

Teachers of Tomorrow Program 2017-2021

Introduction/Background:

The Teachers of Tomorrow Program was established under an amendment to Education Law, Chapter 62 of the Laws of 2000 to assist school districts in the recruitment, retention, and certification activities necessary to increase the supply of qualified teachers in school districts experiencing a teacher shortage, especially those with Schools Under Registration Review and low-performing schools. Not more than sixty per cent of funds **allocated** will be made available to any one school district in a city with a population in excess of one million (currently New York City only).

Purpose/Goal:

The purpose of the Teachers of Tomorrow Program is to provide a variety of incentives that will encourage prospective teachers to teach in a school district experiencing a teacher shortage or subject shortage, especially low-performing schools. Grant funds may be distributed on a competitive basis by the Office of Teaching Initiatives in the Office of Higher Education to fund activities in each of the following six categories:

- A. Teacher Recruitment Incentives
- B. Summer in the City Internships for City School Districts in Buffalo, Rochester, Syracuse, and Yonkers and NYC Department of Education
- C. Master Teacher Program
- D. Tuition Reimbursement Program
- E. Science, Mathematics and Bilingual Education Tuition Reimbursement Program
- F. Summer Teacher Training Program for NYC Department of Education schools only

General Eligibility:

In accordance with Section 3612 of Education Law, grants shall be made to school districts for teacher recruitment, retention and certification activities necessary to increase the supply of qualified teachers in school districts experiencing a teacher shortage and school districts which contain a school building that has been designated as a low performing school. In allocating grants to school buildings, a school district shall give priority in the following order:

1. Low-Performing Schools Under Registration Review that are designated as teacher and/or subject shortage areas,
2. Low-Performing Schools that are designated as teacher and/or subject shortage areas and
2. Schools that are designated as teacher and/or subject shortage areas.

Funding History and Projections for 2017-2021:

In the previous cycle the appropriation for these grants was approximately \$25 million annually.

In the event that the budget for this program is reduced, all grant awards will be reduced proportionately. For example, if NYSED awards a grant of \$100,000, and funding is cut by 10%, NYSED will reduce that award by 10% or \$10,000, for a revised amount of \$90,000.

Important Dates:

Applications Postmarked by: May 18, 2017.

Project Period: July 1, 2017-June 30, 2021. The annual grant period is July 1-June 30. Each grant period, projects may begin as early as July 1, but must be completed by June 30.

Expenses incurred prior to July 1 or after June 30 of each annual grant period will not be reimbursed.

Q & A:

Questions regarding this grant must be e-mailed to tot@nysed.gov by April 18, 2017. A Question and Answer Summary will be posted at: <http://www.highered.nysed.gov/kiap/tot/tot.html> no later than April 27, 2017.

For Application Submission:

1. New York State Education Department
Office of Postsecondary Access, Support and Success
89 Washington Avenue, EBA 960
Albany, New York 12234

**The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office of Postsecondary Access, Support and Success
89 Washington Avenue/ Room 960 EBA
Albany, NY 12234**

**Guidelines
For Submission of
Teachers of Tomorrow Proposals
For the Period 2017-2021**

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Application Guidance

I. Introduction

The Teachers of Tomorrow Program was established under an amendment to Education Law, Chapter 62 of the Laws of 2000. In 2016-2017 the Teachers of Tomorrow Program provided \$20 million to assist school districts in the recruitment, retention, and certification activities necessary to increase the supply of qualified teachers in school districts experiencing a teacher shortage, especially low-performing schools. Not more than sixty per cent of funds allocated will be made available to any one school district in a city with a population in excess of one million (currently New York City only).

The RFP for the program is being modified from an annual application to a four-year RFP from which successful applicants can subsequently structure a three-year program to fill needed teacher shortages and help improve teacher qualification. Continuation of the program is dependent on legislative support annually for the period of July 1, 2017-June 30, 2021.

II. Purpose

The purpose of the Teachers of Tomorrow Program is to provide a variety of incentives that will encourage prospective teachers to teach in a school district experiencing a teacher shortage or subject shortage, especially those with SURR and low-performing schools. Funding for school districts is available for the following categories:

- A. Teacher Recruitment Incentives
- B. Summer in the City Internships for City School Districts in Buffalo, Rochester, Syracuse, and Yonkers and New York City Department of Education
- C. New York State Master Teacher Program
- D. Tuition Reimbursement Program
- E. Science, Mathematics and Bilingual Education Tuition Reimbursement Program
- F. Summer Teacher Training Program for NYC Department of Education schools only

III. Definitions

- **Teacher Shortage Area** -- grade/content area in which there was a shortage of certified teachers in the prior school year and in which there is a projected shortage in the current school year as evidenced by the district and/or school.
- **Certified Teacher** -- a teacher who holds a state teaching certificate appropriate to the teaching position, including the subject area in which employed.
- **School District** -- is a public school LEA (Local Education Agency), as defined in Title 2 of the NYS Education Law: a common, union free, central, central high school, enlarged, consolidated, or city school district.
- **Board of Education** -- governing board of any public school or public school district.
- **School Under Registration Review (SURR)** -- A school building that is farthest from the State Standard and has been determined by the Commissioner to be most in need of improvement. (See Attachment VII)
- **Low-Performing** -- a school building that is performing significantly below state standards; may include Focus, Priority, or Local Assistance Plan schools.
- **Year of Service** -- ten months of continuous full-time teaching during a school year, typically between September 1 and June 30.

IV. General Eligibility Requirements

Grants shall be made to school districts for teacher recruitment, retention and certification activities necessary to increase the supply of qualified teachers in school districts experiencing a teacher shortage and school districts which contain a school building that has been designated as a low performing school. In allocating grants to school buildings, a school district shall give priority in the following order:

1. Schools Under Registration Review that are designated as teacher and/or subject shortage areas;
2. Low-Performing Schools that are designated as teacher and/or subject shortage areas; and
3. Schools that are designated as teacher and/or subject shortage areas.

