

FONTANA UNIFIED SCHOOL DISTRICT
9680 Citrus Avenue
Fontana, CA 92335
www.fusd.net

BOARD OF EDUCATION MEETING AGENDA

DATE: January 6, 2010
TIME: 6:30 p.m. (Open Session)
PLACE: John D. Piazza Education Center
9680 Citrus Avenue, Fontana, California

NOTICE TO THE PUBLIC: Persons wishing to speak to the Board of Education regarding any item on the agenda are requested to fill out a "Registration Card to Address the Board" available on the tables in the foyer and adhere to the instructions therein.

Individuals who require disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee in writing at least two days before the meeting date. (*Board Bylaw 9320*)

I CALL TO ORDER

II ADOPT AGENDA

Motion made by ____ seconded by ____ vote ____

III PLEDGE OF ALLEGIANCE

IV OPPORTUNITY FOR PUBLIC COMMENT

At this time, members of the public may address the Board on items not on the open session agenda, but within the Board's jurisdiction. When addressing the Board, please state your name at the podium and limit your remarks to five (5) minutes.

Time will be provided during the discussion of each agenda item for members of the public to comment. The law prohibits the Board from discussing or taking action on items not on the agenda; if appropriate, your comments will be referred to staff for response. Persons wishing a written response to concerns or complaints may see the recording secretary for a written complaint form.

Speakers are cautioned that under California law no person is immune from liability for making intentionally false or defamatory comments regarding any person simply because those comments are made at a public meeting.

V DISCUSSION/ACTION SESSION

Items for Board action, first reading, and second reading are listed in this section of the agenda. An individual motion will be taken on each item. Agenda materials that have been distributed to the Board less than 72 hours before each meeting will be available for public inspection at the address listed on the first page of this agenda during regular business hours, 8:00 a.m. to 5:00 p.m. Monday through Friday (holidays excepted).

A. OTHER

1. Approve Memorandum of Understanding (Ref. A) DISCUSSION
and/or
ACTION

The Superintendent recommends that the Board of Education approve entering into a Memorandum of Understanding with the State of California to apply for Race To The Top funds as submitted in Reference A of the agenda.

Motion made by _____ seconded by _____ vote _____

VI ADJOURNMENT

2. Board President Hawthorn adjourned the meeting at _____ p.m. DISCUSSION
and/or
ACTION

Motion made by _____ seconded by _____ vote _____

The next regularly scheduled meeting will be held on Wednesday, January 13, 2010

FONTANA UNIFIED SCHOOL DISTRICT
Fontana, California

Superintendent Office

ITEM TITLE: Approve Memorandum of
Understanding

BOARD OF EDUCATION MEETING: 01/06/09
Discussion/Action Session

BACKGROUND:

The State of California is applying to the Federal Government for Race To The Top (RTTT) funds. Part of the application process for the State of California to receive funding is to demonstrate that the State meets the criteria outlined in the attached information. The State of California is asking districts who intend to apply for the RTTT funding, should the State receive it, to send a Memorandum of Understanding (MOU) signed by the Board President, Superintendent and the Teachers' Union President.

The purpose of the MOU is to establish a framework of collaboration, as well as articulate specific roles and responsibilities in support of the State in its implementation of an approved RTTT grant project. It is the understanding of the district that if at any time during the process of collaborating with the union an impasse in the ability to come to shared terms for meeting the criteria is reached, the district can simply inform the State that it chooses to withdraw the application.

The deadline for the MOU is January 8, 2010. The information has been slowly disseminated from the State to districts with timelines for the application given on December 16, 2009 and a conference call held on December 18, 2009 with districts and the State Department of Education. The short timeline has left the district and the teachers' union little time to collaborate on the MOU and work through the required elements. Fontana Unified meets many of the requirements and feels confident that it could come to an agreement with the Fontana Teachers Association in a collaborative style. The dollar amount that Fontana Unified would receive is unknown at this time.

FISCAL IMPLICATION:

Unknown

RECOMMENDATION:

The Superintendent recommends that the Board of Education approve entering into a Memorandum of Understanding with the State of California to apply for Race To The Top funds.

CLOB/cs

attachment

CALIFORNIA DEPARTMENT OF EDUCATION
JACK O'CONNELL, State Superintendent of Public Instruction
1430 N Street, Suite 5602
Sacramento, CA 95814-5901
916-319-0800

CALIFORNIA STATE BOARD OF EDUCATION
THEODORE R. MITCHELL, President
1430 N Street, Suite 5111
Sacramento, CA 95814-5901
916-319-0827

OFFICE OF THE SECRETARY OF EDUCATION
GLEN W. THOMAS, Secretary of Education
1121 L Street, Suite 600
Sacramento, CA 95814
916-323-0611

December 14, 2009

Dear County and District Superintendents and Charter School Administrators:

We are writing to invite your participation in the State's application for federal funding under the Race to the Top initiative. As you are aware, Race to the Top offers an unprecedented opportunity to build on our progress to date and invest in a partnership between the State and local educational agencies (LEAs) to strengthen schools and close the achievement gap. In a previous letter you received via e-mail on November 25, we outlined initial information on the State's application. In this letter, given that a key element of California's application is the explicit inclusion of LEAs that want to partner with the State, we provide you information on the key elements that will be included in California's State plan as well as the final Memorandum of Understanding (MOU) that is required for participation in California's Race to the Top. We will need your MOUs returned by January 8, 2010; we apologize for this short and challenging timeframe, but such urgency is necessary in order to deliver this application by its due date of January 19, 2010. We hope that by providing you with this information, you will be able to hold the necessary conversations with the key stakeholders in your LEA in order to determine if it is possible for your LEA to participate in this application.

Race to the Top offers an opportunity to strategically build upon our current efforts and invest in key supports that 1) refine our current rigorous state standards; 2) provide new supports for teachers and principals aimed at improving effectiveness; 3) enhance local data systems and coordinate those systems with state data systems; and 4) dramatically improve the State's persistently lowest-achieving schools. Participating LEAs will need to commit to partnering with the State in implementing each of these four key reform areas in the attached MOU. We want to underscore the point that this application – while requiring concerted attention to key reform areas – is grounded in local flexibility and innovation in order to determine how best to define and implement reform elements that strengthen teaching and learning. The State is committed to providing the flexibility necessary for local innovation and then to ensure successes are broadly available as a best practice. This way we are all engaged together in an effort to ensure that local expertise can be leveraged to build new models and dramatically improve student achievement.

