

MEMORANDUM

DATE: July 20, 2012

TO: Sharon Mar, Desk Officer
Office of Information and Regulatory Affairs
Office of Management and Budget

THROUGH: Darrin King
Privacy, Information, and Regulatory Management Services (PIRMS)
U.S. Department of Education

FROM: Ann Whalen
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Implementation and Support Unit
U.S. Department of Education

SUBJECT: Emergency Clearance of Race to the Top-District Application

The U.S. Department of Education's (ED) Office of the Deputy Secretary (ODS) has developed an application for a new program, Race to the Top-District. Race to the Top-District was authorized under Title III of Division F of P.L. 112-74, the "Consolidated Appropriations Act, 2012", Dec. 23, 2011. **We are requesting that OMB waive the public comment period and grant emergency approval of the Race to the Top-District application by Friday, August 3, 2012.**

Race to the Top-District is a competitive grant program that will support local educational agencies (LEAs) in the development and implementation of strategies, structures, and systems to increase personalized learning environment(s), that are designed to significantly improve teaching and learning through the personalization of strategies, tools, and supports for teachers and students that are aligned with college- and career-ready standards; increase the effectiveness of educators, and expand student access to the most effective educators in order to raise student achievement; decrease the achievement gap across student groups; and increase the rates at which students graduate from high school prepared for college and careers.

ED is requesting emergency approval of the Race to the Top-District application because: (1) the authorizing legislation requires that Race to the Top-District funds be obligated by December 31, 2012; (2) ED wants to provide applicants with sufficient time, approximately 12 weeks, to prepare and submit their Race to the Top-District applications; and (3) ED must have sufficient time after applications are submitted to conduct the peer review process appropriately. From December 2011 to March 2012, ED senior leaders worked closely with the Domestic Policy Council (DPC) and staff from the Office of Management and Budget (OMB) policy branch to determine the amount of funding from the \$550 million appropriation that would be used to provide additional funds to the Race to the Top-Early Learning Challenge grants and the amount that would be used to fund the new Race to the Top-District competition. During this time, these parties began discussing priorities for the District competition but policy development could not begin in earnest until a decision was made regarding the funding for the program. In late March 2012 through May 2012, ED, in consultation with DPC and OMB, worked to draft priorities and selection criteria. On May 22, 2012 the Department posted the draft requirements, priorities, selection criteria, and definitions for Race to the Top-District on the Department's website and invited the public to provide input on these program elements through June 8, 2012. As a result of these comments, some aspects of the program have been reevaluated and the requirements, priorities, and selection criteria have been revised accordingly. Due to the time required to fully develop the policy for the program, it was not until July 2012 that ED had a refined application and notice inviting applications that was ready for internal and OMB clearance. It is also important to note that due to the unique nature of this program, ED could not use a preexisting application. ED has worked diligently to develop an application that will collect information on the goals, criteria, and performance measures unique to this program. This information will provide guidance to applicants and offer peer reviewers the critical information they need to select quality applicants to receive grants. Just as importantly, this format will provide ED with the information necessary to manage this grant. As is evidenced by these efforts, Race to the Top is a top Department and Administration priority, and it is critical that the application be released as soon as possible to allow applicants ample time to complete the application with sufficient time remaining for ED to conduct a thorough peer review. Absent emergency approval, ED will not be able to meet the December 31, 2012 deadline for obligating these funds. Accordingly, ED is requesting that the formal Paperwork Reduction Act comment period be waived.

Based upon the December 31, 2012 statutory deadline for making grant awards and because this is the first competition under the Race to the Top-District statutory authority, ED will also be waiving notice and comment rulemaking for the Race to the Top-District competition under the authority of section 437(d)(1) of the General Education Provisions Act. Although ED is not required to conduct notice-and-comment rulemaking with respect to this competition, in order to obtain public input on the structure of this competition, as alluded to above, the Department posted the draft requirements, priorities, selection criteria, and definitions for the Race to the Top-District on the Department's website on May 22, 2012 and invited

the public to provide input on these program elements through June 8, 2012. Via this process, ED received approximately 475 comments. The submitted opinions, suggestions, and comments reflect the viewpoints of a variety of education stakeholders including education advocacy organizations, States, LEAs, teachers and principals, and members of the general public. Comments were provided on all sections of the draft requirements, selection criteria, priorities and definitions.

If we are able to obtain emergency approval from OMB, ED intends to make applications available on the date we publish the Notice Inviting Applications and provide approximately 12 weeks for applicants to apply.

Thank you for your prompt consideration of our request. If you have questions, please contact Ann Whalen at (202) 205-2474 or ann.whalen@ed.gov.