Eligible districts having schools in two or more of the above categories must award Teachers of Tomorrow funds in the above priority order and document such.

In addition:

- School districts must use grant funds for the purposes described and must provide a proposed budget.
- For each grant category applied for, school districts must provide a copy of a written agreement outlining the service obligation. Such agreement must include provisions for the recipient to repay the amount of the award to the school district if he or she fails to complete the service obligation. Such repaid amounts will be deducted from any grant amounts due the district from the state. School districts may decide to waive repayment provisions in cases of illness or severe hardship. Grant funds may not supplant local funds currently used for similar purposes.
- School districts awarded funds must maintain local efforts related to the recruitment or retention of teachers currently in place at a level equivalent to that of the base year, or must match the grant funds received from the Teachers of Tomorrow Program.
- **For NYCDOE ONLY:** Up to \$225,000.00 may be used by the district for outreach and recruitment (see paragraph below on General Non-allowable Expenses).
- **For NYCDOE, ONLY IF PROVIDED IN THE ENACTED BUDGET:** NYCDOE may use no more than eighty percent of its total award for any recruitment, retention and certification costs associated with transitional certification of teacher candidates.
- **For THE YONKERS AND SYRACUSE SCHOOL DISTRICTS ONLY AS PROVIDED IN THE ENACTED BUDGET:** A total of up to \$500,000 combined shall be made available for demonstration projects to increase the number of teachers who teach math, science, and related areas who have a transitional certificate. These districts must present a plan outlining the uses of the funds and goals and accomplishments to be measured. These funds come from those available under the Science, Mathematics and Bilingual Education category and should be applied for within this category.
- **AS PROVIDED IN THE ENACTED BUDGET:** Previous budgets have set aside up to 5 million dollars for the funding of the Science, Mathematics and Bilingual Education initiative.

Please refer to **Grant Funded Programs** for eligibility requirements particular to each grant category.

V. General Non-allowable Expenses

The following expenses are **not allowable** under this grant:

- Costs for recruitment activities for the district (except as specifically stated in the eligibility requirements for the NYC Department of Education only) such as:
 - Advertisements
 - Travel
 - Job fairs
- Fringe benefits on award amounts
- Additional staff required to implement the grant
- Any indirect or administrative costs incurred
- Supplies and materials

VI. Project Period

Project Period: July 1, 2017-June 30, 2021. The annual grant period is July 1-June 30. Each grant period, projects may begin as early as July 1, but must be completed by June 30. **Expenses incurred prior to July 1 or after June 30 of each annual grant period will not be reimbursed.**

Provided that funds are included in the enacted NYS budget, projects may begin as early as July 1, but must be completed by June 30 of each annual grant period. Those portions of the program related to periods of teacher service and annual payment of reimbursements and stipends must be carried out as provided in law. Expenses incurred prior to July 1 or after June 30 of each annual grant period will not be reimbursed.

VII. Grant Funded Programs

There are six separate grant funded programs available. School districts may apply for one or more of these programs; however, **no individual teacher may receive an award from more than one category in the same school year.** All school districts, including Yonkers, Buffalo, Rochester, and Syracuse and New York City Department of Education should submit only one application with the appropriate category(ies) identified.

Each program has specific guidelines, as follows:

[See following pages]

A. Recruitment Incentive Program

Purpose: The purpose of this program is to provide incentives to teachers employed for the first time in the school district. Teachers must hold initial, transitional, provisional, permanent, or professional certification and must agree to one year of service in shortage areas. This section provides awards of \$3,400 per year and is renewable for three additional years.. (The maximum cumulative award total per participant after four years is \$13,600)These awards shall be in addition to and are **NOT** part of the teacher's base salary.

Eligible Applicants: School districts may apply for these awards to provide funds for teachers who:

- Are employed for the first time in the school district;
- Hold initial, transitional, provisional, permanent, or professional certification to teach in New York State; and
- Agree to serve one year in a teacher shortage or subject shortage area for each award received as a condition of receiving the award.

Please Note the following:

- **No awards can be made for less than one year of service.**
- Awards shall be used to reimburse **any** educational costs including books and fees incurred by recipient prior to receipt of award for certification as a teacher in New York State. (It is not necessary that a teacher have a student loan to receive this award.)

Allowable Expenses:

- Funds must be used to supplement the salaries of new teachers.

Non-Allowable Expenses:

- Fringe benefits and indirect or administrative costs on these awards may **NOT** be paid for with grant funds.

B. Summer in the City Internship Program

Purpose: The purpose of this program is to provide funds to attract prospective teachers for employment in the City School Districts of Buffalo, Rochester, Syracuse, and Yonkers and in New York City Department of Education schools (Big Five). The program will fund field experiences for eligible applicants who are college students who have successfully completed more than 60 credits, who are identified by the college as being in good academic standing, and who are registered in a NYS approved teacher preparation program. Field placements must be of at least five weeks duration in an urban area. Colleges/Universities may grant credits and may charge a fee for such credits. Placements may also substitute for or count toward graduation field experience requirements. Students eligible for awards may receive up to \$2,000 annually and may participate more than one year.

Eligible Applicants: Big Five school districts may apply for these funds to establish linkages with teacher education programs that will provide field experiences in the City School Districts of Buffalo, Rochester, Syracuse, and Yonkers and in New York City Department of Education schools for students who:

- Are enrolled full-time in a New York State registered teacher preparation program.
- Have successfully completed 60 or more college credits.
- Are in good academic standing (determined by institution of higher education of attendance) at an accredited New York State institution in the base year.
- Demonstrate the desire to enter the teaching profession and agree to serve one year in a teacher shortage or subject shortage area for each award received as a condition of receiving the award.
- Are recommended by a college or university to participate in the program because the Teacher Preparation program recommended them as having the knowledge skills and dispositions to be effective teachers.
- Agree to a service agreement determined by the Board of Education.

