

**Teaching is the Core
Request for Proposals # SA-17**

ANNOUNCEMENT OF FUNDING OPPORTUNITY

Legislative Authority	Race to the Top (RTTT) through New York State Education Department (NYSED)		
Purpose	The primary purpose of this request for proposals (RFP) is to support district/consortium applicants in their efforts to (1) improve the quality of all educational assessments, while also (2) reducing the number of assessments that do not contribute to teaching and learning. In addition, this RFP can help districts/consortia identify and/or develop high-quality assessments already in use for instructional or other curricular purposes that can simultaneously be used for Annual Professional Performance Review (APPR) purposes.		
Eligible Applicants	<p>Eligible applicants are:</p> <ul style="list-style-type: none"> • Individual New York State public school districts (“Districts”) with student enrollment above nineteen thousand (19,000); OR • Consortia, as follows: <ul style="list-style-type: none"> – A Board of Cooperative Educational Services (BOCES)-led consortium comprised of two or more Districts as consortium members; or – District-led consortiums comprised of two or more Districts as consortium members; or – Charter School-led consortiums comprised of two or more Charter Schools as consortium members (note: a charter management organization cannot be a lead applicant or be a consortium member) <p>Additional requirements:</p> <ul style="list-style-type: none"> • A BOCES is eligible only as a consortium lead. • The consortium lead must be an active participant in the consortium, providing a minimum of 20% of the grant activities, and cannot act solely as a flow-through for grant funds. • No charter school or public school district or BOCES may individually apply for, or lead or be a member of an applicant consortium, for more than one Teaching Is the Core grant application. • Any District with more than 19,000 students may <u>not</u> apply as part of a consortium, either as the lead applicant or a consortium member. 		
Funding	<p>Source: Race to the Top Estimated Funds Available: \$ 16,700,000</p> <p style="text-align: center;"><u>Awards will be made subject to availability of funding by the U.S. Department of Education</u></p>		
Distribution of Funding	Funds available will be divided into three categories: (1) individual public school district with student enrollment above nineteen thousand; (2) public school consortium (either BOCES or district led); and (3) charter school consortium awards. Please see the Award Methodology section of this RFP for additional information.		
Important Dates for Awarding Grants	Applications must be received by: June 24, 2014	Anticipated Preliminary Award Notification: August 2014	Anticipated Project Period: September 1, 2014- June 30, 2015

Questions and Answers	<ul style="list-style-type: none"> • Questions about this RFP must be sent to TITCgrants@mail.nysed.gov no later than May 2, 2014. • A live webinar will take place during the week of May 5, 2014 to answer those questions that have been emailed prior to the deadline, and additional questions will be invited and answered during the live webinar. Please check this website http://usny.nysed.gov/rttt/rfp/sa-17/ for additional details, which will be posted no later than April 28, 2014. • A written Questions and Answers summary of all questions asked by email and those posed during the webinar will be posted by May 12, 2014 to http://usny.nysed.gov/rttt/rfp/sa-17/. 		
Webinars	<ul style="list-style-type: none"> • A prerecorded webinar that describes the application process and expectations will be posted to http://usny.nysed.gov/rttt/rfp/sa-17/ by April 28, 2014. • Please see the previous section (Questions and Answers) for information regarding a webinar that will address questions. • Additional webinars will be made available to successful awardees at a later date. 		
Letter of Intent (LOI)	<p>Applicants are requested to submit an LOI to TITCgrants@mail.nysed.gov by 5:00 p.m. on May 15, 2014. The LOI is not a requirement for submitting a complete application by the application date; however, NYSED strongly encourages all prospective applicants to submit an LOI to ensure a timely and thorough review and rating process. A charter school applicant's LOI will also help to facilitate timely review of their prequalification materials (see the New Prequalification section below for additional information).</p>		
SED Contacts	<p>Program Matters: Vicki Jones TITCgrants@mail.nysed.gov</p>	<p>Fiscal Matters: Nell Brady TITCgrants@mail.nysed.gov</p>	<p>M/WBE Matters: Joan Ramsey TITCgrants@mail.nysed.gov</p>

The State Education Department does not discriminate on the basis of age, color, religion, creed, disability, marital status, veteran status, national origin, race, gender, genetic predisposition or carrier status, or sexual orientation in its educational programs, services and activities. Portion of any publication designed for distribution can be made available in a variety of formats, including Braille, large print or audiotape, upon request. Inquiries regarding this policy of nondiscrimination should be directed to the Department's Office for Diversity, Ethics, and Access, Room 530, Education Building, Albany, NY 12234.

Note: All entities, except for public entities exempted by the State Comptroller, are required to go through the contract process. Any agency that has not previously received funding with the State Education Department should complete and submit a [Payee Information Form](#) with their application.

NYSED's Reservation of Rights

NYSED reserves the right to: (1) reject any or all proposals received in response to the RFP; (2) withdraw the RFP at any time, at the agency's sole discretion; (3) make an award under the RFP in whole or in part; (4) disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP; (5) seek clarifications of proposals; (6) use proposal information obtained through site visits, management interviews and the state's investigation of a bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFP; (7) prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available; (8) prior to the bid opening, direct bidders to submit proposal modifications addressing subsequent RFP amendments; (9) change any of the scheduled dates; (10) waive any requirements that are not material; (11) negotiate with the successful bidder within the scope of the RFP in the best interests of the state; (12) conduct contract negotiations with the next responsible bidder, should the agency be unsuccessful in negotiating with the selected bidder; (13) utilize any and all ideas submitted in the proposals received; (14) unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 90 days from the bid opening; (15) require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements of the solicitation; (16) to request best and final offers.

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Application Guidance

Purpose

The primary purpose of this request for proposals (RFP) is to promote eligible applicants' efforts to improve the quality of local assessments that are currently in use, while simultaneously reducing the number of local assessments that are perceived not to inform instruction.

The assessment of student learning is integral to instruction when it provides an accurate source of feedback to guide educator instruction, student learning activities, and decision making. The New York State Education Department (NYSED) recognizes that instructional objectives are best supported when students interact with multiple assessment strategies, that is, various forms of assessment that deviate from traditional, fill-in-the-blank methods. While testing is an important part of the instructional cycle and necessary to monitor student academic progress and contribute to decisions at the classroom, school, district, and state levels, the amount of testing should be the minimum necessary to inform effective decision-making. Assessment results should be used only as one of multiple measures of progress, and assessments should reflect our instructional priorities.

Therefore, this RFP aims to:

- Determine which assessments support the instructional goals of the district/charter school/consortium;
- Determine an appropriate action plan that will minimize unnecessary assessment and increase the use of diverse and quality assessment practices by developing or selecting new assessments if possible;
- Support the use of diversified assessment strategies by encouraging a review of local assessments currently in use for Education Law §3012-c (Annual Professional Performance Review, APPR) as well as other purposes; and
- Establish a professional development program that will aid teachers in identifying high-quality assessments and improving assessment practices.

Background

Goal

The goal of this RFP is to allow district/consortium applicants to focus on diverse assessment strategies that can enrich teaching and learning and ensure that all assessments first and foremost support teaching and learning.

APPR

Under the APPR Regulations for Locally-selected and/or Locally-developed Assessments Used for Teacher and Principal Evaluation, a portion of teacher and principal evaluations are based on locally-selected assessments, subject to collective bargaining decisions.

In choosing these assessments for the purposes of APPR, districts have two general options: to select assessments from the state-approved list of assessments (<http://usny.nysed.gov/rttt/teachers-leaders/assessments/approved-list.html>) or use a locally-developed assessment (BOCES, Region, or district developed) that the superintendent certifies is rigorous and comparable across classrooms to the extent practicable, in accordance with Education Law §3012-c and the Commissioner's regulations (see: the Rules of the Board of Regents sections 30-2.5(c)(2)(i) and 30-2.5(c)(2)(ii)).¹

State approved third-party assessments

NYSED reviews third-party "off-the-shelf" assessments for inclusion on the acceptable list according to criteria set forth in Education Law §3012-c and the Commissioner's regulations, including but not limited to the following criteria²:

- Technical Documentation Specific to New York State
- Technical Documentation Related to Measuring Growth
- Evidence of Capability
- Technical Documentation Related to Psychometric Properties
- Evidence of Copyright Owner/Assessment Representative History of Assessment Development
- Technical Documentation Related to Psychometric Properties
- Technical Manual and Assessment Administration Documentation
- Written Guidance on Use of Assessment for Teacher and Principal Evaluations

However, these commercially-available assessments are not customized to local district design requirements, and most are not primarily performance-based. These grant funds can be used by applicants to identify or create more performance-based assessments that are both instructionally meaningful and can be used for APPR purposes.

NYSED recognizes that a variety of pressures at the state and local level may have resulted in more local testing than is needed. In NYSED's conversations with educators from around the state, the following trends in testing have been observed:

- New local tests were added without first reviewing the efficacy of existing tests, resulting in more testing than is truly necessary to inform effective decision-making.
- In response to the "locally selected measures" component of the evaluation law, districts and bargaining units — often acting with limited time and resources — chose to add tests that provide the same information as the State tests rather than using the State tests in a different way or identifying performance-based assessments that would complement the State tests.
- In the subjects without State tests, often constrained by limited time and resources, districts and their bargaining units chose to create or purchase tests relying primarily on selected-response questions where performance-based assessments would make more instructional sense.
- To set goals for students, districts and their bargaining units chose to use pre-tests rather than using prior academic performance to set baselines – which does not require additional testing. Pre-tests are not, and have never been, required by NYSED.

¹ For further explanation of rigor and comparability, please see sections F1 and F2 from the APPR Guidance document, p.77 (<http://www.engageny.org/sites/default/files/resource/attachments/appr-field-guidance.pdf>).

² For more information on the criteria used for the Approved Assessment List, please see RFQ # GT-21 (http://usny.nysed.gov/rttt/rfq/assessment-round4.html#rfq_document)

Given these trends, this RFP aims to encourage district/consortium applicants to take a broader, constructive view of their assessment practices in order to determine how to best make changes that will positively impact teaching and learning processes.

NYSED recognizes that different applicants are likely in different stages in their review of their assessment practices. While most districts and charter schools are in the process of reviewing their assessments, many have not yet developed a comprehensive assessment plan informed by data with measurable goals. To increase transparency, districts and charters should inform educators, parents, and the community about the review process and how it informs teaching and learning. Applicants for the funding provided by this RFP should review their overall assessment program to enhance their assessment practices, possibly replacing their existing assessments with new ones that can be used for formative/instructional purposes, not just APPR.

Scope of Work

Through this grant, all districts/charter schools will be required to complete some or all of the following activities:

1. **Assessment Review:** Assemble a committee³ to review district-wide locally-selected assessments listed in Attachment IV to identify whether each assessment meets the criteria detailed below and make a recommendation to keep the assessments, eliminate the assessments, modify existing assessments and/or identify or create high-quality assessments that may be used for APPR and/or other formative/instructional purposes. It is required that the results of the review (Attachment V: District/Consortium Assessment Review Form) be publically posted.
2. **Action Plan Development:** Create and publically post a description of the action plan to implement the results of the assessment review. Components of the publically posted action plan include:
 - a. The actions that will be taken to modify or augment, eliminate, or replace assessments that are not working.
 - b. Narrative describing the engagement program for parents, how new funds will be obtained for implementing the plan (if applicable), and how the APPR plan may change in the following school year.
3. **Action Plan Implementation:** Groups of educators should be convened to carry out each aspect of the action plan. Each assessment will likely have a different set of educators; participants should be based on content area, grade level, and expertise in writing or identifying assessment items that meet the criteria detailed below for assessment review. Also, implement an engagement program for parents and share the locally developed assessments, strategies, and resources with other grant recipients.

Districts/charter schools must also carry out the following activity throughout the grant period:

³ It is recommended that this committee be comprised of representatives of stakeholder groups. Applicants are also encouraged to engage external reviewers and professional developers with the capacity to contribute specialized assessment expertise.

4. Professional Development: Develop and implement a professional development plan to assist educators in understanding the characteristics of high-quality assessments and how to use assessments effectively to inform instruction.

Step Requirements

This is a multi-step process designed with consecutive steps and some steps must be completed before the next one is begun. These consecutive steps are:

- Step 1: Assessment Review
- Step 2: Action Plan Development
- Step 3: Action Plan Implementation

If an individual district applicant has already started or completed some of steps 1 or 2, it may be appropriate for the district to use grant funds to begin at step 2 or 3. In these cases, the applicants will be asked to provide in their proposal narrative a detailed description of how the work was accomplished. It is important to note that all criteria (rigor, comparability, informs instruction, supports learning goals, and uses diverse assessment techniques) detailed below under assessment review (#1) must be included for step 1 to be considered complete. It is possible that some of the criteria have been reviewed, but a more thorough review needs to occur. In this case, a detailed description of what has occurred and what must still occur to complete this process should be included and aligned accordingly with the funding request. It is also possible for a district to choose to request funds only to carry out steps 1 and 2 (but districts may not propose to carry out only step 1 or only step 2. Step 3 is the only step that can be completed on its own during the grant period). Further, the intention to carry out step 3 should be present for all applicants, but those who request funds for steps 1 and 2 must determine how additional funds would be secured in order to complete step 3.

Consortium applicants may find that member districts/charter schools are at different stages in this three-step process. In these cases, the requirements described in the previous paragraph apply to the individual district/charter school consortium members (consortium applicants must certify that they will comply with these requirements. Please see the Mandatory Requirements section of this RFP for additional information); however, unlike the individual applicants, consortia should not provide entirely separate responses in their proposal narratives to describe where each participating district/charter school member is in the process. The lead applicant will instead provide a description of how the lead plans to approach each step of the process for any and all districts within their consortium that are at that particular step. The lead consortium applicant will be responsible for overseeing the assessment review and/or action plan process in each consortium member district and will submit an inventory form for each district as part of the application.

Note: The Professional Development activities (#4) must be carried out by all grantees, regardless of where they are in the Review/Action Plan process. These activities will be ongoing throughout the grant period, concurrent with the Review and Action Plan processes.

Details Regarding Each Requirement

1. Assessment Review: the assessment review must include, but is not limited to⁴, a review of the:
 - A. Rigor of the assessment(s)
 - i. Rigorous is defined as:
 1. Measuring NYS learning standards (or other applicable national learning standards where no NYS learning standards exist)
 2. Reliable and valid to the extent practicable⁵. Please see *Standards for Educational and Psychological Testing* (APA, AERA, & NCME, 1999)
 - B. Comparability of the assessment(s)
 - i. Comparable is defined as:
 1. The extent to which the results of the assessment support comparable inferences about student performance and progress when used by teachers of the same grade and subject within a district/consortium.
 2. If the same assessment is not used, then different assessments (used within same grade and subject) should be comparable to the extent practicable. Please see *Standards for Educational and Psychological Testing* (1999).
 - ii. While NYSED understands that it is not always practicable that locally-developed performance-based assessments can be designed, administered and scored according to the same psychometric criteria as assessments that were designed, administered and scored on a large-scale with vendor resources, applicants are encouraged to make an effort to maximize both rigor and comparability as much as possible.
 - C. How the assessment(s) informs instruction
 - D. How the assessment(s) supports learning goals
 - i. Information about how the assessment supports all students, including diverse student learners such as those with disabilities, English Language Learners, accelerated learners, and students achieving and performing below grade level.
 - E. How the assessment(s) utilizes a diverse set of assessment techniques, such as performance-based assessment.
 - i. Performance-based assessment⁶ is generally defined as:
 1. An assessment made up of a number of individual performance-based tasks that require an individual to present a response to an inquiry or prompt, in a defined setting, then be judged based on a set of defined standards (Stecher, 2010). Performance-based tasks allow the learner to demonstrate his or her understanding of a concept, and in many cases, provide more information about the *process* of understanding rather than absolute status of understanding
 2. Performance tasks may occur in a number of forms, and are sometimes bound by subject area. For instance, performance tasks in mathematics

⁴ Additional information that districts may choose to include are duration and time of administration, the purpose(s) of the assessment and how the assessment was chosen.

