (as defined in the NIA) no later than December 31, 2011, and common achievement standards (as defined in the NIA) no later than the 2014-2015 school year (*see* C-1).

In addition, the binding agreements for the States in a consortium applying for a Comprehensive Assessment Systems grant may include a description of the process by which the State will adopt and implement the summative assessment components of the assessment system in both mathematics and English language arts statewide no later than the 2014-2015 school year if the State remains in the consortium at that time, consistent with Program Requirement 4 for this grant category. Similarly, the binding agreements for the State in a consortium applying for a High School Course Assessment Programs grant may include a description of the process by which the State will adopt and implement at least one course assessment developed under the high school course assessment program no later than the 2013-2014 school year if the State remains in the consortium at that time, consistent with Program Requirement 4 for this grant category. In either case, the State may provide additional explanatory information about how it will undertake this process consistent with its State law. *See also* D-15 and E-7.

We note, in addition, that under the Consortium Governance selection criterion for each grant category, peer reviewers will consider the terms and conditions of the Memoranda of Understanding or other binding agreements executed by each member State, including:

- The consistency of the terms and conditions with the consortium’s governance structure and the State’s role in the consortium (Selection Criterion (A)(1)(c)(i) and (B)(1)(c), respectively); and
- (*For Comprehensive Assessment Systems grants only*) the State’s commitment to and plan for identifying any existing barriers in State law, statute, regulation, or policy to implementing the proposed assessment system and to addressing any such barriers prior to full implementation of the summative assessment components of the system (Selection Criterion (A)(1)(c)(ii)).

**C-8a.** *From Addendum 1, published May 21, 2010.*

**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.** *From Addendum 1, published May 21, 2010.*

**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.** *From Addendum 1, published May 21, 2010.*

**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-1. What are the requirements for a comprehensive assessment system?**

Eligible applicants applying for a Comprehensive Assessment Systems grant must meet the absolute priority for the grant category (Comprehensive Assessment Systems Measuring Student Achievement Against Common College- and Career-Ready Standards) (*see* B-2). To meet the absolute priority, an eligible applicant must demonstrate in its application that it will develop and implement an assessment system that:

- Measures student knowledge and skills against a common set of college- and career-ready standards (as defined in the NIA) in mathematics and English language arts in a way that:
  - Covers the full range of those standards, including standards against which student achievement has traditionally been difficult to measure;

- As appropriate, elicits complex student demonstrations or applications of knowledge and skills;
- Provides an accurate measure of student achievement across the full performance continuum, including for high- and low-achieving students; and
- Provides an accurate measure of student growth over a full academic year or course;
- Consists of assessment components in mathematics and in English language arts that include, for each subject, one or more summative assessment components that:
  - Are administered at least once during the academic year in grades 3 through 8 and at least once in high school; and
  - Produce student achievement data and student growth data (both as defined in the NIA) that can be used to determine whether individual students are college- and career-ready (as defined in the NIA) or on track to being college- and career-ready (as defined in the NIA);
- Assesses all students, including English learners (as defined in the NIA) and students with disabilities (as defined in the NIA); and
- Produces data, including student achievement data and student growth data, that can be used to inform:
  - Determinations of school effectiveness for purposes of accountability under Title I of the ESEA;
  - Determinations of individual principal and teacher effectiveness for purposes of evaluation;
  - Determinations of principal and teacher professional development and support needs; and
  - Teaching, learning, and program improvement.

*See* the subsequent questions in this section for further information on the requirements for a comprehensive assessment system.

**D-2. What is meant by “common set of college- and career-ready standards”?**

“Common set of college- and career-ready standards” is defined in the NIA as a set of academic content standards for grades K-12 that (a) define what a student must know and be able to do at each grade level; (b) if mastered, would ensure that the student is college- and career-ready (as defined in the NIA) by the time of high school graduation; and (c) are substantially identical across all States in a consortium. A State may supplement the common set of college- and career-ready standards with additional content standards, provided that the additional standards do not comprise more than 15 percent of the State's total standards for that content area.

**D-3. What is meant by “full performance continuum”?**

To measure student achievement accurately across the “full performance continuum,” assessments should not only measure student achievement in relation to the standards for the student’s grade level; they should also measure student achievement in relation to the standards the student has mastered, regardless of the grade level associated with those

standards. Measuring student achievement across the full performance continuum is necessary in order to produce accurate student growth data (as defined in the NIA).

**D-4. Must the summative assessment components in a comprehensive assessment system be administered only once during the academic year?**

No. Summative assessment components may be administered multiple times during an academic year. For example, an eligible applicant may propose to develop and administer a through-course summative assessment (as defined in the NIA) – that is, an assessment system component or set of assessment system components that is administered periodically during the academic year, the results of which are combined to produce the student’s total summative assessment score for that academic year.

**D-5. May a comprehensive assessment system include assessment components other than summative assessments?**

So long as the assessment system meets the requirements of the absolute priority (*see* D-1), an eligible applicant may propose an assessment system that includes assessment components other than summative assessments, such as diagnostic, formative, and interim assessments. Under the Assessment System Design selection criterion for this grant category, peer reviewers will consider the number and types of components (e.g., through-course summative assessments (as defined in the NIA), end-of-year summative assessments, formative assessments, and interim assessments) (Selection Criterion (A)(3)(a)).

**D-6. May a comprehensive assessment system include assessments in subjects other than mathematics and English language arts?**

To meet the absolute priority, an eligible applicant must propose an assessment system that includes assessments in mathematics and English language arts. An eligible applicant may propose an assessment system that includes assessments in a subject other than mathematics and English language arts so long as those assessments are based on a common set of college- and career-ready standards (as defined in the NIA) for the subject and so long as the assessment system meets the requirements of the absolute priority (*see* D-1).

