



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE DEPUTY SECRETARY

October 3, 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 December 16, 2013, and October 2, 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. 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 two additional projects, as described below.

- In the "D1: Advanced Placement Professional Development for Science, Technology, Engineering, and Mathematics (STEM)" project, redirect \$544,169 based on refined contractual cost estimates to project "C1: EngageNY Portal," as described below. As discussed in a September 19, 2014, amendment, the State anticipates a minimum of 829 teachers will complete the total hours of training required by the program by June 2015. According to the State, reducing the budget will not impact its ability to meet its goal of delivering professional development to secondary teachers in high-need local

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educational agencies (LEAs) to expand the number of teacher qualified to teach Advanced Placement Coursework and is a result of further refined contractual costs.

- In the “D4: Higher Education Faculty Development Programs” project, redirect \$782,314 from Year 5 based on final negotiated memoranda of understanding (MOUs) with the State University of New York, the City University of New York, and the Commission of Independent Colleges and Universities to project “C1: EngageNY Portal,” as described below. According to the State, this does not change the scope of activities planned during school year (SY) 2014-2015, including delivering training on the transition to Common Core Learning Standards (CCLS), performance assessment (e.g., certification examinations, performance evaluations), data-driven instruction, and clinically rich teacher and leader preparation.
- In the “E2: Systemic Supports for District and School Turnaround” project, redirect \$4,869,470 in unexpended funds discussed in a March 5, 2014, amendment letter based on actual awarded grants and an additional \$1,838,337 based on actual contractual costs to project “C1: EngageNY Portal,” as described below. According to the State, other contracts and New York State Education Department personnel were used complete a portion of the training planned to support implementation of the Diagnostic Tool for School and District Effectiveness in Year 4 and will be used to continue to provide this support during SY 2014-2015 so the Race to the Top funds budgeted for this purpose are no longer needed.
- In the “E3: Office of School Innovation” project, redirect \$566,068 of the unexpended funds discussed in a March 5, 2014, amendment due to revised contractual costs to “C1: EngageNY Portal,” as described below.
- In the “E5: Differentiated Accountability/PLA Evaluation” project, shift \$641,143 in Years 4 and 5 contractual due to lower than anticipated costs to “C1: EngageNY Portal,” as described below. According to the State, this budget adjustment does not impact planned activities related to an external vendor’s delivery of a cumulative evaluation report and trend analysis related to the State’s implementation and impact of interventions on turning around low-achieving schools.
- In the “E6: Virtual Learning Initiatives” project, redirect \$1,961,000 in unexpended funds discussed in a March 25, 2014, amendment letter based on revised contractual costs and an updated approach to a repository of Virtual Advanced Placement (VAP) courses and an additional \$399,070 based on updated VAP grantee and contractual obligations to project “C1: EngageNY Portal,” as described below. According to the State, this does not impact its ability to meet its commitments for this project.

- In the “C2/C3: P20 Data System Expansion – Integration of Higher Education” project, extend implementation through SY 2014-2015. By extending implementation of this project through June 30, 2015, the State will have additional time to bring its public and private postsecondary data into the scope of its State Longitudinal Data System and related reports, and expand linkages with non-education systems. There are no Race to the Top budget implications for this extension.
- In the “C1: EngageNY Portal (formerly Education Data Portal)” project, redirect a total of \$11,601,571 from other projects, as described above, to Year 5 and shift a total of \$28,799,523 from Years 3 and 4 to Year 5 as a result of delays in development to ensure data quality and adherence to privacy and security standards that impacted the State’s technical strategy for meeting the commitments in this project. Based on progress to date, additional time is needed to continue development and implementation of EngageNY Portal information technology systems and services through June 30, 2015.

The EngageNY Portal is intended to provide stakeholders access to Family Education Right and Privacy Act (FERPA)-compliant data and resources that are tailored to each stakeholder group’s needs for supporting data-driven instruction and implementation of the CCLS, including tools for monitoring academic progress, curricular and instructional resources, and local school and LEA data.

Unexpended funds shifting from within the C1 project and those identified above will support the State’s development and launch of an enhanced EngageNY Portal and planning for sustainability of the work beyond the grant period. In SY 2014-2015, New York State will work toward these objectives by: (1) continuing to develop EngageNY Portal data system infrastructure; (2) launching data dashboards and collaboration opportunities (*e.g.*, online communities on EngageNY.org) for LEAs and educators and providing training on utilizing these tools; and (3) developing infrastructure that will support continued work in data-driven instruction beyond the Race to the Top grant period. Specifically, in Year 5, the State plans to:

- Continue progress on a revised approach to the EngageNY Portal data system infrastructure, including establishing approaches to identity and access management and data flow and conducting pilot testing with LEAs.
- Utilize the EngageNY data system infrastructure to launch planned shared tools and resources to support LEAs and educators in delivering data-driven instruction. The State plans to launch data dashboards to LEAs based on selections made locally earlier in the grant period that include early warning indicators to support educators in identifying students at risk of academic failure or dropping out of school.
- Collaborate with Boards of Cooperative Educational Services (BOCES) and Regional Information Centers (RICs) on pilot activities to build regional capacity to integrate

EngageNY Portal tools and services with locally sourced data and other applications currently in use by LEAs, manage local authentication and login services, and provide resources and support on standards and best practices for data security and privacy.

In order to provide additional time to continue development and implementation of EngageNY Portal information technology systems and services, the State is approved for a no-cost extension for up to \$40,401,094 from September 24, 2014, to June 30, 2015, under the conditions described below.

The Department appreciates New York's efforts to continue to support and enhance the services available to LEAs and educators to support data-driven instruction but is also concerned about the status of development and implementation and the State's rate of expenditures at this point in the grant period. Based on conversations with the State, it is the Department's understanding that the State's approach includes budgeting for \$17,993,440 in agreements that are in process but not yet executed.

Due to the need for additional time to finalize work plans or amendments to existing agreements with partners working toward meeting the planned objectives in this project, the approval for this amendment is conditioned on the State submitting as soon as possible but no later than November 1, 2014:

- 1) An updated scope of work for the EngageNY Portal project that contains the sequence and dependencies of major activities and significant milestones through the no-cost extension period to ensure the State is able to design and release technical architecture to support data dashboards and build regional capacity to integrate EngageNY Portal tools and services beyond SY 2014-2015.

Additionally, beginning in October 2014, New York will include updates on the following information as part of the bi-monthly contracting and monthly implementation reports the State currently submits to the Department:

- 1) Progress obligating and expending funds in this project area, including any planned acceptance meetings in the next month or any that took place in the month prior;
- 2) Status of significant milestones and identified risks, including updates on planned and completed pilot testing; and
- 3) Status of release and information on use of materials, training, or services (*e.g.*, data dashboards, data security tools) to LEAs and educators.

It is the Department's understanding that the State has various mechanisms in place to regularly monitor progress and quality of development and implementation continuing through SY 2014-2015, including utilizing an independent verification and validation vendor to review and provide recommendations prior to acceptance of deliverables, weekly leadership meetings, and ongoing pilot testing.

We encourage the State to accelerate efforts around the activities described above to enable it to obligate funds by June 30, 2015, and liquidate 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.

It is our understanding that these amendments 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. 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 will also be updated to reflect approved extensions. 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.

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](mailto:Jessie.Harteis@ed.gov).

Sincerely,

/s/

Patrick Rooney  
Acting 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  
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