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MEMORANDUM

TO: District Superintendents
Florida School Boards Association
Florida Education Association

FROM: Commissioner Eric J. Smith

DATE: January 11, 2010

SUBJECT: **FLORIDA'S RACE TO THE TOP**

As we approach the submission deadline for local Memorandums of Understanding (MOU), I want to thank each of you for your continued open dialogue with Department staff throughout this process. Our constant and steady contact has allowed for a truly collaborative process, and I am confident Florida's final Race to the Top application will reflect our coordination and commitment to working together for the benefit of our entire school system.

Through continued spoken and written communication as well as the production of Frequently Asked Questions and answers featured on the Department's Web site, we have shared many opportunities to clarify the federal requirements outlined through Race to the Top as well as the flexibility and local control built into this grant process. As you make your final preparations now to determine your level of participation or endorsement of this groundbreaking effort, please allow me to clarify again the importance of your efforts to take full advantage of this opportunity to create individualized, innovative plans to serve the needs of your communities.

Florida's application for federal Race to the Top funding strikes a defined balance between the federal requirement that we boldly address issues surrounding struggling schools, standards and assessments, statewide data systems and teacher and leader quality, and the need to bolster ingenuity, flexibility and local decision-making within our school districts. While the federal grant process requires that each of the four assurances outlined above be clearly addressed by every participating district, local educational leaders have the opportunity and, more importantly, the responsibility to create a local plan that speaks to the needs of their community.

Participating districts are required to implement all elements of the MOU, unless the requirement does not apply to the district or unless the district has already implemented the required element(s) in a manner that meets the specifications of the MOU. However, how, when and the method by which you implement initiatives to address the required assurances outlined in Race to the Top is controlled by your local education leadership. Florida's grant application includes significant flexibility for local negotiation of the implementation of these requirements.

For example, school districts will determine in their local plans:

- The district implementation timeline related to components of the state plan, as negotiated and agreed upon by the district and local school union representatives
- How to phase in elements of the plan (over the grant period and by school)
- How, at which schools, and when to schedule common planning time
- The focus and format of professional development activities to meet the needs of their school system

The above elements represent only a small portion of the flexibility inherent in the development of local plans as part of the Race to the Top competition.

In addition, there is no sanction for failing to submit a plan after signing the MOU. It is expected that those districts that agree to the MOU in signature will collaborate with all necessary parties and use their best efforts to develop a local plan that meets the needs of their community and the terms of the grant. Only those districts, school boards and union members who intend to participate fully in active local negotiations to meet the terms of the grant should sign the MOU. While Florida will receive more points should all three entities sign the MOU, a district may submit an MOU without all three signatures.

Furthermore, the Department has received feedback from several districts concerning the sustainability requirement of the grant. Having reviewed the federal requirements closely, sustainability does not require participating districts to maintain funding levels similar to those available under the time period of the grant, but instead to commit to sustaining, through available funds and local prioritization, the reforms that are proven to be effective through the course of the grant.

At the request of several districts, we offer the following language to further guide you as you determine your level of participation/endorsement.

“The parties acknowledge that certain LEA undertakings in the MOU are subject to school board consideration and action at a duly noticed public meeting in accordance with Section 120.525, Florida Statutes. The parties further agree that if the LEA is unable to implement any of the mandatory terms of the MOU despite its good faith efforts to do so, resulting in termination of this MOU, such termination shall be without prejudice to the LEA. The LEA has not received the full State Plan, which is not yet complete. In executing this MOU and making the representations and warranties herein contained, the LEA is relying on the materials and representations provided to date by the Department with the understanding that the State Plan, once complete, will not be materially inconsistent with such materials and representations.”

A revised MOU will not be released by the Department. However, districts may submit the language quoted above along with the MOU, as they wish.

Should Florida be awarded this grant, the Department will provide a template or application that will assist districts in submitting a plan within 90 days after the award. It is a district’s approved plan and award of a sub grant that will ultimately bind a district to perform the elements explicated by the district’s plan.

Thank you for your willingness to consider this opportunity to tackle the long-standing challenges within our education system. I look forward to the exciting tasks before us and our continued collaboration.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. Smith". The signature is fluid and cursive, with the first name "Eric" and last name "Smith" clearly distinguishable.

Dr. Eric J. Smith
Commissioner