**D-7. Which students must be assessed using a comprehensive assessment system?**

Consistent with the absolute priority (*see* D-1), assessments developed under this grant category must assess all students, including English learners (as defined in the NIA; *see* D-8) and students with disabilities (as defined in the NIA; *see* D-9) at least once during the academic year in grades 3 through 8 and at least once in high school.

**D-8. How is “English learners” defined?**

As defined in the NIA, “English learner” means a student who is an English learner as that term is defined by the consortium. The consortium must define the term in a manner that is uniform across member States and consistent with section 9101(25) of the ESEA.

**D-8a. What factors might a consortium consider when developing a plan for establishing a common definition of the term “English learner” in response to the selection criterion for Consortium Governance?**

In the Comprehensive Assessment Systems competition, a consortium will receive points under selection criterion (A)(1) in part based on its governance plan. This governance plan should include the process and timeline for setting key policies and definitions for the assessment system, including a plan for establishing a common definition of “English learner.” An eligible applicant does not need to submit a common definition of the term “English learner” at the time of its application; however it should include a plan for developing such a definition. The plan will be considered in determining the extent to which the consortium’s proposed governance structure will enable the successful design, development, and implementation of the proposed assessment system (including the adoption of a common “English learner” definition).

Although the applicant’s proposal need not address implementation of its plan for developing a common definition of “English learner,” in developing and implementing a common definition of the term, applicants may wish to consider several factors. For example, applicants might consider the use of objective measures of English language proficiency (ELP) that do not include measures of whether a student is also meeting an academic achievement standard in an academic subject.<sup>7</sup> Consortium members might adopt common and consistent criteria for: (1) initial identification of students’ language-minority status through the use of common ELP “screeners” or ELP assessments; and (2) a definition of the English proficient level that designates a student as having attained English-language proficiency through the use of rigorous, standardized ELP assessments based on ELP standards that demonstrably correspond to the academic language and literacy standards in the common set of standards adopted by consortium members.

If consortium members plan to use different ELP assessments during implementation of a grant (if awarded), the consortium might consider developing: (1) evidence that all ELP assessments used by consortium members are comparable in technical rigor and result in the application of equally rigorous ELP standards that correspond to the academic language and literacy standards in the consortium’s common set of standards; (2) a concordance table that facilitates comparison of member States’ English-language proficiency levels -- for the overall composite and for each language domain (listening, speaking, reading, and writing) -- defined by each ELP assessment; and (3) a decision table that establishes comparable knowledge and skills at each defined language proficiency level across the ELP assessments used by consortium members in the implementation of their proposed assessment system.

We note additionally that, under this grant category, peer reviewers will consider an eligible applicant’s approach and strategy for designing and developing accommodations (as defined in the NIA), accommodation policies, and methods for standardizing the use of those

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<sup>7</sup> A consortium might examine the relationship of member States’ ELP assessments’ English proficiency levels -- particularly the level defined for English language proficiency -- to academic achievement standards (via such tools as regression analyses and decision consistency approaches) as part of the validation procedures they use in empirically justifying the English proficient level chosen. Carrying out this type of examination, however, is different from directly incorporating academic achievement standards into the definition of “English learner.”

accommodations for English learners (Selection Criterion (A)(4)(b)). (Also, under both Race to the Top Assessment grant categories, reviewers will consider how the assessment system or program includes appropriate accommodations (as defined in the Notice Inviting Applications) for these students (Selection Criteria (A)(3)(b)(iii) and (B)(3)(d)(v), respectively).)

**D-9. How is “students with disabilities” defined?**

For purposes of this competition, a “student with a disability” is defined in the NIA as a student who has been identified as a student with a disability under the Individuals with Disabilities Education Act, as amended (IDEA), except for a student with a disability who is eligible to participate in alternate assessments based on alternate academic achievement standards consistent with 34 CFR 200.6(a)(2). That is, “students with disabilities” includes all students with disabilities except those covered by the so-called “1 percent rule.”

As discussed in A-6, it is the Department’s intent to support States or consortia of States in developing high-quality alternate assessments based on alternate achievement standards, in coordination with this Race to the Top Assessment competition, through a separate competition that will be administered by the Department’s Office of Special Education and Rehabilitative Services; we intend to issue a notice inviting applications for this program later this year.

**D-10. Should a comprehensive assessment system assess students with disabilities who are currently assessed using alternate assessments based on modified academic achievement standards under the so-called “2 percent rule”?**

Yes. Assessment systems developed under this grant category should meet the assessment needs of all students except those with the most significant cognitive disabilities (i.e., students who are assessed using alternate assessments based on alternate academic achievement standards under the “1 percent rule;” *see* D-9). Assessments in these systems should be able to measure accurately the achievement of students who are currently assessed using alternate assessments based on modified academic achievement standards under the “2 percent rule” (34 CFR 200.6(a)(3)) with appropriate accommodations. We expect that grantees will include these students when field testing assessment items and accommodations and will carry out validation studies in order to determine that the assessments are working for all students as intended.

**D-11. May native language translations of assessments or native language dictionaries be part of a comprehensive assessment system?**

Native language translations or dictionaries may be part of a comprehensive assessment system so long as they meet the definition of “accommodations” (as defined in the NIA) and are allowable under State law. The NIA defines “accommodations” as changes in the administration of an assessment -- including but not limited to changes in assessment setting, scheduling, timing, presentation format, response mode, and combinations of these changes -- that do not change the construct intended to be measured by the assessment or the meaning of the resulting scores. Accommodations must be used for equity in assessment and not provide advantage to students eligible to receive them.

