

COOPERATIVE AGREEMENT
Between the
U.S. DEPARTMENT OF EDUCATION
and the
SMARTER BALANCED ASSESSMENT CONSORTIUM
and the
STATE OF WASHINGTON
(fiscal agent)

Date: January 7, 2011. PR/Award #: S395B100003 and S395B100003A

In accordance with 34 CFR 75.200(b)(4), this award is a cooperative agreement because the Secretary of Education (Secretary) has determined that substantial communication, coordination, and involvement between the U.S. Department of Education (Department or ED) and the recipient is necessary to carry out a successful project. Consistent with 34 CFR 75.234(b), the terms and conditions identified in this cooperative agreement set out the explicit character and extent of the anticipated collaboration between ED and the award recipient.

PURPOSE

The purpose of this agreement is to support the consortium recipient in developing new, common assessment systems that are valid, reliable and fair for their intended purposes and for all student subgroups, and that measure student knowledge and skills against a common set of college- and career-ready standards in mathematics and English language arts. In light of the technical nature of this grant and the fact that the Elementary and Secondary Education Act (ESEA) will likely be reauthorized during the course of this project, the Department will provide necessary flexibility to respond to changing circumstances, technology, and laws by working collaboratively with the recipient through this agreement. The objective is to assist the consortium in fulfilling, at minimum, the goals articulated in the consortium's approved Race to the Top Assessment (RTTA) application, requirements established in the RTTA Notice Inviting Applications (NIA) for New Awards for Fiscal Year (FY) 2010 that was published in the *Federal Register* on April 9, 2010, and any subsequent additions detailed through this agreement.

SCOPE OF WORK

The work to be performed under this agreement shall be that described in the consortium's approved RTTA application, requirements established in the RTTA NIA, conditions on the grant award, and any subsequent additions detailed through this agreement (e.g., plans for development and delivery of the technology platform for assessment), along with any modifications or specifications ED and the consortium determine to be necessary to carry out this work in accordance with the approved application and requirements. Any subsequent changes in the scope of work must be communicated by the grantee to the **Program Officer** in writing and approved by the Officer in writing.

ARTICLE I
STATEMENT OF JOINT OBJECTIVES

A. OBJECTIVES TO BE ACHIEVED

The recipient, with the Department's support, will use RTTA grant funds to develop assessment systems that are valid, reliable, and fair for their intended purposes and for all student subgroups; support and inform instruction; provide accurate information about what students know and can do; and measure student achievement against standards designed to ensure that all students gain the knowledge and skills needed for successful entry to college and the workplace. These assessments are intended to play a critical role in educational systems; provide administrators, educators, parents, and students with the data and information needed to continuously improve teaching and learning; and help meet the President's goal of restoring, by 2020, the nation's position as the world leader in college graduates.

B. RESULTS EXPECTED

Specifically, the recipient will develop an assessment system that measures student knowledge and skills against a common set of college and career-ready standards in mathematics and English language arts in a way that covers the full range of those standards, elicits complex student demonstrations or applications of knowledge and skills as appropriate, and provides an accurate measure of student achievement across the full performance continuum and an accurate measure of student growth over a full academic year or course. This assessment systems will include one or more summative assessment components in mathematics and in English language arts that are administered at least once during the academic year in grades 3 through 8 and at least once in high school and that produce student achievement data and student growth data that can be used to determine whether individual students are college- and career-ready or on track to being college- and career-ready. Additionally, the recipient's assessment systems developed with the RTTA grants will assess all students, including English learners and students with disabilities (as defined in the NIA). Finally, the assessment systems will produce data (including student achievement data and student growth data) that can be used to inform (a) determinations of school effectiveness; (b) determinations of individual principal and teacher effectiveness for purposes of evaluation; (c) determinations of principal and teacher professional development and support needs; and (d) teaching, learning, and program improvement.

ARTICLE II
PROJECT MANAGEMENT PLAN

A. RECIPIENT'S RESPONSIBILITIES

In addition to carrying out the tasks and activities described in the recipient's application, as indicated in the Scope of Work section of this agreement, the recipient will:

- 1) Perform tasks identified in Article I of this agreement.

