

Race to the Top

ODE/LEA Memorandum of Understanding

This Memorandum of Understanding (“MOU”) is entered into by and between The Ohio Department of Education 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 which portions of the State’s proposed reform plans (“State Plan”) the Participating LEA is agreeing to implement. (Note that, in order to participate, the LEA must agree to implement all or significant portions of the State Plan.) A Final Scope of Work will be completed and implemented by the LEA pursuant to Section III, Paragraph 4 of this MOU.

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 will:

- 1) Implement the LEA plan as identified in Exhibit I of the agreement and in the Final Scope of Work as described in Section III, Paragraph 4 of this MOU;
- 2) 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”);
- 3) Post to any website specified by the State or ED, in a timely manner, all non-proprietary products developed using funds associated with the Race to the Top grant;
- 4) Participate, as required, in any evaluations of this grant conducted by State or ED;
- 5) 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;
- 6) 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) Review and determine approval of the Preliminary Scope of Work and Final Scope of Work prior to including the LEA in the Race to the Top programs;
- 2) Work collaboratively with, and support the Participating LEA in carrying out the LEA Plan as identified in Exhibit I of this agreement and in the Final Scope of Work;
- 3) 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 Plan identified in the Final Scope of Work;
- 4) Provide feedback on the LEA's status updates, annual reports, any interim reports, and project plans and products; and
- 5) Identify sources of technical assistance for the project.

C. JOINT RESPONSIBILITIES

- 1) The State and the Participating LEA will each appoint a key contact person for the Race to the Top grant.
- 2) These key contacts from the State and the Participating LEA will maintain frequent communication to facilitate cooperation under this MOU.
- 3) State and Participating LEA grant personnel will work together to determine appropriate timelines for project updates and status reports throughout the whole grant period.
- 4) 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 modification.

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 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 plan and is supportive of and committed to working on all or significant portions of the State Plan;
- 3) Agrees to be a Participating LEA and will implement those portions of the State Plan indicated in Exhibit I, if the State application is funded,
- 4) Will provide a Final Scope of Work to be reviewed and approved by the State and attached to this MOU as Exhibit II only 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 to the State; and will describe in Exhibit II the LEA's specific goals, activities, timelines, budgets, key personnel, and annual

targets for key performance measures (“LEA Plan”) in a manner that is consistent with the Preliminary Scope of Work (Exhibit I) and with the State Plan; and

- 5) 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).

The LEA and the labor organization leaders recognize that aspects of the Race to the Top program may go beyond current collective bargaining agreements and agree to address those areas collaboratively. LEAs commit to developing a district-wide Transformation Team to oversee the Race to the Top program. This team must have at a minimum, an equal number of teachers and administrators, with teacher members appointed by the labor organization.

The LEA and the labor organization commit to work collaboratively to address areas of the Race to the Top program that differ from existing collective bargaining agreements through the collective bargaining process which may include, but is not limited to, additional Memoranda of Understanding between the LEA and the local labor organization. Nothing in this MOU shall be construed to waive or override any statutory or contractual rights or duties.

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, or upon mutual agreement of the parties, whichever occurs first. This Memorandum of Understanding is applicable for the Phase 1 competition of Race to the Top. If the State needs to reapply under Phase 2, the State may require a revised Memorandum of Understanding.

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

A. EXHIBIT 1 – PRELIMINARY SCOPE OF WORK

LEA hereby agrees to participate in implementing the state plan in each of the areas identified below. The LEA should enter a response for each item in the column labeled “Indication of LEA Participation.” NA (not applicable) may be used only when the LEA meets the criteria specified in the “Definition of NA” column.

Elements of State Reform Plan	Specific Ohio Requirement	Required or Optional Element	Definition of N/A	LEA Funding Expectation	Indication of LEA Participation (Yes/No/NA)	LEA Comments
(B)(3) Supporting the transition to enhanced standards and high-quality assessments	LEAs will commit to participating in the professional development program provided by the state and will contribute teacher and principal time to participate	Required		LEAs contribute release time and any other conditions contained in the local collective bargaining agreement.		
(B)(3) Supporting the transition to enhanced standards and high-quality assessments	LEAs will commit to revising existing local curricula in order to align with new state standards	Required		LEAs contribute release time and any other conditions contained in the local collective bargaining agreement.		
C)(3) Using data to improve instruction:						
(i) Use of local instructional improvement systems	LEAs with a functioning instructional improvement system (as defined by Race to the Top) commit to its active use at the classroom level	Required		LEA RttT Funds		
	LEAs without a functioning instructional improvement system (as defined by Race to the Top) commit to adoption of a qualifying system	Required		LEA RttT Funds		
(ii) Professional development on use of data	LEAs will commit to implementing a formative assessment program; LEAs without current formative assessment programs commit to collaboratively developing and implementing such a program with the state and other participating districts	Required		Partial State RttT funds available for technology		
(iii) Availability and accessibility of data to researchers	LEAs will make instructional improvement system data available to researchers, consistent with the state’s broader research agenda	Required		LEA RttT Funds		
	LEAs will partner with institutions of higher education to evaluate and implement innovative educational models	Optional		LEA RttT Funds		