**D-12. By what date must States in a consortium receiving a Comprehensive Assessment Systems grant adopt a common set of college- and career-ready standards?**

Each State in the consortium, to remain in the consortium, must adopt a common set of college- and career-ready standards (as defined in the NIA; *see* D-2) no later than December 31, 2011.

**D-13. By when must States in a consortium adopt common achievement standards for the summative assessments developed under a Comprehensive Assessment Systems grant?**

Each State in the consortium, to remain in the consortium, must adopt common achievement standards (as defined in the NIA) for summative assessments no later than the 2014-2015 school year.

**D-14. An eligible applicant receiving a Comprehensive Assessment Systems grant must ensure that the summative assessment components of the assessment system are fully implemented statewide by each State in the consortium no later than the 2014-2015 school year (Program Requirement 4). What is meant by “fully implemented”?**

To fully implement a summative assessment component, a State must administer the component (in its operational form; *see* G-7) to all students in the State who are eligible to receive it. A State must fully implement each summative assessment component of the assessment system.

**D-15. An eligible applicant receiving a Comprehensive Assessment Systems grant must ensure that the summative assessment components of the assessment system are fully implemented statewide by each State in the consortium no later than the 2014-2015 school year (Program Requirement 4). How can a member State write to this requirement in the consortium’s application?**

As discussed in C-8, States in a consortium applying for a Comprehensive Assessment Systems grant may address this requirement by including in their binding agreements a description of the process by which the State will adopt and implement the summative assessment components of the assessment system in both mathematics and English language arts statewide no later than the 2014-2015 school year if the State remains in the consortium at that time. If necessary, the State may provide additional explanatory information about how it will undertake this process consistent with its State law.

Note that the eligible applicant must ensure that the summative assessment components of the assessment system are fully implemented statewide by each State in the consortium no later than the 2014-2015 school year. An eligible applicant receiving a Comprehensive Assessment Systems grant remains responsible for compliance with this requirement, even if individual States drop out of the consortium. The Department will monitor a grantee’s progress with respect to the requirement throughout the project period.

**D-16. May assessments in a comprehensive assessment system be used to meet the assessment requirements in Title I of the ESEA?**

Yes. It is the Department's expectation that States that adopt assessment systems developed with Comprehensive Assessment Systems grants will use assessments in these systems to meet the assessment requirements in Title I of the ESEA.

**D-17. *From Addendum 1, published May 21, 2010.***

**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. *From Addendum 1, published May 21, 2010.***

**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 students<sup>8</sup> 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

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<sup>8</sup> "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.

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.

**D-19.** *From Addendum 1, published May 21, 2010.*

**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.

**E. HIGH SCHOOL COURSE ASSESSMENT PROGRAMS GRANTS**

**E-1. What are the requirements for a high school course assessment program?**

Eligible applicants applying for a High School Course Assessment Programs grant must meet the absolute priority for the grant category (High School Course Assessment Programs) (*see* B-2). To meet the absolute priority, an eligible applicant must demonstrate in its application that it will develop and implement a high school course assessment program that:

- For each course in the assessment program:
  - Measures student knowledge and skills against standards from a common set of college- and career-ready standards (as defined in the NIA) in subjects for which such a set of standards exists, or otherwise against State or other rigorous standards;
  - As appropriate, elicits complex student demonstrations or applications of knowledge and skills;
  - Produces student achievement data (as defined in the NIA) and student growth data (as defined in the NIA) over a full academic year or course that can be used to inform:
    - Determinations of individual principal and teacher effectiveness and professional development and support needs; and
    - Teaching, learning, and program improvement; and
  - Is designed to assess the broadest possible range of students, including English learners (as defined in the NIA) and students with disabilities (as defined in the NIA);
- Includes assessments for multiple courses that will be implemented in each member State at a scale that will enable significant improvements in student achievement outcomes statewide; and

- Includes a process for certifying the rigor of each assessment in the assessment program and for ensuring that assessments of courses covering similar content have common expectations of rigor.

*See* the subsequent questions in this section for further information on the requirements for a high school course assessment system program.

**E-2. Which students must be assessed using assessments in a high school course assessment program?**

Consistent with the absolute priority (*see* E-1), each high school course assessment must be designed to assess the broadest possible range of students, including English learners (as defined in the NIA) and students with disabilities (as defined in the NIA). Under the Course Assessment Program Design and Development selection criterion for this grant category, peer reviewers will consider how the course assessments are accessible to the broadest possible range of students (Selection Criterion (B)(3)(d)(v)).

As discussed in D-8, “English learner” means a student who is an English learner as that term is defined by the consortium. The consortium must define the term in a manner that is uniform across member States and consistent with section 9101(25) of the ESEA.

As discussed in D-9, a “student with a disability” is defined for purposes of this competition as a student who has been identified as a student with a disability under the Individuals with Disabilities Education Act, as amended (IDEA), except for a student with a disability who is eligible to participate in alternate assessments based on alternate academic achievement standards consistent with 34 CFR 200.6(a)(2).

**E-3. Are there any restrictions placed on which course assessments should be included in a high school course assessment program?**

The absolute priority requires that a high school course assessment program include assessments for multiple courses and that the program be implemented in each member State at a scale that will enable significant improvements in student achievement outcomes statewide. Provided these requirements are met, consortia are free to include in their program whatever course assessments they choose. Reviewers will be evaluating the course assessments included in the proposed program against these criteria:

- How the assessment program covers diverse course offerings that provide a variety of pathways to students (*see* criterion (B)(2)(c)) and the rationale for selecting these courses (*see* also criterion (B)(3)(a)); and
- How the assessment program will be implemented at a scale that, across the States in the consortium, increases access to rigorous courses for students who have not typically had such access, and broadly improves student achievement and college and career readiness (*see* criterion (B)(2)(d) and (B)(3)(a)).