⁵ "To the extent practicable" refers to the applicant's ability to adhere to acceptable measurement standards at the classroom, school, or district level

⁶ Note that performance-based assessments may be defined in different ways. For more information on performance-based assessments, refer to Appendix G: Additional Resources

- may involve handwritten numerical problem solving, whereas in the arts, such as dance or drama, a conventional performance may be staged
3. Standardized portfolios, that is, collections of works that are consistent between students, are another alternative for performance-based assessment
 4. All performance-based assessments (whether procured or developed by district/consortium) must meet the criteria for rigorous and comparable to the extent practicable.
- F. Make a recommendation based on the review of the assessments above. The recommendation should be to keep the assessment(s), eliminate the assessment(s), modify existing assessments, and/or identify or create high-quality assessments that may be used for APPR and/or other formative/instructional purposes.

Please note that each participating district or charter school must post the results of their review on their website during the grant period, on or before **April 1, 2015**.

2. Action Plan Development: the resulting action plan must include:
 - A. Specific actions that will occur to implement the recommendations of the assessment review committee (modify or augment, eliminate, or replace assessments that are not working). A time line should be included for each action. For example, if the committee finds that a new assessment needs to be developed, the action plan should include the number and titles of individuals involved in developing a new assessment that meets all the criteria included in the assessment review, and a schedule that includes when the assessment will be complete, when the assessment will be administered, and when the developed assessment, strategies, and resources will be shared with other grant recipients.
 - B. An engagement program that is specially targeted for parents that reviews the use of assessment data, goals of Teaching is the Core, as well as specific goals of the district/consortium's review, action, and professional development plans,
 - C. A schedule to share the locally developed assessments, strategies, and resources with other grant recipients using a secure network to be set up by the NYSED
 - D. LEAs that have an approved APPR plan in place at the time of application must provide a description of how the APPR plan may change in the following school year (2015/16).⁷
 - E. If grant funds are not being used to implement the action plan, a description of how new funds will be obtained or existing funds re-allocated as necessary to implement the action plan.

Each participating district and charter school must post their action plan on their website during the grant period, on or before **June 1, 2015**. Applicants that have completed Steps 1 and 2 prior to the grant period are encouraged to post their assessment review and action plan as early in the period as possible.

⁷ Annual Professional Performance Review (APPR) Requirements: Any local education agency (LEA) that is awarded a grant through this RFP, and that has an approved APPR plan in place at the time of application, must maintain a demonstration of full implementation of an approved APPR plan in compliance with Section 1 of Part A of Chapter 57 and Chapter 53 of the Laws of 2013, Education Law Section 3012-c, and Subpart 30-2 of the Rules of the Board of Regents. To view APPR guidance, see <http://www.engageny.org/sites/default/files/resource/attachments/appr-field-guidance.pdf>.

3. Action Plan Implementation: Activities must include:
 - a. Using the aspects of the assessment system that support instruction and learning goals to inform aspects that do not. This may include using existing assessments as models.
 - b. Convening groups of educators for each assessment that is identified as needing modification to modify the assessment to meet the criteria described in the assessment review section above. Each assessment will likely have a different set of educators; participants should be selected based on subject area, grade level, and expertise in writing assessment items.
 - c. Convening groups of educators for each assessment that is identified as needing replacement to create a new assessment or identify a high-quality assessment that meets the criteria described in the assessment review section below. Each assessment will likely have a different set of educators; participants should be based on subject area, grade level, and expertise in writing or identifying assessment items.
 - d. Convening educators for assessments that were identified as needing to be eliminated and not replaced for the purpose of providing alternative methods of measuring performance for formative/instructional purposes.
 - e. An engagement program that is specially targeted for parents that reviews the use of assessment data, goals of Teaching is the Core, as well as specific goals of the district/consortium's review, action, and professional development plans,
 - f. Sharing the locally developed assessments, strategies, and resources with other grant recipients using a secure network to be set up by the NYSED

The activities that occur to implement the action plan must also be publically posted on all participating districts' or charter schools' websites during the grant period, on or before **June 1, 2015**. The posting should include the dates of key activities or events to carry out the recommendations, as well as the names or titles of individuals involved.

4. Professional Development: awardees are required to establish a professional development program to:
 - A. Assist teachers in identifying high-quality assessment practices.
 - B. Provide training and resources to support the use of assessment to inform instruction.
 - a. All professional development must be high quality, field-tested and must yield positive results against Thomas Guskey's five levels of professional development evaluation. See <http://www.ascd.org/publications/educational-leadership/mar02/vol59/num06/Does-It-Make-a-Difference%C2%A2-Evaluating-Professional-Development.aspx> for more information.

Please note that applications must include professional development activities that take place during the grant period. Applicants are strongly encouraged to include as part of their professional development plans, an invitation to teachers to participate in the assessment review, resulting action plan, and assessment development process (if applicable). Districts/consortia are also encouraged to continue professional development activities after the grant period ends related to improving assessment to inform instruction.

Applicants may also use funds to support a Data Driven Instruction (DDI) Coordinator. The DDI coordinator may serve as an advisor for any part of the process described above, specifically using the aspects of the

assessment system that support instruction and learning goals to inform aspects that do not. For example, he/she may support districts in meeting requirements of the assessment review team (determining rigor, comparability, how assessments inform instruction, how assessments support learning goals, and how the assessments can utilize a diverse set of assessment techniques). These duties align to the “Assessment” component of the DDI cycle described at <http://www.engageny.org/data-driven-instruction>.

Mandatory Application Requirements

The following requirements must be met in order for an application to be reviewed:

1. Application Cover Page: Attachment I-A for individual district applications and Attachment I-B for consortium applications must be signed and submitted with the application.
2. Mandatory Requirements Certification: Attachment II must be signed and submitted with the application to certify that the application meets all mandatory requirements.
3. Memorandum(s) of Understanding (MOU): Attachment III. An MOU between the lead applicant and each consortium member must be completed, signed and submitted. *Only consortium applicants must submit MOUs.*
4. District/Consortium Assessment Inventory Form: Attachment IV must be completed and submitted.
5. All applicants must demonstrate commitment, by signing and submitting the Mandatory Requirements Certification, to publically post the following on their district/consortium website:
 - a. Announcement of grant award and the proposed plan for the use of the funds (by October 1, 2014),
 - b. results of the review (by April 1, 2015),
 - c. Action plan and/or the activities that have occurred to implement the action plan (by June 1, 2015).
6. Consortium applicants must certify, by signing and submitting the Mandatory Requirements Certification, that they will comply with the requirements described in the Step Requirements section of the RFP.
7. The State of New York has implemented a new statewide prequalification process (described in <http://www.grantsreform.ny.gov/Grantees>) designed to facilitate prompt contracting for not-for-profit vendors. All not-for-profit vendors are required to pre-qualify prior to grant application. (Public school districts and BOCES are exempt. Charter schools must meet this requirement). The pre-qualification must be completed by all not-for-profit institutions prior to the application deadline in order to receive an award under this RFP. Please find additional information in Appendix F.

Funding and Awards

The available funding will be distributed regionally according to Table 1 below in order to promote a fair distribution across the state. The region of a consortium will be determined by the location of the majority of the districts. If there are equal numbers of districts in two or more regions, the region that encompasses the highest student enrollment will determine the region. Up to five grants will be awarded per geographic region. If there are any remaining funds, a statewide ranking will be used to make awards to any additional eligible applicants. *Please see the Award Methodology section of this RFP for additional information regarding the method of award.*

Table 1: Regional Distribution for Teaching is the Core

District/Geographic Regions	Counties
Capital District/North Country	Albany, Clinton, Columbia, Essex, Franklin, Fulton, Greene, Hamilton, Lewis, Montgomery, Schenectady, Rensselaer, Saratoga, Schoharie, St. Lawrence, and Counties, Washington, and Warren Counties
Long Island	Nassau and Suffolk Counties
Hudson Valley	Dutchess, Orange, Putnam, Rockland, Sullivan, Westchester, and Ulster Counties
Central	Herkimer, Jefferson, Madison, Oneida, and Otsego Counties
Mid-state	Cayuga, Cortland, Onondaga, Oswego, Tompkins, and Seneca Counties
Mid-south/Mid-west	Allegany, Broome, Chemung, Chenango, Delaware, Genesee, Livingston, Monroe, Ontario, Schuyler, Steuben, Tioga, Wayne, Wyoming, and Yates Counties
New York City	Bronx, Kings, New York, Queens, and Richmond Counties
West	Cattaraugus, Chautauqua, Erie, Niagara, and Orleans Counties

1. Individual school districts with enrollment more than nineteen thousand (19,000): The maximum amount that may be requested by any **individual school district applicant** is based upon 2011-12 district enrollment (according to 2011-12 data found at <http://data.nysed.gov/>), as follows:
 - Individual school districts with an enrollment of nine hundred thousand (900,000) or more may request no more than \$500,000. New York City DOE must be the applicant, not community school districts.
 - Individual school districts with an enrollment of nineteen thousand (19,000) or more, but less than nine hundred thousand (900,000) may request no more than \$200,000 each.
2. BOCES- or District-led public school consortium awards
 - A consortium with 10 or more districts may request no more than \$400,000.
 - A consortium with 7-9 districts may request no more than \$300,000
 - A consortium with 4-6 districts may request no more than \$200,000
 - A consortium with 2-3 districts may request no more than \$100,000

3. Charter school consortium awards

- A charter school consortium may request no more than \$100,000

NYSED will fund the maximum number of proposals that is possible with available funding. NYSED reserves the right to fund additional applications through this RFP. Please see the Additional Funding section below.

Please note: the lead consortium applicant will be responsible for overseeing the assessment review and action plan process in each consortium member district/school and will submit an inventory form for each district/school as part of the application.

Budget Guidance

Information about the categories of expenditures, general information on allowable costs and applicable federal costs principles, and administrative regulations are available in the Fiscal Guidelines for Federal and State Aided Grants: <http://www.oms.nysed.gov/cafe/guidance/guidelines.html> . Refer to the Scope of Work and Application Guidance sections of this RFP for additional specific requirements and information about the allowable and non-allowable activities for this program.

The totals from each of the Budget Category Forms should correspond to amounts shown on the Budget Summary Form (FS-10), as well as the Program Period Budget Summary Form (Attachment VII). Please be sure to check your math.

Only equipment items with a unit cost that equals or exceeds \$5,000 should be included under Equipment, Code 20. Equipment items under \$5,000 should be included under Supplies and Materials, Code 45.

Program office staff will review budgets and eliminate any items that are deemed non-allowable or inappropriate. If any changes are made to a budget category form as a result of an expenditure being non-allowable or inappropriate, the program office staff person will communicate with the program contacts identified on the Application Cover Page and return a copy of the corrected budget form.

Payments and Reporting

Applicants will be required to submit a quarterly performance report through the online survey system called the Monitoring & Vendor Performance System (MVPS). The consortium lead will be responsible for consolidating and reporting for all districts in the consortium. The MVPS captures contract status and performance objectives of Race to the Top funded projects. Each performance report must demonstrate that substantial progress has been made toward meeting the project goals and measurable outcomes, as indicated in the applicant's work plan and/or timeline. The performance report should provide an overview of what was proposed for the year and what actually happened, including the lessons learned during the process. A form similar to the Accomplishments and Challenges column in the Goals and Outcomes Template found in Appendix C will be used for this purpose. In addition, recipients of Race to the Top funds must submit quarterly reports, including the American Recovery and Reinvestment Act of 2009 (ARRA)

reports. These quarterly reports, which must be submitted through the NYSED Application Business Portal by the grantee, must include a short narrative regarding quarterly activities, a summary of all jobs saved and jobs created through grant funds, and amounts expended through vendors.

Payments are generated by the submission of an FS-25: Request for Funds for a Federal or State Project form. Requests for Interim Payments may only represent actual expenditures. All FS-25's must be submitted directly to the State Education Department Grants Finance Unit at the address listed on the form for payment.

A final payment for the balance of the grant term (no less than 10%) will be made after an FS-10-F: Final Expenditure Report for a State or Federal Project is submitted to the Grants Finance Unit and approved. The FS-10 is due in the Grants Finance Unit no later than 30 days after the end of the grant term. An announcement of grant award and plans for the use of funds must be posted on or before October 1, 2014, review results must be posted on or before April 1, 2015, and the action plan or the activities carried out to implement the action plan must be posted on or before June 1, 2015. All awardees will be submitting evidence that these materials have been posted on the district(s)/charter schools' website. Until public posting of the announcement/plan for use of funds, review results, and action plan development/action plan implementation activities, NYSED will withhold the remaining final payment (no less than 10%) of grant funds. If these materials are not posted by the dates listed above, districts are not guaranteed to receive the remainder of the award.

Minority and Women-Owned Business Enterprise (M/WBE) Participation Goals Pursuant to Article 15-A of the New York State Executive Law

The following M/WBE requirements apply when an applicant submits an application for grant funding that exceeds \$25,000 for the full grant period.

All forms referenced here can be found in the M/WBE Documents section at the end of this RFP.

All applicants are required to comply with NYSED's Minority and Women-Owned Business Enterprises (M/WBE) policy. Compliance can be achieved by one of the three methods described below. Full participation by meeting or exceeding the M/WBE participation goal for this grant is the preferred method.

M/WBE participation includes services, materials, or supplies purchased from minority and women-owned firms certified with the NYS Division of Minority and Women Business Development. Not-for-profit agencies are not eligible for this certification. For additional information and a listing of currently certified M/WBEs, see

<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=4687>

The M/WBE participation goal for this grant is 20% of each applicant's total discretionary non-personal service budget over the entire term of the grant. Discretionary non-personal service budget is defined as total budget, excluding the sum of funds budgeted for:

1. direct personal services (i.e., professional and support staff salaries) and fringe benefits; and
2. rent, lease, utilities and indirect costs, if these items are allowable expenditures.

For multi-year grants, applicants should use the total budget for the full multi-year term of the grants in the above calculation. The M/WBE Goal Calculation Worksheet is provided for use in calculating the dollar amount of the M/WBE goal for this grant application.

M/WBE participation does not need to be the same for each year of a multi-year grant.

All requested information and documentation should be provided at the time of submission. If this cannot be done, the applicant will have thirty days from the date of notice of award to submit the necessary documents and respond satisfactorily to any follow-up questions from the Department. Failure to do so may result in loss of funding.

METHODS TO COMPLY

An applicant can comply with NYSED's M/WBE policy by one of three methods:

1.Full Participation - This is the preferred method of compliance. Full participation is achieved when an applicant meets or exceeds the participation goals for this grant.

COMPLETE FORMS:

- M/WBE Goal Calculation Worksheet
- M/WBE Cover Letter
- M/WBE 100 Utilization Plan
- M/WBE 102 Notice of Intent to Participate

2. Partial Participation, Partial Request for Waiver - This is acceptable only if good faith efforts to achieve full participation are made and documented, but full participation is not possible.

COMPLETE FORMS:

- M/WBE Goal Calculation Worksheet
- M/WBE Cover Letter
- M/WBE 100 Utilization Plan
- M/WBE 101 Request for Waiver
- M/WBE 102 Notice of Intent to Participate
- M/WBE 105 Contractor's Good Faith Efforts

3. No Participation, Request for Complete Waiver - This is acceptable only if good faith efforts to achieve full or partial participation are made and documented, but do not result in any participation by M/WBE firm(s).