- 2) Provide updated, detailed work plans and budgets for all major activities identified in the recipient's application, including but not limited to:
 - development, quality control, use and validation of artificial intelligence for scoring;
 - selection of a uniform growth model consistent with test purpose, structure, and intended uses;
 - development of performance tasks (addressing items such as technical challenges of scoring, reliability, and large-scale administration of performance-based items);
 - development of a research and evaluation agenda (addressing items such as validity, reliability, and fairness);
 - development and delivery of the technology platform for assessment.
- 3) Actively participate in any meetings and telephone conferences with ED staff 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 project, and (d) other relevant information, including applicable technical assistance activities conducted or facilitated by ED or its designees, including periodic expert reviews, and collaboration with the other RTTA recipient.
- 4) Be responsive to requests from ED for information about the status of the project, project implementation and updated plans, outcomes, any problems anticipated or encountered, and future plans for the assessment system, including by providing such information in writing when requested.
- 5) Comply with, and where applicable coordinate with the ED staff to fulfill, the program requirements established in the RTTA Notice Inviting Applications and the conditions on the grant award, as well as to this agreement, including, but not limited to working with the Department to develop a strategy to make student-level data that results from the assessment system available on an ongoing basis for research, including for prospective linking, validity, and program improvement studies; subject to applicable privacy laws.

B. FEDERAL RESPONSIBILITIES

The Program Officer is responsible for supporting the recipient's compliance with Federal requirements and is the liaison with the recipient. The Program Officer will ensure project consistency with the recipient's approved application, Department goals and objectives, as well as to assist the recipient in meeting its benchmarks and objectives by providing necessary support and flexibility. The following are, at a minimum, the activities that the Program Officer may be involved in to exercise his or her responsibilities on behalf of the Department:

- 1) The Program Officer will work collaboratively with the recipient as it carries out tasks identified in this agreement.
- 2) The Program Officer will provide feedback on the recipient's status updates, annual reports, any interim reports, and project work plans and products, including, for example, selection of key personnel, and review of provisions of proposed subcontracts by recipient.

- 3) The Program Officer will help identify sources of technical assistance for the project to the extent these are available.
- 4) The Program Officer will facilitate interaction with other offices of the Department as needed to assist the recipient in the execution of its plan, as well as interaction across consortia when necessary.
- 5) The Program Officer will review and approve modifications to the design of activities proposed under this Agreement. Any recipient requests for changes shall be submitted in writing directly to the Program Officer. Requests are not approved until the grantee has received authorization and notification in writing from the Program Officer.
- 6) The Program Officer will maintain the Department's communication and coordination with the project, by, for example, providing leadership in identifying issues to be addressed by the project; stopping or redirecting proposed activities if the methodology proposed appears vague or requires further justification or the projected outcomes are inconsistent with the intended project outcomes.
- 7) Except as provided elsewhere in this agreement, the Program Officer is not solely authorized to make any commitments or otherwise obligate the Government or authorize any changes that affect the agreement amount, terms, or conditions.

C. JOINT RESPONSIBILITIES

- 1) The Program Officer and Project Director will maintain frequent communication to facilitate cooperation under this agreement.
- 2) The Program Officer will work with the Project Director to determine a timeline for project updates that will be provided by the Project Director through the course of each project year.
- 3) The Program Officers for the RTTA and the General Supervision Enhancement Grants consortia to develop Alternate Assessments based upon Alternate Academic Achievement Standards (GSEG AA-AAAS) projects and the respective Project Directors for RTTA and GSEG AA-AAAS will collaborate to coordinate appropriate tasks and timelines to foster synchronized development of assessment systems supported by these grants.
- 4) The Program Officer for the RTTA grantees will work with the Project Directors for both RTTA grantees to coordinate and facilitate coordination across consortia.

**ARTICLE III
FINANCIAL SUPPORT AND BUDGET MODIFICATIONS**

- A. The estimated cost for the work to be performed under this Agreement is \$159,976,843 and \$15,872,696 for the supplemental award.
- B. The detailed budget for the implementation of this project is the budget contained in the application; and for the supplemental award for this project, the budget submitted by the recipient and approved by the Program Officer, attached to this agreement. The work of the project will be performed according the budget negotiated and approved in the application and confirmed by this cooperative agreement. With respect to 34 CFR section 80.30(c) “Budget changes” provisions, the Grantee and sub-recipients must obtain prior written approval from ED for transfers among direct cost categories and among separately budgeted programs, projects, functions, or activities that exceed \$100,000 of the current total approved budget.