In addition, competitive preference points are awarded for including assessments in courses that comprise a rigorous course of study in:

- The science, technology, engineering, and mathematics (STEM) fields (*see* Competitive Preference Priority 1; *see* E-6)
- Career and technical education (*see* Competitive Preference Priority 2).<sup>9</sup>

**E-4. Must a high school course assessment program include only newly-developed assessments, or may existing assessments be adapted for the program?**

Eligible applicants may propose to develop new assessments or adapt existing assessments for the high school course assessment program. Consistent with the absolute priority (*see* E-1), an assessment program must include a process for certifying the rigor of each assessment in the assessment program and for ensuring that assessments of courses covering similar content have common expectations of rigor. Under the Theory of Action selection criterion for this grant category, peer reviewers will consider how the assessment program's rigor will be demonstrated and maintained over time (Selection Criterion (B)(2)(b)). In addition, under the Course Assessment Program Design and Development selection criterion, peer reviewers will consider how the consortium will certify the rigor of each assessment in the assessment program, whether the assessment is new or adapted; and how the consortium will maintain consistent and high levels of rigor over time (Selection Criterion (B)(3)(c)).

**E-5. In Competitive Preference Priorities 1 and 2, what is a course of study?**

A course of study is a series of integrated or complementary courses that, when successfully completed, provides a student with a defined set of competencies in a specific discipline. An eligible applicant may not use the same course of study to address both competitive preference priorities.

**E-6. In Competitive Preference Priority 1 (Focus on Preparing Students for Study in STEM-Related Fields), which courses qualify as STEM courses?**

STEM courses include any courses in the science, technology, engineering, and mathematics fields, including cross-cutting or interdisciplinary courses such as computer science, information technology, and bioengineering.

**E-7. An eligible applicant receiving 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 in each State in the consortium no later than the 2013-2014 school year (Program Requirement 4). How can a member State write to this requirement in the consortium's application?**

As discussed in C-8, States in a consortium applying for a High School Course Assessment Programs grant may address this requirement by including in their binding agreements a description of the process by which the State will adopt and implement at least one course

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<sup>9</sup> An eligible applicant may not use the same course of study to address both competitive preference priorities.

assessment developed under the high school course assessment program no later than the 2013-2014 school year if the State remains in the consortium at that time. If necessary, the State may provide additional explanatory information about how it will undertake this process consistent with its State law.

A grantee remains responsible for compliance with this requirement, even if individual States drop out of the consortium. The Department will monitor the grantee's progress with respect to the requirement throughout the project period.

Program Requirement 4 under this grant category also requires that a grantee ensure that all assessments in the assessment program be operational no later than the 2014-2015 school year. The grantee remains likewise responsible for compliance with this requirement.

**E-8. Must assessments in a high school course assessment program be used to meet the assessment requirements in Title I of the ESEA?**

No. The Department will not require that assessments developed with High School Course Assessment Programs grants be used to meet the assessment requirements in Title I of the ESEA. However, States may choose to use these assessments for this purpose if the assessments meet applicable requirements.

**F. APPLICATION REVIEW AND SELECTION**

**F-1. What is the application review and selection process?**

The Department uses the following process to screen applicants for eligibility, review and score applications, and select grantees:

- The Department will screen applications that are received in accordance with the requirements in the NIA and determine which applications will be reviewed for funding based on whether the applicant has met the eligibility requirements for the grant category for which it applied and has requested a budget amount that does not exceed the maximum amount for the grant category (see G-2). Applications from applicants that do not meet the eligibility requirements for the grant category or that request a budget amount that exceeds the maximum amount for the grant category will not be reviewed for funding.
- Reviewers will then review and score applications using the competitive preference priorities, selection criteria and points included in the NIA, and determine whether applications meet the absolute priority for the grant category. Applications that do not meet the absolute priority will not be considered for funding.
- Reviewers' scores will then be averaged for each application that meets the absolute priority for the grant category, and those applications will be rank ordered in each grant category.
- After the review process is complete, the Secretary will select, consistent with 34 CFR 75.217, the grantees for each grant category after considering the rank order of applications, the funding available, and any other relevant information.

**F-2. Who will review the Race to the Top Assessment applications, and what are their qualifications?**

The Department intends to use a panel of expert, independent reviewers who have been chosen from a pool of qualified assessment and management experts. Department employees will not score applications.<sup>10</sup> The Department will thoroughly screen all reviewers for conflicts of interest in order to ensure a fair and competitive review process.

When the Department issued the call for reviewers, we asked for the following types of individuals:

- Assessment Experts with qualifications in some, if not most, of the following areas:
  - A minimum of five years of experience in the design, development, or administration of a large-scale, State or national assessment program
  - Experience in developing content for K-12 assessments, including playing a leadership role in a test item development process that began with content standards as the input and developed, through a clear process, valid, reliable, and fair assessment items used for school accountability and improvement
  - Experience in the design, development, or research of item types that elicit complex student responses and demonstrations of student knowledge and skills
  - Expertise and experience in testing students with disabilities, demonstrated in areas such as: developing inclusive assessments; the provision of accommodations in testing; and interpretation of test results
  - Expertise and experience in testing English learners, demonstrated in areas such as: developing inclusive assessments; the provision of accommodations in testing; and interpretation of test results
  - Experience in large-scale assessment psychometrics and measurement, including in evaluating and researching the validity, reliability, and fairness of assessments used for school accountability and improvement
  - Experience in using assessment data, including formative or interim assessments, to inform and improve teaching and learning
  - Knowledge or experience in the development or evaluation of student growth models appropriate for evaluating school accountability and teacher or principal effectiveness
  - Expertise in the system-level administration or operational design of a large-scale assessment system
  - Experience in the development and implementation of large-scale judgment-based scoring systems involving moderation and auditing
  - Experience in using innovative technologies to design, develop, administer, score, and/or report assessment results

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<sup>10</sup> Department staff will monitor and facilitate application scoring discussions but will not otherwise participate in those discussions.