Allowable Expenses:

These funds may be used to provide stipends, housing, or other expenses related to **students' participation** in this component.

Non-Allowable Expenses

Funds may **NOT** be used to pay fringe benefits or indirect or administrative costs.

Note: It is strongly recommended that linkages be established and maintained with those colleges and universities that have established Teacher Leadership Quality Partnership Programs or other similar programs.

C. New York State Master Teacher Program

Purpose: The purpose of the Master Teacher Program is to provide funds for Master Teacher Awards in order to attract highly qualified, experienced, expert teachers to teach in low-performing schools. **Only districts with a building designated as SURR or low performing (Priority or Focus) are eligible.** Teacher applicants for the award must be Nationally Board Certified and employed full-time in a low-performing public school. The initial **annual** award is \$10,000 and is renewable for two additional years. The maximum cumulative total of all awards is \$30,000. These funds are in addition to, and not a part of, the teachers' base salary.

Eligible Applicants:

Eligible school districts are those school districts with school buildings that have been designated by SED as SURR or low-performing schools. These districts may apply for funding for a master teacher to serve in those buildings.

Eligible Teachers are defined as those teachers who:

- Are Nationally Board Certified (determined by The National Board for Professional Teaching Standards) <http://www.nbpts.org/>
- Are employed full time at a SURR or low-performing public school
- Agree to serve up to three years (one year for each award) at the SURR or low-performing school

Allowable Expenses

These funds must be used to provide stipends awarded to Designated Master Teachers serving in SURR or low-performing schools.

Non-allowable Expenses:

Funds may **NOT** be used to pay fringe benefits or indirect or administrative costs on these awards.

D. Teacher Recruitment Tuition Reimbursement Program

Purpose: The purpose of the Tuition Reimbursement Program is to provide funds to school districts to reimburse teachers for courses taken towards meeting requirements for professional certification. Reimbursement awards of up to \$700 per course (or the actual cost for an approved course, whichever is less) are available to teachers with initial or transitional certification who do **NOT** hold any professional or permanent certification in New York State. Initial awards may be received for up to three courses (\$2,100) and then renewed for a second year (for up to three courses), but the total initial and renewal awards combined may not exceed \$4,200. There is a one-year service agreement for each award given (up to \$2,100), irrespective of the amount awarded. The maximum award a teacher may receive is \$2,100 per year or \$4,200 for two years, provided that he/she is still in need of six courses for professional certification.

Definition:

Approved Course: A course in a registered program for the preparation of teachers at an accredited New York State higher education institution, which is taken towards meeting requirements for professional certification to teach in the public schools in New York State.

Eligible Applicants: School districts may apply for these awards to provide tuition reimbursement to teachers who must meet all three conditions:

- with initial, transitional, or provisional certification who do **NOT** hold any permanent or professional certification to teach in public schools in New York State
- who are employed full-time for the school year by a public school in a teacher shortage area or subject shortage area (see Attachment VIII)
- who agree to teach one year in a teacher or subject shortage area as a condition of receiving the award

Allowable Expenses:

Funds may be used for tuition for courses required for professional or permanent certification.

Teachers can receive a second award for up to three additional courses provided that:

- The teacher still has three courses required for permanent/professional certification; and
- The recipient has provided satisfactory teaching service in the previous year.

Non-allowable Expenses:

- Funds may **NOT** be used for professional development courses required to fulfill the 175 hours of Continuing Teacher and Leader Education (CTLE) Requirements. See <http://www.highered.nysed.gov/tcert/resteachers/175.html>
- Funds may **NOT** be used for courses in excess of those required for professional or permanent certification.

- Funds may **NOT** be used for fringe benefits or indirect or administrative costs on the awards.

E. Science, Mathematics and Bilingual Education Tuition Reimbursement Program

Purpose: The purpose of the Science, Mathematics and Bilingual Education Tuition Reimbursement Program is to provide funds to school districts to reimburse teachers for courses taken towards meeting requirements for a transitional certificate to teach science, mathematics or bilingual education in a low-performing school. This section provides an initial tuition reimbursement award of \$4,000 per year (or the actual annual tuition cost of the approved program, whichever is less) and is renewable for one additional year. The total of all awards to a recipient may not exceed \$8,000 or the total tuition cost of the approved program. There is a one-year service agreement for each award given. These awards shall be given in addition to and are **NOT** part of the teacher's base salary.

Definition:

Approved program: An approved program is a registered program for the preparation of teachers at an accredited New York State institution of higher education that is taken towards meeting requirements for initial or professional certification to teach in the public schools of the state.

Eligible Applicants: School districts may apply for funds to provide tuition reimbursement to teachers who must meet all three requirements:

- who have received or will receive a transitional certificate to teach science, mathematics, or bilingual education
- who will be employed full-time for the school year for which the award is to be made.
- who agree to teach in a low-performing school as a condition of receiving the award.

Allowable Expenses:

Funds may be used for tuition for courses required for initial or professional certification.

Teachers can receive a second award provided that:

- The teacher still has courses required for initial/professional certification

Non-allowable Expenses:

- Funds may **NOT** be used for professional development courses required to fulfill the 175 hours of Continuing Teacher and Leader Education (CTLE) Requirements. See <http://www.highered.nysed.gov/tcert/resteachers/175.html>
- Funds may **NOT** be used for courses in excess of those required for professional certification.
- Funds may **NOT** be used for fringe benefits or indirect or administrative costs on the awards.

