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Part II

Department of Education

**34 CFR Subtitle B, Chapter II
Race to the Top Fund; Final Rule and
Notice**

DEPARTMENT OF EDUCATION

34 CFR Subtitle B, Chapter II

[Docket ID ED-2009-OESE-0006]

RIN 1810-AB07

Race to the Top Fund

AGENCY: Department of Education.

ACTION: Final priorities, requirements, definitions, and selection criteria; correction.

SUMMARY: On November 18, 2009, the Department of Education published a document in the **Federal Register** announcing final priorities, requirements, definitions, and selection criteria (“Final Rule”) for the Race to the Top Fund. Included as Appendix B to the November 18 Final Rule was the Scoring Rubric that the Department developed for the scoring of State applications submitted under this program. This document makes several corrections to Appendix B to the November 18 Final Rule.

DATES: *Effective Date:* January 27, 2010.

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Education, 400 Maryland Avenue, SW., room 3E108, Washington, DC 20202–6400. *Telephone:* (202) 205–37705 or by *e-mail:* racetothetop@ed.gov.

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SUPPLEMENTARY INFORMATION:

Correction

Appendix B to the November 18 Final Rule (74 FR 59688) provided a scoring rubric containing a rubric and allocation of point values that peer reviewers will use to score applications from States under the Race to the Top Fund. Appendix B contained several errors that we are correcting in this notice.

First, the chart on pages 59814 and 59815 omitted certain maximum point values for the selection criteria. The corrected chart provided in this notice includes new rows for point values 6, 8,

and 28. It does not change any of the previously published rows.

Second, in several instances throughout Appendix B, in providing General Reviewer Guidance for certain of the selection criteria, we refer reviewers to application requirement (d) (Current Status and Evidence) when the reference should not have been included or the reference should have been to application requirement (e) (Plan for Use of Funds).

Finally, there was an error in the “*Reviewer Guidance Specific to Criterion (F)(2)(iii)*” on page 59825. We incorrectly stated both that “low” points would be awarded if a State does not have a charter school law and that no points are earned if the State has no charter school law. The reference to “low” points being awarded if a State does not have a charter school law was incorrect.

To correct these errors, the Department makes the following corrections to the November 12 Final Rule:

1. On pages 59814 and 59815, the chart is removed and replaced with the following chart:

Maximum point value	Quality of applicant's response		
	Low	Medium	High
45	0–12	13–33	34–45
40	0–10	11–29	30–40
35	0–9	10–25	26–35
30	0–8	9–21	22–30
28	0–8	9–20	21–28
25	0–7	8–18	19–25
21	0–5	6–15	16–21
20	0–5	6–14	15–20
15	0–4	5–10	11–15
14	0–4	5–9	10–14
10	0–2	3–7	8–10
8	0–2	3–5	6–8
7	0–2	3–4	5–7
6	0–1	2–3	4–6
5	0–1	2–3	4–5

2. On page 59815, under the heading “*General Reviewer Guidance for (A)(1)*,” “, and to the elements of a high-quality plan as set forth in application requirement (d)” is removed.

3. On page 59816, under the heading “*General Reviewer Guidance for (A)(2)*,” “application requirement (d)” is replaced with “application requirement (e)”.

4. On page 59819, under the heading “*General Reviewer Guidance for (B)(3)*,” “application requirement (d)” is replaced with “application requirement (e)”.

5. On page 59819, under the heading “*General Reviewer Guidance for (C)(2)*,” “application requirement (d)” is

replaced with “application requirement (e)”.

6. On page 59820, under the heading “*General Reviewer Guidance for (C)(3)*,” “application requirement (d)” is replaced with “application requirement (e)”.

7. On page 59821, under the heading “*General Reviewer Guidance for (D)(2)*,” “application requirement (d)” is replaced with “application requirement (e)”.

8. On page 59822, under the heading “*General Reviewer Guidance for (D)(3)*,” “application requirement (d)” is replaced with “application requirement (e)”.

9. On page 59822, under the heading “*General Reviewer Guidance for (D)(4)*,” “application requirement (d)” is replaced with “application requirement (e)”.

10. On page 59822, under the heading “*General Reviewer Guidance for (D)(5)*,” “application requirement (d)” is replaced with “application requirement (e)”.

11. On page 59823, under the heading “*General Reviewer Guidance for (E)(2)*,” “application requirement (d)” is replaced with “application requirement (e)”.

12. On page 59825, under the heading “*Reviewer Guidance Specific to (F)(2)(iii)*,” the third bulleted sentence

that reads “‘Low’ points are earned if the per-pupil funding to charter school students is $\leq 79\%$ of that which is provided to traditional public school students, or the State does not have a charter school law.” is removed and replaced with the following:

“Low” points are earned if the per-pupil funding to charter school students is $\leq 79\%$ of that which is provided to traditional public school students.

Program Authority: The American Recovery and Reinvestment Act of 2009, Division A, Section 14006, Public Law 111–5.

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Dated: January 20, 2010.

Thelma Meléndez de Santa Ana,
Assistant Secretary for Elementary and Secondary Education.

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