- Ability to evaluate budgets, work plans, and timelines for large-scale assessment systems
- Experience participating in (as an evaluator) or managing State, Federal, and/or philanthropic grant reviews, preferably with experience in applying scoring rubrics and specific criteria to this process
- Management Experts with qualifications in some, if not all, of the following areas:
  - A minimum of 10 years of senior leadership and management of large-scale organizations or initiatives
  - Experience leading or managing an organization composed of multiple independent entities, preferably states
  - Knowledge of effective operational and organizational/management infrastructures (e.g., people, processes, accountability structures, technology systems, program and grant management) with a particular focus on bringing complex solutions to scale, while preserving high quality
  - Demonstrated capability to build effective partnerships and successfully engage diverse groups of stakeholders
  - Ability to assess the effectiveness of leadership teams and key contributors
  - Experience/expertise in reviewing organizational and project budgets and cost measures
  - Knowledge of State procurement policies and procedures.

**F-3. Will peer reviewers read an application in its entirety or will they review only some sections of an application?**

Peer reviewers will read, score, and comment on each application for a Race to the Top Assessment grant in its entirety. We anticipate that there will be a single panel of reviewers reviewing applications for both grant categories under this competition.

**F-4. Will the Department announce the applicants for Race to the Top Assessment grants?**

Yes. After the June 23 application deadline, the Department will announce the consortia that applied for each category of Race to the Top Assessment grants.

**F-5. Will the Department make public the applications for Race to the Top Assessment grants?**

After redacting any proprietary or personally identifiable information, the Department will post each application that is being reviewed for funding on the Race to the Top Assessment Web site at [www.ed.gov/programs/racetothesup-assessment](http://www.ed.gov/programs/racetothesup-assessment).

**F-6. When will the Department make Race to the Top Assessment grant awards?**

We expect to notify successful applicants of their grant awards in September 2010.

**F-7. How many eligible applicants will receive Race to the Top Assessment grants?**

The Department anticipates making the following numbers of awards for the Race to the Top Assessment grant categories:

- Comprehensive Assessment Systems grants: 1-2 awards.
- High School Course Assessment Programs grants: 1 award.

However, we are not bound by these estimates; further, we are not obligated to make awards under this competition. The Department will determine the number of awards to be made in each grant category based on the quality of applications received consistent with the selection criteria. The Department will rank and fund separately applications under each grant category (*see* F-1). The Department may use any unused funds designated for this competition to make awards in Phase 2 of the FY 2010 Race to the Top State competition.

**F-8. Will applicants that are not awarded grants receive feedback on their applications?**

Yes. The Department will make reviewer comments available to applicants whose applications were reviewed for funding but who did not receive an award as soon as possible after awards are announced.

**F-9. Will reviewers' scores and comments on applications be made public?**

Yes. After awards are announced, the Department will post reviewer scores and comments on each application reviewed for funding on the Race to the Top Assessment Web site at [www.ed.gov/programs/racetothetop-assessment](http://www.ed.gov/programs/racetothetop-assessment).

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

*Grant Awards and Uses of Funds*

**G-1. How much funding is available under the Race to the Top Assessment program?**

Approximately \$350,000,000 is available under the FY 2010 Race to the Top Assessment competition. The Department may use any unused funds designated for this competition to make awards in Phase 2 of the FY 2010 Race to the Top State competition.

**G-1a.** *From Addendum 1, published May 21, 2010.*

**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-2. What are the sizes of Race to the Top Assessment grant awards?**

The Department estimates that award sizes for the Race to the Top Assessment grant categories will be as follows:

- Comprehensive Assessment Systems grants: \$160,000,000.
- High School Course Assessment Programs grants: \$30,000,000.

However, we are not bound by these estimates. The Department will determine the size of an award made to an eligible applicant based on a review of the eligible applicant's budget. Because the Department is unsure how many applicants it will fund, we reserve flexibility with respect to the Comprehensive Assessment Systems grants funding levels through the use of "Level 1" and "Level 2" budget modules. For more information on "Level 1" and "Level 2" budget modules, *see* G-3.

## **G-3. For Comprehensive Assessment Systems grants, what are Level 1 and Level 2 budget modules?<sup>11</sup>**

Because the Department is unsure how many applicants we will fund, we are uncertain how much funding will be available for each applicant in the Comprehensive Assessment System grant category. Therefore, in order to fund as fully as possible those applicants that the Department selects as grantees, we ask applicants to organize their budgets under this grant category into "Level 1 budget modules" and "Level 2 budget modules" (both of which are defined in the NIA). A "budget module" is simply a way of organizing work into smaller units or projects to allow for situations, for example, where there are discrete projects or different entities responsible for different tasks, or certain work is of a higher or lower priority or of a significantly different nature.

