



November 9, 2009

ELECTRONIC SUBMISSION

Secretary Arne Duncan
(Attention: Investing in Innovation Comments)
U.S. Department of Education
400 Maryland Avenue, SW
Room 4W321
Washington, DC 20202

Electronic address: www.regulations.gov (ED Docket E9-24387; Docket ID ED-2009-OII-0012-0001)

Re: Investing in Innovation Grants; FR Doc. E9-24387

Dear Secretary Duncan:

Approximately 4,000 magnet and theme-based public schools exist across the country. The Obama administration has made “turnaround schools” a major priority to improve low performing schools to excel academically. But, what is the best strategy to accomplish this very lofty goal? Magnet Schools, providing a theme-based integrated curriculum, offer a solid approach to improving the lowest performing schools. The Century Foundation will soon issue a brief on “Turnaround Schools that Work.”

Magnet Schools of America (MSA), a non-profit membership organization of nationwide magnet schools, submits its comments on the proposed Investing in Innovation regulations. MSA advocates the passage of national and state legislation addressing school desegregation, theme-based/specialty education, and public schools of choice. MSA also supports and serves the leaders and teachers of Magnet and/or specialized schools, while promoting the development of new Magnet and public schools of choice.

I. Introduction

Magnet Schools of America (MSA) supports the proposed requirements for the Investing in Innovation Grants (i3) authorized under section 14007 of the American Recovery and Reinvestment Act of 2009. MSA believes that focusing funds towards programs that help improve teacher effectiveness, improve student achievement, close achievement gaps, and prepare students for success in college and careers is a positive step in education reform. Given this, MSA is pleased to comment on this very important funding mechanism.

II. Award Requirements Concerns

One of the requirements for applicants as described in the i3 notice calls for an established partnership with the private sector. Specifically, the Notice states:

“To be eligible for an award, an applicant must: (4) Demonstrate that they have established partnerships with the private sector, which may include philanthropic organizations, and that the private sector will provide matching funds in order to help bring results to scale...”¹

MSA views this requirement as a constraint that, in fact, may impede innovation. Numerous programs have established great success without such partnerships. Rather than an absolute requirement, our recommendation is that it be a “highly recommended” to develop partnerships and collaborations with the private sector. As described in the Notice, this mandate could prevent up-and-coming Magnet Schools to apply for funding if they have not had an opportunity to participate in such partnerships in the past. Given these reasons, the requirement of established partnerships may well prevent proven LEAs from obtaining grant money despite meeting or exceeding the other requirements described in the i3 Notice.

MSA is also concerned with the requirements listed pertaining to nonprofit organizations. Specifically, the i3 Notice states:

“To be eligible for an award, the statute requires that an application submitted by a nonprofit organization, in partnership with one or more LEAs or a consortium of schools, be considered to have met the eligibility requirements in paragraphs (1), (2), and (3) described earlier in this notice, if the nonprofit organization has a record of meeting those requirements. We are proposing that a nonprofit organization applicant be considered to have met these eligibility requirements through its record of work with an LEA. Therefore, an applicant that is a nonprofit organization would not necessarily need to select as a partner for its Investing in Innovation Fund grant an LEA or a consortium of schools that meets the eligibility requirements in paragraphs (1), (2), and (3) described earlier. Rather, the nonprofit organization would have to demonstrate that it has a record of meeting those requirements through the assistance it has provided to one or more LEAs in the past.”²

¹74 Fed. Reg. 52214, 52220 (October 9, 2009).

² Id.

The term “innovation” is defined as “the process of making changes.”³ Given that this term is expressly used in the title of the proposed i3 Notice, MSA views the nonprofit eligibility requirement to only impede the innovation that is sought to be achieved with this rulemaking. Based on these requirements, a nonprofit must have demonstrated meeting requirements with assistance provided to one or more LEAs in the past. This requirement essentially precludes nonprofit groups who would want to work with LEAs via the i3 grant not eligible because of their lack of a previous partnership with an LEA (possibly due to lack of funding). Instead of making this an absolute eligibility requirement, MSA recommends that LEA partnerships with nonprofits be as a competing factor in obtaining an award, giving priority to those groups who have successfully implemented in the past, while also allowing for other nonprofits that lack such partnerships to apply, thus making this program truly “*Innovative.*”

VI. Conclusion

Magnet Schools of America supports the Department of Education’s Investing in Innovation plan in order to improve student achievement, close achievement gaps, and prepare students for success in college and careers. However, MSA recommends that the proposed eligibility requirements be less rigid and be used as competitive factors when awarding the grants. True innovation can only be accomplished if everyone is provided a chance to participate.

Sincerely,

A handwritten signature in black ink that reads "Robert Brooks, PhD". The signature is written in a cursive style.

Dr. Robert G. Brooks
Executive Director

³"Innovation." Def. Webster’s New World Dictionary and Thesaurus 1996. Print.