F. Summer Teacher Training Program (For New York City Department of Education Schools Only)

Purpose: This program is only available to New York City Department of Education Schools to provide intensive summer training for certified teachers employed by the New York City Department of Education for the first time. Teachers may hold initial, transitional, provisional, permanent, or professional certification. Funds may be used for training and orientation activities provided by the school district and are limited to \$1,000 per teacher. Allowable expenses include activities associated with team teaching and cooperative teachers and training to use the new standards and assessments.

Eligible Applicants: NYCDOE schools may use these funds to provide intensive summer training for teachers who hold initial, transitional, provisional, permanent, or professional certification who will teach in the NYCDOE schools for the first time.

Allowable Expenses:

Allowable expenses for this program include payment of expenses incurred by the NYCDOE for the training and orientation of certified teachers employed by the district for the first time including:

- Team teaching with cooperating teachers
- Observing summer school classes
- Training on Professional Development/Professional Growth activities, describe the measurable learning objectives for any professional development program(s) for which funding is being requested and how they meet known needs in the district, and provide evidence or sources of data that support the design and content of this work.
- Ongoing professional development and growth based on differentiated student learning data and teacher evaluation data.
- Teacher Improvement Plans will be developed and implemented for teachers rated Developing and Ineffective in order to ensure meaningful improvement opportunities.

Non-allowable Expenses:

Funds may **NOT** be used for stipends to teachers.

Funds may **NOT** be used for fringe benefits or indirect or administrative costs.

VIII. Method of Determining Award Amounts

Grants will be awarded to eligible school districts based upon proposal scores following a competitive process that takes into account the following:

- A. **Priority group.** Available funds will be awarded based upon the rating received on the proposals from eligible districts. Proposals will be listed in rank order and awarded funds. Priority is scored and must be used by districts when determining the schools within the districts receiving specific Teacher of Tomorrow funds. The following priorities (P1) Schools Under Registration Review that are designated as teacher and/or subject shortage areas; (P2) Low-Performing Schools that are designated as teacher and/or subject shortage areas; and (P3) Schools that are designated as teacher and/or subject shortage areas, are to be utilized by districts in making funds available to school within the district.
- B. **Amount of State Appropriations.** Not more than sixty per cent of funds awarded will be made available to any one school district in a city with a population in excess of one million (currently New York City only). Not less than forty per cent of funds will be awarded to the Rest of State.
- C. **A cost analysis of the proposed project budget.** Before the amount of a new grant is set, NYSED does a review of the projected budget of the project. Each applicant's proposed budget will be reviewed, and adjustments will be made to eliminate non-allowable items and any other items deemed to be inappropriate (costs will be examined to determine if they are necessary, reasonable, and allowable under applicable guidelines, statutes, and regulations). The review of the projected budget shows whether the applicant can achieve the objectives of the project with reasonable efficiency and economy under the budget in the application. **There is no guarantee that a School District will be funded to the full amount requested in their application.**
- D. **A review of both the Narrative and the District Data Form** to determine the degree to which school districts meet the criteria established in statute.

In addition:

- The Summer Teacher Training Program funds may only be awarded to New York City.
- The Summer-in-the-City Internship Program funds may only be awarded to New York City, Yonkers, Buffalo, Rochester, and Syracuse.
- There is a **maximum limit** of \$225,000 in funding for teacher recruitment and outreach activities for the NYC Department of Education only.

IX. Application Review and Rating

The review process is as follows:

Proposals will then be rank ordered based upon the degree to which they meet the following funding/technical criteria, according to final average scores:

1. Magnitude of teacher and/or subject area shortages in the school district
2. Number of teachers employed in the district teaching with initial or transitional certification
3. Number of Summer-in-the-City student internships proposed

4. Number of new teachers the district intends to hire in the coming school year, particularly in shortage areas
5. Fiscal capacity and geographic isolation of district
6. Number and percentage of High Need Schools in the district
7. Evidence of project collaboration with teacher preparation programs and/or teacher development programs

Final scores will be determined by adding the funding/technical criteria score (maximum 80 points) to the average score for all grant categories applied for (maximum 20 points).

Each application will be reviewed by two reviewers. For those applicants who do not require a third review, the scores of the two reviewers will be averaged to obtain the **final average score**.

A third review will be performed if there is a difference of more than fifteen (15) points between the two scores. In cases where a third review is necessary, the three scores will be averaged to obtain the **final average score**.

Applicants must receive a final average score of **50 or higher** to be eligible to receive an award. In the event of a tie score, the tiebreaker will be first, highest score in the need for project section; then second, highest score in the district profile section; then third, highest score in the project activities section.

X. Public Relations/Attributions of Funding

In order to ensure the continued support and the commitment of resources to State-funded teacher recruitment and tuition reimbursement projects, there must be public awareness of the project's positive impact on the lives of participants and their schools. Positive publicity and community awareness also help to ensure that those who are eligible and who could benefit from participation are informed of the project's existence.

To facilitate public awareness, all funded Teacher of Tomorrow projects are required to ensure that all public relations materials and activities, such as project brochures and award ceremonies, acknowledge that the project and its activities are supported, in whole or in part, by a grant from the NYSED. In addition, when local, statewide, or national media report on the project's success, NYSED funding must be acknowledged. In addition, the District Superintendent or designee should submit copies of all local, statewide, or national media stories about the project and/or the project participants and staff to the State Education Department at the following address:

**New York State Education Department
Office of Postsecondary Access, Support and Success
89 Washington Avenue
Room 960 EBA
Albany, New York 12234**

Questions about this policy may be directed to the NYSED TOT Liaison at 518-474-3719.

XI. Funding Policy for Proposal Cycle

A. Notification of Award

1. All applicants will be notified regarding the disposition of their proposal in writing.
2. Successful applicants will be informed of the amount of their award and the next steps in the Grant process.
3. Applicants not recommended for funding may request a summary of reviewer comments (see description in the debriefing procedure below).