The attached MOU must be signed by the LEA superintendent (or an equivalent authorized signatory) and, as the State application has a greater chance of winning if

MOUs are signed by all parties, will preferably also be signed by the president of your local governing board (or an equivalent authorized signatory) and the local teachers union leader (or an equivalent authorized signatory if applicable).

To give you a sense of what the overall State plan will address, we outline below the key elements that we expect California's Race to the Top plan to include.

Rationale for the State Plan

California's diverse demographics and ongoing leadership in innovation make us an important exemplar in efforts to embrace both the challenges and the unique potential that frame the future of American education. Our state includes some of the most diverse and innovative school and district practices in the nation. If all our students were educated to the high standards we have set for them, our workforce would be uniquely positioned to compete effectively in a culturally diverse global marketplace. Yet California, like the rest of the nation, struggles to ensure all of our students are adequately prepared.

California's Race to the Top application will be built on a strong history of education reform that is grounded in some of the highest standards in the country. Despite the State's commitments and successes to date, progress must be accelerated and expanded. California's budget crisis brings the state to a crossroads: to thwart reform efforts or to use it as an opportunity to focus on priority supports for closing achievement gaps? Race to the Top represents our state's best chance to engage in the fundamental reforms that are needed to develop our workforce and fuel future innovations—to invest in state and local systems that will accelerate and drive growth in student achievement.

We need to use our creativity, leavened by the Race to the Top award, to build a new way of running the educational enterprise in California. This new system must be less hierarchical and more collaborative, student-centered rather than adult-centric, data driven with mutual accountability at all levels, and must leverage our expertise in all things technological for which California is known throughout the world to undergird our efforts. This system will require that the State and LEAs redefine their working relationships. The State role must transition from that of regulating inputs and monitoring processes to one of setting and maintaining world-class standards, providing assistance and leveraging best practices, and monitoring outcomes in a way that fosters continuous improvement at all levels. The local role will need to be one of leadership and innovation. Districts can use Race to the Top funding as a means to develop new approaches that can lead our state and the nation. That is why we are committed as a state leadership team to win this competition—not just for the needed additional resources, but because those resources will help us pay for reforms that we all believe will improve student learning, close our pernicious achievement gaps, reduce dropout

rates and result in significantly more high school graduates who are well-prepared for success in college and careers.

It is because of this commitment that we believe all LEAs who join us in this effort can and must agree to all of the reform areas and expectations laid out in our MOU. This effort is too important to continue our work in silos. By banding together and working collaboratively, we can find success together. This work will not be easy, and we will all have to break out of some traditional boxes that have held us back in the past. By joining as a group of committed educators, focused as a team on providing the opportunity for all of our children to reach their potential, we know we can win this race.

Standards and Assessments

Recognizing California's national leadership in setting and implementing state standards, California has agreed to participate in the development of a set of common core standards. The State intends to adopt the national common core standards by August 2, 2010 in such a manner as to not lower our rigorous expectations for students. The State also intends to join a multi-state consortium to develop aligned assessments. This process will include a chain of state supports for the transition to revised state standards and assessments, which will include:

- Adopt revised curriculum frameworks in English-language arts by January 2011 and in mathematics by June 2011 in a way that includes an analytic process to combine common core standards with California's current standards;
- Offer professional development on the frameworks;
- Adopt new instructional materials for English-language arts in spring 2012 and mathematics in spring 2013;
- Revise assessments for implementation in English-language arts in spring 2014 and mathematics in spring 2015; and
- Revise the state accountability system as needed to align with new standards and assessments by 2015.

In addition, the State also intends to develop and adopt a new accountability model that is based upon demonstrating individual year-to-year student achievement gains. Participating LEAs in Race to the Top, will pilot the new student growth accountability model in the 2010–11 school year to inform instruction and supports for teachers and leaders. As part of that process, LEAs participating in Race to the Top will have priority in participating in professional development in using data from the new growth model.

Furthermore, the State will seek federal approval to allow participating LEAs to pilot the new model in lieu of the current federal accountability Adequate Yearly Progress (AYP) measures. The State also envisions a revision of the Academic Performance Index (API) to incorporate the new student-level growth data.

LEAs that choose to participate in Race to the Top will agree to:

- Inform State decisions about adopting the common core standards;
- Inform the State in its transition to statewide implementation of the common core standards;
- Offer professional development related to new state curriculum; and
- Pilot a new student growth accountability model that could possibly replace school and district AYP models (pending federal approval).

Data Systems to Support Instruction

As part of Race to the Top, the State will work to improve the statewide longitudinal data system and its ability to communicate with local data systems. In this partnership, the State intends to:

- Connect K–12 data to higher education and workforce data in order to provide LEAs information about what happens to students once they leave their schools.
- Provide access to best practices throughout the state.

In addition, the State asks that participating LEAs commit to implementing or enhancing local data systems, including to:

- Implement/enhance and use a local instructional improvement system (as defined by the U.S. Department of Education and listed in Attachment 2 of this letter);
- Collaborate with the State on reporting data elements such as teacher and student absences, student ACT/SAT scores, and other elements agreed to as part of the Race to the Top partnership;
- Commit to the use of formative assessments (as defined by the U.S. Department of Education and listed in Attachment 2 of this letter) that are aligned to state standards (if your district does not already do so) and/or draw upon a proposed

state item bank of formative assessment items if desired, all to collect and use data to inform instruction;

- Make data from the instructional improvement system available to researchers pending appropriate local approval of such data requests in order to ensure the protection of student and employee rights to privacy;
- Offer professional development for teachers and school leaders on using data to improve instruction.