An application may include more than one Level 1 budget module. Level 1 budget modules must include all activities that are necessary to delivering operational summative assessments in both mathematics and English language arts no later than the 2014-2015 school year, and may also include activities that are otherwise necessary to the applicant's proposed project and consistent with the applicant's theory of action. An applicant's total Level 1 budget (aggregated across all Level 1 budget modules) must not exceed \$150 million. Applications requesting a Level 1 budget exceeding \$150 million will not be considered for funding. If an applicant can fully deliver its proposed comprehensive assessment system with total funds requested of \$150 million or less, then the applicant need only include Level 1 budget modules in its proposal; there is no need to submit a Level 2 budget module.

If, however, an applicant cannot fully fund its proposal with \$150 million, then it can include Level 2 budget modules. If there is funding available, the Department may fund awardees' Level 2 budget modules, informed by such factors as the priority the applicant places on each such module, the recommendations of peer reviewers, and the availability of funds. No Level 2 budget module may exceed \$10 million in total funds requested. There is no limit on how many Level 2 budget modules an applicant may include in its application.

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<sup>11</sup> An eligible applicant applying for a High School Course Assessment Programs grant is not required to submit a budget that includes Level 1 and Level 2 budget modules.

Applicants must prioritize Level 2 budget modules in the order of importance to the implementation of the proposed project and should include the rationale for such priorities.

Further information on and instructions for preparing a budget are available in Part I.J (Budget) of the application for Comprehensive Assessment Systems grants.

**G-4. What is the timeline for grantees to obligate Race to the Top Assessment funds?**

In accordance with the ARRA, the Department will award all funds to grantees no later than September 30, 2010. From the time of receiving their awards, grantees will have a 4-year project period in which to complete their projects and obligate their grant funds.

**G-5. How does a grantee obtain approval from the Department of the third-party organization or entity (if any) that is responsible for managing its Race to the Top Assessment funds?**

Under Program Requirement 10 for Comprehensive Assessment Systems grants and Program Requirement 9 for High School Course Assessment Programs grants, a grantee must obtain approval from the Department of any third-party organization or entity that is responsible for managing funds received under the grant category. After a grantee has selected any such organization or entity consistent with the requirements for procurement in 34 CFR 80.36 (*see* G-9), the grantee must submit to the Department a written request for approval of the selected organization or entity.

**G-6. What are the allowable uses of Race to the Top Assessment funds and what uses of funds are prohibited?**

Under Program Requirement 8 for Comprehensive Assessment Systems grants and Program Requirement 7 for High School Course Assessment Programs grants, a grantee may use Race to the Top Assessment grant funds only for the design, development, and evaluation of the assessment system or program. Grantees may use Race to the Top Assessment grant funds for professional development activities related to the design, development, and administration of the assessment system or program. Grantees may not use funds for the administration of operational assessments (*see* G-7 and G-8).

**G-6a.** *From Addendum 1, published May 21, 2010.*

**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.** *From Addendum 1, published May 21, 2010.*

### **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).

### **G-7. What are operational assessments?**

Operational assessments are assessments that are being administered to students and are able to produce data for their intended purposes.<sup>12</sup> Grantees may not use Race to the Top Assessment grant funds for the administration of these assessments. However, grantees may use funds for the implementation of assessments that are not yet operational, including for field testing purposes.

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<sup>12</sup> As discussed in D-1, assessments developed with Comprehensive Assessment Systems grants must produce data that can be used to inform determinations of school effectiveness for purposes of accountability under Title I of the ESEA; determinations of individual principal and teacher effectiveness for purposes of evaluation; determinations of principal and teacher professional development and support needs; and teaching, learning, and program improvement. As discussed in E-1, assessments developed with High School Course Assessment Programs grants must produce data that can be used to inform determinations of individual principal and teacher effectiveness and professional development and support needs; and teaching, learning, and program improvement.

**G-7a.** *From Addendum 3, published February 6, 2014.*

**Which kinds of costs are associated with the development of assessments and which are associated with the administration of operational assessments?**

Program Requirement 8 in the NIA states that grantees are not permitted to use grant funds for the administration of the operational assessments. For the purposes of this program, the Department considers the administration of the operational assessment as the activities related to State, district, and school management of the operational assessment as well as costs associated with student participation and actual reporting. For example, the printing and disseminating of test forms for the operational assessment are part of the administration of the operational assessments, and costs related to these activities could not be paid for with Race to the Top Assessment grant funds. In addition, work to disseminate test administration manuals for the operational assessment and training administrators on those documents would be part of the administration of the operational assessments. The consortia and member states also could not use grant funds for any activities during the actual administration of the operational assessments.

The Department acknowledges that assessment development is iterative and ongoing and will continue through and beyond the point at which the operational assessment is administered to students in the 2014-2015 school year. Accordingly, the development work supporting, but distinct from, the administration of the operational assessments, such as managing the consortium, developing the blueprint and items, assembling test forms, conducting research or other psychometric analyses, developing reporting templates, and building and testing the test platform are development activities and the costs related to them are permissible expenses.

These examples of development and operational administration costs are intended to be illustrative only and not exhaustive.

**G-8. What funding is available from the Department for the ongoing administration of operational assessments developed with Race to the Top Assessment funds?**

Under the Department's Grants for State Assessments program (section 6111 of the ESEA), States receive formula funding for the development and administration of assessments used to meet the requirements of section 1111(b) of the ESEA.<sup>13</sup> A State using assessments developed with Race to the Top Assessment funds to meet these requirements may use funds received through the Grants for State Assessments program for the administration of those assessments, so long as the State meets requirements applicable to the Grants for State Assessments program.<sup>14</sup> Moreover, the Administration's blueprint for the reauthorization of the ESEA includes formula funding for States for the development and implementation of

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<sup>13</sup> In each year beginning with FY 2005, the Congress has provided \$400 million for the Grants for State Assessments program. The President's FY 2011 budget request includes \$450 million for this program.