COMPLETE FORMS:

- M/WBE Goal Calculation Worksheet
- M/WBE Cover Letter
- M/WBE 101 Request for Waiver
- M/WBE 105 Contractor's Good Faith Efforts

GOOD FAITH EFFORTS

Applicants must make a good faith effort to solicit NYS certified M/WBE firms as subcontractors and/or suppliers to achieve the goals for this grant. Solicitations may include, but are not limited to: advertisements in minority and women-centered publications; solicitation of vendors found in the

NYS Directory of Certified Minority and Women-Owned Business Enterprises (see <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=4687>); and the solicitation of minority and women-oriented trade and labor organizations.

Good faith efforts include actions such as setting up meetings or announcements to make M/WBEs aware of supplier and subcontracting opportunities, identifying logical areas of the grant project that could be subcontracted to M/WBE firms, and utilizing all current lists of M/WBEs who are available for and may be interested in subcontracting or supplying goods for the project.

Applicants should document their efforts to comply with the stated M/WBE goals and submit this with their applications as evidence. Examples of acceptable documentation can be found in form M/WBE 105, Contractor's Good Faith Efforts. NYSED reserves the right to reject any application for failure to document "good faith efforts."

REQUEST FOR WAIVER

When full participation cannot be achieved, applicants must submit a Request for Waiver (M/WBE 101). Requests for Waivers must be accompanied by documentation explaining the good faith efforts made and reasons they were unsuccessful in obtaining M/WBE participation.

NYSED reserves the right to approve the addition or deletion of subcontractors or suppliers to enable applicants to comply with the M/WBE goals, provided such addition or deletion does not impact the technical proposal and/or increase the total budget.

All payments to Minority and Women-Owned Business Enterprise subcontractor(s) should be reported to the NYSED M/WBE Program Unit using the M/WBE 103 Quarterly M/WBE Compliance Report. This report should be submitted on a quarterly basis and can be found at www.oms.nysed.gov/fiscal/MWBE/forms.html.

NYSED's M/WBE Coordinator is available to assist applicants in meeting the M/WBE goals. The Coordinator can be reached at MWBE@mail.nysed.gov.

Equal Employment Opportunity Reporting (EEO) Pursuant to Article 15-A of the New York State Executive Law

Applicants must complete and submit form EEO 100: Staffing Plan.

ELEMENTS OF THE PROPOSAL

Applicants should include all requested information and applicable attachments for Sections A-F (see Application Instructions for formatting guidelines) as detailed below. The proposal will be based on a total possible score out of one hundred (100) points. Sections A through F describe the technical criteria of the proposal and make up 75 points of the total score. Section F, Budget, corresponds to 25 points of the total score.

Step Requirements

This is a multi-step process designed with consecutive steps and some steps must be completed before the next one is begun. These consecutive steps are:

Step 1: Assessment Review

Step 2: Action Plan Development

Step 3: Action Plan Implementation

If an individual district applicant has already started or completed some of steps 1 or 2, it may be appropriate for the district to use grant funds to begin at step 2 or 3. In these cases, the applicants will be asked to provide in their proposal narrative a detailed description of how the work was accomplished. It is important to note that all criteria (rigor, comparability, informs instruction, supports learning goals, and uses diverse assessment techniques) detailed below on assessment review (#1) must be included for step 1 to be considered complete. It is possible that some of the criteria have been reviewed, but a more thorough review needs to occur. In this case, a detailed description of what has occurred and what must still occur to complete this process should be included and aligned accordingly with the funding request. It is also possible for a district to choose to request funds only to carry out steps 1 and 2 (but districts may not propose to carry out only step 1 or only step 2. Step 3 is the only step that can be completed on its own during the grant period). Further, the intention to carry out step 3 should be present for all applicants, but those who request funds for steps 1 and 2 must determine how additional funds would be secured in order to complete step 3.

Consortium applicants may find that member districts/charter schools are at different stages in this three-step process. In these cases, the requirements described in the previous paragraph apply to the individual district/charter school consortium members (consortium applicants must certify that they will comply with these requirements. Please see the Mandatory Requirements section of this RFP for additional information); however, unlike the individual applicants, consortia should not provide entirely separate responses in their proposal narratives to describe where each participating district/charter school member is in the process. The lead applicant will instead provide a description of how the lead plans to approach each step of the process for any and all districts within their consortium that are at that particular step. The lead consortium applicant will be responsible for overseeing the assessment review and/or action plan process in each district and will submit an inventory form for each district as part of the application.

Note: The Professional Development activities must be carried out by all grantees, regardless of where they are in the Review/Action Plan process. These activities will be ongoing throughout the grant period, concurrent with the Review and Action Plan processes.

Please be sure to review (and complete, as appropriate) the following appendices:

- Appendix A: Standard Clauses for NYS Contracts
- Appendix B: Workplan/Timeline
- Appendix C: Goals and Measurable Outcomes
- Appendix D: Scoring Rubrics
- Appendix E: NYSED Consortium Policy for State and Federal Discretionary Grant Programs
- Appendix F: Prequalification Application for Grants Reform (requirement for public charter schools only)
- Appendix G: Additional Resources
- Appendix H: M/WBE Documents

Section A: Overview – [no points]

(1 page maximum)

The purpose of Section A of the proposal narrative is to summarize clearly how the district/consortium will benefit from an assessment review and/or subsequent action plan, and professional development strategy. This description should include a statement outlining the assessment practices of the applicant, the impact that those assessments have on students, teachers, and other affected individuals and the proposed impact on the assessment practices of the district/consortium including its potential benefits and anticipated obstacles.

Section B: Assessment Review and Action Plan– [35] points

(8 pages maximum); please note that this maximum does not include the District/Consortium Assessment Inventory Form(s)

For individual applicants, the information provided in this section may reflect activities that will occur during the grant period or that have already occurred with respect to applicants' review and action plan for their assessment practices. Activities that have already taken place will be scored according to the same criteria used to score those that are being proposed. Therefore, it is the responsibility of the applicant to thoroughly address **all** aspects of the following section, including those that have already been performed, and those additional aspects in which applicants will need to engage.

Consortium applicants must provide all of the information that is requested here, as it relates to any member districts/charter schools that will be completing those particular steps in the process during the grant period. The consortium lead should not provide entirely separate responses to describe where each participating district/charter school member is with respect to their review and action plan, but rather they should describe the consortium lead's approach to each step for any or all consortium members at each particular step. If there is a step that will not be carried out by **any** member districts/charter schools during the grant period (because it has already been completed by all members), then please describe what has been accomplished. Again, activities that have already taken place will be scored according to the same criteria used to score those that are being proposed.

B1 Completed District/Consortium Assessment Inventory Form(s) (5 points)

The proposal must include descriptive details about all of the locally-selected assessments that will be reviewed. Applicants must include with their applications a completed copy of the Assessment Inventory Form, found in Attachment IV, to provide a context for the review plan.

Note: If a district has already completed an inventory of assessments, that information will need to be converted into the format that is described below. The consortium lead is expected to provide this information for each district involved in the grant application.

The completed Form must contain the following:

(Please note that this information is available in each district's APPR plan.)

1. Subject
2. Grades
3. Name of the assessment

4. Instructional and/or APPR purpose
 - A. Please specify which instructional and/or APPR purpose is being satisfied by the assessment, for example, if the assessment is currently used for teachers and/or principals in the District/Consortium's currently approved APPR plan
5. Is the assessment educator- or vendor-produced? Please list vendor or educators as applicable

B2 Assessment Review Process (10 points)

In this section, the applicant will describe in detail the process that will be used, or that has been used, to conduct an assessment review, including the completion of the District/Consortium Assessment Review Form, (which will not be submitted with the application). This section must include the following:

1. Criteria for choosing the assessments to be reviewed
2. Description of how applicants will develop rating scales for each criterion
3. Applicants should describe how they will address the criteria (rigorous, comparable, informs instruction, supports learning goals, utilizes a diverse set of assessment techniques) on the District/Consortium Assessment Review Form template in Attachment V.
4. Applicants should describe how they will develop recommendations (to keep the assessment, eliminate the assessment, modify existing assessments and/or identify or create high-quality assessments that may be used for APPR and/or other formative/instructional purposes) for the proposed changes in the assessment systems as part of the review process.

Please note: The District/Consortium Assessment Review Form is not to be submitted with the application. This section is meant demonstrate how the assessment review should have been or will be completed. If applicants have already engaged in their own assessment review process, they must describe the steps that were undertaken for that review, providing all of the information that is requested in 1-4 of this section. However, if there is a disparity between previous activities and those that are required for this application, applicants must describe how additional activities will take place for the purpose of this grant.

If locally-selected assessments that are the subject of review have been chosen from the NYSED list of third-party "off-the-shelf" assessments, then the two categories of (1) Rigor and (2) Comparability have already been met by the vendor.

- Applicants are instructed to refer to the technical report of the assessment that is provided by the vendor when populating these two categories of the Review Form. Applicants must address the remaining categories.
- For locally-selected assessments that are not on the NYSED list of third-party "off-the-shelf" assessments (i.e. locally-developed assessments), the categories of (1) Rigor and (2) Comparability must be addressed to the extent practicable, along with the other categories included in the Review Form.

B3 Development of Action Plan (10 points)

In this section, the proposal will describe how the applicant will develop or has developed, based on the assessment review, an action plan to minimize unnecessary assessments, increase the use of diverse and quality assessment practices, and enhance teaching and learning.

In this section, the applicant will describe how the:

1. Actions will be taken to modify or augment, eliminate, or replace assessments that are not working
2. Engagement program for parents will be designed, including a review of the use of assessment data, goals of Teaching is the Core grant, and specific goals of the applicant's review, action, and professional development plans
3. New funds will be obtained for implementing the plan (if applicable) or sustaining a regular assessment review process
4. APPR plan may change in the following school year
5. Review committee will utilize each section of the Assessment Review form to inform the Action Plan
6. Proposed Action Plan will align with current assessment program and needs
7. Review committee will agree on the action plan

B4 Implementation of the Action Plan (10 points)

In this section, the proposal will describe the proposed process to implement a successful action plan.

The applicant will describe the process of:

1. Carrying out each action of the action plan and making mid-course changes as necessary
2. Implementing the engagement program for parents
3. Sharing the locally developed assessments, strategies, and resources with other grant recipients using a secure network to be set up by the NYSED
4. For those LEAs that have an approved APPR plan in place at the time of application, revising the APPR plan, as needed, for the school year 2015-2016.
5. Obtaining the funds to implement the action plan after the grant period, if applicable

Section C: Professional Development Plan - [15] points

(6 pages maximum)

In this section, applicants will describe a professional development plan for administrators, teachers, and staff on the characteristics of high-quality assessments and the appropriate use of assessment for various purposes, including incorporating it in the review process and resulting action plan.

Please note: All applicants must implement a professional development plan during the grant period.

C1 Professional Development Design (10 points)

In this section, the proposal will describe the design of the professional development plan

The applicant will describe:

1. How professional development will be aligned to the Assessment Review and Action Plan
2. How the professional development will integrate teachers from various grades and schools (as applicable) to enhance vertical alignment between grade levels

3. How topics will be chosen for the trainings
4. The proposed training providers and the rationale for choosing these providers
5. The proposed measurable outcomes of the training.

C2 Professional Development Logistics (5 points)

The applicant will describe the:

1. Proposed frequency and duration of the training sessions
2. Proposed selection method of participants, including differentiation of the participants in the training (professional development should be relevant and targeted to a specific audience rather than broad and geared toward all teachers; for example, all science teachers in the district may participate in professional development focused on the spiraling nature of assessments from K to grade 12)

Section D: Evidence of organizational capacity - [10] points

(3 pages maximum)

As evidence of the organizational capacity to undertake the work to be funded through this grant, please provide:

1. The specific roles of the review committee and professional development delivery team. A consortium application's team should include representatives from each participating district or charter school.
2. The names and qualifications of the individuals who will fulfill each role.
3. Name and resume of a person responsible for managing the Teaching is the Core project. If the consortium chooses to fund a DDI coordinator, name and resume should be included as well. Note that the project manager and DDI coordinator serve different roles. The project manager will manage the review process and logistics, whereas the DDI coordinator may serve as an advisor for any part of the assessment review process.
4. A description of the successful completion of a large-scale initiative. Consortium applicants should describe a large scale initiative in which the consortium-lead served as the lead.
5. A comprehensive inventory of physical and online assets to support the work to be funded
6. A description of the ability to respond to NYSED communications regarding the review in a timely manner.

Section E: Workplan /Timeline - [15] points

(6 pages maximum)

In this section, the applicant will describe the specific tasks related to the Assessment Review, Action Plan, and Professional Development, and the responsibility for each task.

Please include:

E1 Workplan /Timeline (5 points)

A proposed workplan with a timeline that includes the necessary activities, roles, and responsibilities for the Assessment Review, Action Plan Development and/or Implementation, and Professional Development for the grant period (September 1, 2014 to June 30, 2015). If appropriate, those activities that will take place

after the grant period may be noted (e.g., related to action plan implementation). The table in Appendix B may be used as a template for this response.

E2 Overall Goals and Measurable Outcomes (5 points)

A description of the goals and measurable outcomes of the Assessment Review, Action Plan, and Professional Development that the applicant plans to accomplish by the end of the grant period. Additional goals and measurable outcomes, that extend beyond the grant period may be included as part of the sustainability plan. The table in Appendix C may be used as a template for this response.

E3 Sustainability Plan (5 points)

A sustainability plan, including the costs associated with the implementation of the Assessment Review and/or Action Plan, and Professional Development that demonstrates how the applicant plans to fund these activities after the grant period ends. A review of assessments should be an annual activity in districts/charter schools. Sustainability may include analyzing results of new or modified assessments and making necessary instructional or assessment adjustments. If applicable, include a detailed description of any other funding streams/contributions related to the proposed assessment review that will assist the applicant in implementing the Action Plan after the grant period ends.

Section F: Budget Forms- [25] points

Please check for calculation accuracy in all budget forms. Inaccurate calculations and/or discrepancies between forms may adversely affect the scoring of this section.

FS-10 and Program Period Budget Summary (10 points)

Complete the FS-10 (Proposed Budget for a Federal or State Project) form for the Program Period of September 1, 2014- June 30, 2015. The most current form is available online at: <http://www.oms.nysed.gov/cafe/forms/> . Please be sure to check that all calculations, descriptions, and amounts match the budget summary and budget narrative.

Also complete Attachment VII: Program Period Budget Summary. Please check that all amounts match the FS-10 and budget narrative (Attachment VI).

Budget Narrative (15 points)

Complete Attachment VI: Budget Narrative. This should detail and justify the funding request under this RFP, including all proposed expenditures and indicate the basis of calculation for each cost during the program period, and illustrate how the proposed expenditures align with the proposal's initiatives and goals. Funding from this grant cannot supplant or duplicate positions/activities already funded through other sources. Additional sections/charts may be added as needed to provide all necessary information.

For each proposed expenditure, be sure to include the following in Attachment VI:

- All proposed expenditures are included and the calculations and amounts match the FS-10 and program period budget summary (Attachment VII).
- Provide all information in a manner that will allow reviewers to clearly understand the basis of calculation for each proposed expenditure, as well as why the proposed expenditure is appropriate, reasonable and necessary.

The following account for 5 out of the 15 points:

- Demonstrate that the proposed expenditures are supplemental and do not supplant or duplicate services currently provided.
- Include a description of any other sources of funds (within and outside the district/school).