Great Teachers and Leaders

We recognize that a fundamental step for closing achievement gaps is ensuring our most challenging schools are staffed with effective teachers and school leaders. We are asking participating LEAs to partner with the State to strengthen supports for teachers and school leaders, including deepening teacher and principal evaluations to both strengthen instruction and manage talent. In this partnership, the State intends to:

- Facilitate a collaborative process with teacher unions and other state-level education management organizations to design model teacher and principal evaluations that use multiple measures, including student achievement growth data as a significant factor;
- Facilitate and encourage LEAs to develop their own teacher and principal evaluation models or use the models developed through the State's collaborative processes that incorporate information from multiple measures of teacher and principal performance including student achievement growth (as defined by the U.S. Department of Education and listed in Attachment 2 of this letter) as a significant factor;
- Evaluate preparation programs for teachers and leaders drawing on student achievement and student growth data that is linked to the students' teachers and principals and the programs where those teachers and principals were prepared;
- Encourage and assist LEAs in ensuring the equitable and fair distribution of effective teachers and principals (as defined by the U.S. Department of Education and listed in Attachment 2 of this letter); and
- Invest in programs to prepare and provide ongoing, job-embedded support for school leaders and teachers, including an effort targeted specifically to school turnaround leaders.

Participating LEAs will commit to:

- Design and implement teacher and principal evaluation systems (or refine the State's model evaluation systems noted above) that use multiple measures, including student achievement growth data as a significant factor;
- Conduct annual evaluations of teachers and principals; these evaluations, which can include peer review, do not necessarily need to be identical for all teachers and principals each year. For example, the evaluations could be formative in nature one year and summative in the next year;
- Use data from teacher and principal evaluations to inform: the development and implementation of ongoing professional development; and decisions about compensation, promotion, and retention, tenure, and dismissal;
- Develop a plan to ensure equitable and fair distribution of effective teachers and principals; and
- Implement programs to provide ongoing, job-embedded support for school leaders and teachers and to evaluate the effectiveness of these programs.

Turning Around the Lowest-Achieving Schools

Under Race to the Top and soon under Title I School Improvement Grants, states are encouraged to focus efforts on turning around the persistently lowest-achieving schools. The State is currently developing a list of such schools based on the federal definition listed in Attachment 2 of this letter and will provide it this week. Districts with these schools will be eligible for both Race to the Top funds and School Improvement Grants and are encouraged to use such funds in a concerted effort to strengthen student performance. In this effort the State intends to:

- Strengthen and build upon our statewide system of support;
- Provide supports and professional learning communities for helping LEA's choose turnaround strategies, building the capacity of existing and new school turnaround organizations; and
- Provide additional professional development and supports to participating districts and schools through statewide communities of practice, summits to focus on school transformation, and supports for school turnaround leaders.

If an LEA has schools that are identified as persistently lowest-achieving schools, the LEA must in turn agree to:

- Implement in the identified school(s) one of four turnaround options as specified in the Race to the Top application and School Improvement Grants for the persistently lowest-achieving schools: 1.) turnaround; 2.) restart; 3.) school closure; or 4.) transformation. (See Attachment 3 of this letter for a full description of each of these models, as defined by the U.S. Department of Education.)
- For all participating LEAs, document LEA turnaround efforts to assist low-performing schools

Supporting a State-Local Partnership for Implementing Race to the Top

We see Race to the Top as an opportunity to truly redefine the State's role in education from one of compliance to one as a collaborative partner with LEAs to support the hard work required to improve California's schools. To this end, the State will also engage in work that will support this state-local partnership such as:

- Building statewide communities of practice through means such as strengthening online communities and face-to-face opportunities to share among districts and their partner organizations;
- Providing participating LEAs with additional programmatic and funding flexibility (contingent on passage of pending legislation) and encouraging LEAs to provide schools with flexibility and autonomy in areas such as staffing, budgeting, and/or extended learning time.

LEAs will in turn lead the State in the development of new knowledge and expertise and will:

- Engage in statewide communities of practice;
- Develop relationships with other LEAs to create mentor relationships,
- Collaborate with key partners as necessary; and
- Attend statewide or regional training opportunities to review progress and share promising practices around the four key assurance areas.

Additional Areas of Interest to the State

Furthermore, while the activities listed below are not mandatory for participation in Race to the Top, they are priorities for the State and have evidence as important factors in raising student achievement and closing gaps. If your LEA is engaged in these activities and would be willing to partner with the State and other LEAs, we would encourage you to further commit to working in these key areas:

- Address Science Technology Engineering and Math (STEM) needs of students and staff by working with industry experts, museums, universities, research centers, and other STEM-capable community partners to:
 - Prepare and assist teachers in integrating STEM content across grades and disciplines;
 - Promote effective and relevant instruction; and
 - Offer applied learning opportunities for students;
- Explore innovative uses of technology to improve learning, especially focused on all types of differentiated instruction;
- Engage in a concerted effort to improve instruction for English learners, including building communities of practice and sharing promising practices;
- Improve the quality of early childhood education by helping students better transition between preschool and kindergarten;
- Build on afterschool programs and community partnership efforts as a means to increase learning time, especially among low-performing schools; and
- Develop multiple pathways for students in high school and additional Career Technical Education options.

Application Process

Participating LEAs will need to sign an MOU that is contingent upon success in winning a Race to the Top grant (see Attachment I). The MOU includes signatures, assurances, and a checklist of commitments as a preliminary scope of work. If California wins a Race to the Top grant, LEAs will have 90 days to develop their final Scope of Work and submit their plans along with an accompanying budget. An LEA may decide to draft a plan that would focus only on a select number of schools within the LEA or can draft a

plan that would encompass all schools in the LEA, but the plan should have significant impact on strengthening education in the district. It is important to note that the total amount of funding for California will be based on the number of LEAs/schools participating. Further, the 50 percent of Race to the Top funding that must be allocated to LEAs will be based on the number of Title I eligible students participating.