**ARTICLE IV
COMMUNICATIONS AND REPORTS**

The recipient will undertake communications and submit reports in the quantities and frequencies shown below:

Required Communications/Reports	Quantity/Transmittal	Frequency
Monthly Project Update	Brief update submitted electronically to the Program Officer followed by call	Monthly
Minutes from regularly-scheduled Consortium Executive Committee Meetings, maintained by the PMP	Submitted electronically to the Project Officer, as requested	Monthly, for previous month
Semi-annual Performance check-in against timeline and benchmarks	Update submitted electronically to the Program Officer	Semi-annual
Reporting Required by Sec. 1512 of the American Recovery and Reinvestment Act (ARRA)	Submitted via the www.federalreporting.gov website	Quarterly, schedule available at: http://www.recovery.gov/FAQ/Pages/RecipientReporting.aspx#schedule

Annual Performance Report	Submitted electronically to the Department using e-Report	Recipient will be notified by the Department of Education at least 60 days prior to report due dates
Final Report	Submitted electronically to the Department	90 days after project performance end date

**ARTICLE V
CHANGES TO THE COOPERATIVE AGREEMENT**

The recipient shall submit any requests for changes to the cooperative agreement (e.g., scope of work, terms or conditions of award) to the Program Officer for review and/or approval, as required by EDGAR or the terms of this agreement.

DEPARTMENT PROGRAM OFFICER CONTACT INFORMATION

For this cooperative agreement, Patrick Rooney is the Program Officer for the U.S. Department of Education. The **Program Officer's** contact information is:

Office of the Deputy Secretary
U.S. Department of Education
400 Maryland Ave, SW Room 7C106
Washington, DC 20202
Phone: (202) 453-1554
E-mail: Patrick.Rooney@ed.gov

All items submitted to the Department must contain the assigned Department of Education Grant Number, found on page one of this document.

CONSORTIUM CONTACT INFORMATION

For this cooperative agreement, Joe Willhoft is the Program Representative for Washington State (Office of Superintendent of Public Instruction). The Program Representative's contact information is:

Office of Superintendent of Public Instruction
PO Box 47200
600 Washington Street SE
Olympia, WA 98504-7200
Phone: (253) 381-1954
Fax: (360) 725-0424
E-mail: joe.willhoft@k12.wa.us

**ARTICLE VI
FAILURE TO ADDRESS OBJECTIVES**

Failure to comply with the content of this agreement may result in the Secretary imposing special conditions on the award pursuant to EDGAR §80.12 or taking other enforcement actions, including partly suspending or terminating the award, pursuant to EDGAR §80.43.

Patrick Rooney,
Program Officer
Office of Deputy Secretary
U.S. Department of Education

Joe Willhoft,
Project Director
SMARTER Balanced
Assessment Consortium

Joseph C. Conaty, Ph.D.
U.S. Department of Education

Alan Burke,
Deputy Superintendent for
Teaching and Learning
Office of Superintendent of
Public Instruction

APPENDIX E: RTTA GRANT CONDITIONS

(attached for reference purposes)

- A. The Grantee may draw down no more than 50 percent of the grantee's Year 1 budget total until a final cooperative agreement has been negotiated and signed with the Department of Education (ED), or until ED has provided written permission to draw down a specific, interim amount of funds.
- B. All Race to the Top Assessment funds must be used in accordance with the Grantee's approved application and the requirements of section 14005 and 14006 of the American Recovery and Reinvestment Act (ARRA), as authorized under P.L. 111-5, and applicable regulations including 34 CFR Parts 75, 77, 80 (except section 80.30 (c)), 81, 82, 84, 85, 97, 98, and 99.
- C. The Grantee and its sub-recipients must comply with all of the assurances and certifications that the Grantee submitted with its Application, including OMB Standard Form 424B (Assurances for Non-Construction Programs), the certifications in ED Form Certification regarding Lobbying, as well as all applicable operational and administrative provisions in Title XV and XVI of ARRA.
- D. Pre-award costs, used in accordance with the Grantee's approved application, and incurred by the Grantee, beginning on September 2, 2010, are allowable under this grant.
- E. With respect to 34 CFR section 80.30(c) "Budget changes" provisions, the Grantee and sub-recipients must obtain prior written approval from ED for transfers among direct cost categories and among separately budgeted programs, projects, functions, or activities that exceed \$100,000 of the current total approved budget.
- F. The Grantee and its sub-recipients will conduct all procurement transactions for services or goods with Race to the Top Assessment grant funds in a manner providing full and open competition, consistent with the standards in 34 CFR section 80.36. This section requires that Grantees use their own procurement procedures (which reflect State and local laws and regulations) to select contractors, provided that those procedures meet certain standards described in EDGAR.
- G. The Grantee will maintain and enforce applicable state procurement laws and procedures regarding standards of conduct governing the performance of its employees, officers, directors, trustees, and agents engaged in the selection, award, and administration of contracts or agreements related to the Cooperative Agreement. The standards of conduct must, at a minimum, be consistent with the requirements in 34 CFR section 75.525.
- H. The Grantee will not commingle Race to the Top Assessment Grant funds with other funds under control of the Grantee, even if such other funds are used for similar purposes. Similarly the Grantee will ensure that its sub-recipients adhere to this same standard. The Grantee will ensure that all Grant and sub-recipient costs incurred using Grant funds are necessary and reasonable. The burden of proof is upon the Grantee to establish that costs are necessary and reasonable.