Indicate, for each proposed expenditure, the total funding amount requested and the code under which it applies:

Code 40: Purchased Services
 Code 45: Supplies & Materials
 Code 46: Travel
 Code 80: Employee Benefits

Code 90: Indirect Costs
 Code 49: BOCES Services
 Code 30: Minor Remodeling
 Code 20: Equipment

Consortium applicants, please note: Consortia should provide all of the information requested above. The lead applicant will serve as the fiscal agent for the grant and, as such, the above must be completed only by the lead applicant in consultation with all consortium members. Budget items should include all project income and expenses for all consortium members, identifying individual members as appropriate. Consortium applications must demonstrate in the budget narrative that the lead applicant will not act solely as a flow-through for grant funds and that a minimum of 20% of the Teaching is the Core Funding will directly support the activities of the lead consortium applicant.

APPLICATION ACCEPTANCE AND PROCESSING

Application Review and Scoring

Upon receipt, an applicant's eligibility will be determined. Upon determination that an applicant is eligible, and that the mandatory requirements (Attachment II) have been met, the application will be reviewed. If a proposal does not meet all of the mandatory requirements, it will be rejected as non-responsive and will not be reviewed.

Applicants will be scored on the basis of 100 possible points from reviewers: No points for Section A, 35 points for Section B, 15 points for Section C, 10 points for Section D, 15 points for Section E, and 25 points for section F. Proposals must receive a minimum of a final average score of 65 points out of 100 points in order to be eligible for an award.

All proposals will be reviewed by two reviewers and the scores will be averaged. If there is a score discrepancy greater than 15 points, the proposal will be read by a third reviewer. The two closest scores will be used and averaged unless the third reviewer score is equidistant from the others, in which case the third reviewer score will be solely used.

Award Methodology

Only those proposals that receive a final score of 65 or higher on the application will be eligible for funding. The top five highest scoring eligible applications in each region will be awarded. See Table 1 in the Funding and Awards section for regional distribution.

If there are funds left over, all excess funds will be pooled, and awards will be given to the next highest ranked unfunded eligible applicant(s), regardless of region. If there are insufficient funds to fund the next

ranked applicant in full, the next ranked applicant may be given the opportunity to operate a smaller program using the remaining funds.

In the case of a tied score, the applicant with the higher average score in Section B of the evaluation rubric will be awarded the grant.

In the event that two applicants have the same overall score AND the same score in Section B, the applicant whose proposed Teaching is the Core is expected to serve the greater number of students, based on student enrollment numbers (for all consortium members, if applicable) will be awarded the grant.

NYSED anticipates that preliminary notifications of award will be made in July 2014 to fundable applicants that meet the requirements set forth in this RFP.

Additional Funding

If additional funding becomes available, and NYSED chooses to distribute this funding to applicants of this current RFP, NYSED will allocate the funds in this order by:

1. Making whole any funded programs that have received a partial award;
2. Approving awards in rank order by final average score, in a statewide ranking, for eligible applicants who received passing scores, but who did not rank high enough to receive the initial funding;

Debriefing Procedures

All applicants may request a debriefing within five (5) business days of receiving notice of non-award from NYSED. Applicants may request a debriefing on the selection process regarding this Grant by emailing the request to TITCgrants@mail.nysed.gov. For consortium applications, a debriefing letter may only be requested by the lead applicant.

In response to a request for a debriefing letter, a summary of the strengths and weaknesses of the application will be emailed to the superintendent or CEO within ten (10) business days.

Award Protest Procedures

Applicants that receive a debriefing may protest the NYSED award decision subject to the following:

1. The protest must be in writing and must contain specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the contract award by NYSED.
2. The protest must be filed by the applicant/lead applicant within ten (10) business days of receipt of the notice of the written debriefing letter. The protest letter must be filed with:
NYS Education Department
Contract Administration Unit, RFP# SA-17
89 Washington Avenue
Room 501W EB
Albany, NY 12234
3. The NYSED Contract Administration Unit (CAU) will convene a review team that will include at least one staff member from each of NYSED's Office of Counsel, CAU, and the Program Office. The review team will review and consider the merits of the protest and will decide whether the protest is approved or denied. Counsel's Office will provide the applicant with written notification of the review team's decision within seven (7) business days of the receipt of the protest. The original

protest and decision will be filed with Office of the State Comptroller (OSC) when the contract procurement record is submitted for approval and CAU will advise OSC that a protest was filed.

4. The NYSED Contract Administration Unit (CAU) may summarily deny a protest that fails to contain specific factual or legal allegations, or where the protest only raises issues of law that have already been decided by the courts.

The New York State Education Department reserves the right to reject all proposals received or cancel this RFP if it is in the best interest of the Department.

Winning Applicants' Responsibility

Projects must operate under the jurisdiction of the local board of education or other appropriate governing body and are subject to at least the same degree of accountability as all other expenditures of the local agency. The local board of education or other appropriate governing body is responsible for the proper disbursement of, and accounting for, project funds. Written agency policy concerning wages, mileage and travel allowances, overtime compensation, or fringe benefits, as well as State rules pertaining to competitive bidding, safety regulations, and inventory control must be followed. Supporting or source documents are required for all grant related transactions entered into the local agency's recordkeeping system. Source documents that authorize the disbursement of grant funds consist of purchase orders, contracts, time & effort records, delivery receipts, vendor invoices, travel documentation and payment documents, including check stubs.

Supporting documentation for grants and grant contracts must be kept for at least six years after the last payment is made unless otherwise specified by program requirements. Additionally, audit or litigation will "freeze the clock" for records retention purposes until the issue is resolved. All records and documentation must be available for inspection by State Education Department officials or its representatives.

For additional information about grants, please refer to the Fiscal Guidelines for Federal and State Aided Grants.

Contracts resulting from this RFP are funded by federal Race to the Top grant funds. Recipients of awards pursuant to this RFP are subject to the provisions of 34 CFR § 80.34, including the right of the federal government to use or authorize others to use any copyrightable work produced by a recipient under this federally funded contract, for federal purposes and royalty-free.

Electronic Processing of Payments

In accordance with a directive dated January 22, 2010 by the Director of State Operations - Office of Taxpayer Accountability, all state agency contracts, grants, and purchase orders executed after February 28, 2010 shall contain a provision requiring that contractors and grantees accept electronic payments. Additional information and authorization forms are available at the State Comptroller's website at <http://www.osc.state.ny.us/epay/index.htm>.

Registration In Federal System for Award Management (SAM) – In order to be awarded federal funds, an agency must be registered (and then maintain a current registration) in the federal System for Award Management known as SAM (<http://www.sam.gov>). SAM is a government-wide, web-enabled database that collects, validates, stores and disseminates business information about organizations receiving federal

funds. Information on an agency's registration in SAM needs to be provided on the Payee Information Form that must be submitted with the application.

Payee Information Form/NYSED Substitute W-9 – The Payee Information Form is a packet containing the Payee Information Form itself and an accompanying NYSED Substitute W-9. The NYSED Substitute W-9 may or may not be needed from your agency. Please follow the specific instructions provided with the form. The Payee Information Form is used to establish the identity of the applicant organization and enables it to receive federal (and/or State) funds through the NYSED. An on-line version of the packet is available at <http://www.oms.nysed.gov/cafe/forms/PIform.pdf>

Vendor Responsibility

State law requires that the award of state contracts be made to responsible vendors. Before an award is made to a not-for-profit entity, a for-profit entity, a private college or university or a public entity not exempted by the Office of the State Comptroller, NYSED must make an affirmative responsibility determination. The factors to be considered include: legal authority to do business in New York State; integrity; capacity- both organizational and financial; and previous performance. Before an award of \$100,000 or greater can be made to a covered entity, the entity will be required to complete and submit a Vendor Responsibility Questionnaire. School districts, Charter Schools, BOCES, public colleges and universities, public libraries, and the Research Foundation for SUNY and CUNY are some of the exempt entities. For a complete list, see: http://www.osc.state.ny.us/vendrep/resources_docreq_agency.htm.

NYSED recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at http://www.osc.state.ny.us/vendrep/vendor_index.htm or go directly to the VendRep System online at <https://portal.osc.state.ny.us/>.

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller's Help Desk at 866-370-4672 or 518-408-4672 or by email at ciohelpdesk@osc.state.ny.us.

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website <http://www.osc.state.ny.us/vendrep/> or may contact NYSED or the Office of the State Comptroller's Help Desk for a copy of the paper form.

Subcontractors:

For vendors using subcontractors, a Vendor Responsibility Questionnaire and a NYSED vendor responsibility review are required for a subcontractor where:

- the subcontractor is known at the time of the contract award;
- the subcontractor is not an entity that is exempt from reporting by OSC; and
- the subcontract will equal or exceed \$100,000 over the life of the contract

Payee Information Form/NYSED Substitute W-9 Form

General Instructions: The Payee Information Form is a packet consisting of the Payee Information Form itself and an accompanying form known as the NYSED Substitute W-9 Form. The NYSED Substitute W-9 form may or may not be needed from your agency. Please follow the instructions for each as outlined below.

The Payee Information Form is used to establish the identity of applicant organizations and enables them to receive funds from the NYSED. An online version is available at <http://www.oms.nysed.gov/cafef/forms/PIform.pdf>.

Workers' Compensation Coverage and Debarment

New York State Workers' Compensation Law (WCL) has specific coverage requirements for businesses contracting with New York State and additional requirements which provide for the debarment of vendors that violate certain sections of WCL. The WCL requires, and has required since introduction of the law in 1922, the heads of all municipal and State entities to ensure that businesses have appropriate workers' compensation and disability benefits insurance coverage *prior* to issuing any permits or licenses, or *prior* to entering into contracts.

Workers' compensation requirements are covered by WCL Section 57, while disability benefits are covered by WCL Section 220(8). The Workers' Compensation Benefits clause in Appendix A – STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS states that in accordance with Section 142 of the State Finance Law, a contract shall be void and of no force and effect unless the contractor provides and maintains coverage during the life of the contract for the benefit of such employees as are required to be covered by the provisions of the WCL.

Under provisions of the 2007 Workers' Compensation Reform Legislation (WCL Section 141-b), any person, or entity substantially owned by that person: subject to a final assessment of civil fines or penalties, subject to a stop-work order, or convicted of a misdemeanor for violation of Workers' Compensation laws Section 52 or 131, is barred from bidding on, or being awarded, any public work contract or subcontract with the State, any municipal corporation or public body for one year for each violation. The ban is five years for each felony conviction.

PROOF OF COVERAGE REQUIREMENTS

The Workers' Compensation Board has developed several forms to assist State contracting entities in ensuring that businesses have the appropriate workers' compensation and disability insurance coverage as required by Sections 57 and 220(8) of the WCL.

Please note – an ACORD form is not acceptable proof of New York State workers' compensation or disability benefits insurance coverage.

Proof of Workers' Compensation Coverage

To comply with coverage provisions of the WCL, the Workers' Compensation Board requires that a business seeking to enter into a State contract submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain ONE of the following forms from the contractor and submit to OSC to prove the contractor has appropriate workers' compensation insurance coverage:

- **Form C-105.2** – Certificate of Workers' Compensation Insurance issued by private insurance carriers, or **Form U-26.3** issued by the State Insurance Fund; or

- **Form SI-12**– Certificate of Workers’ Compensation Self-Insurance; or **Form GSI-105.2** Certificate of Participation in Workers’ Compensation Group Self-Insurance; or
- **CE-200**– Certificate of Attestation of Exemption from NYS Workers’ Compensation and/or Disability Benefits Coverage.

Proof of Disability Benefits Coverage

To comply with coverage provisions of the WCL regarding disability benefits, the Workers’ Compensation Board requires that a business seeking to enter into a State contract must submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain ONE of the following forms from the contractor and submit to OSC to prove the contractor has appropriate disability benefits insurance coverage:

- **Form DB-120.1** - Certificate of Disability Benefits Insurance; or
- **Form DB-155**- Certificate of Disability Benefits Self-Insurance; or
- **CE-200**– Certificate of Attestation of Exemption from New York State Workers’ Compensation and/or Disability Benefits Coverage.

For additional information regarding workers’ compensation and disability benefits requirements, please refer to the New York State Workers’ Compensation Board website at: <http://www.wcb.ny.gov/content/main/Employers/busPermits.jsp>. Alternatively, questions relating to either workers’ compensation or disability benefits coverage should be directed to the NYS Workers’ Compensation Board, Bureau of Compliance at (518) 486-6307.

APPLICATION INSTRUCTIONS

Please adhere to the following instructions.

Required Signature(s)

The original signature of the Chief School Administrator/Officer must appear on the Application Cover Page in blue ink.

Please note: NYSED will only communicate with the contacts provided in the Application Cover Page.

Application Checklist

Please use the application checklist (contained in this RFP) to ensure your application is submitted in the correct order and is complete.

Mandatory Requirements Certification

Please complete and sign Attachment II, Mandatory Requirements Certification. Applicants must submit this certification in order to be considered for funding. Proposals that do not include the signed Mandatory Requirements Certification will be disqualified and removed from further consideration.

Page Limits and Standards

The page limits indicated have been included as guidance for applicants. The proposal narrative should follow the below standards:

- A page is 8.5" x 11" (on one side only) with one-inch margins (top, bottom, and sides). Charts/tables are not required to adhere to this standard.
- Double space all text in the proposal narrative; double space between titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, figures, and graphs, unless not possible due to the formatting of the template.
- Each section of the proposal narrative should be clearly titled.
- Use a Times Roman or Arial font in a 12-point size.
- Include page numbers.
- Each page should include a header with the applicant's name.
- Sections A-E should be no longer than 25 pages maximum. Any information provided over the maximum number of pages (25) will not be read or scored. Page maximum does not include Section F Budget Forms, Inventory Forms, or Appendices.

Submission

Applicants are responsible for making sure the application package is complete and in the correct order based on the included Application Checklist. All requirements, as detailed in the RFP, must be received at NYSED no later than June 24, 2014. Applications not received by June 24, 2014 will not be accepted for review.

- One (1) original signed application and four (4) copies of the application (in the format described in RFP) labeled – RFP # SA-17
- One (1) CD or flash drive containing a copy of the signed application in Microsoft Word (.doc) format or portable document format (.pdf). Include all appendices, MOUs (if applicable), and attachments on the CD or flash drive.