While we understand one of the main questions that LEAs may ask is about the estimated amount of an LEA's Race to the Top award, it is very difficult for us to provide an accurate estimate of the amount for any individual LEA. We do know that if California wins this grant, the State could receive between \$350 million and \$700 million. In addition, we know that 50 percent of this money must be distributed to participating LEAs based on the Title I formula. Specifically, we must calculate the total amount of Title I generated by participating LEAs/schools; half of the Race to the Top funding will be allocated on the basis of the proportional amount each LEA receives of that total. However, because we do not know the total size of the final grant, nor the number of LEAs joining the effort, we cannot estimate an amount for individual participating LEAs. Therefore, we are only asking for you to complete the MOU and Exhibit I, the preliminary scope of work, at this time. Detailed plans and budgets will be developed in partnership 90 days after learning whether California wins a grant under this competition. Please also note that our intent is that any costs associated with implementation of the Race to the Top plan should be funded with Race to the Top funding, other federal funding, or any other discretionary funding source an LEA chooses to utilize in these efforts. It is also our intent to allocate all of the Race to the Top funding directly to LEAs or for statewide activities that directly benefit LEAs (such as in development of a formative assessment item bank.)

If your LEA would like to participate in California's Race to the Top, please submit a statement of intent to apply by December 31, 2009 via e-mail to info@caracetothetop.org. While the initial intent to apply e-mail is not binding, this will allow us to begin to compile necessary data for the application about participating LEAs.

Then, please submit the signed MOU as a PDF by e-mail to info@caracetothetop.org or via fax to the California Department of Education at 916-319-0100 by January 8, 2010.

It is important to note that there is no competition between LEAs for participation in Race to the Top. If your LEA submits an MOU, signed by at least the LEA superintendent (or equivalent authorized signatory), and fully commits to the elements of the State plan, your LEA will be considered a participating member of California's Race to the Top.

For more information on Race to the Top, please visit California's official Race to the Top Web site at <http://www.caracetothetop.org>.

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We hope that this information provides you with enough information to hold conversations to determine your LEA's ability and desire to participate in Race to the Top. In the meantime, please do not hesitate to contact us with suggestions or questions by e-mail to info@caracetothetop.org. We hope you will consider joining this exciting opportunity.

Sincerely,



JACK O'CONNELL
State Superintendent of Public Instruction
California Department of Education



THEODORE R. MITCHELL
President
California State Board of Education



GLEN W. THOMAS
Secretary of Education
Office of the Secretary of Education

JO/TM/GT:fl

**California's Race to the Top
Participating Local Educational Agency (LEA)
Memorandum of Understanding**

This Memorandum of Understanding ("MOU") is entered into by and between the State of California and _____ ("Participating LEA"). The purpose of this agreement is to establish a framework of collaboration, as well as articulate specific roles and responsibilities in support of the State in its implementation of an approved Race to the Top grant project.

I. SCOPE OF WORK

Exhibit I, the Preliminary Scope of Work, indicates the Participating LEA is agreeing to implement all of the State's proposed reform plans ("State Plan" listed in Exhibit I) should the State's application be approved by the U.S. Department of Education (ED).

II. PROJECT ADMINISTRATION

A. PARTICIPATING LEA RESPONSIBILITIES

In assisting the State in implementing the tasks and activities described in the State's Race to the Top application, the Participating LEA subgrantee:

1) As a condition for participating in and receiving an allocation of funds under the State's Race to the Top program, must enter into an agreement with the State that will describe more specifically the mutual responsibilities of the State and LEA for planning and implementing the State's plan. The agreement will include the final scope of work and must be produced in collaboration with the State after participation in statewide conversations with participating LEAs. The agreement must be provided to the State within 90 days of the Race to the Top award to the State and must be approved by the State.

The agreement will include a detailed work plan describing specific goals, activities timelines, budgets, key personnel, and annual targets for key performance measures. The work plan must be consistent with the LEA's preliminary scope of work in this Memorandum of Understanding, with the approved State plan, and with further guidance that the State may provide. The State will approve the LEA for funding based on the scope and quality of the workplan and the LEA's capacity to implement the plan and address at the local level significant elements of the State's approved plan in a meaningful and high quality way. The agreement between the State and the LEA will also detail the State's responsibilities for providing or coordinating technical assistance, professional development, and other support for

the LEA in carrying out these functions, and how the State and LEA activities will be sequenced.

2) Will implement the LEA Plan as identified in this MOU, including Exhibits I (See Attachment 2.) and II (the agreement to be reached consistent with Section II-A-1) of this agreement;

3) Will, over the course of the project, work in good faith with the State and other participating LEAs to identify needs for modifications to the project and to make appropriate modifications in order to achieve the core goals of the project;

4) Will actively participate in all relevant convenings, communities of practice, or other practice-sharing events that are organized or sponsored by the State or by the U.S. Department of Education ("ED");

5) Will post to any website specified by the State or ED, in a timely manner, all non-proprietary products and lessons learned that were developed using funds under the Race to the Top grant;

6) Will participate, as requested, in any evaluations of this grant conducted by the State or ED;

7) Will be responsive to State or ED requests for information including on the status of the project, project implementation, outcomes, and any problems anticipated or encountered;

8) Will participate in meetings and telephone conferences with the State to discuss (a) progress of the project, (b) potential dissemination of resulting non-proprietary products and lessons learned, (c) plans for subsequent years of the Race to the Top grant period, and (d) other matters related to the Race to the Top grant and associated plans.

B. STATE RESPONSIBILITIES

In assisting Participating LEAs in implementing their tasks and activities described in the State's Race to the Top application, the State grantee will:

1) Work collaboratively with, and support the Participating LEA in carrying out the LEA Plan as identified in Exhibit I and in the agreement to be developed under Section II-A-1 above;

2) Timely distribute the LEA's portion of Race to the Top grant funds during the course of the project period and in accordance with the LEA's approved work plan described in Section II-A-1 above;

- 3) Provide feedback on the LEA's status updates, annual reports, any interim reports, and project plans and products; and
- 4) Provide or coordinate technical assistance, professional development, and support consistent with Section II-A-1 above.