<sup>14</sup> As discussed in D-16 and E-8, the Department expects that States that adopt assessment systems developed with Comprehensive Assessment Systems grants will use assessments in those systems to meet the assessment requirements in Title I of the ESEA; however, the Department will not require that assessments developed with High School Course Assessment Programs grants be used for this purpose.

assessments based on college and career-ready standards that are common to a significant number of States.

## ***Procurement***

### **G-9. What rules must grantees follow regarding procurement and contracting for services?**

Grantee procurement actions must follow the Department's regulations regarding procurement in 34 CFR 80.36, which include following State and local procurement policies and procedures. Procurement transactions made with Race to the Top Assessment grant funds must be conducted in a manner providing full and open competition, consistent with the standards in 34 CFR 80.36. This section requires that grantees use their own procurement procedures (which reflect State and local laws and regulations) to select contractors, provided that those procedures meet certain standards.

For tasks related to assessment design and development, Race to the Top Assessment grantees must use a competitive procurement process based on a "best value" selection. For example, section 2.101 of the Federal Acquisition Regulation (FAR) defines "best value" as the expected outcome of an acquisition that, in the Government's estimation, provides the greatest overall benefit in response to the requirement.

Because grantees must use appropriate procurement procedures to select contractors, applicants should generally not include information in their grant applications about specific contractors that may be used to provide services or goods for the proposed project if a grant is awarded. However, under this competition, an applicant must identify in its application a proposed project management partner. Regarding this proposed project management partner, please make special note of the following instructions that are contained in the NIA.

*Note:* Due to the limited time frame that applicants have to select a proposed project management partner, we remind applicants that they may, under 34 CFR 80.36, use informal procedures to select a proposed contractor for this purpose. For example, 34 CFR 80.36 authorizes simple informal procedures to select contractors for contracts under the simplified acquisition threshold of \$100,000. 34 CFR 80.36(d)(1); the regulations only require that the potential applicant request offers from an adequate number of sources.

In addition, even if the eligible applicant expects that the proposed project management partner would cost more than \$100,000, the regulations recognize special cases where a contractor must be selected within a very limited time period. Again, the eligible applicant must request proposals from an adequate number of qualified sources and select the contractor, whose proposal is most advantageous to the program, considering price and other selection factors. In these situations, if informal solicitation does not result in an adequate number of proposals, the eligible applicant may select a single bidder so long as the eligible applicant documents the facts that formed the basis for its decision. 34 CFR 80.36(d)(1), (d)(3) and (d)(4).

**G-10. May a project management partner procure goods or services on behalf of a grantee?**

A project management partner may procure services on behalf of a grantee provided that (a) doing so is consistent with the agreement between the project management partner and the grantee, (b) the procurement process complies with applicable State procurement laws, and (c) the project management partner is not responsible for managing funds received under the grant.

**G-10a.** *From Addendum 1, published May 21, 2010.*

**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-11. How does a grantee obtain approval from the Department of the interoperability standards it is using to develop assessment items and student-level data?**

Under Program Requirement 5 for Comprehensive Assessment Systems grants, grantees must maximize the interoperability of assessments across technology platforms and the ability for States to switch their assessments from one technology platform to another by:

- Developing all assessment items to an industry-recognized open-licensed interoperability standard that is approved by the Department during the grant period, without non-standard extensions or additions; and
- Producing all student-level data in a manner consistent with an industry-recognized open-licensed interoperability standard that is approved by the Department during the grant period.

Under Program Requirement 5 for High School Course Assessment Programs grants, grantees must also meet these requirements to the extent that technology is used.

Eligible applicants applying for Race to the Top Assessment grants will not receive Department approval of their proposed interoperability standards prior to submitting their applications. Instead, the Department expects to work with grantees to approve such standards after grant awards are made.

**G-12. Must a grantee make work developed with its Race to the Top Assessment funds available to others?**

Under Program Requirement 6 for each grant category, a grantee must, unless otherwise protected by law or agreement as proprietary information, make any assessment content (i.e., assessments and assessment items) developed with funds from the grant category freely available to States, technology platform providers, and others that request it for purposes of administering assessments, provided they comply with consortium or State requirements for test or item security.

In addition, consistent with 34 CFR 80.34, the Department reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, for Federal government purposes, the copyright in any work developed under a grant (or contract under a grant) in this program, and any rights of copyright to which a grantee or contractor purchases ownership with grant support.

**G-13. *From Addendum 1, published May 21, 2010.***

**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.** *From Addendum 1, published May 21, 2010.*

**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,<sup>15</sup> 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.

## **H. ACCOUNTABILITY, REPORTING, AND OTHER OBLIGATIONS**

**H-1. What are our shared responsibilities for ensuring that all funds under the ARRA are used for authorized purposes and instances of fraud, waste, and abuse are prevented?**

All ARRA funds (including funds received under this Race to the Top Assessment competition) must be spent with an unprecedented level of transparency and accountability. Accordingly, recipients of ARRA funds must maintain accurate, complete, and reliable documentation of all ARRA expenditures. The ARRA contains specific reporting requirements (*see* H-2) and requires that detailed information on the uses of funds be available publicly on [www.recovery.gov](http://www.recovery.gov). If a recipient of ARRA funds fails to comply with requirements governing the use of funds, the Department may, consistent with applicable administrative procedures, take one or more enforcement actions, including withholding or suspending, in whole or part, funds awarded under the program, or recovering misspent funds.

