

**Race to the Top Program**  
**Guidance and Frequently Asked Questions**

*Addendum 3*  
*December 24 2009*

**J-5. Under criterion (F)(2), must States have a charter school law in place to earn points, or can States earn points so long as they do not have laws prohibiting charter schools?**

For criteria (F)(2)(i) through (F)(2)(iv), States earn points only if they have a law in place that authorizes the formation of charter schools; they earn no points if they have no such law, because there will be no charter schools in the State (see the Scoring Rubric on pages 87-89 of the application). States that do not have a law that specifically authorizes charter schools may only earn points under criterion (F)(2)(v) to the extent that they enable LEAs to operate innovative, autonomous schools (as defined in the notice) other than charter schools.

**K-16. How can an LEA commit to implementing reform activities under the State's plan if these plans require modifications to collective bargaining agreements?**

In its application, the State proposes specific reform activities in response to the Reform Plan Criteria. As stated in the Participating LEA Preliminary Scope of Work requirement, the State's participating LEA MOU or other binding agreement must include a scope-of-work section specifying the portions of the State's proposed reform activities that an LEA agrees to implement.

In some cases, an LEA might not be able to implement one or more of the State's reform activities without first obtaining modifications to its existing collective bargaining agreement. If modifications to an LEA's bargaining agreement cannot be finalized prior to its State's application deadline, the State may draft its MOU in a way that reflects an LEA's conditional commitment to implement specific reform activities pending necessary modifications to its bargaining agreement over the course of the grant.

The evidence for criterion (A)(1)(ii) includes an example of the State's standard Participating LEA MOU, and a description of variations used, if any. Additionally, States' (A)(1)(ii)(b) summary tables should accurately reflect the number and percentage of participating LEAs that have agreed to implement each reform activity. States should not include conditional commitments in their summary tables, but they may describe them in their narrative response to this criterion.

**K-17. Are all three signatures included in criterion (A)(1)(ii)(c) for participating LEAs required? What does it mean for a signature to be "applicable"?**

Under criterion (A)(1)(ii)(c), States are awarded points based on the extent to which their LEAs demonstrate leadership support for participating in the State's Race to the Top plans. The strength of this leadership support is demonstrated by the number of signatures participating LEAs include on their MOUs or other binding agreements, including the signatures of:

- the LEA superintendent (or equivalent);
- the president of the local school board (or equivalent, if applicable); and
- the local teachers' union leader (if applicable)

LEAs are not required to include all of these signatures; rather, their inclusion earns States points.

Regarding what it means for a signature to be “applicable,” if an LEA is governed or managed by a school board, then the signature of the president of the school board is applicable. However, if an LEA is not governed or managed by a school board (or the equivalent), then the signature is not applicable. Similarly, if an LEA employs teachers who are represented by a teachers' union (*e.g.*, in a bargaining or non-bargaining State), then the signature of the local teachers' union leader is applicable. If an LEA does not employ teachers who are represented by a teachers' union, then the signature of the local teachers' union leader is not applicable.

If signatures are not applicable, then the absence of these signatures does not impact the application. States submit information on the number of signatures obtained under each category, and the number of LEAs for which each signature category is applicable, as part of the Summary Table for criterion (A)(1)(ii)(c). As noted in the table, States may clarify or explain any of the data.

**K-18. Once an LEA signs the MOU, may it withdraw after the State receives a Race to the Top grant?**

Consistent with the termination terms in the MOU signed between the State and the LEA, an LEA may withdraw from the State's Race to the Top reform plan. However, doing so could adversely affect the State's Race to the Top grant. Because States are evaluated by reviewers based in part on LEA participation (see criterion (A)(1)), significant changes in the number or composition of a State's participating LEAs could affect the State's ability to deliver on its grant goals or affect the scope of its grant proposal. Such changes would need to be reviewed and considered on a case-by-case basis by the Department, and could result in changes in or possible partial or complete termination of the State's grant.

States must inform the Department of any substantive changes in their approved grant application, including the withdrawal of any participating LEAs.

**L-9. Must applicants use the application format available on the Race to the Top website?**

We understand that some applicants have experienced formatting difficulties using the application made available on the Race to the Top website (see <http://www.ed.gov/programs/racetothesup/applicant.html>). A State may either use the application the Department has provided on the Race to the Top website or format its own tables and 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. A State may not change any of the text or language in the Department's application. In other words, a State 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.

We strongly recommend that, where possible, States submit their applications to the Department in PDF format. If a State does not do so, graphics and tables might not properly retain their formatting when the application is printed. The Department will not reformat applications.

Further information on application submission procedures is available on page 98 of the Application.