III. RACE TO THE TOP APPLICATION ASSURANCES
(CFDA No. 84.395A)

Legal Name of Applicant (Office of the Governor): David A. Paterson, Governor	Applicant's Mailing Address: State Capitol Albany, NY 12248-0001
Employer Identification Number: 146013200	Organizational DUNS: 041002973
State Race to the Top Contact Name: (Single point of contact for communication) David M. Steiner	Contact Position and Office: Chief State School Officer-Commissioner of Education
Contact Telephone: 518-474-5844	Contact E-mail Address: dsteiner@mail.nysed.gov

Required Applicant Signatures:

To the best of my knowledge and belief, all of the information and data in this application are true and correct.

I further certify that I have read the application, am fully committed to it, and will support its implementation:

Governor or Authorized Representative of the Governor (Printed Name): Lorraine Cortés-Vázquez	Telephone: 518-474-4752
Signature of Governor or Authorized Representative of the Governor:	Date: Jan. 19, 2010
Chief State School Officer (Printed Name): David M. Steiner	Telephone: 518-474-5844
Signature of the Chief State School Officer:	Date: Jan. 19, 2010
President of the State Board of Education (Printed Name): Merryl H. Tisch	Telephone: 212-879-9414
Signature of the President of the State Board of Education: Merryl H. Tisch	Date: Jan. 19, 2010

State Attorney General Certification

I certify that the State's description of, and statements and conclusions concerning, State law, statute, and regulation in its application are complete, accurate, and constitute a reasonable interpretation of State law, statute, and regulation.
(See especially Eligibility Requirement (b), Selection Criteria (B)(1), (D)(1), (E)(1), (F)(2), (F)(3).)

I certify that the State does not have any legal, statutory, or regulatory barriers at the State level to linking data on student achievement (as defined in this notice) or student growth (as defined in this notice) to teachers and principals for the purpose of teacher and principal evaluation.

State Attorney General or Authorized Representative (Printed Name):	Telephone:
Henry M. Greenberg Counsel to the Attorney General	(518) 474-7330
Signature of the State Attorney General or Authorized Representative:	**Date:**
Henry M. Greenberg	January 19, 2010

IV. ACCOUNTABILITY, TRANSPARENCY, REPORTING AND OTHER ASSURANCES AND CERTIFICATIONS

Accountability, Transparency and Reporting Assurances

The Governor or his/her authorized representative assures that the State will comply with all of the accountability, transparency, and reporting requirements that apply to the Race to the Top program, including the following:

- For each year of the program, the State will submit a report to the Secretary, at such time and in such manner as the Secretary may require, that describes:
    - the uses of funds within the State;
    - how the State distributed the funds it received;
    - the number of jobs that the Governor estimates were saved or created with the funds;
    - the State's progress in reducing inequities in the distribution of highly qualified teachers, implementing a State longitudinal data system, and developing and implementing valid and reliable assessments for limited English proficient students and students with disabilities; and
    - if applicable, a description of each modernization, renovation, or repair project approved in the State application and funded, including the amounts awarded and project costs (ARRA Division A, Section 14008)

- The State will cooperate with any U.S. Comptroller General evaluation of the uses of funds and the impact of funding on the progress made toward closing achievement gaps (ARRA Division A, Section 14009)

- If the State uses funds for any infrastructure investment, the State will certify that the investment received the full review and vetting required by law and that the chief executive accepts responsibility that the investment is an appropriate use of taxpayer funds. This certification will include a description of the investment, the estimated total cost, and the amount of covered funds to be used. The certification will be posted on the State's website and linked to www.Recovery.gov. A State or local agency may not use funds under the ARRA for infrastructure investment funding unless this certification is made and posted. (ARRA Division A, Section 1511)

- The State will submit reports, within 10 days after the end of each calendar quarter, that contain the information required under section 1512(c) of the ARRA in accordance with any guidance issued by the Office of Management and Budget or the Department. (ARRA Division A, Section 1512(c))

- The State will cooperate with any appropriate Federal Inspector General's examination of records under the program. (ARRA Division A, Section 1515)

Other Assurances and Certifications

The Governor or his/her authorized representative assures or certifies the following:

- The State will comply with all applicable assurances in OMB Standard Forms 424B (Assurances for Non-Construction Programs) and to the extent consistent with the State's application, OMB Standard Form 424D (Assurances for Construction Programs), including the assurances relating to the legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood hazards; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and the general agreement to comply with all applicable Federal laws, executive orders and regulations.

- With respect to the certification regarding lobbying in Department Form 80-0013, no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; the State will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 C.F.R. Part 82, Appendix B); and the State will require the full certification, as set forth in 34 C.F.R. Part 82, Appendix A, in the award documents for all subawards at all tiers.

- The State will comply with all of the operational and administrative provisions in Title XV and XIV of the ARRA, including Buy American Requirements (ARRA Division A, Section 1605), Wage Rate Requirements (section 1606), and any applicable environmental impact requirements of the National Environmental Policy Act of 1970 (NEPA), as amended, (42 U.S.C. 4371 et seq.) (ARRA Division A, Section 1609). In using ARRA funds for infrastructure investment, recipients will comply with the requirement regarding Preferences for Quick Start Activities (ARRA Division A, Section 1602).

- Any local educational agency (LEA) receiving funding under this program will have on file with the State a set of assurances that meets the requirements of section 442 of the General Education Provisions Act (GEPA) (20 U.S.C. 1232e).

- Any LEA receiving funding under this program will have on file with the State (through either its Stabilization Fiscal Stabilization Fund application or another U.S. Department of Education Federal grant) a description of how the LEA will comply with the requirements of section 427 of GEPA (20 U.S.C. 1228a). The description must include information on the steps the LEA proposes to take to permit students, teachers, and other program beneficiaries to overcome barriers (including barriers based on gender, race, color, national origin, disability, and age) that impede access to, or participation in, the program.

- The State and other entities will comply with the Education Department General Administrative Regulations (EDGAR), including the following provisions as applicable: 34 CFR Part 74–Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations; 34 CFR Part 75–Direct Grant Programs; 34 CFR Part 77– Definitions that Apply to Department Regulations; 34 CFR Part

80– Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, including the procurement provisions; 34 CFR Part 81– General Education Provisions Act–Enforcement; 34 CFR Part 82– New Restrictions on Lobbying; 34 CFR Part 84–Governmentwide Requirements for Drug-Free Workplace (Financial Assistance); 34 CFR Part 85–Governmentwide Debarment and Suspension (Nonprocurement).

SIGNATURE BLOCK FOR CERTIFYING OFFICIAL

Governor or Authorized Representative of the Governor (Printed Name): Lorraine Cortés-Vázquez	
Signature of Governor or Authorized Representative of the Governor:	Date: Jan. 19, 2010