B. Reports

1. School Districts must retain records of all fund expenditures by category and a list of participating teachers with a unique identification number for each teacher.
2. For each teacher, the list must include the program category in which he or she is participating, the dollar amount of each award received and successive awards given.
3. Records must also include copies of service agreements and copies of all forms used by the district in administering the program.
4. If a college grants credit for the **Summer in the City Program**, a course description must also be kept on file.
5. **A Final Report will be required annually on the 1st of August** for activities conducted July 1, through June 30, of that program year.
6. The Office of Educator Effectiveness Policy and Programs will distribute forms to school districts at least 30 days prior to report dates.
7. Failure to provide required reports when requested may result in a stop payment on future awards and jeopardize future awards until the situation has been resolved to the satisfaction of the SED.

C. Grant Recipient Responsibilities:

1. Projects must operate under the jurisdiction of the District Superintendent.
2. All grant funds must be utilized in accordance with the guidelines of the RFP, the applicable statutes, regulations, and the grant award.
3. The School District is responsible for the proper disbursement of, and accounting for, project funds.
4. Original supporting documents that authorize the disbursement of grant funds are required for all Grant related transactions entered into the local agency's recordkeeping system.
5. Supporting documentation for Grant must be kept for at least six years after the last payment is made unless otherwise specified by statute, regulation, audit finding, or legal action. An audit or legal action will "freeze the clock" for record retention purposes.
6. 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.
<http://www.oms.nysed.gov/cafe/guidance/guidelines.html>
7. Each funded TOT project is obligated to submit a reapplication annually including an FS-10 covering the next year of the award in a form to be provided by the Office of Educator Effectiveness Policy and Programs.

D. Budget Form (FS-10)

The application must include a FS-10 Budget Form. The FS-10 is available at <http://www.oms.nysed.gov/cafe/forms/>

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

Code 45. The proposed budget will be reviewed for the appropriateness of the expenditures. SED will eliminate any items deemed to be non-allowable or inappropriate and calculate the amount of the proposed grant award accordingly.

E. 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/cafe/forms/PIform.pdf>.

XII. Debriefing and Award Protest Procedures

All applicants may request a debriefing within fifteen (15) 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 tot@nysed.gov.

A debriefing letter including a summary of the strengths and weaknesses of the application, as well as recommendations for improvement will be emailed by SED to the applicant within ten (10) business days.

Applicants who after receiving a notice of non-award and having requested and received a debriefing letter 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 grant award by NYSED.
2. The protest must be filed within ten (10) business days of receipt of the debriefing letter. The protest letter must be filed with:

NYS Education Department
Contract Administration Unit
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 OSC when the grant 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
5. been decided by the courts.

XIII. 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>

XIV. Application Instructions

Application for Funding

School districts must submit one original and three copies of the application for funding. The original must be clearly identified. An application for funding requires the original signature of the district Superintendent or Chancellor on the application. **Applications for funding must be postmarked by May 18 2017.** An application for funding meets the deadline requirement if it has a legible postmark, shipping label, invoice, or receipt from the US Postal Service or a commercial carrier. Private metered postmarks will not be accepted as proof of meeting the required deadline. Hand delivered applications must be received at the Office of Postsecondary Access, Support, and Success by 5:00 p.m. on or before **May 18, 2017.**

Submit only one application to request funds in any or all grant categories. Applications will not receive additional points if applying for multiple categories or fewer points if applying for one. Any individual grant category requests that do not meet program requirements or criteria can be disqualified.

Narrative Format

The narrative is the applicant's opportunity to provide a comprehensive description of the district, the district's recruitment and retention needs, and the specific manner in which Teachers of Tomorrow incentives will be used to address these needs.

Applicants must limit the Funding/Technical Criteria narrative to ten double-spaced pages in a 12-point font, and all information requested in this section must be contained within the narrative portion of the application. Narratives for each grant category applied for must not exceed two pages. The narrative should present a cohesive document, with each individual section related to all other sections, and must adhere to the format indicated below.

Funding/Technical Criteria (80 points)

- A. District Profile (15 points) - (two pages maximum)

Describe how the district demonstrates congruence with funding/technical criteria by providing an overview of the district and its needs. Include in your description, as relevant, an outline of district need-to-resource capacity; student needs; school performance; district fiscal capacity; and district location, particularly if located in a remote/rural or underfunded region. Indicate if any of the schools to be funded are also High Need schools. Include both qualitative and quantitative information.

B. Need for Project (45 points) - (three pages maximum)

Describe district needs in terms of funding/technical criteria by illustrating the magnitude of teacher and/or subject shortage areas, as well as past, present, and future efforts to hire new teachers, particularly in shortage areas. Provide information regarding the number/percentage of district teachers who currently have initial or transitional certification. Describe any past or present efforts to provide additional training and/or preparation for teachers to obtain professional certification. Include both qualitative and quantitative information.

C. Project Activities (15 points) - (four pages maximum)

Provide a detailed explanation of how the district plans to recruit additional teachers in schools that are designated as teacher and/or subject shortage areas. Indicate the number of new teachers that the district intends to hire, particularly in shortage areas. Describe any strategies in place for retaining existing teachers, particularly those in shortage areas. Indicate proposed Summer in the City internships.

D. Consultation/Collaboration (5 points) - (one page maximum)

Describe any linkages between the district and teacher preparation programs and/or teacher development programs, such as Teacher/Leader Quality Partnerships.