The mailing address for all the above documentation is:

NYS Education Department
Bureau of Fiscal Management
Contract Administration Unit
89 Washington Avenue, Room 501W EB
Albany, NY 12234
ATTN: Nell Brady, RFP # SA-17

(The application must be mailed. Facsimile copies of the proposals will NOT be accepted)

Application Checklist

Please use this application checklist to ensure your application is complete and in the correct order:

Application Items	Description	Included in the application? Click Yes/NA
1. Application Cover Page: Attachment I	<ul style="list-style-type: none"> • Attachment I-A for individual district applications. • Attachment I-B for consortium applications. 	Yes <input type="checkbox"/>
2. Mandatory Requirements Certification: Attachment II	<ul style="list-style-type: none"> • Completed and signed to certify that the application meets all mandatory requirements. 	Yes <input type="checkbox"/>
3. Section A: Overview	<ul style="list-style-type: none"> • Section A Overview. 	Yes <input type="checkbox"/>
4. Section B: Assessment Review and Action Plan	<ul style="list-style-type: none"> • Completed Assessment Inventory Form: Attachment IV • Assessment Review Process • Development of Action Plan • Implementation of the Action Plan 	Yes <input type="checkbox"/>
5. Section C: Professional Development Plan	<ul style="list-style-type: none"> • Professional Development Plan 	Yes <input type="checkbox"/>
6. Section D: Evidence of Organizational Capacity	<ul style="list-style-type: none"> • Evidence of Organizational Capacity 	Yes <input type="checkbox"/>
7. Section E: Workplan/Timeline	<ul style="list-style-type: none"> • Workplan/Timeline: Appendix B • Overall Goals and Measurable Outcomes: Appendix C 	Yes <input type="checkbox"/>

8. Section F: Budget Forms	<ul style="list-style-type: none"> • FS-10: (FS-10 form available at: http://www.oms.nysed.gov/cafe/forms/). • Budget Narrative: Attachment VI. • Program Period Budget Summary: Attachment VII. 	Yes <input type="checkbox"/>
9. Memorandum of Understanding (MOU): Attachment III	<ul style="list-style-type: none"> • An MOU between the lead applicant and each consortium member must be completed. • Only consortium applicants must submit an MOU. 	Yes <input type="checkbox"/>
		NA <input type="checkbox"/>
10. Worker's Compensation Documentation (encouraged)	<ul style="list-style-type: none"> • See Workers' Compensation Coverage and Debarment section of this RFP. 	Yes <input type="checkbox"/>
11. Disability Benefits Documentation (encouraged)	<ul style="list-style-type: none"> • See Workers' Compensation Coverage and Debarment section of this RFP. 	Yes <input type="checkbox"/>

M/WBE Documents Package (original signatures required)

Full Participation Request Partial Waiver Request Total Waiver

Type of Form	Forms Required		
	Full Participation	Request Partial Waiver	Request Total Waiver
Calculation of M/WBE Goal Amount	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE Cover Letter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE 100 Utilization Plan	<input type="checkbox"/>	<input type="checkbox"/>	N/A
M/WBE 102 Notice of Intent to Participate	<input type="checkbox"/>	<input type="checkbox"/>	N/A
M/WBE 105 Contractor's Good Faith Efforts	N/A	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE 101 Request for Waiver Form and Instructions	N/A	<input type="checkbox"/>	<input type="checkbox"/>
EEO 100 Staffing Plan and Instructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attachment I-A: Application Cover Page for Individual Public School Districts

For Competitive Grant Program - Teaching is the Core: Request for Proposals # SA-17

Please refer to the Application Instructions for detailed information about completing this page and the other required components. Please note: the applicant should include **two** program contacts for the grant.

DISTRICT BEDS CODE

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Applicant Name:			
Employer's Federal Tax ID Number: (charter schools only)		NYS Vendor ID: (charter schools only)	
Address:			
City:		Zip Code:	
Main Program Contact:		Alternate Program Contact:	
Title:		Title:	
Organization:		Organization:	
Telephone:		Telephone:	
Fax:		Fax:	
Email:		Email:	
Total number of students in the individual school district/charter school:		Total Funding Amount Requested (See Funding and Awards section):	
County:			
<p>I hereby certify that I am the applicant's chief school/administrative officer and that the information contained in this application is, to the best of my knowledge, complete and accurate. I further certify, to the best of my knowledge, that any ensuing program and activity will be conducted in accordance with all applicable Federal and State laws and regulations, application guidelines and instructions, Assurances, Certifications, and that the requested budget amounts are necessary for the implementation of this project. It is understood by the applicant that this application constitutes an offer and, if accepted by the NYS Education Department or renegotiated to acceptance, will form a binding agreement. It is also understood by the applicant that immediate written notice will be provided to the grant program office if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.</p>			
Authorized Signature (in blue ink)		Title (Chief School/ Administrative Officer)	
Typed Name		Date	
Phone number:		Email address:	

Attachment I-B: Application Cover Page for Consortia

For Competitive Grant Program - Teaching is the Core: Request for Proposals # SA-17

Please refer to the Application Instructions for detailed information about completing this page and the other required components. Please note: the applicant should include **two** program contacts for the grant.

BEDS CODE

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Applicant Name:			
Employer's Federal Tax ID Number: (charter schools only)		NYS Vendor ID: (charter schools only)	
Address:			
City:		Zip Code:	
Main Program Contact:		Alternate Program Contact:	
Title:		Title:	
Organization:		Organization:	
Telephone:		Telephone:	
Fax:		Fax:	
Email:		Email:	
Total combined number of students from school districts/charter schools that are part of the consortium:		Total Funding Amount Requested (see Funding and Awards section):	
County Lead Applicant is located in:		Region the Consortium Serves (See Funding and Awards section):	
<p>I hereby certify that I am the applicant's chief school/administrative officer and that the information contained in this application is, to the best of my knowledge, complete and accurate. I further certify, to the best of my knowledge, that any ensuing program and activity will be conducted in accordance with all applicable Federal and State laws and regulations, application guidelines and instructions, Assurances, Certifications, and that the requested budget amounts are necessary for the implementation of this project. It is understood by the applicant that this application constitutes an offer and, if accepted by the NYS Education Department or renegotiated to acceptance, will form a binding agreement. It is also understood by the applicant that immediate written notice will be provided to the grant program office if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.</p>			
Authorized Signature (in blue ink)		Title (Chief School/ Administrative Officer)	
Typed Name		Date	
Phone number:		Email address:	

Attachment II: Mandatory Requirements Certification

By signing this form, the undersigned certifies it can provide and/or meet the mandatory requirements listed below and outlined in the RFP.

Certification for *(Insert Applicant Name)*

Mandatory Application Requirements

Mandatory Requirement	Explanation	Included in application (Yes/NA)	
Application Cover Page: Attachment I	<ul style="list-style-type: none"> Signed Attachment I-A for individual district applications Signed Attachment I-B for consortium applications 	Yes	<input type="checkbox"/>
Mandatory Requirements Certification: Attachment II	<ul style="list-style-type: none"> Signed to certify that the application meets all mandatory requirements. 	Yes	<input type="checkbox"/>
For consortia only: Memorandum(s) of Understanding (MOU): Attachment III	<ul style="list-style-type: none"> An MOU between the lead applicant and each consortium member must be completed, signed and submitted. Only consortium applicants must submit MOUs. 	Yes	<input type="checkbox"/>
		NA	<input type="checkbox"/>
District/Consortium Assessment Inventory Form: Attachment IV	<ul style="list-style-type: none"> Completed District/Consortium Assessment Inventory Form 	Yes	<input type="checkbox"/>
Commitment to Post Review Report and Action Plan	<ul style="list-style-type: none"> By signing this form, the applicant commits to publically posting the following on each district/school website respectively: <ul style="list-style-type: none"> An announcement of funding and description of the plans posted on or before October 1, 2014, A report of the findings of the Assessment Review, posted on or before April 1, 2015, and The resulting Action Plan and/or activities to implement the Action Plan, posted on or before June 1, 2015. 	Yes	<input type="checkbox"/>
For consortia only: Step Requirements	<ul style="list-style-type: none"> Consortium applicants must certify (by signing this form) that they will comply with the Step Requirements outlined in the Scope of Work section of this RFP. 	Yes	<input type="checkbox"/>
		NA	<input type="checkbox"/>

CHIEF ADMINISTRATIVE OFFICER (Insert other title if applicable)	
Authorized Signature (in blue ink)	Date
Type or print name	

Attachment III: MOU (Consortium Applicants only)

The lead applicant must complete an MOU that is signed by each consortium member.

TEMPLATE

(Insert Lead Applicant Name) and (Insert Consortium Member(s) Name) District/Public Charter School(s)

Teaching is the Core

This cooperative agreement reflects the overall commitment as well as the specific responsibilities and the roles of the (Insert Lead Applicant Name) and (Insert Consortium Member Names) District/Charter School. The overarching purpose of this consortium is to review and improve the assessment practices for (Insert Names of All Districts/Charter Schools in Consortium Application). Per the NYSED Consortium Policy for State and Federal Discretionary Grant Program (see Appendix E), (Insert Lead Applicant Name) will not act solely as a flow-through for grant funds to pass to other recipients and will be responsible for the performance of any services provided by the consortium members, any partners, consultants, or other organizations, and coordinate participation. This consortium will only benefit the (Insert Lead Applicant Name)'s and/or (Insert All Consortium Member Names)'s student populations. The (Insert Lead Applicant Name) agrees to facilitate communication with and between (Insert All Consortium Member Names) in order to ensure that all consortium members fully know all aspects/activities that will be conducted through this grant program.

Up front Planning Activities: _____

SPECIFIC ROLES AND RESPONSIBILITIES

The partnership of the (Insert Lead Applicant Name) and the (Insert Consortium Member Name) District/Charter School entails the following:

The (Insert Lead Applicant Name) BOCES/District/Charter School agrees to:	The (Insert Consortium Member Name) District/Charter School agrees to:
List all activities/services/etc. that the Lead Applicant will provide to the partnership.	List all activities/services/etc. that the District/Charter School will provide to the partnership.

Name of Lead Applicant BOCES/School District/Charter School

Signature _____

Printed Name: _____

Title: _____

Date _____

Name of Consortium Member School District/ Charter School

Signature _____

Printed Name: _____

Title: _____

Date _____

THE AGREEMENT FOR YOUR PROGRAM SHOULD REFLECT THE SPECIFICS OF YOUR PROGRAM AND YOUR CONSORTIUM MEMBERS. ALL ACTIVITIES/SERVICES, ETC. THAT ARE PERTINENT TO YOUR PROJECT SHOULD BE INCLUDED. PLEASE MODIFY AND ADD ADDITIONAL FIELDS FOR MULTIPLE CONSORTIUM MEMBERS, AS NEEDED.

Attachment IV: District/Consortium Assessment Inventory Form⁸

Subject	Grade(s)	Name of assessment	Instructional purpose <i>(for APPR, please indicate local or SLO)</i>	Is assessment educator- or vendor-created? Please list vendor or educator(s) as applicable
<i>EXAMPLE:</i>				
<i>ELA</i>	<i>6</i>	<i>Example: ABCD Assessment</i>	<i>Locally-selected measure</i>	<i>Vendor produced/ ABCD Testing Inc.</i>

Consortium applicants should submit a separate Inventory Form for each participating district/charter school. Please duplicate, as needed.

⁸ Please note that this form is mandatory for applications for funding

Attachment V: District/Consortium Assessment Review Form⁹

Name of Assessment	Rigorous		Comparable	Informs instruction	Supports learning goals	Utilizes a diverse set of assessment techniques (i.e. performance-based tasks)	Recommendation (keep the assessment, eliminate the assessment, modify existing assessments and/or identify or create high-quality assessments that may be used for APPR and/or other formative/instructional purposes)
	Measures learning standards	Reliability and Validity					

⁹ Please note that this form is **not** to be included in the application for funding.

Attachment VI: Budget Narrative

TEMPLATE

The budget narrative chart below should detail and justify the funding request under this RFP, including all proposed expenditures and indicate the basis of calculation for each cost during the program period. Include a detailed description of any other funding streams/contributions related to the proposed review; however, do not include these corresponding costs in the Program Period Total column. Please note: while already existing roles/activities may be included in the description, funding from this grant cannot supplant or duplicate roles/activities already funded through other sources. Consortium applications must demonstrate that the consortium lead is an active participant, with a minimum of 20% of the Teaching Is the Core grant funding directly supporting lead applicant activities. The lead cannot act solely as a flow-through for grant funds. Additional sections/columns and/or separate charts may be added as needed to provide all necessary information. Please be sure to check that all amounts match the FS-10 and budget summary. Please add/delete rows as needed.

EXPLANATION AND JUSTIFICATION OF PROPOSED EXPENDITURE AND CALCULATION OF COST	PROGRAM PERIOD TOTAL
Support Staff (Code 16)	
Purchased Services (Code 40)	
Supplies & Materials (Code 45)	
Travel Expenses (Code 46)	

Employee Benefits (Code 80)	
Indirect Cost (Code 90)	
BOCES Services (Code 49)	
Minor Remodeling (Code 30)	
Equipment (Code 20)	

Attachment VII: Program Period Budget Summary

For Grant Term: 9/1/14-6/30/15

SUBTOTAL	CODE	PROGRAM COSTS 9/1/14-6/30/15
Professional Salaries	15	
Support Staff Salaries	16	
Purchased Services	40	
Supplies and Materials	45	
Travel Expenses	46	
Employee Benefits	80	
Indirect Cost	90	
BOCES Services	49	
Minor Remodeling	30	
Equipment	20	
GRANT TOTAL		

This form should reflect all funds requested through this RFP for your proposal during the program period.

New York State Education Department Assurances for Federal Discretionary Program Funds

The following assurances are a component of your application. By signing the certification on the application cover page you are ensuring accountability and compliance with State and federal laws, regulations, and grants management requirements.

Federal Assurances and Certifications, General:

- Assurances – Non-Construction Programs
- Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters
- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions
- General Education Provisions Act Assurances

Federal Assurances and Certifications, NCLB (if appropriate):

The following are required as a condition for receiving any federal funds under the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001.

- NCLB Assurances
- School Prayer Certification

New York State Assurances and Certifications: (For discretionary grant programs only.)

- Appendix A
- Appendix A-1G
- Appendix A-2

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Education Department Program Contact listed in the Application. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, and by signing the Application Cover Page, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) "§§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§" 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §§874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Standard Form 424B (Rev. 7-97), Prescribed by OMB Circular A-102, Authorized for Local Reproduction, as amended by New York State Education Department

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of the Application Cover Page provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, 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 of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement:
- b. If any funds other than 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 this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- c. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

- A. The applicant certifies that it and its principals:
- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and
 - d. Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and
- B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

ED 80-0013, as amended by the New York State Education Department

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION — LOWER TIER COVERED TRANSACTIONS

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing the Application Cover Page, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled “Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

ED 80-0014, as amended by the New York State Education Department

NEW YORK STATE DEPARTMENT OF EDUCATION GENERAL EDUCATION PROVISIONS ACT ASSURANCES

These assurances are required by the General Education Provisions Act for certain programs funded by the U.S. Department of Education. These assurances are not applicable to certain programs, such as the No Child Left Behind Act. If you have any questions, please contact NYSED.

As the authorized representative of the applicant, by signing the Application Cover Page, I certify that:

1. the local educational agency will administer each program covered by the application in accordance with all applicable statutes, regulations, program plans, and applications;
2. the control of funds provided to the local educational agency under each program, and title to property acquired with those funds, will be in a public agency and that a public agency will administer those funds and property;
3. the local educational agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to that agency under each program;
4. the local educational agency will make reports to the State agency or board and to the Secretary as may reasonably be necessary to enable the State agency or board and the Secretary to perform their duties and that the local educational agency will maintain such records, including the records required under section 1232f of this title, and provide access to those records, as the State agency or board or the Secretary deem necessary to perform their duties;

5. the local educational agency will provide reasonable opportunities for the participation by teachers, parents, and other interested agencies, organizations, and individuals in the planning for and operation of each program;
6. any application, evaluation, periodic program plan or report relating to each program will be made readily available to parents and other members of the general public;
7. in the case of any project involving construction -
 - a. the project is not inconsistent with overall State plans for the construction of school facilities, and
 - b. in developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed by the Secretary under section 794 of title 29 in order to ensure that facilities constructed with the use of Federal funds are accessible to and usable by individuals with disabilities;
8. the local educational agency has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects; and
9. none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.

NEW YORK STATE DEPARTMENT OF EDUCATION NO CHILD LEFT BEHIND ACT ASSURANCES

These assurances are required for programs funded under the No Child Left Behind Act.