- I. Consistent with 34 CFR section 80.20, the Grantee and its sub-recipients are required to establish procedures to minimize the time elapsing between the receipt of Federal funds and their actual disbursement. When advances are made by letter-of-credit or electronic transfer of funds methods, the Grantee must make drawdowns as close as possible to the time of disbursement and also ensure that sub-recipients adhere to a similar standard.
- J. Additionally, as required by 34 CFR section 80.20 and applicable OMB cost circular A-87, grantees must keep adequate records of salaries and wages charged to the RTT grant.
- K. The Grantee agrees to cooperate with and assist ED in performing any financial, performance or compliance reviews or audits conducted of the Grant Project, as ED may determine to be necessary, and to comply with all program reporting requirements including participating in an electronic monitoring system if ED develops one during the course of this grant.

Specifically, the Grantee will cooperate with ED by providing information that ED may request relative to this program, including information on the steps that the Grantee is taking to ensure accountability for the use of funds by all entities. Consistent with 34 CFR section 80.40, grant performance reports will contain, at a minimum, information on the following:

- 1) A comparison of actual accomplishments to the objectives established for the period;
- 2) The reasons for established objectives not being met; and
- 3) Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs. Consistent with 34 CFR section 80.41, grant financial reports must be in the form and at the frequency that ED prescribes for each fiscal year that the Grantee's obligation to ED remains in effect.

Additionally, the Grantee agrees to cooperate with audits conducted by the General Accountability Office (GAO), and will arrange for the non-federal audit as required by 34 CFR section 80.26.

- M. These Federal funds may be used for construction or major renovation if it is detailed in the Grantee's approved grant application. Any laborers and mechanics employed by contractors or subcontractors on minor remodeling (as defined in 34 CFR section 77.1) projects over \$2,000 assisted with these funds must be paid in accordance with prevailing wage requirements in the Davis-Bacon Act. If the Grantee or a sub-recipient plans to use grant funds for any of these types of projects, the Grantee must consult with ED and ensure that any applicable ARRA-related construction conditions included in Attachment T to this grant are implemented.
- N. Consistent with 34 CFR section 80.40, the Grantee is responsible for managing the day-to-day operations of grant and sub-recipient-supported tasks and activities. This includes:
 - 1) The Grantee and its sub-recipients actively participating in all relevant convenings, communities of practice, trainings, or other activities that are organized or sponsored by the State or by ED;

- 2) The Grantee and its sub-recipients making work developed under the grant freely available, including by posting to any website or other publication process and to any technical standards specified by ED (and the Grantee for sub-recipients), in a timely manner, unless otherwise protected by law or agreement as proprietary information;
 - 3) Participating, as requested, in any research and evaluations of this grant conducted by ED or its designees (or the Grantee for sub-recipients);
 - 4) Responding to ED's or its designee's (or the Grantee for sub-recipients) requests for information including on the status of the project, project implementation, lessons learned, outcomes, and any problems anticipated or encountered;
 - 5) Participating in meetings and telephone conferences with ED or its designees (or the Grantee for sub-recipients) to discuss (a) progress of the project, (b) potential dissemination of resulting work, (c) plans for subsequent years of the Race to the Top Assessment grant period, and (d) other matters related to the Race to the Top Assessment grant and associated plans;
 - 6) The Grantee must provide timely and complete access to any and all data collected at the State level to ED or its designated program monitors, technical assistance providers, or researcher partners, and to GAO, and the auditors conducting the audit required by 34 CFR section 80.26.
 - 7) Appointing a Grantee key contact person for this Race to the Top Assessment grant;
 - 8) Complying with 34 CFR section 75.517 regarding acquiring ED prior approval regarding changes in key grant personnel or their level of involvement; and
 - 9) Maintaining frequent communication between ED and the Grantee and its sub-recipients to facilitate cooperation under this grant.
- O. The Grantee must monitor its grant and sub-recipient-supported activities to assure compliance with applicable Federal requirements and that the grant performance goals are being achieved throughout the whole project period. This includes ensuring that:
- 1) Sub-recipient personnel the Grantee work together to determine appropriate timelines for project updates and status reporting throughout the whole grant period;
 - 2) Grantee and sub-recipient personnel negotiate in good faith to continue to achieve the overall goals of the Race to the Top Assessment grant project.