C. JOINT RESPONSIBILITIES

- 1) The State and the Participating LEA will collaborate in good faith to ensure alignment and coordination of State and local planning and implementation activities in order to effectively and efficiently achieve the core goals of the State's plan, consistent with their respective roles under State law and policy.
- 2) The State and the Participating LEA will each appoint a key contact person for the Race to the Top grant.
- 3) These key contacts from the State and the Participating LEA will maintain frequent communication to facilitate cooperation under this MOU.
- 4) State and Participating LEA grant personnel will work together to determine appropriate timelines for project updates and status reports throughout the whole grant period.
- 5) State and Participating LEA grant personnel will negotiate in good faith to continue to achieve the overall goals of the State's Race to the Top grant, even when the State Plan requires modifications that affect the Participating LEA, or when the LEA Plan requires modifications.

D. STATE RECOURSE FOR LEA NON-PERFORMANCE

If the State determines that the LEA is not meeting its goals, timelines, budget, or annual targets or is not fulfilling other applicable requirements, the State grantee will take appropriate enforcement action, which could include a collaborative process between the State and the LEA, or any of the enforcement measures that are detailed in 34 CFR section 80.43 including, for example, putting the LEA on reimbursement payment status, temporarily withholding funds, or disallowing costs.

III. ASSURANCES

The Participating LEA hereby certifies and represents that it:

- 1) Has all requisite power and authority to execute this MOU;
- 2) Is familiar with the State's Race to the Top grant application and is supportive of and will work to implement the entire State plan, as defined by the State, and consistent with Exhibit I;
- 3) Will provide a Final Scope of Work and detailed work plans consistent with Section II-A-1 above if the State's application is funded; will do so in a timely fashion but no later than 90 days after a grant is awarded; and will enter into an agreement with the State consistent with Section II-A-1 above; and
- 4) Will comply with all of the terms of the Grant, the State's subgrant, and all applicable Federal and State laws and regulations, including laws and regulations applicable to the Program, and the applicable provisions of EDGAR (34 CFR Parts 75, 77, 79, 80, 82, 84, 85, 86, 97, 98 and 99).

IV. MODIFICATIONS

This Memorandum of Understanding may be amended only by written agreement signed by each of the parties involved, and in consultation with ED.

V. DURATION/TERMINATION

This Memorandum of Understanding shall be effective, beginning with the date of the last signature hereon and, if a grant is received, ending upon the expiration of the grant project period, upon termination for non-compliance, or upon mutual agreement of the parties, whichever occurs first.

Nothing in this Memorandum of Understanding shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employers and their employees. By way of the signatures below, the LEA and local collective bargaining representative agree to confer in good faith over matters within the scope of the MOU and agree further that those portions of the MOU subject to collective bargaining shall be implemented only upon the agreement of the LEA and the local collective bargaining representative.

Please submit a statement of intent to participate by December 31, 2009 by e-mail to info@caracetohtop.org.

Please submit a copy of the signed MOU in PDF format by e-mail to info@caracetohtop.org or by fax to the California Department of Education at 916-319-0100 on or before January 8, 2010.

VI. SIGNATURES

LEA Superintendent (or equivalent authorized signatory) - required:

Signature/Date

Print Name/Title

President of Local School Board (or equivalent, if applicable):

Signature/Date

Print Name/Title

Local Teachers Union Leader (if applicable):

Signature/Date

Print Name/Title

Authorized State Official (required)

By its signature below, the State hereby accepts the LEA as a Participating LEA.

Signature/Date

Print Name/Title

Exhibit I: PRELIMINARY SCOPE OF WORK

The LEA hereby agrees to participate in implementing the State Plan in each of the areas identified below.

(In addition to this checklist, within 90 days of the announcement of the State's Race to the Top award, the LEA must provide an agreement to be known at Exhibit II, as described in Section II-A-1 of this MOU.)

Elements of State Reform Plan	LEA Participation Required Elements
A. Standards and Assessments	
(B)(3) Supporting the transition to enhanced standards and high-quality assessments by informing state standards about adopting the common core standards, informing the State in its transition to statewide implement of the common core standards, offering professional development related to new state curriculum, and piloting a new student growth accountability data.	Yes
B. Data Systems to Support Instruction	
(C)(3) Using data to improve instruction:	
(i) Implementing/enhancing and using a local instructional improvement system (see definition provided by the U.S. Department of Education) that provides teachers, principals, and administrators, with the information and resources they need to inform and improve their instructional practices, decision-making, and overall effectiveness	Yes
(ii) Offering professional development to teachers and school leaders related to using data to inform instructional improvement	Yes
(iii) Make data from the instructional improvement system available to researchers pending appropriate local approval of such data requests in order to	Yes

Elements of State Reform Plan	LEA Participation Required Elements
ensure the protection of student and employee rights to privacy	
(iv) Using formative assessments (either by using state-developed formative assessment items or using your LEA's formative assessments that are already aligned to state standards)	Yes
(v) Collecting and providing data elements required by Race to the Top (e.g., data related to the evaluation of teachers and leaders) as well as additional research-based data (e.g. student attendance data, teacher attendance data) to the State as collaboratively agreed to by the participating LEAs and the State	Yes
C. Great Teachers and Leaders	
(D)(2) Improving teacher and principal effectiveness based on performance:	
(I) Utilize the state-developed growth accountability model to measure student growth	Yes
(ii) Design/refine and implementing rigorous, transparent, and fair evaluation systems for teachers and principals that use multiple measures that include student growth as a significant factor and area designed with teacher and principal involvement	Yes
(iii) Conduct annual evaluations of teachers and principals and providing teachers and principals with data on student growth for their students, classes, and schools.	Yes
(iv)(a) Use evaluations to inform development of teachers and principals including providing relevant coaching, induction support, and/or professional development	Yes

Elements of State Reform Plan	LEA Participation Required Elements
(iv)(b) Use evaluations to inform decisions on compensation, promotion, and retention of teachers and principals, including by providing opportunities for highly effective teachers and principals to obtain additional compensation and be given additional responsibilities	Yes
(iv)(c) Use evaluations to inform decisions on tenure and/or full certification of teachers and principals using rigorous standards and streamlined, transparent and fair procedures	Yes
(iv)(d) Use evaluations to inform removal of ineffective teachers and principals who have had ample opportunities to improve, and ensure that such decisions are made using rigorous standards and streamlined, transparent, and fair procedures	Yes
(D)(3) Developing and implementing a plan to ensure equitable distribution of effective teachers and principals:	
(i) High-poverty and/or high-minority schools	Yes
(ii) Hard-to-staff subjects and specialty areas such as mathematics, science, and special education.	Yes
(D)(5) Providing effective support to teachers and principals which includes:	
(i) Providing effective, data-informed professional development, coaching, induction, and common planning and collaboration time to teachers and principals	Yes
(ii) Measuring and/or participating in evaluation of the effectiveness of these this professional development for teachers and principals	