Elements of State Reform Plan	Specific Ohio Requirement	Required or Optional Element	Definition of N/A	LEA Funding Expectation	Indication of LEA Participation (Yes/No/NA)	LEA Comments
(D)(2) Improving teacher and principal effectiveness based on performance:						
(i) Measure student growth	LEAs commit to implementing the student-level value-added program consistent with the program conducted by Battelle for Kids. This includes supporting professional development and the distribution of value-added reports on an annual basis to all eligible teachers and administrators.	Required	If a student-level value-added program is already implemented, there is no requirement for additional training	LEA RttT funds		
(i) Measure student growth	LEAs commit to participating in pilot projects to develop additional measures of student growth and extend value-added reporting to additional grades and subjects	Optional		State RttT funds will supplement. LEA contributions expected		
(ii) Design and implement evaluation systems	LEAs commit to adopting comprehensive evaluation systems and definitions of effective teachers and principals which encompass multiple measures including student growth as one of multiple significant factors, and which are aligned with criteria established by the state. Recognizing the complexities of implementing new evaluation systems in a collective bargaining state, LEAs commit to designing revised evaluation systems, implementing pilots, and providing training, with full implementation within four years.	Required		LEA RttT Funds		
(iii) Conduct annual evaluations	LEAs commit to annual evaluations of all teachers and principals within a comprehensive performance assessment system that includes standards-based observation, measures of student growth, and other varied evaluations formats aligned with state criteria.	Required		LEA RttT Funds		
(iv)(a) Use evaluations to inform professional development	LEAs commit to using data and results from the evaluation system in the planning of district professional development programs and in the decision-making process for budget development (building and district).	Required		LEA RttT Funds		
(iv)(b) Use evaluations to inform compensation, promotion, and retention	LEAs commit to using evaluation results in promotion and retention decisions	Required		LEA RttT Funds		

Elements of State Reform Plan	Specific Ohio Requirement	Required or Optional Element	Definition of N/A	LEA Funding Expectation	Indication of LEA Participation (Yes/No/NA)	LEA Comments
(iv)(b) Use evaluations to inform compensation, promotion, and retention	LEAs may link evaluation system outcomes to compensation practices	Optional		State RttT funds will supplement. LEA contributions expected		
(iv)(c) Use evaluations to inform tenure and/or full certification	LEAs commit to including evaluation results as a significant input into tenure decisions	Required		LEA RttT Funds		
(iv)(d) Use evaluations to inform removal	LEAs commit to employ evaluation results as a significant input to removal decisions and will commit to not allowing persistently low performing teachers and principals to remain once they've been provided with ample opportunities and support to improve.	Required		LEA RttT Funds		
(D)(3) Ensuring equitable distribution of effective teachers and principals:						
(i) High-poverty and/or high-minority schools	LEAs commit to collaboratively creating and implementing a plan that provides innovative strategies for placing effective teachers in high-poverty and high-minority schools, including strategies such as additional compensation, creating professional learning communities, placing teams of effective teachers in such schools, and distributive leadership models. Placement of teachers in such schools will not be based solely on seniority.	Required	This requirement applies to LEAs that have schools designated as high-poverty and/or high-minority	LEA RttT Funds		
(D)(5) Providing effective support to teachers and principals:						
(i) Quality professional development	LEAs commit to implementing the residency program as defined by House Bill 1 with additional, intensive supports for new teachers in the lowest-performing schools	Required		LEA RttT Funds		
	LEAs commit to using the state's professional development standards when designing and implementing professional development	Required		LEA RttT Funds		
(ii) Measure effectiveness of professional development	captured by (D)(5)(i)					
(E)(2) Turning around the lowest-achieving schools	LEAs commit to implementing one of four Race-to-the-Top specified intervention models in schools designated as among the lowest 5%, and will implement the models in schools each year, to ensure implementation in all such schools within four years	Required	Not applicable to districts who do not have schools explicitly designated	LEA RttT Funds		

Elements of State Reform Plan	Specific Ohio Requirement	Required or Optional Element	Definition of N/A	LEA Funding Expectation	Indication of LEA Participation (Yes/No/NA)	LEA Comments
	LEAs commit to applying for school improvement grant funding to augment their support for transforming the lowest-performing schools.	Required	Not applicable to LEAs who do not have schools explicitly designated	LEA RttT Funds		
	LEAs apply Race-to-the-Top funding to implement the linkage coordinator component of the Governor's Closing the Achievement Gap initiative.	Required for school districts that have a 3-year average graduation rate of 80% or less.	Not applicable to school districts that have a graduation rate higher than 80%.	LEA RttT Funds		
General	LEAs commit to developing a transparent communication strategy to include, at a minimum, a monthly update in public to the local Board of Education.	Required		LEA RttT Funds		

For the Participating LEA

Authorized LEA Signature/Date

Print Name/Title

For the State

Authorized State Signature/Date

Print Name/Title