



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE DEPUTY SECRETARY

June 6, 2012

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. Between April 23, 2012 and May 31, 2012, the State submitted amendment requests to the U. S. Department of Education (Department); the State then provided additional clarification as requested. As you are aware, the Department has the authority to approve amendments to your plan and budget, provided that such a change does not alter the scope or objectives of the approved proposal. On October 4, 2011, the Department sent a letter and revised "Grant Amendment Submission Process" document to Governors of grantee States indicating the process by which amendments would be reviewed and approved or denied. To determine whether approval could be granted, the Department has applied the conditions noted in the document, and compared it with the Race to the Top program *Principles*, which are also included in that document.

As we have discussed with New York State Education Department (NYSED) staff on the phone, we have noted a number of milestones in this letter and expect to check back on the status of these milestones with the State in six months, in December 2012.

I approve the following amendments:

- For project E6, Virtual Schools/Digital Learning: Development of High Quality Courses and project E7, Virtual Schools/Technical Assistance Centers for the Development of Virtual Learning Environment:
 - Combine projects E6 and E7 into a single project in order to fund the following three RFPs:
 - Virtual AP Program

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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.

- Statewide Repository for Virtual Courses
 - Program Monitoring and Evaluation
- The Virtual AP Program will be a grant program for the development of Advanced Placement (AP) courses. NYSED intends to issue the RFP by June 30, 2012 and make awards by August 31, 2012. Successful applicants will be able to select from a menu of allowable activities including offering new courses, converting existing AP courses to an online format, and purchasing curricular materials and assessments. All successful applicants will be required to allocate at least 10 percent of their grant award to professional development for their AP instructors.
- Through the Statewide Repository procurement RFP, NYSED intends to issue the RFP by December 31, 2012 and select a vendor by March 15, 2013 to provide the support and services necessary to capture, tag, and publish highly effective content to a statewide repository for the sharing of virtual courses. Through the Program Monitoring and Evaluation procurement RFP, NYSED intends to issue the RFP by July 31, 2012 and select a vendor by October 15, 2012 that will inventory, monitor, collect, and analyze quantitative and qualitative data on Virtual AP program efficacy. Implementation is expected to begin in November 2012.
- This amendment does not change the total amount committed to New York's combined projects E6 and E7 or the timing of the anticipated expenditures. However, New York will combine the funding into one project, E6; \$10,000,000 from each of years 3 and 4 of project E7 will be shifted into years 3 and 4 of project E6, for a total E6 budget of \$23,150,000.
- For project E2, Continuum of Supports for PLA Schools:
 - Convert the project from a State Request for Proposals (RFP) to procure external experts to provide technical assistance and supports to PLA schools, to a grants program for LEAs to select and enter into their own partnerships. The eligible applicants for the grants would be the same entities that would have accessed the technical assistance vendors under the procurement approach; that is, LEAs with schools implementing School Improvement Grants (SIG) and LEAs with schools identified as priority schools under New York's pending ESEA flexibility waiver request.
 - Combine this project, both in terms of purpose and funding, with project D5, Leadership Academies for School Principals. Under this revised grant program, "Systemic Supports for District and School Turnaround," LEAs would be required to recruit, screen, and select a partner organization that could work collaboratively with district and school building leadership teams to build sustainable capacity to turn around chronically underperforming schools. As part of its application, each LEA will be required to submit detailed work plans, a signed initial Memorandum of Understanding (MOU)

- between the applicant LEA and its partner(s), and evidence of the partner's effectiveness and past performance in similar projects.
- NYSED intends to issue the grant RFP by June 15, 2012, with awards announced by mid-August 2012. Originally, the procurement RFP was to be issued in June 2011 with contracts awarded by December 2011. Projects will now have a start date of September 1, 2012 and operate through the 2013-2014 school year. Once awarded, the LEA and partner(s) will have 90 days from the project start date of September 1, 2012 to submit a final MOU. This amendment is accompanied by corresponding budget shifts. All funds for project D5 (\$9,795,600) will be moved into the corresponding years of the budget for E2, for a total E2 budget of \$27,795,600. The budget for the new "Systemic Supports for Districts and School Turnaround" program will be \$23,295,600; the remaining \$4,500,000 is budgeted for the Commissioner's Schools program (another part of project E2).

Due to the multiple delays and revised approach, the Department will condition this approval on LEA submission of final MOUs by 90 days from September 1, 2012. If this condition is not met, the Department will take appropriate enforcement action, which may include initiating withholding proceedings that may include up to the \$27,795,600 budgeted for the E2 portion of the grant. The Department expects NYSED to include updates about LEA progress toward finalizing MOUs in the monthly reports NYSED submits to the Department, starting with the July 2012 monthly report.

It is our understanding that these amendments will not result in a change in your State's performance measures and outcomes, nor will they substantially change the scope of work. Please note that 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 your Race to the Top Program Officer, Bridget Kelly, at bridget.kelly@ed.gov or 202-453-5534.

Sincerely,

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

cc: Dr. John B. King, Jr., Commissioner of Education
Ken Slentz, Deputy Commissioner, Office of P-12 Education
Rebecca Kennard, Executive Director, Race to the Top Performance Management
Office
John Delaney, Director of Operations, Office of P-12 Education