As the authorized representative of the applicant, by signing the Application Cover Page, I certify that:

1. each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;
2. the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and

the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes;

3. the applicant will adopt and use proper methods of administering each such program, including -
 - a. the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and
 - b. the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

4. the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary, or other Federal officials;
5. the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program;
6. the applicant will -
 - a. submit such reports to the State educational agency (which shall make the reports available to the Governor) and the Secretary as the State educational agency and Secretary may require to enable the State educational agency and the Secretary to perform their duties under each such program; and
 - b. maintain such records, provide such information, and afford such access to the records as the State educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the State educational agency's or the Secretary's duties;
7. before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment;
8. the applicant has consulted with teachers, school administrators, parents, nonpublic school representatives and others in the development of the application to the extent required for the applicant under the program pursuant to the applicable provisions of the No Child Left Behind Act;
9. in the case of a local educational agency, as a condition of receiving funds under the No Child Left Behind Act, the applicant is complying with the requirements of Education Law § 3214(3)(d) and (f) and the Gun-Free Schools Act (20 U.S.C. § 7151);
10. in the case of a local educational agency, as a condition of receiving funds under the No Child Left Behind Act, the applicant is complying with the requirements of 20 U.S.C. § 7908 on military recruiter access;
11. in the case of a local educational agency, as a condition of receiving funds under the No Child Left Behind Act, the applicant is complying with the requirements of 20 U.S.C. § 7904 on constitutionally protected prayer in public elementary and secondary schools;
12. in the case of a local educational agency, as a condition of receiving funds under the No Child Left Behind Act, the applicant is complying with the requirements of Education Law § 2802(7), and any state regulations implementing such statute and 20 U.S.C. § 7912 on unsafe school choice; and
13. in the case of a local educational agency, the applicant is complying with all fiscal requirements that apply to the program, including but not limited to any applicable supplement not supplant or local maintenance of effort requirements.

TITLE IV, PART B

1. The program will take place in safe and easily accessible facilities;
2. The program was developed, and will be carried out, in active collaboration with the schools the students attend;
3. The program will primarily target students who attend schools eligible for school wide programs under section 1114 and the families of such students;

4. The funds awarded under this part will be used to increase the level of State, local and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local or non-Federal funds;
5. The community was given notice of the intent to submit an application; and,
6. The application and any waiver request will be available for public review after submission of the application.
7. All instruction and content will be secular, neutral and non-ideological.
8. The program or facility is duly registered with the New York State Office of Children and Family Services as a school-age child care program or facility pursuant to the Social Services Law and regulations of the Commissioner of the Office of Children and Family Services if the program or facility serves seven or more children from kindergarten through age 12 and does not meet all of the following criteria:
 - (a) the program is conducted during non-school hours;
 - (b) the program is operated by a public school district or by a private school or academy which is providing elementary or secondary education or both in accordance with the compulsory education requirements of the Education law; and
 - (c) the program is located on the premises or campus where the elementary or secondary education is provided.

SCHOOL PRAYER CERTIFICATION

As a condition of receiving federal funds under the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001 (NCLB), the local educational agency hereby certifies that no policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools, as detailed in the current guidance issued pursuant to NCLB Section 9524(a).

Required for Federal and State Discretionary Grant Programs

Appendix A: STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licensor, licensee, lessor, lessee or any other party):

1. EXECUTORY CLAUSE. In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

2. NON-ASSIGNMENT CLAUSE. In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State's previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller's approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor's business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

3. COMPTROLLER'S APPROVAL. In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law Section 163.6-a). However, such pre-approval shall not be required for any contract established as a centralized contract through the Office of General Services or for a purchase order or other transaction issued under such centralized contract.

4. WORKERS' COMPENSATION BENEFITS. In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

5. NON-DISCRIMINATION REQUIREMENTS. To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its

subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. WAGE AND HOURS PROVISIONS. If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

7. NON-COLLUSIVE BIDDING CERTIFICATION. In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. INTERNATIONAL BOYCOTT PROHIBITION. In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

9. SET-OFF RIGHTS. The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION. (a) Identification Number(s). Every invoice or New York State Claim for Payment submitted to a New York State agency by a payee, for payment for the sale of goods or services or for transactions (e.g., leases, easements, licenses, etc.) related to real or personal property must include the payee's identification number. The number is any or all of the following: (i) the payee's Federal employer identification number, (ii) the payee's Federal social security number, and/or (iii) the payee's Vendor Identification Number assigned by the Statewide Financial System. Failure to include such number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or Claim for Payment, must give the reason or reasons why the payee does not have such number or numbers.

(b) Privacy Notification. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in the Statewide Financial System by the Vendor Management Unit within the Bureau of State Expenditures, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section 312 of the Executive Law and 5 NYCRR 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and

improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

13. CONFLICTING TERMS. In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. GOVERNING LAW. This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. LATE PAYMENT. Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. NO ARBITRATION. Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. SERVICE OF PROCESS. In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State. In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES. In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. OMNIBUS PROCUREMENT ACT OF 1992. It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business
Albany, New York 12245
Telephone: 518-292-5100
Fax: 518-292-5884
email: opa@esd.ny.gov

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development
Division of Minority and Women's Business Development
633 Third Avenue
New York, NY 10017
212-803-2414
email: mwbecertification@esd.ny.gov
<http://esd.ny.gov/MWBE/directorySearch.html>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;

(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. RECIPROCITY AND SANCTIONS PROVISIONS. Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

22. COMPLIANCE WITH NEW YORK STATE INFORMATION SECURITY BREACH AND NOTIFICATION ACT. Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208).

23. COMPLIANCE WITH CONSULTANT DISCLOSURE LAW. If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4-g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

24. PROCUREMENT LOBBYING. To the extent this agreement is a "procurement contract" as defined by State Finance Law Sections 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law Sections 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of the agreement.

25. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS.

To the extent this agreement is a contract as defined by Tax Law Section 5-a, if the contractor fails to make the certification required by Tax Law Section 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law 5-a, discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State.

(December 2012)

Appendix A-1 G

General

- A. In the event that the Contractor shall receive, from any source whatsoever, sums the payment of which is in consideration for the same costs and services provided to the State, the monetary obligation of the State hereunder shall be reduced by an equivalent amount provided, however, that nothing contained herein shall require such reimbursement where additional similar services are provided and no duplicative payments are received.
- B. This agreement is subject to applicable Federal and State Laws and regulations and the policies and procedures stipulated in the NYS Education Department Fiscal Guidelines found at <http://www.nysed.gov/cafe/>.
- C. For each individual for whom costs are claimed under this agreement, the contractor warrants that the individual has been classified as an employee or as an independent contractor in accordance with 2 NYCRR 315 and all applicable laws including, but not limited to, the Internal Revenue Code, the New York Retirement and Social Security Law, the New York Education Law, the New York Labor Law, and the New York Tax Law. Furthermore, the contractor warrants that all project funds allocated to the proposed budget for Employee Benefits, represent costs for employees of the contractor only and that such funds will not be expended on any individual classified as an independent contractor.
- D. Any modification to this Agreement that will result in a transfer of funds among program activities or budget cost categories, but does not affect the amount, consideration, scope or other terms of this Agreement must be approved by the Commissioner of Education and the Office of the State Comptroller when:
 - a. The amount of the modification is equal to or greater than ten percent of the total value of the contract for contracts of less than five million dollars; or
 - b. The amount of the modification is equal to or greater than five percent of the total value of the contract for contracts of more than five million dollars.
- E. Funds provided by this contract may not be used to pay any expenses of the State Education Department or any of its employees.

Terminations

- A. The State may terminate this Agreement without cause by thirty (30) days prior written notice. In the event of such termination, the parties will adjust the accounts due and the Contractor will undertake no additional expenditures not already required. Upon any such termination, the parties shall endeavor in an orderly manner to wind down activities hereunder.

Responsibility Provisions

A. General Responsibility Language

The Contractor shall at all times during the Contract term remain responsible. The Contractor agrees, if requested by the Commissioner of Education or his or her designee, to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior performance, and organizational and financial capacity.

B. Suspension of Work (for Non-Responsibility)

The Commissioner of Education or his or her designee, in his or her sole discretion, reserves the right to suspend any or all activities under this Contract, at any time, when he or she discovers information that calls into question the responsibility of the Contractor. In the event of such suspension, the Contractor will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the Contractor must comply with the terms of the suspension order. Contract activity may

resume at such time as the Commissioner of Education or his or her designee issues a written notice authorizing a resumption of performance under the Contract.

C. Termination (for Non-Responsibility)

Upon written notice to the Contractor, and a reasonable opportunity to be heard with appropriate SED officials or staff, the Contract may be terminated by the Commissioner of Education or his or her designee at the Contractor's expense where the Contractor is determined by the Commissioner of Education or his or her designee to be non-responsible. In such event, the Commissioner or his or her designee may complete the contractual requirements in any manner he or she may deem advisable and pursue available legal or equitable remedies for breach.

Safeguards for Services and Confidentiality

- A. Any copyrightable work produced pursuant to said agreement shall be the sole and exclusive property of the New York State Education Department. The material prepared under the terms of this agreement by the Contractor shall be prepared by the Contractor in a form so that it will be ready for copyright in the name of the New York State Education Department. Should the Contractor use the services of consultants or other organizations or individuals who are not regular employees of the Contractor, the Contractor and such organization or individual shall, prior to the performance of any work pursuant to this agreement, enter into a written agreement, duly executed, which shall set forth the services to be provided by such organization or individual and the consideration therefor. Such agreement shall provide that any copyrightable work produced pursuant to said agreement shall be the sole and exclusive property of the New York State Education Department and that such work shall be prepared in a form ready for copyright by the New York State Education Department. A copy of such agreement shall be provided to the State.
- B. All reports of research, studies, publications, workshops, announcements, and other activities funded as a result of this proposal will acknowledge the support provided by the State of New York.
- C. This agreement cannot be modified, amended, or otherwise changed except by a written agreement signed by all parties to this contract.
- D. No failure to assert any rights or remedies available to the State under this agreement shall be considered a waiver of such right or remedy or any other right or remedy unless such waiver is contained in a writing signed by the party alleged to have waived its right or remedy.
- E. Expenses for travel, lodging, and subsistence shall be reimbursed in accordance with the policies stipulated in the aforementioned Fiscal guidelines.
- F. No fees shall be charged by the Contractor for training provided under this agreement.
- G. Nothing herein shall require the State to adopt the curriculum developed pursuant to this agreement.
- H. All inquiries, requests, and notifications regarding this agreement shall be directed to the Program Contact or Fiscal Contact shown on the Grant Award included as part of this agreement.
- I. This agreement, including all appendices, is, upon signature of the parties and the approval of the Attorney General and the State Comptroller, a legally enforceable contract. Therefore, a signature on behalf of the Contractor will bind the Contractor to all the terms and conditions stated therein.
- J. The parties to this agreement intend the foregoing writing to be the final, complete, and exclusive expression of all the terms of their agreement.

Iran Divestment Act

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the

law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date, at which time it will be posted on the OGS website.

By entering into this Contract, Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Contractor agrees that after the list is posted on the OGS website, should it seek to renew or extend the Contract, it will be required to certify at the time the Contract is renewed or extended that it is not included on the prohibited entities list. Contractor also agrees that any proposed Assignee of the Contract will be required to certify that it is not on the prohibited entities list before SED may approve a request for Assignment of Contract

During the term of the Contract, should SED receive information that a person is in violation of the above-referenced certification, SED will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then SED shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

SED reserves the right to reject any request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.

Rev. 6/4/13

Appendix A-2
American Recovery and Reinvestment Act of 2009 (ARRA)

ADDITIONAL CONTRACT RECORD KEEPING REQUIREMENTS

This contract, is funded, in whole or in part, by the American Recovery and Reinvestment Act of 2009 (ARRA). The United States Office of Management and Budget (OMB) has released, "Implementing Guidance for Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009." (M-09-21) This guidance provides detailed information on reporting requirements included in Section 1512 of the Recovery Act.

Recipient vendors receiving ARRA funding will be required to submit quarterly information which will include at a minimum the following information:

- Vendor name and zip code of Vendor headquarters;
- Expenditures (per quarter and cumulative);
- Expenditure description; and
- Estimates on jobs created or retained via the expenditure of these funds by the Vendor.

Additional data may be required from vendors as a result of guidance issued by OMB.

Vendors will be required to submit the ARRA data in a form and format to be determined by the New York State Education Department (NYSED). NYSED anticipates that the reporting information will be provided to Vendors no later than August 30th. There will be no additional compensation for this reporting activity and it is anticipated that the Quarterly Reporting forms will be required in both paper and electronic formats. An employee of any non-federal employer receiving ARRA funds may not be discharged, demoted, otherwise discriminated against as a reprisal for disclosing to law enforcement and other officials information that the employee reasonably believes is evidence of:

- Gross mismanagement;
- Gross waste of covered funds;
- A danger to public health and safety;
- An abuse of authority; or
- A violation of law.

Appendix B: Workplan/Timeline

TEMPLATE

Following is a template to be used as guidance for creating the workplan/timeline required for Section E1. This may be used in its entirety, modified as necessary, or disregarded for a more appropriate format as determined by the applicant.

Work Plan & Timeline			
Date	Activity	Responsible Party	Desired Outcome
EXAMPLE			
August – September 2014	Creating the Assessment Review Panel	Superintendent or Designee	Assessment Review Panel formed with appropriate membership

Appendix C: Goals and Measurable Outcomes

Common Review Goals

In Section E2, applicants must indicate the overarching goal(s) as well as the specific activities and measurable outcomes(s) which will determine the success of their review.

Below includes a list of some possible assessment review goals. This list is intended to provide support and guidance for applicants; it is not comprehensive and its use is not required.

1. Identification of assessments that are redundant or do not support learning objectives
2. Implementation of performance-based assessments that have been locally-developed
3. Incorporation of sustainable professional development for teachers that facilitates cross-grade collaborations
4. Parent engagement on the uses of assessment data

Template for Goals and Measurable Outcomes

The following is a template to be used as guidance for including the overall review goals, activities, and measurable outcomes which will determine the review program's success (first 3 columns). This template may be used in its entirety, modified as necessary, or disregarded for a more appropriate format as determined by the applicant.

If the applicant is awarded funding, they are required to submit the following elements as part of the MVPS report:

- Mid-year, accomplishments and challenges (information in the fourth column) should be reported to NYSED; and
- At the end of the grant period, accomplishments and challenges (information in the fifth column) should be reported to NYSED (i.e. all columns should be completed).

Template for Goals and Measurable Outcomes			
Overall Goals	Activities	Quantitative Measurable Outcomes	Accomplishments and Challenges <i>(to be completed as part of MVPS report)</i>
<i>Identification of assessments that are used in our districts that are viewed to be redundant or unsupportive of teaching objectives</i>	<ul style="list-style-type: none"> • <i>Determination of assessments to be reviewed</i> • <i>Evaluation of assessments by the review panel</i> • <i>Professional Development on the use of assessment data for teaching</i> 	<ul style="list-style-type: none"> • <i>Removal or alteration of unsupportive assessments</i> • <i>Clear understanding by teachers of the purpose of the review and expected outcomes</i> 	

Appendix D: Scoring Rubric

As stated in the Application Review and Scoring section, all proposals will be reviewed by two reviewers and the scores will be averaged. If there is a score discrepancy greater than 15 points, the proposal will be read by a third reviewer. The two closest scores will be used and averaged unless the third reviewer score is equidistant from the others in which case the third reviewer score will be solely used.

When final scores are compiled, any proposal that scores less than a final average of 65 points out of 100 will not be considered further.

Please be sure to carefully read the criteria/descriptors in the following scoring rubrics when writing the proposal.

Unless otherwise noted, the scoring criteria are used for both individual public school district/public charter school applications and consortium applications.