As soon as possible, but no later than 180 days from the receipt of the grant, the Grantee must submit a plan, protocols, and a schedule for sub-recipient monitoring, including both programmatic and fiscal issues. As part of the plan, the Grantee must provide a description of how it will distribute funding to its sub-recipients.

Condition for the supplemental award

This supplement is awarded to support the consortium and its participating States efforts successfully transition to common standards and assessments. As soon as possible but no later than January 7, 2011, or when the cooperative agreement is signed (if sooner), the consortium will complete a plan that details transition strategies and activities recommended to the Department of Education by the Peer Reviewers. These items include such activities as:

- Developing gap analyses between current and new standards, curriculum analysis tools, professional development related to the new standards and assessments including support

for educators to better understand the content of the new standards, state and local assessment audits to determine what assessments will no longer be needed;

- Enhancing technology to be used in the assessments systems, including assessment delivery; and
- Supporting educator understanding and use of assessment results, and other steps needed to build the professional capacity to implement more rigorous common standards.

The final approved plan and budget will be incorporated into the cooperative agreement that is signed by the consortium and the Department of Education.

APPENDIX F: RTTA PROGRAM REQUIREMENTS (attached for reference purposes)

These requirements are from the RTTA NIA published in the *Federal Register* on April 9, 2010, pages 18174-18175:

An eligible applicant awarded a grant under this category must—

1. Evaluate the validity, reliability, and fairness of the summative assessment components of the assessment system, and make available through formal mechanisms (*e.g.*, peer-reviewed journals) and informal mechanisms (*e.g.*, newsletters), and in print and electronically, the results of any evaluations it conducts;
2. Actively participate in any applicable technical assistance activities conducted or facilitated by the Department or its designees, including periodic expert reviews, collaboration with other consortia that receive funds under this program, and other activities as determined by the Department;
3. Work with the Department to develop a strategy to make student-level data that result from the assessment system available on an ongoing basis for research, including for prospective linking, validity, and program improvement studies;¹
4. Ensure that the summative assessment components of the assessment system in both mathematics and English language arts are fully implemented statewide by each State in the consortium no later than the 2014-2015 school year;
5. Maximize the interoperability of assessments across technology platforms and the ability for States to switch their assessments from one technology platform to another by—
 - (a) Developing all assessment items to an industry-recognized open-licensed interoperability standard that is approved by the Department during the grant period, without non-standard extensions or additions;² and
 - (b) Producing all student-level data in a manner consistent with an industry-recognized open-licensed interoperability standard that is approved by the Department during the grant period;
6. Unless otherwise protected by law or agreement as proprietary information, make any assessment content (*i.e.*, assessments and assessment items) developed with funds from



Eligible applicants awarded a grant under this program must comply with the Family Educational Rights and Privacy Act (FERPA) and 34 CFR Part 99, as well as State and local requirements regarding privacy.

² We encourage grantees under this competition to work during the grant period with the Department and the entities that set interoperability standards to extend those standards in order to make them more functional for assessment materials.

- this grant category freely available to States, technology platform providers, and others that request it for purposes of administering assessments, provided they comply with consortium or State requirements for test or item security;
7. Use technology to the maximum extent appropriate to develop, administer, and score assessments and report assessment results;
 8. Use funds from this grant category only for the design, development, and evaluation of the assessment system. An eligible applicant awarded a grant under this category may not use funds for the administration of operational assessments;
 9. Comply with the requirements of 34 CFR 75.129, which specifies that--
 - (a) The applicant (*i.e.*, the State applying on behalf of the consortium, or the consortium if established as a separate legal entity and applying on its own behalf) is legally responsible for—
 - (i) The use of all grant funds;
 - (ii) Ensuring that the project is carried out by the consortium in accordance with Federal requirements; and
 - (iii) Ensuring that indirect cost funds are determined as required under 34 CFR 75.564(e); and
 - (b) Each member of the consortium is legally responsible to—
 - (i) Carry out the activities it agrees to perform; and
 - (ii) Use any grant funds it receives under the consortium’s Memoranda of Understanding or other binding agreements in accordance with Federal requirements that apply to the grant;
 10. Obtain approval from the Department of any third-party organization or entity that is responsible for managing funds received under this grant category; and
 11. Identify any current assessment requirements in Title I of the ESEA that would need to be waived in order for member States to fully implement the proposed assessment system.