



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

THE GENERAL COUNSEL

April 22, 2011

Mr. Cass R. Sunstein
Administrator
Office of Information and Regulatory Affairs
1650 Pennsylvania Avenue, NW
Office of Management and Budget

RE: Request for Emergency Clearance of Race to the Top Annual Performance Report

Dear Mr. Sunstein:

The purpose of this letter is to request that the Office of Management and Budget apply the emergency review procedure set forth in 5 CFR Part 1320 to expedite clearance of the Department of Education's Race to the Top Annual Performance Report (Report), which is a data collection tool, submitted in accordance with the Paperwork Reduction Act of 1995. As the enclosed memorandum describes in more detail, review of the Report under the normal clearance process could significantly disrupt and delay the management and effective implementation of the Race to the Top discretionary grant program. Under Race to the Top, the Department of Education (Department) awarded \$4 billion to eleven states and the District of Columbia to invest in making bold reforms in public education. Indeed, in his 2011 State of the Union Address, President Obama stated that "Race to the Top is the most meaningful reform of our public schools in a generation." We are requesting an emergency review because the collection of this information is reasonably likely to result in public harm to the Race to the Top State grantees and their participating local educational agencies (LEAs), as well as the \$4 billion investment of their Education grant funds, if normal time limits under the regulations at 5 CFR Part 1320 are followed.

Race to the Top is the largest discretionary grant program competition ever administered by the Department. We will use the Report to gather information on grantees' progress in meeting performance measures and targets as required by several legislative requirements and other reporting requirements that accompanied their receipt of grant money. To protect the investment made with these public funds, the Department must collect, analyze, and use performance data on Race to the Top grantees in as timely a manner as possible. It is important to the mission of

this Department and the integrity of this particular grant to assess expeditiously not only the States' and their local school districts' progress, but also their ongoing needs for technical assistance as they continue to implement these high priority grants. According to the normal processing timelines under the Paperwork Reduction Act, the Department would not be able to collect responsive information until after the start of the 2011-2012 school year, and could not provide feedback to grantees until toward the end of the first semester, at the earliest. To enable the Race to the Top states and their school districts to make timely adjustments and implement necessary improvements for the second year of the program based on the first year's performance data, it is imperative that the Department provide feedback to the grantees before the start of the 2011-2012 school year. In our judgment, if grantees do not receive such feedback, crucial mid-course adjustments to the states' reform plans and vital improvements to student instruction at the local level will be significantly delayed, likely to the 2012-2013 school year.

The size, scope, and dynamic nature of the Race to the Top program required the Department to work collaboratively and continuously with grantees since last fall on program modifications, even after the Department awarded the grant money. This work included reviewing revised state and local school district scopes of work, refining those documents through collaboration with the grantees, and completing uniform program review protocols. Until these revisions were completed, the Department could not submit an accurate Annual Performance Report because its development was dependent on all of these other activities, including extensive collaboration outside of the Department. Thus, due to these critical collaborative efforts, the Department simply could not submit the Report for review under the Paperwork Reduction Act any sooner than it did.

In addition, as part of our collaborative approach, we sought the input of grantees on when it would be most appropriate and effective for them to submit their data under the Report. The grantees indicated that, to yield the most accurate and helpful information, the Department should collect data for 2010-2011 toward the end or after the school year (spring or summer of 2011), rather than mid-school year. An emergency review will better enable the Department to respond positively to this important input from grantees.

Based on the foregoing reasons and those in the enclosed memorandum, the Department respectfully requests that the Office of Management and Budget apply the emergency review procedures under 5 CFR Part 1320 to expedite clearance of the Report. If you would like to

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discuss further the Department's request or need additional information, please call (202) 401-5977 or by email (Charlie.Rose@ed.gov) at your convenience. As always, thank you for your cooperation and courtesies.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CRose', written in a cursive style.

Charles P. Rose

Enclosure