Quality Indicator	Description
Very Good	Comprehensive and thorough with exceptional detail. Submission is highly responsive and specific, and of outstanding quality.
Good	General but sufficient detail. Adequate information as to how the criteria are met, but some areas are not fully explained and/or questions remain. Some minor inconsistencies and weaknesses.
Fair	Sketchy and non-specific. Criteria appear to be minimally met, but limited information is provided about approaches and strategies. Lacks focus and detail.
Poor	Does not meet the criteria, fails to provide information, provides inaccurate information, or provides information that requires substantial clarification as to how the criteria are met.
NA	No answer provided.

Section A: Overview

No points

Section B: Assessment Review and Action Plan

35 points

B1. COMPLETED DISTRICT/CONSORTIUM ASSESSMENT INVENTORY FORM (5 points)

NA: 0 points	Poor: 1.25 points	Fair: 2.5 points	Good: 3.75 points	Very Good: 5 points
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Points awarded based on the completed District/Consortium Assessment Inventory Form (Attachment IV), which contains the requested details about all of the locally-selected assessments. Form must be completed for each participating district/charter school.

Comments:

B2. ASSESSMENT REVIEW PROCESS (10 points)

NA: 0 points	Poor: 2.5 points	Fair: 5 points	Good: 7.5 points	Very Good: 10 points
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Points awarded based on the explanation of the process that will be used, or that has been used, to conduct an assessment review, including completion of the Assessment Review Form (Attachment V). Applicants must describe:

1. Criteria for choosing the assessments to be reviewed
2. How applicants will develop rating scales for each criterion
3. How they will address the criteria (rigorous, comparable, informs instruction, supports learning goals, utilizes a diverse set of assessment techniques) on the District/Consortium Assessment Review Form template in Attachment V.
4. How they will develop recommendations (to keep the assessment, eliminate the assessment, modify existing assessments and/or identify or create high-quality assessments that may be used for APPR and/or other formative/instructional purposes) for the proposed changes in the assessment systems as part of the review process.

Please note: *The Assessment Review Form should not be completed for this section.* This section is

<p>meant demonstrate how the assessment review should have been or will be completed. If applicants have already engaged in their own assessment review process, they must describe the steps that were undertaken for that review, providing all of the information that is requested in 1-4 of this section. However, if there is a disparity between previous activities and those that are required for this application, applicants must describe how additional activities will take place for the purpose of this grant.</p>				
<p>Comments:</p>				
<p>B3. DEVELOPMENT OF ACTION PLAN (10 points)</p>				
<p>NA: 0 points</p>	<p>Poor: 2.5 points</p>	<p>Fair: 5 points</p>	<p>Good: 7.5 points</p>	<p>Very Good: 10 points</p>
<p>Points awarded based on how, in creating the action plan:</p> <ol style="list-style-type: none"> 1. Actions will be taken to modify or augment, eliminate, or replace assessments that are not working. 2. Engagement program for parents will be designed, including a review of the use of assessment data, goals of Teaching is the Core grant, and specific goals of the applicant’s review, action, and professional development plans 3. New funds will be obtained for implementing the plan (if applicable) 4. APPR plan may change in the following school year. 5. Review committee will utilize each section of the Assessment Review form to inform the Action Plan 6. Proposed Action Plan will align with current assessment program and needs 7. Review committee will agree on the status of the current assessment program 				
<p>Comments:</p>				
<p>B4. IMPLEMENTATION OF ACTION PLAN (10 points)</p>				
<p>NA: 0 points</p>	<p>Poor: 2.5 points</p>	<p>Fair: 5 points</p>	<p>Good: 7.5 points</p>	<p>Very Good: 10</p>

				points
<p>Applicant will describe the proposed implementation of a successful action plan. Points will be awarded for the description of the process of:</p> <ol style="list-style-type: none"> 1. Carrying out each action of the action plan and making mid-course changes as necessary 2. Implementing the engagement program for parents 3. Sharing the locally developed assessments, strategies, and resources with other grant recipients using a secure network to be set up by the NYSED 4. For those LEAs that have an approved APPR plan in place at the time of application, revising the APPR plan, as needed, for the school year 2015-2016. 5. Obtaining the funds to implement the action plan after the grant period, if applicable 				
<p>Comments:</p>				

<p>Section C: Professional Development Plan</p>				
<p>15 points</p>				
<p>PROFESSIONAL DEVELOPMENT DESIGN (10 points)</p>				
<p>NA: 0 Points</p>	<p>Poor: 2.5 Points</p>	<p>Fair: 5 Points</p>	<p>Good: 7.5 Points</p>	<p>Very Good: 10 Points</p>
<p>Applicants must include a description of a professional development plan for administrators, teachers, and staff on high-quality assessments and the appropriate uses of assessment.</p> <p>Points will be awarded based on:</p> <ol style="list-style-type: none"> 1. How professional development will be aligned to the Assessment Review and Action Plan 2. How the professional development will integrate teachers from various grades and schools (as applicable) to enhance vertical alignment between grade levels 3. How topics will be chosen for the trainings 4. The proposed training providers and the rationale for choosing these providers 5. The proposed measurable outcomes of the training. 				

Comments:				
PROFESSIONAL DEVELOPMENT LOGISTICS (5 points)				
NA: 0 Points	Poor: 1.25 Points	Fair: 2.5 Points	Good: 3.75 Points	Very Good: 5 Points
Points will be awarded based on: <ol style="list-style-type: none"> 1. The proposed frequency and duration of the training sessions 2. The proposed selection method of participants, including differentiation of the participants in the training (professional development should be relevant and targeted to a specific audience rather than broad and geared toward all teachers; for example, all science teachers in the district may participate in professional development focused on the spiraling nature of assessments from K to grade 12) 				
Comments:				

Section D: Evidence of Organizational Capacity				
10 points				
ORGANIZATIONAL CAPACITY				
NA: 0 Points	Poor: 2.5 points	Fair: 5 points	Good 7.5 points	Very Good: 10 points

Points awarded based on the applicant’s description of the following:

1. The specific roles of the review committee and professional development delivery team. A consortium application’s team should include representatives from each participating district or charter school.
2. The names and qualifications of the individuals who will fulfill each role
3. Name and resume of a person responsible for managing the Teaching is the Core project.
 - A. If the consortium chooses to fund a DDI coordinator, name and resume should be included as well.
4. A description of the successful completion of a large-scale initiative. Consortium applicants should describe a large scale initiative in which the consortium-lead served as the lead.
5. A comprehensive inventory of physical and online assets to support the work to be funded
6. A description of the ability to respond to NYSED communications regarding the review in a timely manner.

Comments:

Section E: Workplan/Timeline				
15 points				
E1. WORKPLAN/TIMELINE (5 points)				
NA: 0 Points	Poor: 1.25 points	Fair: 2.5 points	Good: 3.75 points	Very Good: 5 points
Points awarded based on a realistic and rational workplan/timeline for the grant period that includes the necessary activities, roles, and responsibilities for the Assessment Review Action Plan Development and/or Implementation, and Professional Development for the grant period September 1, 2014 to June 30, 2015). If appropriate, activities after the grant period may be noted. Appendix B may be used as a template for this response.				

Comments:				
E2. OVERALL GOALS AND MEASURABLE OUTCOMES (5 points)				
NA: 0 Points	Poor: 1.25 points	Fair: 2.5 points	Good: 3.75 points	Very Good: 5 points
Points awarded based on a description of the goals and measurable outcomes of the Assessment Review, Action Plan, and Professional Development that the applicant plans to accomplish by the end of the grant period. Additional goals and measurable outcomes, that extend beyond the grant period may be included as part of the sustainability plan. Appendix C may be used as template for this response.				
Comments:				
E3. SUSTAINABILITY PLAN (5 points)				
NA: 0 Points	Poor: 1.25 points	Fair: 2.5 points	Good: 3.75 points	Very Good: 5 points
Points will be awarded based on the sustainability plan that includes the costs associated with the implementation of the Assessment Review and/or Action Plan, and Professional Development that demonstrates how the applicant plans to fund these activities after the grant period ends. A review of assessments should be an annual activity in districts/charter schools. Sustainability may include analyzing results of new or modified assessments and making necessary instructional or assessment adjustments. If applicable, include a detailed description of any other funding streams/contributions related to the proposed assessment review that will assist the applicant in implementing the Action Plan after the grant period ends.				

Comments:

***Note: Sections A-F have a maximum of 25 pages. Reviewers will not read beyond page 25.**

Section F: Budget Forms				
25 points				
FS-10 AND PROGRAM PERIOD BUDGET SUMMARY (10 points)				
NA 0 points	Poor: 2.5	Fair: 5	Good: 7.5	Very Good: 10
<p>Points awarded based on the following:</p> <ol style="list-style-type: none"> 1. Applicant outlines all expenditures for the program period (9/1/2014-6/30/2015) in the FS-10 form (the most current form is available online at: http://www.oms.nysed.gov/cafe/forms/). Please be sure to check that all calculations, descriptions, and amounts match the budget summary and budget narrative. Failure to do so will adversely affect the scoring of this section. 2. Applicant fully completes Budget Summary (Attachment VII). All amounts match the FS-10 and Budget Narrative 				
Comments:				
BUDGET NARRATIVE (10 points)				
NA 0 points	Poor: 2.5	Fair: 5	Good: 7.5	Very Good: 10
<p>Points awarded based on the following:</p> <ol style="list-style-type: none"> 1. Applicant provides a clear, detailed description, indicating the basis of each calculation and illustrating how the proposed expenditures are reasonable and necessary to support the proposal's initiatives and goals. <p>Consortium applicants should include expenses for all consortium members, identifying individual members as appropriate. Consortium applicants must also demonstrate in the budget narrative that the lead applicant will not act solely as a flow-through for grant funds and that a minimum of 20% of the Teaching is the Core funding will directly support the activities of the consortium lead.</p>				
Comments:				

PROPOSED EXPENDITURES DO NOT SUPPLANT OR DUPLICATE CURRENT INITIATIVES (5 points)				
NA 0 points	Poor: 1.25	Fair: 2.5	Good: 3.75	Very Good: 5
<p>Points awarded based on the following:</p> <ol style="list-style-type: none"> 1. Applicant clearly describes in sufficient detail how the proposed expenditures are designed to develop new initiatives and/or enhance current initiatives. 2. Applicant clearly explains how the expenditures are supplemental and do not supplant or duplicate current initiatives, though they may enhance current initiatives. 3. Applicant clearly demonstrates any alternate funding sources, if applicable. 				
<p>Comments:</p>				

Appendix E: NYSED Consortium Policy for State and Federal Discretionary Grant Programs

Participants can form a consortium to apply for the grant. In order to do so, the consortium must meet the following requirements:

1. The consortium must designate one of the members to serve as the applicant and fiscal agent for the grant. The applicant agency must be an eligible grant recipient. All other consortium members must be eligible grant participants, as defined by the program statute or regulation.
2. In the event a grant is awarded to a consortium, the grant or grant contract will be prepared in the name of the applicant agency/fiscal agent, not the consortium, since the group is not a legal entity.
3. The applicant agency/fiscal agent must meet the following requirements:
 - A. Must be an eligible grant recipient as defined by statute;
 - B. Must receive and administer the grant funds and submit the required reports to account for the use of grant funds;
 - C. Must require consortium partners to sign an agreement with the fiscal agent that specifically outlines all services each partner agrees to provide.
 - D. Must be an active member of the partnership/consortium.
 - E. Cannot act solely as a flow-through for grant funds to pass to other recipients. The fiscal agent must provide a minimum of 20% of the direct services supported by this grant, as reflected in the budget.
 - F. Is PROHIBITED from subgranting funds to other recipients. The fiscal agent is permitted to contract for services with other consortium partners or consultants to provide services that the fiscal agent cannot provide itself.
 - G. Must be responsible for the performance of any services provided by the partners, consultants, or other organizations and must coordinate how each plan to participate.

Appendix F: Prequalification Application for Grants Reform

The State of New York has implemented a new statewide prequalification process designed to facilitate prompt contracting for not-for-profit vendors. Interested vendors are asked to submit commonly requested documents, and answer frequently asked questions once. The application requests organizational information about the vendor's capacity, legal compliance, and integrity. To learn more about prequalification, go to the Grants Reform website (<http://www.grantsreform.ny.gov/Grantees>) where you can preview the questions and required documents.

Following is a summary of the steps that must be undertaken in order for you to prequalify.

- Go to the Grants Reform website (<http://www.grantsreform.ny.gov/Grantees>) and download a copy of the Registration Form. Please review the instructions for submission of this Form. The form must be signed and notarized by an authorized representative of your organization, and must be sent to the Division of Budget as soon as possible in order to gain access to the Grants Gateway to enable prequalification.
- Upon submission of your Registration Form, you will be provided with a User ID allowing you to gain access to the Gateway. From there, please logon to the Gateway System (https://grantsgateway.ny.gov/IntelliGrants_NYSGG/login2.aspx) and begin your Prequalification Application.
- Vendors who already submitted registration materials and received their user credentials can begin to upload documents into the Document Vault and complete their online Prequalification Questionnaire.
- As you fill out the Questionnaire, please refer to the Gateway Training Materials and resource links posted on the "grantees" section of the Grants Reform website to help you navigate the questionnaire. If you still have questions, simply contact your State agency program contact, or post your question to GrantsReform@Budget.ny.gov, and someone will get back to you quickly with a response.

Vendors are strongly encouraged to begin the process as soon as possible in order to assure that prompt contract approval is not jeopardized.

If you have any questions about prequalification, please go to the Grants Reform website or contact your State agency representative via email at prequal@mail.nysed.gov.

Appendix G: Additional Resources

The following resources pertain to the New York State Assessment program, performance assessment, reviewing and developing high quality assessments, and evaluation of teachers and principals.

1. General

1. NY State Assessment Update. (October, 2013). <http://www.regents.nysed.gov/meetings/2013Meetings/October2013/AssessmentUpdate.pdf> .
2. Guidance on New York State’s Annual Professional Performance Review for Teachers and Principals to Implement Educational Law §3012-c and the Commissioner’s Regulations. (November, 2013). <http://www.engageny.org/sites/default/files/resource/attachments/appr-field-guidance.pdf> .
3. List of Approved Student Assessments for Use by School Districts and BOCES in Teacher and Principal Evaluations. (September, 2013). <http://usny.nysed.gov/rttt/teachers-leaders/assessments/approved-list.html> .
4. Student Learning Objectives. (October, 2012). <http://www.engageny.org/resource/student-learning-objectives/>
5. Regents Task Force Report of Teacher and Principal Effectiveness. (April, 2011). <http://www.regents.nysed.gov/meetings/2011Meetings/April2011/RegentsTaskforceonTeacherandPrincipalEffectiveness.pdf> .
6. American Educational Research Association, American Psychological Association, National Council on Measurement in Education. (1999). *Standards for educational and psychological testing*. Washington, DC: Authors. <http://www.apa.org/science/programs/testing/standards.aspx>
7. A primer on Common Core-Aligned Assessments. (December, 2013). http://www.education-first.com/files/A_Primer_on_Common_Core-Aligned_Assessments_Education_First.pdf
8. Students at the Center. (2013). <http://www.studentsatthecenter.org/topics/assessing-learning> .

2. Performance Assessment

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Appendix H: M/WBE Documents

M/WBE Goal Calculation Worksheet

(This form should reflect Multi-Year Budget Summary Totals)

RFP # and Title: _____

Applicant Name: _____

The M/WBE participation for this grant is 20% of each applicant’s total discretionary non-personal service budget over the entire term of the grant. Discretionary non-personal service budget is defined as the total budget, excluding the sum of funds budgeted for direct personal services (i.e., professional and support staff salaries) and fringe benefits, as well as rent, lease, utilities, and indirect costs, if these are allowable expenditures.