Grant Categories (20 points)

Recruitment Incentive Program - (two pages maximum)

Describe, in detail, the process that the school district will use to recruit and identify award recipients. Include the method to be utilized if the number of qualified applicants exceeds the available funds. **Include a description of the mechanism and timing of payment.**

Summer in the City Internship Program (for the City School Districts of Buffalo, Rochester, Syracuse, Yonkers, and the New York City Department of Education schools [Big Five]). - (two pages maximum)

Describe, in detail, the programs and how students will be chosen. Specify how linkages will be established and maintained with colleges and universities with approved teacher education programs. Explain the duration of the program (at least five weeks), any stipends provided, housing expenses, training and professional development opportunities available, and a description of activities interns will participate in with students. Also, explain the process that will be used to select applicants.

New York State Master Teacher Program - (two pages maximum)

Describe, in detail, the process of recruiting and choosing a master teacher, the role of this person in the SURR or low-performing school classroom, the way in which the master teacher will be assigned to a classroom, and the arrangements that will be made with the master teacher's current district or union to ensure that he/she can return to his/her former position. **Include a description of the mechanism and timing of payment.**

Teacher Recruitment Tuition Reimbursement Program - (two pages maximum)

Describe, in detail, the process of choosing teachers eligible for awards, awarding funds, tracking teachers' progress towards professional certification, and tracking total award amounts to each award recipient.

Science, Mathematics and Bilingual Education Tuition Reimbursement Program - (two pages maximum)

Describe in detail the process of choosing teachers eligible for awards, awarding funds, tracking teachers' progress towards meeting requirements for a transitional certificate to teach science, mathematics or bilingual education and tracking total award amounts to each award recipient.

Summer Teacher Training Program (for New York City Department of Education schools only) - (two pages maximum)

Describe, in detail, the process of choosing applicants, the scope and duration of training to be provided, and the methods of providing such training. In addition, a description of the method of ensuring and identifying teachers' attendance at such training is required.

ATTACHMENT 1

Teachers of Tomorrow Program

APPLICATION COVER PAGE

Please refer to the Application Instructions on for detailed information about completing this page and the other required components of this application.

Agency Code

--	--	--	--	--	--	--	--	--	--	--	--

Agency Name:		Contact Person:	
Address:		Title:	
		Telephone:	
		Fax:	
		E-Mail:	
City:	Zip Code:		
County:		Funding Requested:	
<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, Appendices A and A-1G, 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)		Chief School/Administrative Officer Title:	
Typed Name:		Date:	

ATTACHMENT 2
TERMS AND CONDITIONS

1. The recipient will, if funded, operate the **Teachers of Tomorrow Program** within the letter and spirit of all pertinent legislation and rules, including the **2017-2021 Teachers of Tomorrow Program Guidelines**.
2. The recipient will, if funded, maintain local efforts related to the recruitment and retention of teachers currently in place at a level equivalent to that of the base year or will match **Teachers of Tomorrow Program** grant funds received.
3. Funds from the state **Teachers of Tomorrow Program** will supplement not supplant local expenditures and will not duplicate expenditures used for similar purposes.
4. All activities supported by the state **Teachers of Tomorrow Program** will, to the extent possible, be accessible to persons with disabilities
5. Upon request, the recipient will provide State Education Department staff access to its records and other sources of information concerning the operation of the **Teachers of Tomorrow Program**.
6. The final report will be submitted to the New York State Education Department by August 1 of each grant year. The first final report will be due on August 1, 2018. The format for the final report will be provided by NYSED.
7. All materials developed in whole or in part with the support of state **Teachers of Tomorrow Program** funds including publicity releases and program announcements, will include the following statement:

Support for the development of this material was provided by a grant under the Teachers of Tomorrow Program administered by the New York State Education Department.

ATTACHMENT 3

APPLICATION CHECKLIST

GENERAL ELIGIBILITY REQUIREMENTS

1. District intends to fund one or more of the following:

- Schools Under Registration Review that are designated as teacher and/or subject shortage areas
- Low-Performing schools that are designated as teacher and/or subject shortage areas
- Schools that are designated as teacher and/or subject shortage areas

2. Applicant attests that grant funds do not supplant local funds currently used for similar purposes.

Yes No

3. Applicant attests that district will maintain local efforts related to the recruitment or retention of teachers or will match grant funds received from the Teachers of Tomorrow Program.

Yes No

REQUIRED DOCUMENTS

Listed below are the required documents for a complete application, **in the order that they should appear**. Use this checklist to ensure that your application is complete, meets all basic requirements, and is in compliance with the guidelines.

Required Documents	Checked by Applicant	Checked by SED
Application Cover Page with original signature in blue ink	<input type="checkbox"/>	<input type="checkbox"/>
Terms and Conditions	<input type="checkbox"/>	<input type="checkbox"/>
Application Checklist	<input type="checkbox"/>	<input type="checkbox"/>
Funds Requested	<input type="checkbox"/>	<input type="checkbox"/>
District Data	<input type="checkbox"/>	<input type="checkbox"/>
Application Narrative	<input type="checkbox"/>	<input type="checkbox"/>
Copy of service obligation for each funding category applied for	<input type="checkbox"/>	<input type="checkbox"/>
A Proposed Budget, including FS-10	<input type="checkbox"/>	<input type="checkbox"/>

SED Reviewer's Name _____ **SED Reviewer's Signature** _____

**ATTACHMENT 4
FUNDS REQUESTED**

Please complete the following table by providing requested information for each funding category applied for. **(Please read the Grant Funded Programs section carefully. Some of the categories contain restrictions.)**

Category	Dollar Amount Requested	Number of teachers/interns who will be funded	Subjects taught by teachers funded
Recruitment Incentive Program			
Summer in the City Internship Program *			
NYS Master Teacher Program			
Teacher Recruitment Tuition Reimbursement			
Science, Mathematics and Bilingual Tuition Reimbursement Program			
Summer Teacher Training Program **			
Teacher Outreach and Recruitment ***			
Totals			

Please note: Individual teachers may receive funds from only one category in a given school year but may receive multiple awards from that category in successive years if it is so stipulated in the guidelines. Required reports will require names and a unique identification number of teachers receiving funds from each category.