Elements of State Reform Plan	LEA Participation Required Elements
D. Turning Around the Lowest-Achieving Schools	
(E)(2) If your LEA has one of the State's lowest-achieving schools, turn around these lowest-achieving schools using one of the four intervention models (i.e., turnaround model, restart model, school closure, or transformation model) as specified in the Race to the Top Application	Yes
(E)(3) For all LEAs, document LEA turnaround efforts to assist low-performing schools	Yes
State-Local Collaboration	
Collaboratively determining specific student achievement and program implementation benchmarks in an LEA and working with the State to reach these benchmarks in order to achieve district and statewide goals for student outcomes	Yes
Participating in statewide communities of practice; collaboration with an appropriate partner for capacity building and support; and participate in statewide or regional training opportunities on the four assurance area	Yes

In addition, LEAs are strongly encouraged to commit to one or more of the following priority initiatives in their preliminary scope of work:

Voluntary Elements	(Please indicate with a “Yes” or “No” those areas in which your district will also participate.)
Address Science, Technology, Engineering, and Math (STEM) needs of students and staff by working with industry experts, museums, universities, research centers, and/or other STEM-capable community partners to <ul style="list-style-type: none"> • Prepare and assist teachers in integrating STEM content across grades and disciplines; • Promote effective and relevant instruction; and/or • Offer applied learning opportunities for students. 	
Explore innovative uses of technology to improve learning, especially focused on all types of differentiated instruction.	
Engage in a concerted effort to improve instruction for English learners, including building communities of practice and sharing promising practices.	
Improve the quality of early childhood education by helping students better transition between preschool and kindergarten.	
Build on afterschool programs and community partnership efforts as a means to increase learning time, especially among low performing schools.	
Develop multiple pathways for students in High School and additional Career Technical Education options.	

Attachment 2
Definitions from the US Department of Education's Race to the Top Application
for Initial Funding (CFDA Number: 84.395A); pages 7-11

College enrollment refers to the enrollment of students who graduate from high school consistent with 34 CFR 200.19(b)(1) and who enroll in an institution of higher education (as defined in section 101 of the Higher Education Act, P.L. 105-244, 20 U.S.C. 1001) within 16 months of graduation.

Common set of K-12 standards means a set of content standards that define what students must know and be able to do and that are substantially identical across all States in a consortium. A State may supplement the common standards with additional standards, provided that the additional standards do not exceed 15 percent of the State's total standards for that content area.

Effective principal means a principal whose students, overall and for each subgroup, achieve acceptable rates (e.g., at least one grade level in an academic year) of student growth (as defined in this notice). States, LEAs, or schools must include multiple measures, provided that principal effectiveness is evaluated, in significant part, by student growth (as defined in this notice). Supplemental measures may include, for example, high school graduation rates and college enrollment rates, as well as evidence of providing supportive teaching and learning conditions, strong instructional leadership, and positive family and community engagement.

Effective teacher means a teacher whose students achieve acceptable rates (e.g., at least one grade level in an academic year) of student growth (as defined in this notice). States, LEAs, or schools must include multiple measures, provided that teacher effectiveness is evaluated, in significant part, by student growth (as defined in this notice). Supplemental measures may include, for example, multiple observation-based assessments of teacher performance.

Formative assessment means assessment questions, tools, and processes that are embedded in instruction and are used by teachers and students to provide timely feedback for purposes of adjusting instruction to improve learning.

Graduation rate means the four-year or extended-year adjusted cohort graduation rate as defined by 34 CFR 200.19(b)(1).

Highly effective principal means a principal whose students, overall and for each subgroup, achieve high rates (e.g., one and one-half grade levels in an academic year) of student growth (as defined in this notice). States, LEAs, or schools must include multiple measures, provided that principal effectiveness is evaluated, in significant part, by student growth (as defined in this notice). Supplemental measures may include, for example, high school graduation rates; college enrollment rates; evidence of providing

supportive teaching and learning conditions, strong instructional leadership, and positive family and community engagement; or evidence of attracting, developing, and retaining high numbers of effective teachers.

Highly effective teacher means a teacher whose students achieve high rates (e.g., one and one-half grade levels in an academic year) of student growth (as defined in this notice). States, LEAs, or schools must include multiple measures, provided that teacher effectiveness is evaluated, in significant part, by student growth (as defined in this notice). Supplemental measures may include, for example, multiple observation-based assessments of teacher performance or evidence of leadership roles (which may include mentoring or leading professional learning communities) that increase the effectiveness of other teachers in the school or LEA.

High-minority school is defined by the State in a manner consistent with its Teacher Equity Plan. The State should provide, in its Race to the Top application, the definition used.

High-need LEA means an LEA (a) that serves not fewer than 10,000 children from families with incomes below the poverty line; or (b) for which not less than 20 percent of the children served by the LEA are from families with incomes below the poverty line.

High-need students means students at risk of educational failure or otherwise in need of special assistance and support, such as students who are living in poverty, who attend high-minority schools (as defined in this notice), who are far below grade level, who have left school before receiving a regular high school diploma, who are at risk of not graduating with a diploma on time, who are homeless, who are in foster care, who have been incarcerated, who have disabilities, or who are English language learners.

High-performing charter school means a charter school that has been in operation for at least three consecutive years and has demonstrated overall success, including (a) substantial progress in improving student achievement (as defined in this notice); and (b) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

High-poverty school means, consistent with section 1111(h)(1)(C)(viii) of the ESEA, a school in the highest quartile of schools in the State with respect to poverty level, using a measure of poverty determined by the State.

