



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE DEPUTY SECRETARY

May 29, 2013

The Honorable Andrew M. Cuomo
Governor of New York State
New York State Capitol Building
Albany, NY 12224

Dear Governor Cuomo:

I am writing in response to New York's request to amend its approved Race to the Top grant project, including revisions to the project period to implement a portion of its plan. Between March 26, and May 23, 2013, the State submitted documentation to and held conversations with the U.S. Department of Education (Department) to support an amendment request to its approved Race to the Top plan. As you are aware, the Department has the authority to approve amendments to your plan and budget, provided the revisions do not change the overall scope and objectives of the approved proposal. In March 2013, the Department issued "Amendment Requests with No Cost Extension Guidance and Principles" indicating the process by which amendments containing requests to provide additional time for a grantee to accomplish the reform goals and deliverables it committed to in its Race to the Top application and approved Scope of Work would be reviewed and approved or denied. To determine whether approval could be granted, the Department has applied the conditions and elements specific to no cost extensions noted in the document, and compared it with the Race to the Top program *Principles* included in the "Grant Amendment Submission Process" document issued to Governors of grantee States in October 2011.

I approve the following amendment, including an extension to the time period for implementation of one project, as described below.

The New York State Education Department (NYSED) requested and was approved by the Department on April 5, 2012, to combine funds from other projects in the Great Teachers and Leaders portion of the State's plan to create the Strengthening Teacher and Leader Effectiveness (STLE) grant program, funded at a total of \$72 million. Through a competitive request for proposals (RFP), local educational agencies (LEAs) submitted plans to develop what the State refers to as the "full teacher and leader effectiveness continuum," which includes preparation, recruitment/placement,

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

induction/mentioning, evaluation, ongoing professional development/growth, performance management, and advancement opportunities via a career ladder. Given the objectives of the grant program to promote equitable distribution of high-quality teachers in high-needs schools, the State considered a poverty rate of at least 25 percent and approval of an Annual Professional Performance Review (APPR) plan as eligibility requirements for granting STLE awards.ⁱ The State received more than 100 applications and awarded a total of \$22,685,109 to 47 LEAs to implement teacher and leader effectiveness continuums aligned to their APPR plans in school years (SYs) 2012-2013 and 2013-2014.

Based on the total awarded in the initial round of STLE as well as feedback from the field and implementation to date, the State will run an additional STLE competition beginning in summer 2013. The second competition, known as STLE 2, will award up to \$49,314,891 to LEAs, and will continue the initial competition's aim to support LEAs as they develop comprehensive human capital systems grounded in implementation of their approved APPR plans. STLE 2 will bring a heightened focus to creation of district-wide career ladders to provide recognition and advancement to educators as they demonstrate increased performance. The same basic criteria for applicant eligibility are maintained in STLE 2, but eligible LEAs may now submit applications as individuals or as consortia of LEAs.ⁱⁱ According to the State, this adjustment provides greater flexibility to applicants and better enables development and delivery of high-quality training and tools to support teacher and leader effectiveness.

In order to provide adequate time for LEAs to implement comprehensive human capital system approaches and for the State to support and learn from implementation, the State is approved to extend the project period for the entire \$72 million STLE project from September 23, 2014, to July 1, 2015. The STLE 2 grant period will begin in fall 2013 and grantees will have two school years for implementation. Additionally, it is the Department's understanding that the State will utilize the additional time to identify and share best practices and challenges and provide technical assistance to STLE 1 and 2 grantees around implementation, including career ladder communication plans and inter-rater reliability for educator evaluation.

In order to consider amendment requests with no cost extensions, the Department indicated that States must address the timelines and implications of the amendment on the 50 percent LEA subgrants (i.e., allocations to participating LEAs), as well as the process the State will use to review LEA subgrant requests to obligate and liquidate funds after the current project period. Through conversations with NYSED and documentation submitted as part of this amendment request, we understand that the State will review requests from participating LEAs to extend the project period to complete Race to the Top activities on a case-by-case basis. The Department generally approves the State's process as described in appendix 1.

It is our understanding that this amendment and no cost extension will not result in a change in your State's performance measures and outcomes, nor will they substantially change the scope and objectives of the work. Please note that we are expecting grantees

to liquidate all funds by September 1, 2015, given that by law all Race to the Top funds revert to the U.S. Department of Treasury as of October 1, 2015. The State must request and receive approval to move forward with no cost extensions for any additional projects. This letter will be posted on the Department's website as a record of the amendments.

If you need any assistance or have any questions regarding Race to the Top, please do not hesitate to contact New York's Race to the Top Program Officer, Jessie Harteis, at (202) 453-6651 or Jessie.Harteis@ed.gov.

Sincerely,

//s//

Ann Whalen
Director, Policy and Program Implementation
Implementation and Support Unit

cc: Dr. John B. King, Jr., Commissioner of Education
Ken Slentz, Deputy Commissioner, Office of P-12 Education
Don Juron, Chief Financial Officer, New York State Education Department
John Delaney, Director of Operations, Office of P-12 Education
Karen Daugherty, Project Manager, Performance Management Office

Appendix 1: Process the State will use to review LEA subgrant requests to obligate and liquidate funds after the current project period, as described by the New York State Education Department (NYSED)

Participating New York State Race to the Top school districts and Charter Schools (LEAs) may request a one year extension to their four year local Race to the Top allocations in one or all of the assurance areas in which additional time is required to complete. LEAs should only request an extension of Race to the Top reimbursement funding in order to meet their specific reform goals as outlined in their approved Scope of Work. NYSED will consider the following criteria in reviewing each LEA request for an extension.

- *The amount of the LEA's original total four year allocation.*
- *Demonstrated progress towards the LEAs stated reform goals as outlined in their current and approved Scope of Work. Progress may be assessed via review of approved Annual Program Reports and/or site visits.*
- *LEA should have been active for at least the three years of the grant in terms of activity within the NYSED Business Portal and must be current on all reporting measures within the Portal. For example:*
 - *Current approved budget*
 - *Timely 1512 reporting*
 - *Approved Final Expenditure Reports*
- *LEA should be deemed to have been an active participant as defined in the LEA Memorandum of Understanding and as evidenced by records of attendance at Network Team Institutes (NTIs), communities of practice sessions, or other practice-sharing events.*

If an LEA chooses to request a one year extension of Race to the Top reimbursable funding in order to fulfill their Race to the Top reform goals, an LEA should submit this request along with an amended Scope of Work to the State Education Department for approval by June 30, 2014. This will enable NYSED adequate time to process requests and for funds to be obligated by June 30, 2015 in view of Race to the Top funding liquidation end date of September 1, 2015. NYSED's goal is that LEAs have adequate time to spend their allocation. Original Memorandums of Understanding will remain in effect during any approved extensions.

ⁱ As in other competitive grant programs in the State, STLE funds were divided by region and allocated to a small set of grantees per region based on student population.

ⁱⁱ Any LEA awarded during the initial competition will only be considered for funding for a new Scope of Work focused on career ladders after all new applicants with eligible scores receive individual or consortia grants.