The ARRA established the Recovery Accountability and Transparency Board, which is responsible for coordinating and conducting oversight of spending under the ARRA to prevent fraud, waste, and abuse. The Department's Office of Inspector General (OIG) will be conducting comprehensive audits of ARRA implementation activities. In addition, Department program offices will closely monitor these activities.

Any instances of potential fraud, waste, and abuse should be promptly reported to the OIG hotline at 1-800-MIS-USED or [oig.hotline@ed.gov](mailto:oig.hotline@ed.gov). Moreover, recipients are reminded that significant new whistleblower protections are provided under section 1553 of the ARRA.

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<sup>15</sup> 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).

**H-2. What are the reporting requirements for the Race to the Top Assessment program?**

Grantees under this program must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may require more frequent performance reports under 34 CFR 75.720(c). At the end of the project period, grantees must also submit a final performance report, including financial information, as directed by the Secretary.

Grantees under this program must also meet the reporting requirements that apply to all programs funded under the ARRA. Specifically, grantees must submit reports, within 10 days after the end of each calendar quarter, that contain the information required under section 1512(c) of the ARRA in accordance with any guidance issued by the Office of Management and Budget or the Department (ARRA Division A, Section 1512(c)).

In addition, for each year of the program, grantees must comply with the requirements of ARRA Division A, Section 14008, and other performance reporting that the Department may require.

The Department will monitor grantees' progress in meeting project goals, objectives, timelines, and budget requirements; and may require grantees to enter into a cooperative agreement with the Department.

**H-3. Does the receipt of Race to the Top Assessment funds require recipients to comply with Federal civil rights laws?**

Yes. Any recipient of Federal funds must comply with Federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, sex, disability, or age. For additional information on civil rights obligations, *see* [www.ed.gov/policy/gen/leg/recovery/notices/civil-rights.html](http://www.ed.gov/policy/gen/leg/recovery/notices/civil-rights.html).

**H-4. *From Addendum 3, published February 6, 2014.***

**Will the grantee be required to provide any student-level data to the Department?**

No. The Race to the Top Assessment program does not create any new student-level data collection requirements for any State participating in the grant, and neither the Department nor any other federal agency collects individual student-level assessment data as part of the grant program from any State.

The Department does not collect student-level personally identifiable information (PII) from education records at all outside of its duties that require it, such as administering student loans and grants, conducting surveys, investigating individual complaints, and developing and operating an electronic system for linking State student data systems for migrant children. Otherwise, the Department is not legally authorized to create a national, student-level database (see e.g. section 9531 of the Elementary and Secondary Education Act, as amended (ESEA) (20 U.S.C. 7911) and section 134 of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1015c(a)), and the Department has no desire or intention to

create a national student record data system. The Department does encourage, through such initiatives as the Race to the Top Assessment program, the responsible use of data by States and researchers to evaluate and improve education programs, in accordance with all applicable privacy statutes and regulations. More general information on federal statutes, regulations, policy, and guidance related to effective management of student PII is available on the Family Policy Compliance Office website at [www.ed.gov/fpc](http://www.ed.gov/fpc) and on the Privacy Technical Assistance Center website at <http://ptac.ed.gov>.

The Department will work with the Race to the Top Assessment grantees to help evaluate their progress during the life of the grant. This includes sharing aggregate research results (but not PII) to evaluate the consortium's progress meeting the absolute priority in the NIA, such as that the assessment system is valid for its intended uses and fairly measures the skills and knowledge of all students, including students with disabilities and English learners.

**H-5.** *From Addendum 3, published February 6, 2014.*

**What resources does the Department have available to support the grantees and their members States regarding protecting the privacy of student records?**

The Department is committed to providing guidance to stakeholders on protecting the privacy of student records maintained by educational agencies and institutions. A few of the guidance documents released include:

- Cloud Computing (June 2012): <http://ptac.ed.gov/sites/default/files/cloud-computing.pdf>
- Data Security:
  - Identity Authentication Best Practices (July 2012): <http://ptac.ed.gov/sites/default/files/authentication.pdf>
  - Data Security and Management Training: Best Practice Considerations (Dec. 2011): <http://ptac.ed.gov/sites/default/files/issue-brief-security-training.pdf>
  - Top Threats to Data Protection (Dec. 2011): <http://ptac.ed.gov/sites/default/files/issue-brief-threats-to-your-data.pdf>
- Guidance for Reasonable Methods and Written Agreements (Nov. 2011): [https://www2.ed.gov/policy/gen/guid/fpc/pdf/reasonablemtd\\_agreement.pdf](https://www2.ed.gov/policy/gen/guid/fpc/pdf/reasonablemtd_agreement.pdf)
- Data Governance
  - Data Governance and Stewardship (Dec. 2011): <http://ptac.ed.gov/sites/default/files/issue-brief-data-governance-and-stewardship.pdf>
  - Data Governance Checklist (Dec. 2011): <https://ptac.ed.gov/sites/default/files/data-governance-checklist.pdf>
  - Data Stewardship: Managing Personally Identifiable Information in Student Education Records (Nov. 2010): <http://nces.ed.gov/pubs2011/2011602.pdf>

## **I. Resources**

### **I-1. Where can one obtain updated information or answers to questions about the Race to the Top Assessment program?**

The Department will provide additional or updated program guidance as necessary on the Race to the Top Assessment program Web site at [www.ed.gov/programs/racetothetop-assessment](http://www.ed.gov/programs/racetothetop-assessment). If you have questions that are not answered in this guidance, please e-mail [racetothetop.assessment@ed.gov](mailto:racetothetop.assessment@ed.gov) or call (202) 453-7246.

Additional resources, including information from the April 22, 2010 Technical Assistance Meeting for Prospective Applicants, are also available at the Web site above.