High-quality assessment means an assessment designed to measure a student's knowledge, understanding of, and ability to apply, critical concepts through the use of a variety of item types and formats (e.g., open-ended responses, performance-based tasks). Such assessments should enable measurement of student achievement (as defined in this notice) and student growth (as defined in this notice); be of high technical quality (e.g., be valid, reliable, fair, and aligned to standards); incorporate technology where appropriate; include the assessment of students with disabilities and English

language learners; and to the extent feasible, use universal design principles (as defined in section 3 of the Assistive Technology Act of 1998, as amended, 29 U.S.C. 3002) in development and administration.

Increased learning time means using a longer school day, week, or year schedule to significantly increase the total number of school hours to include additional time for (a) instruction in core academic subjects, including English; reading or language arts; mathematics; science; foreign languages; civics and government; economics; arts; history; and geography; (b) instruction in other subjects and enrichment activities that contribute to a well-rounded education, including, for example, physical education, service learning, and experiential and work-based learning opportunities that are provided by partnering, as appropriate, with other organizations; and (c) teachers to collaborate, plan, and engage in professional development within and across grades and subjects.¹

Innovative, autonomous public schools means open enrollment public schools that, in return for increased accountability for student achievement (as defined in this notice), have the flexibility and authority to define their instructional models and associated curriculum; select and replace staff; implement new structures and formats for the school day or year; and control their budgets.

Instructional improvement systems means technology-based tools and other strategies that provide teachers, principals, and administrators with meaningful support and actionable data to systemically manage continuous instructional improvement, including such activities as: instructional planning; gathering information (e.g., through formative assessments (as defined in this notice), interim assessments (as defined in this notice), summative assessments, and looking at student work and other student data); analyzing information with the support of rapid-time (as defined in this notice) reporting; using this information to inform decisions on appropriate next instructional steps; and evaluating the effectiveness of the actions taken. Such systems promote collaborative problem-solving and action planning; they may also integrate instructional data with student-level data such as attendance, discipline, grades, credit accumulation,

¹ Research supports the effectiveness of well-designed programs that expand learning time by a minimum of 300 hours per school year. (See Frazier, Julie A.; Morrison, Frederick J. "The Influence of Extended-year Schooling on Growth of Achievement and Perceived Competence in Early Elementary School." *Child Development*. Vol. 69 (2), April 1998, pp.495-497 and research done by Mass2020.) Extending learning into before- and after-school hours can be difficult to implement effectively, but is permissible under this definition with encouragement to closely integrate and coordinate academic work between in-school and out-of school. (See James-Burdumy, Susanne; Dynarski, Mark; Deke, John. "When Elementary Schools Stay Open Late: Results from The National Evaluation of the 21st Century Community Learning Centers Program." Located at http://www.mathematicapr.com/publications/redirect_PubsDB.asp?strSite=http://epa.sagepub.com/cgi/content/abstract/29/4/296 Educational Evaluation and Policy Analysis, Vol. 29 (4), December 2007, Document No. PP07-121.)

and student survey results to provide early warning indicators of a student's risk of educational failure.

Interim assessment means an assessment that is given at regular and specified intervals throughout the school year, is designed to evaluate students' knowledge and skills relative to a specific set of academic standards, and produces results that can be aggregated (e.g., by course, grade level, school, or LEA) in order to inform teachers and administrators at the student, classroom, school, and LEA levels.

Involved LEAs means LEAs that choose to work with the State to implement those specific portions of the State's plan that necessitate full or nearly-full statewide implementation, such as transitioning to a common set of K-12 standards (as defined in this notice). Involved LEAs do not receive a share of the 50 percent of a State's grant award that it must subgrant to LEAs in accordance with section 14006(c) of the ARRA, but States may provide other funding to involved LEAs under the State's Race to the Top grant in a manner that is consistent with the State's application.

Low-minority school is defined by the State in a manner consistent with its Teacher Equity Plan. The State should provide, in its Race to the Top application, the definition used.

Low-poverty school means, consistent with section 1111(h)(1)(C)(viii) of the ESEA, a school in the lowest quartile of schools in the State with respect to poverty level, using a measure of poverty determined by the State.

Persistently lowest-achieving schools means, as determined by the State: (i) Any Title I school in improvement, corrective action, or restructuring that (a) Is among the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring or the lowest-achieving five Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater; or (b) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years; and (ii) Any secondary school that is eligible for, but does not receive, Title I funds that (a) Is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, Title I funds, whichever number of schools is greater; or (b) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years. To identify the lowest-achieving schools, a State must take into account both (i) The academic achievement of the "all students" group in a school in terms of proficiency on the State's assessments under section 1111(b)(3) of the ESEA in reading/language arts and mathematics combined; and (ii) The school's lack of progress on those assessments over a number of years in the "all students" group.

Student achievement means

(a) For tested grades and subjects: (1) a student's score on the State's assessments under the ESEA; and, as appropriate, (2) other measures of student learning, such as those described in paragraph (b) of this definition, provided they are rigorous and comparable across classrooms.

(b) For non-tested grades and subjects: alternative measures of student learning and performance such as student scores on pre-tests and end-of-course tests; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across classrooms.

Student growth means the change in student achievement (as defined in this notice) for an individual student between two or more points in time. A State may also include other measures that are rigorous and comparable across classrooms.

Attachment 3
Description of Intervention Models from the US Department of Education's Race to the Top Application for Initial Funding (CFDA Number: 84.395A); pages 71-74

There are four school intervention models referred to in Selection Criterion (E)(2): turnaround model, restart model, school closure, or transformation model. Each is described below.

(a) Turnaround model.

(1) A turnaround model is one in which an LEA must

(i) Replace the principal and grant the principal sufficient operational flexibility (including in staffing, calendars/time, and budgeting) to implement fully a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates;

(ii) Use locally adopted competencies to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students,

(A) Screen all existing staff and rehire no more than 50 percent;
and

(B) Select new staff;

(iii) Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in the turnaround school;

(iv) Provide staff with ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed with school staff to ensure that they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;

(v) Adopt a new governance structure, which may include, but is not limited to, requiring the school to report to a new "turnaround office" in the LEA or SEA, hire a "turnaround leader" who reports directly to the Superintendent or Chief Academic Officer, or enter into a multi-year contract with the LEA or SEA to obtain added flexibility in exchange for greater accountability;

(vi) Use data to identify and implement an instructional program that is research-based and “vertically aligned” from one grade to the next as well as aligned with State academic standards;

(vii) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students;

(viii) Establish schedules and implement strategies that provide increased learning time (as defined in this notice); and

(ix) Provide appropriate social-emotional and community-oriented services and supports for students.