* The Summer in the City Internship Program is limited to City School Districts in Buffalo, Rochester, Syracuse and Yonkers and NYCDOE.

** The Summer Teacher Training Program is limited to NYCDOE only.

*** Teacher Outreach and Recruitment is limited to up to \$225,000 for NYCDOE only.

**ATTACHMENT 5
DISTRICT DATA**

The following information is required as part of the application both number and percentage of the total are required for the application:

	Number	Percentage
Number of schools in the district		
Number and percentage of schools designated as SURR		
Number and percentage of schools designated as low-performing schools		
Number and percentage of schools designated as Teacher/Subject shortage areas		
District annual turnover rate for certified teachers		
Total number of full-time teachers currently employed in district		
Number and percentage of teachers with 20 years service or more		
Number and percentage of teachers with permanent/professional certification		
Number and percentage of teachers with less than 5 years of service		
Number and percentage of teachers with initial, transitional or provisional certification		
Number and percentage of teaching positions currently vacant		
Number and percentage of teaching vacancies in subject-shortage areas		

Does the district have a teacher or subject shortage area? Yes No

Has the district been identified as low performing? Yes No

Type of district Urban Suburban Rural

ATTACHMENT 6

**Application Evaluation Rubric
Teachers of Tomorrow Program**

Applicant:			
Reviewer	Review Completed:	Funding Requested:	Score:
Initials			

Funding Categories Requested

Check all that apply:

- Recruitment Incentive Program
- Science and Mathematics Tuition Reimbursement Program
- Summer in the City Internship Program
- NYS Master Teacher Program
- Teacher Recruitment Tuition Reimbursement
- Summer Teacher Training Program

Funding/Technical Priorities

Check all that apply:

- District will use funds to address teacher and/or subject shortage areas in SURR schools
- District will use funds to address teacher and/or subject shortage areas in Low-Performing schools
- District will use funds for schools that are designated as teacher and/or subject shortage areas

Narrative

Rating Guidelines:

- Very Good - Specific and comprehensive. Complete, detailed, and clearly articulated information as to how the criteria are met. Well-conceived and thoroughly developed ideas.
- 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 - Criteria appear to be minimally met, but limited information is provided about approach 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.
- N/A - Does not address the criteria or simply re-states the criteria.

Funding/Technical Criteria

	Very Good	Good	Fair	Poor	N/A
A. District Profile [15 points] The applicant provides a comprehensive description of the district, including the following:					
Both qualitative and quantitative information on district need-to-resource capacity, as well as student needs and demographics.	5.00	3.75	2.50	1.25	0
Use this criteria for the indicators below	30%+	23%-29%	16%-22%	9%-15%	Less than 9%
Percentage of schools designated at SURR	1.00	.80	.60	.40	.20
Percentage of schools designated as low-performing schools	1.00	.80	.60	.40	.20
Percentage of schools designated as teacher and/or subject shortage areas	5.00	4.00	3.00	2.00	1.00
Use this criteria for the indicator below	16%+	12%-15%	8%-11%	2%-4%	Less than 4%
District annual turnover rate for certified teachers	3.00	2.40	1.80	1.20	.60
<p>Comments: Score () out of 15</p>					

	Very Good	Good	Fair	Poor	N/A
B. Need for Project [45 points] The applicant describes the overall need for the project by addressing the following criteria:					
Both qualitative and quantitative information on the magnitude or severity of teacher and/or subject shortage areas.	10.00	7.5	5.0	2.5	0
Past, present, and future efforts to hire new teachers, particularly in shortage areas	5.00	3.75	2.5	1.25	0
Description of past or present efforts to provide additional training and/or preparation for teachers to obtain certification.	5.00	3.75	2.5	1.25	0
Use this criteria for the indicator below	25% or Less	26%-35%	36%-50%	51%-75%	75% or Greater
Percentage of teachers with 20 years service or over	2.00	1.60	1.20	.80	.40
Use this criteria for the indicator below	11%+	8%-10%	5%-7%	2%-4%	Less than 2%
Percentage of teaching positions currently vacant	5.00	4.00	3.00	2.00	1.00
Use this criteria for the indicators below	25%+	20%-24%	15%-19%	10%-14%	Less than 10%
Percentage of teachers with less than 5 years of service	3.00	2.40	1.80	1.20	.60
Percentage of teachers with conditional initial, initial, or transitional (A, B, or C) certification	5.00	4.00	3.00	2.00	1.00
Percentage of teaching vacancies in subject-shortage areas	10.00	8.00	6.00	4.00	2.00
Comments:	Score () out of 45				

	Very Good	Good	Fair	Poor	N/A
C. Project Activities [15 points]					
The applicant provides a comprehensive description of the project activities, including the following:					
An explanation of how the district plans to recruit additional teachers and an indication of the number of new teachers the district intends to hire, particularly in shortage areas	5.00	3.75	2.5	1.25	0
Strategies in place for retaining existing teachers, particularly those in shortage areas	5.00	3.75	2.5	1.25	0
Local efforts related to the recruitment and retention of teachers.	5.00	3.75	2.5	1.25	0
Comments: Score () out of 15					
	Very Good	Good	Fair	Poor	N/A
D. Consultation/Collaboration [5 points] <i>If applicable</i>					
The applicant describes linkages between the district and teacher preparation programs and/or teacher development programs, such as Teacher/Leader Quality Partnerships.	5.00	3.75	2.5	1.25	0
Comments: Score () out of 5					

