



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE DEPUTY SECRETARY

July 23, 2014

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 May 29, 2014, and July 23, 2014, the State submitted documentation to and held conversations with the U.S. Department of Education (Department) to support amendment requests 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 amendments, including an extension to the time period for implementation of several projects, as described below.

- In the "D3: Graduate-Level and Undergraduate-Level Clinically Rich Teacher Preparation Pilot Program" project, shift \$6,141,373 from Years 4 and 5 to Year 3 to reflect actual timing of grantee invoicing and reduce the total budget by \$1,619,451 based on revised estimates for Year 5. According to the State, grantees further updated their expenditure reports and cost projections since the April 2014 amendment and the remaining budget is sufficient to support a minimum of 118 cohort three candidates participating in residency programs during the SY 2014-2015 no-cost extension period.

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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.

- In the “D7: Teacher and Principal Evaluation” project, shift a total of \$5,270,036 from Year 4 to Years 3 and 5 based on revised actual contractual spending and updated estimates. Additionally, shift funds from “D3: Graduate-Level and Undergraduate Level Clinically Rich Teacher Preparation Pilot Program,” as described above, and “D2: Teacher/Principal Career Development Continuum,” as described below, to Year 5 of project D7 to extend implementation of Annual Professional Performance Review (APPR) and several related sub-projects to June 30, 2015, in order to provide more time for the State to assess progress and quality of implementation and provide LEAs with technical assistance and resources to support implementation.
 - Consolidate the “D2: Teacher/Principal Career Development Continuum” project with the “D7: Teacher and Principal Evaluation” project. Utilizing savings based on actual personnel costs in previous years, shift a total of \$1,197,272 from personnel and associated costs in Years 1-4 of project D2 to Year 5 of project D7 for the New York State Education Department (NYSED) to continue to provide support to local educational agencies (LEAs). It is the Department’s understanding that this shift will enable NYSED staff to deliver ongoing support to the field on teacher and principal career development through June 30, 2015, as described below, and does not change the scope of these roles.
 - The State believes additional time is needed in order to provide all LEAs with adequate policy guidance, resources, and support to continuously improve APPR implementation over multiple years. Based on actual personnel costs to date, the State will shift \$1,197,272 from D2, as described above, to continue to support APPR implementation as well as related activities through SY 2014-2015, including: (1) maintaining the NYSED Request for Qualifications process to evaluate rubrics, surveys, and assessments submitted, approving tools that are aligned to the Commissioner’s regulations, and making approved tools available to LEAs and Boards of Cooperative Educational Services (BOCES) for use in locally-determined components of their APPR plans; (2) hosting an online portal for LEAs and BOCES to submit their APPR plans and proposed revisions for approval by the Commissioner; (3) developing and releasing various resources to the field to support implementation of APPR plans once they receive approval, including guidance documents, webinars, tools and trackers; and (4) conducting site visits and analyzing trends and patterns from data submitted by LEAs and BOCES to determine progress and quality of implementation (*e.g.*, extent to which there is differentiation among ratings; inter-rater reliability) and target technical assistance accordingly.ⁱ
 - Based on implementation through SY 2013-2014, the State determined that its initial plan of delivering support to school leaders was not sufficiently meeting the needs of LEAs. Based on actual contractual spending and obligations to date, the State will shift \$3,380,549 from Year 4 to Year 5 of project D7 as well as

\$1,619,451 from Year 5 of project D3 to Year 5 of project D7, as described above, to support an additional round of the Strengthening Teacher and Leader Effectiveness (STLE) grant program. This dissemination round, known as STLE-D, will provide an opportunity for previous STLE recipients to partner with additional LEAs or BOCES to share their best practices around developing comprehensive human capital systems grounded in implementation of their approved APPR plans.ⁱⁱ STLE-D will bring a heightened focus to innovative strategies supporting principal and teacher leader career pathways. It is the Department's understanding that the State plans to assess the progress and quality of implementation of STLE-D recipients' approaches and the overall peer-to-peer support model through data collection and technical assistance delivered throughout SY 2014-2015. In order to provide sufficient time for a year-long grant period during SY 2014-2015, the State is approved to extend up to \$5 million to support STLE-D through June 30, 2015.

- New York's plan also includes a commitment to link evaluation data to in-State teacher and principal preparation programs and to develop and disseminate data analysis reports that include information on professional outcomes such as employment and effectiveness. Given the APPR implementation rationale noted above, the State will also extend activities related to meeting this commitment to June 30, 2015, in order to collect data to display, have sufficient time for quality reviews, and analyze feedback from the field prior to releasing reports to schools of education and the public.
- In the "D2/D4: Implement Performance-based Assessments for Teachers and School Leaders and Enhance the Rigor of the Existing Content Specialty Tests (CSTs)" project, extend implementation through SY 2014-2015. By extending implementation of this project through June 30, 2015, the State will have additional time to analyze results from spring 2014 implementation, refine assessments, and develop additional content frameworks. There are no Race to the Top budget implications for this extension.

As described in a May 29, 2013 amendment approval letter, the Department indicated that it generally approves the State's process to review LEA subgrant requests to obligate and liquidate funds after September 23, 2014. As described in an April 24, 2014 amendment approval letter, prior to October 31, 2014, the Department expects to receive a record of the total funding approved for LEAs' Year 5 Scopes of Work.

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 with no-cost extensions 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. The State's Scope of Work and budget will also be updated to reflect approved extensions.

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
Cosimo Tangorra, Jr, 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

ⁱ In June 2014 New York passed legislation specifying that, for SY 2013-2014 and SY 2014-2015, certain educators who receive overall APPR ratings of "ineffective" or "developing" and whose ratings are based in part on 3-8 State assessments aligned to the Common Core will also receive a safety net calculation for use in certain personnel decisions. These safety net calculations exclude any APPR measures that include results based on student performance on 3-8 English language arts and mathematics State assessments aligned to the Common Core.

It is the Department's understanding that all evaluation ratings - not the safety net calculations - will be included in aggregate public reports and parents will receive both the evaluation rating and any higher calculated safety net. For more information, see NYSED's APPR guidance Section Q, available at: <https://www.engageny.org/sites/default/files/resource/attachments/appr-field-guidance.pdf>.

ⁱⁱ In contrast to previous rounds of STLE, STLE-D does not require partnering non-STLE LEAs or BOCES to meet a minimum poverty level. The State believes this will maximize opportunities for dissemination of effective principal practices.