(2) A turnaround model may also implement other strategies such as:

(i) Any of the required and permissible activities under the transformation model; or

(ii) A new school model (e.g., themed, dual language academy).

(b) Restart model. A restart model is one in which an LEA converts a school or closes and reopens a school under a charter school operator, a charter management organization (CMO), or an education management organization (EMO) that has been selected through a rigorous review process. (A CMO is a non-profit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools. An EMO is a for-profit or non-profit organization that provides “whole-school operation” services to an LEA.) A restart model must enroll, within the grades it serves, any former student who wishes to attend the school.

(c) School closure. School closure occurs when an LEA closes a school and enrolls the students who attended that school in other schools in the LEA that are higher achieving. These other schools should be within reasonable proximity to the closed school and may include, but are not limited to, charter schools or new schools for which achievement data are not yet available.

(d) Transformation model. A transformation model is one in which an LEA implements each of the following strategies:

(1) Developing and increasing teacher and school leader effectiveness.

(i) Required activities. The LEA must--

(A) Replace the principal who led the school prior to commencement of the transformation model;

(B) Use rigorous, transparent, and equitable evaluation systems for teachers and principals that--

(1) Take into account data on student growth (as defined in this notice) as a significant factor as well as other factors such as multiple observation-based assessments of performance and ongoing collections of professional practice reflective of student achievement and increased high-school graduations rates; and

(2) Are designed and developed with teacher and principal involvement;

(C) Identify and reward school leaders, teachers, and other staff who, in implementing this model, have increased student achievement and high-school graduation rates and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so;

(D) Provide staff with ongoing, high-quality, job-embedded professional development (e.g., regarding subject-specific pedagogy, instruction that reflects a deeper understanding of the community served by the school, or differentiated instruction) that is aligned with the school's comprehensive instructional program and designed with school staff to ensure they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies; and

(E) Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in a transformation school.

(ii) Permissible activities. An LEA may also implement other strategies to develop teachers' and school leaders' effectiveness, such as:

(A) Providing additional compensation to attract and retain staff with the skills necessary to meet the needs of the students in a transformation school;

(B) Instituting a system for measuring changes in instructional practices resulting from professional development; or

(C) Ensuring that the school is not required to accept a teacher without the mutual consent of the teacher and principal, regardless of the teacher's seniority.

(2) Comprehensive instructional reform strategies.

(i) Required activities. The LEA must:

(A) Use data to identify and implement an instructional program that is research-based and "vertically aligned" from one grade to the next as well as aligned with State academic standards; and

(B) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students.

(ii) Permissible activities. An LEA may also implement comprehensive instructional reform strategies, such as:

(A) Conducting periodic reviews to ensure that the curriculum is being implemented with fidelity, is having the intended impact on student achievement, and is modified if ineffective;

(B) Implementing a schoolwide "response-to-intervention" model;

(C) Providing additional supports and professional development to teachers and principals in order to implement effective strategies to support students with disabilities in the least restrictive environment and to ensure that limited English proficient students acquire language skills to master academic content;

(D) Using and integrating technology-based supports and interventions as part of the instructional program; and

(E) In secondary schools:

(1) Increasing rigor by offering opportunities for students to enroll in advanced coursework (such as Advanced Placement or International Baccalaureate; or science, technology, engineering, and mathematics courses, especially those that incorporate rigorous and relevant project-, inquiry-, or design-based contextual learning opportunities), early-college high schools, dual enrollment programs, or thematic learning academies that prepare students for college and careers, including by providing appropriate supports

designed to ensure that low-achieving students can take advantage of these programs and coursework;

(2) Improving student transition from middle to high school through summer transition programs or freshman academies;

(3) Increasing graduation rates through, for example, credit-recovery programs, re-engagement strategies, smaller learning communities, competency-based instruction and performance-based assessments, and acceleration of basic reading and mathematics skills; or

(4) Establishing early-warning systems to identify students who may be at risk of failing to achieve to high standards or graduate.

(3) Increasing learning time and creating community-oriented schools.

(i) Required activities. The LEA must:

(A) Establish schedules and implement strategies that provide increased learning time (as defined in this notice); and

(B) Provide ongoing mechanisms for family and community engagement.

(ii) Permissible activities. An LEA may also implement other strategies that extend learning time and create community-oriented schools, such as:

(A) Partnering with parents and parent organizations, faith- and community-based organizations, health clinics, other State or local agencies, and others to create safe school environments that meet students' social, emotional, and health needs;

(B) Extending or restructuring the school day so as to add time for such strategies as advisory periods that build relationships between students, faculty, and other school staff;

(C) Implementing approaches to improve school climate and discipline, such as implementing a system of positive behavioral supports or taking steps to eliminate bullying and student harassment; or

(D) Expanding the school program to offer full-day kindergarten or pre-kindergarten.

(4) Providing operational flexibility and sustained support.

(i) Required activities. The LEA must:

(A) Give the school sufficient operational flexibility (such as staffing, calendars/time, and budgeting) to implement fully a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates; and

(B) Ensure that the school receives ongoing, intensive technical assistance and related support from the LEA, the SEA, or a designated external lead partner organization (such as a school turnaround organization or an EMO).

(ii) Permissible activities. The LEA may also implement other strategies for providing operational flexibility and intensive support, such as--

(A) Allowing the school to be run under a new governance arrangement, such as a turnaround division within the LEA or SEA; or

(B) Implementing a per-pupil school-based budget formula that is weighted based on student needs.

If a school identified as a persistently lowest-achieving school has implemented, in whole or in part within the last two years, an intervention that meets the requirements of the turnaround, restart, or transformation models, the school may continue or complete the intervention being implemented.