Please complete the following table to determine the dollar amount of the M/WBE goal for this grant application.

	Budget Category	Amount budgeted for items excluded from M/WBE calculation	Totals
1.	Total Budget		
2.	Professional Salaries		
3.	Support Staff Salaries		
4.	Fringe Benefits		
5.	Indirect Costs		
6.	Rent/Lease/Utilities		
7.	Sum of lines 2, 3 ,4 ,5, and 6		
8.	Line 1 minus Line 7		
9.	M/WBE Goal percentage (20%)		0.20
10.	Line 8 multiplied by Line 9 =MWBE goal amount		

M/WBE COVER LETTER Minority & Woman-Owned Business Enterprise Requirements

NAME OF GRANT PROGRAM _____

NAME OF APPLICANT _____

In accordance with the provisions of Article 15-A of the NYS Executive Law, 5 NYCRR Parts 140-145, Section 163 (6) of the NYS Finance Law and Executive Order #8 and in fulfillment of the New York State Education Department (NYSED) policies governing Equal Employment Opportunity and Minority and Women-Owned Business Enterprise (M/WBE) participation, it is the intention of the New York State Education Department to provide real and substantial opportunities for certified Minority and Women-Owned Business Enterprises on all State contracts. It is with this intention the NYSED has assigned M/WBE participation goals to this contract.

In an effort to promote and assist in the participation of certified M/WBEs as subcontractors and suppliers on this project for the provision of services and materials, the bidder is required to comply with NYSED's participation goals through one of the three methods below. Please indicate which one of the following is included with the M/WBE Documents Submission:

- Full Participation – No Request for Waiver (PREFERRED)
- Partial Participation – Partial Request for Waiver
- No Participation – Request for Complete Waiver

By my signature on this Cover Letter, I certify that I am authorized to bind the Bidder's firm contractually.
Typed or Printed Name of Authorized Representative of the Firm
Typed or Printed Title/Position of Authorized Representative of the Firm
Signature/Date

M/WBE UTILIZATION PLAN

INSTRUCTIONS: All bidders/applicants submitting responses to this procurement/project must complete this M/WBE Utilization Plan unless requesting a total waiver and submit it as part of their proposal/application. The plan must contain detailed description of the services to be provided by each Minority and/or Women-Owned Business Enterprise (M/WBE) identified by the bidder/applicant.

Bidder/Applicant's Name _____ Telephone/Email: _____/_____

Address _____ Federal ID No.: _____

City, State, Zip _____ RFP No.: _____

Certified M/WBE	Classification (check all applicable)	Description of Work (Subcontracts/Supplies/Services)	Annual Dollar Value of Subcontracts/Supplies/Services
NAME ADDRESS CITY, ST, ZIP PHONE/E-MAIL FEDERAL ID No.	NYS ESD Certified MBE _____ WBE _____		\$ _____
NAME ADDRESS CITY, ST, ZIP PHONE/E-MAIL FEDERAL ID No.	NYS ESD Certified MBE _____ WBE _____		\$ _____

PREPARED BY (Signature) _____ DATE _____

SUBMISSION OF THIS FORM CONSTITUTES THE BIDDER/APPLICANT'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-1, 5 NYCRR PART 143 AND THE ABOVE REFERENCE SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND/OR PROPOSAL/APPLICATION DISQUALIFICATION.

NAME AND TITLE OF PREPARER: _____
 (print or type)

TELEPHONE/E-MAIL _____

DATE _____

REVIEWED BY _____	DATE _____
UTILIZATION PLAN APPROVED YES/NO _____	DATE _____
NOTICE OF DEFICIENCY ISSUED YES/NO _____	DATE _____
NOTICE OF ACCEPTANCE ISSUED YES/NO _____	DATE _____

RFP # SA-17 TEACHING IS THE CORE
M/WBE SUBCONTRACTORS AND SUPPLIERS
NOTICE OF INTENT TO PARTICIPATE

INSTRUCTIONS: Part A of this form must be completed and signed by the Bidder/Applicant unless requesting a total waiver. Parts B & C of this form must be completed by MBE and/or WBE subcontractors/suppliers. The Bidder/Applicant must submit a separate M/WBE Notice of Intent to Participate form for each MBE or WBE as part of the proposal/application.

Bidder/Applicant Name: _____ Federal ID No.: _____

Address: _____ Phone No.: _____

City _____ State _____ Zip Code _____ E-mail: _____

Signature of Authorized Representative of Bidder/Applicant's Firm _____
Print or Type Name and Title of Authorized Representative of Bidder/Applicant's Firm _____

Date: _____

PART B - THE UNDERSIGNED INTENDS TO PROVIDE SERVICES OR SUPPLIES IN CONNECTION WITH THE ABOVE PROCUREMENT/APPLICATION:

Name of M/WBE: _____ Federal ID No.: _____

Address: _____ Phone No.: _____

City, State, Zip Code _____ E-mail: _____

BRIEF DESCRIPTION OF SERVICES OR SUPPLIES TO BE PERFORMED BY MBE OR WBE:

DESIGNATION: MBE Subcontractor WBE Subcontractor MBE Supplier WBE Supplier

PART C - CERTIFICATION STATUS (CHECK ONE):

The undersigned is a certified M/WBE by the New York State Division of Minority and Women-Owned Business Development (MWBD).

The undersigned has applied to New York State's Division of Minority and Women-Owned Business Development (MWBD) for M/WBE certification.

THE UNDERSIGNED IS PREPARED TO PROVIDE SERVICES OR SUPPLIES AS DESCRIBED ABOVE AND WILL ENTER INTO A FORMAL AGREEMENT WITH THE BIDDER/APPLICANT CONDITIONED UPON THE BIDDER/APPLICANT'S EXECUTION OF A CONTRACT WITH THE NYS EDUCATION DEPARTMENT.

The estimated dollar amount of the agreement \$ _____

Signature of Authorized Representative of M/WBE Firm _____

Date _____

Printed or Typed Name and Title of Authorized Representative _____

M/WBE CONTRACTOR GOOD FAITH EFFORTS CERTIFICATION (FORM 105)

PROJECT/CONTRACT # _____

I, _____
(Bidder/Applicant)

_____ of _____
(Title) (Company)

_____ () _____
(Address) (Telephone Number)

do hereby submit the following as evidence of our good faith efforts to retain certified minority- and women-owned business enterprises:

(1) Copies of its solicitations of certified minority- and women-owned business enterprises and any responses thereto;

(2) If responses to the contractor's solicitations were received, but a certified minority- or woman-owned business enterprise was not selected, the specific reasons that such enterprise was not selected;

(3) Copies of any advertisements for participation by certified minority- and women-owned business enterprises timely published in appropriate general circulation, trade and minority- or women-oriented publications, together with the listing(s) and date(s) of the publication of such advertisements;

(4) Copies of any solicitations of certified minority- and/or women-owned business enterprises listed in the directory of certified businesses;

(5) The dates of attendance at any pre-bid, pre-award, or other meetings, if any, scheduled by the State agency awarding the State contract, with certified minority- and women-owned business enterprises which the State agency determined were capable of performing the State contract scope of work for the purpose of fulfilling the contract participation goals;

(6) Information describing the specific steps undertaken to reasonably structure the contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified minority- and women-owned business enterprises.

(7) Describe any other action undertaken by the bidder to document its good faith efforts to retain certified minority - and women- owned business enterprises for this procurement.

Submit additional pages as needed.

Authorized Representative Signature

Date

M/WBE CONTRACTOR UNAVAILABLE CERTIFICATION

RFP#/PROJECT NAME _____

I, _____ (Authorized Representative) _____ (Title) _____ (Bidder/Applicant's Company)

_____ (Address) _____ (Phone)

I certify that the following New York State Certified Minority/Women Business Enterprises were contacted to obtain a quote for work to be performed on the abovementioned project/contract.

List of date, name of M/WBE firm, telephone/e-mail address of M/WBEs contacted, type of work requested, estimated budgeted amount for each quote requested.

<u>DATE</u>	<u>M/WBE NAME</u>	<u>PHONE/EMAIL</u>	<u>TYPE OF WORK</u>	<u>ESTIMATED BUDGET</u>	<u>REASON</u>
1.					
2.					
3.					
4.					
5.					

To the best of my knowledge and belief, said New York State Certified Minority/Women Business Enterprise contractor(s) was/were not selected, unavailable for work on this project, or unable to provide a quote for the following reasons: Please check appropriate reasons given by each MBE/WBE firm contacted above.

- _____ **A.** Did not have the capability to perform the work
- _____ **B.** Contract too small
- _____ **C.** Remote location
- _____ **D.** Received solicitation notices too late
- _____ **E.** Did not want to work with this contractor
- _____ **F.** Other (give reason) _____

Authorized Representative Signature **Date** **Print Name**

REQUEST FOR WAIVER FORM

BIDDER/APPLICANT NAME:

TELEPHONE:

ADDRESS:

EMAIL:

FEDERAL ID NO.:

CITY, STATE, ZIPCODE:

RFP#/PROJECT NO.:

INSTRUCTIONS: By submitting this form and the required information, the bidder/applicant certifies that Good Faith Efforts have been taken to promote M/WBE participation pursuant to the M/WBE goals set forth under this RFP/Contract. Please see Page 2 for additional requirements and document submission instructions.

BIDDER/APPLICANT IS REQUESTING (check all that apply):

MBE Waiver - A waiver of the MBE goal for this procurement is requested.
 Total Partial _____%

WBE Waiver - A waiver of the WBE goal for this procurement is requested.
 Total Partial _____%

Waiver Pending ESD Certification

(check here if subcontractor or supplier is not certified M/WBE, but an application for certification has been filed with Empire State Development)

Subcontractor/Supplier Name: _____

Date of application filing: _____

PREPARED BY (*Signature*): _____

DATE: _____

SUBMISSION OF THIS FORM CONSTITUTES THE BIDDER/APPLICANT'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A, 5 NYCRR PART 143, AND THE ABOVE REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND/OR PROPOSAL DISQUALIFICATION.

NAME OF PREPARER: TITLE OF PREPARER: TELEPHONE: EMAIL:	FOR AUTHORIZED USE ONLY REVIEWED BY: _____ DATE: _____ WAIVER GRANTED <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> TOTAL WAIVER <input type="checkbox"/> PARTIAL WAIVER <input type="checkbox"/> ESD CERTIFICATION WAIVER <input type="checkbox"/> NOTICE OF DEFICIENCY <input type="checkbox"/> CONDITIONAL WAIVER COMMENTS:
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M/WBE 101

REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS

When completing the Request for Waiver Form, please check all boxes that apply. To be considered, the Request for Waiver Form must be accompanied by documentation for items 1-11, as listed below. If a Waiver Pending ESD Certification is requested, please see Item 11 below. Copies of the following information and all relevant supporting documentation must be submitted along with the request.

1. A statement setting forth your basis for requesting a partial or total waiver.
2. The names of general circulation, trade association, and M/WBE-oriented publications in which you solicited certified M/WBEs for the purposes of complying with your participation goals.
3. A list identifying the date(s) that all solicitations for certified M/WBE participation were published in any of the above publications.
4. A list of all certified M/WBEs appearing in the NYS Directory of Certified Firms that were solicited for purposes of complying with your certified M/WBE participation levels.
5. Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation if an identical solicitation was made to all certified M/WBEs.
6. Provide copies of responses made by certified M/WBEs to your solicitations.
7. Provide a description of any contract documents, plans, or specifications made available to certified M/WBEs for purposes of soliciting their bids and the date and manner in which these documents were made available.
8. Provide documentation of any negotiations between you, the Bidder/Applicant and the M/WBEs undertaken for purposes of complying with the certified M/WBE participations goals.
9. Provide any other information you deem relevant which may help us in evaluating your request for a waiver.
10. Provide the name, title, address, telephone number and email address of the Bidder/Applicant's representative authorized to discuss and negotiate this waiver request.
11. Copy of notice of application receipt issued by Empire State Development (ESD).

NOTE: Unless a Total Waiver has been granted, Bidder/Applicant will be required to submit all reports and documents pursuant to the provisions set forth in the procurement and/or contract, as deemed appropriate by NYSED, to determine M/WBE compliance.

EQUAL EMPLOYMENT OPPORTUNITY - STAFFING PLAN (Instructions on Page 2)

Applicant Name: _____

Telephone: _____

Address: _____

Federal ID No.: _____

City, State, ZIP: _____

Project No: _____

Report includes:

Work force to be utilized on this contract OR

Applicant's total work force

Enter the total number of employees in each classification in each of the EEO-Job Categories identified.

EEO - Job Categories	Total Work Force	Race/Ethnicity - report employees in only one category																	
		Hispanic or Latino		Not-Hispanic or Latino															
				Male						Female									
		Male	Female	White	African-American or Black	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or More Races	Disabled	Veteran	White	African-American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or More Races	Disabled	Veteran
Executive/Senior Level Officials and Managers																			
First/Mid-Level Officials and Managers																			
Professionals																			
Technicians																			
Sales Workers																			
Administrative Support Workers																			
Craft Workers																			
Operatives																			
Laborers and Helpers																			
Service Workers																			
TOTAL																			

PREPARED BY (Signature): _____

DATE: _____

NAME AND TITLE OF PREPARER: _____

TELEPHONE/EMAIL: _____

(Print or type)

STAFFING PLAN INSTRUCTIONS

General Instructions: All Bidders/Applicants in the proposal/application must complete an EEO Staffing Plan (EEO 100) and submit it as part of the package. Where the work force to be utilized in the performance of the State contract/project can be separated out, the Bidder/Applicant shall complete this form only for the anticipated work force to be utilized on the State contract/project. Where the work force to be utilized in the performance of the State contract/project cannot be separated out, the Bidder/Applicant shall complete this form for Bidder/Applicant's total work force.

Instructions for Completing:

1. Enter the Project number that this report applies to, along with the name, address, and federal ID number of the Bidder.
2. Check the appropriate box to indicate if the work force being reported is just for the contract/project or the Bidder/Applicant's total work force.
3. Check off the appropriate box to indicate if the Bidder completing the report is the contractor or subcontractor.
4. Enter the total work force by EEO job category.
5. Break down the total work force by gender and race/ethnic background and enter under the heading Race/Ethnicity. Contact the M/WBE Coordinator, mwbe@mail.nyused.gov, if you have any questions.
6. Enter the name, title, phone number and email address for the person completing the form. Sign and date the form in designated areas.

RACE/ETHNIC IDENTIFICATION

For purposes of this form NYSED will accept the definitions of race/ethnic designations used by the federal Equal Employment Opportunity Commission (EEOC), as those definitions are described below or amended hereafter. (Be advised these terms may be defined differently for other purposes under NYS statutory, regulatory, or case law). Race/ethnic designations as used by the EEOC do not denote scientific definitions of anthropological origins. For the purposes of this report, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. The race/ethnic categories for this survey are:

- **Hispanic or Latino** - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.
- **White (Not Hispanic or Latino)** - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- **Black or African American (Not Hispanic or Latino)** - A person having origins in any of the black racial groups of Africa.
- **Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)** - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **Asian (Not Hispanic or Latino)** - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- **American Indian or Alaska Native (Not Hispanic or Latino)** - A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- **Two or More Races (Not Hispanic or Latino)** - All persons who identify with more than one of the above five races.
- **Disabled** - Any person who has a physical or mental impairment that substantially limits one or more major life activity; has a record of such an impairment; or is regarded as having such an impairment
- **Vietnam Era Veteran** - a veteran who served at any time between and including January 1, 1963 and May 7, 1975.

EEO 100