Total Score, Funding/Technical Criteria: () out of 80

Grant Categories

	Very Good	Good	Fair	Poor	N/A
1. Recruitment Incentive Program [20 points]					
Applicant provides a detailed description of the process that the school district will use to recruit and identify award recipients	8.00	6.00	4.00	2.00	0
Applicant describes the method to be utilized if the number of qualified applicants exceeds the available funds	8.00	6.00	4.00	2.00	0
A description of the mechanism and timing of payment is included	4.00	3.00	2.00	1.00	0
Comments:	Score () out of 20				
	Very Good	Good	Fair	Poor	N/A
2. Summer in the City Internship Program (for Yonkers, Buffalo, Syracuse, Rochester, and NYC schools only) [20 points]					
Applicant describes, in detail, the programs and their duration and the process that will be used to select applicants	5.00	3.75	2.50	1.25	0
Applicant explains how linkages will be established and maintained with colleges and universities with approved teacher education programs	5.00	3.75	2.50	1.25	0
Applicant provides a description of activities that interns will participate in with students	5.00	3.75	2.50	1.25	0
Applicant provides an outline of student expenses covered by the grant, including stipends, housing costs, and training	5.00	3.75	2.50	1.25	0
Comments:	Score () out of 20				
	Very Good	Good	Fair	Poor	N/A
3. NYS Master Teacher Program [20 points]					
Applicant describes, in detail, the process of recruiting and choosing a Master Teacher	5.00	3.75	2.50	1.25	0
Applicant describes the role of the Master Teacher in the SURR or low-performing classroom	5.00	3.75	2.50	1.25	0
Applicant describes the method that will be used to assign the Master Teacher to a classroom	5.00	3.75	2.50	1.25	0
Applicant describes the arrangements that will be made with the Master Teacher's current district or union to ensure that he/she can return to his/her former position when service obligation has been completed.	5.00	3.75	2.50	1.25	0
Comments:	Score () out of 20				
	Very Good	Good	Fair	Poor	N/A
4. Teacher Recruitment Tuition Reimbursement Program [20 points]					

Applicant describes, in detail, the process used to select teachers eligible for awards	8.00	6.00	4.00	2.00	0
Applicant describes the process used for awarding funds and for tracking progress toward permanent certification	8.00	6.00	4.00	2.00	0
Applicant describes the method that will be used to track cumulative award amounts to each recipient	4.00	3.00	2.00	1.00	0
Comments: Score () out of 20					
	Very Good	Good	Fair	Poor	N/A
5. Science, Mathematics and Bilingual Education Tuition Reimbursement Program [20 points]					
Applicant describes, in detail, the process used to select teachers eligible for awards	8.00	6.00	4.00	2.00	0
Applicant describes the process used for awarding funds and for tracking progress toward transitional certification	8.00	6.00	4.00	2.00	0
Applicant describes the method that will be used to track cumulative award amounts to each recipient	4.00	3.00	2.00	1.00	0
Comments: Score () out of 20					

	Very Good	Good	Fair	Poor	N/A
6. Summer Teacher Training Program (for NYC Schools only) [20 points]					
Applicant describes, in detail, the process used to select participants	8.00	6.00	4.00	2.00	0
Applicant describes the scope and duration of the training to be provided	8.00	6.00	4.00	2.00	0
Applicant describes the method that will be used to ensure and identify participants' attendance at such training.	4.00	3.00	2.00	1.00	0
Comments: Score () out of 20					

Scoring

Funding/Technical Criteria Score (Out of 80)	
--	--

Recruitment Incentive Program Score	
Summer in the City Internship Program Score	
NYS Master Teacher Program Score	
Teacher Recruitment Tuition Reimbursement Score	
Science, Mathematics and Bilingual Education Tuition Reimbursement Program Score	
Summer Teacher Training Program Score	
Total	

(Total) _____ ÷ _____ (# of grant categories applied for) = _____ (grant category score)

Grant Category Score _____

Funding/Technical Criteria Score + _____

Total Application Score _____




ATTACHMENT 7

School Districts and Schools in Need of Improvement

Each of these districts has one or more schools identified as being in need of improvement by the State Education Department.

- [Focus District List](#) (13 KB)

Individual low performing schools are listed here.

- [Priority School List](#) (22 KB) 
- [Focus School List](#) (36 KB) 
- [Local Assistance Plan \(LAP\) Schools List](#) (22 KB) 

For more information about the methodologies used to identify districts and schools please visit:
<http://www.p12.nysed.gov/accountability/ESEAMaterials.html>

ATTACHMENT 8
Teacher Shortages

Teacher Shortage Areas Nationwide Listing 1990-1991 through 2015-2016

March 2015

U.S. Department of Education

Office of Postsecondary Education

New York State

2015 – 2016 Statewide Academic Disciplines or Subject Matter

- Bilingual Education Extensions (General and Special Education)
- Business and Marketing Education
- Career and Technical Education
- Health Occupations Education
- Technical Education
- Technology Education (Grades 7 -12)
- Trade Education (Grades 7 -12)
- Computer Studies/Programming
- Family and Consumer Sciences Education
- General Cooperative Work Experience Extension

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, licenser, 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 (including gender identity or expression), national origin, sexual orientation, military status, age, disability, predisposing genetic characteristics, marital status or domestic violence victim 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: mwb certification@esd.ny.gov
<https://ny.newnycontracts.com/FrontEnd/ VendorSearchPublic.asp>

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.

26. IRAN DIVESTMENT ACT. By entering into this Agreement, Contractor certifies in accordance with State Finance Law §165-a that it is not on the "Entities Determined to be Non-Responsive Bidders/Offerors pursuant to the New York State Iran Divestment Act of 2012" ("Prohibited Entities List") posted at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>

Contractor further certifies that it will not utilize on this Contract any subcontractor that is identified on the Prohibited Entities List. Contractor agrees that should it seek to renew or extend this Contract, it must provide the same certification at the time the Contract is renewed or extended. Contractor also agrees that any proposed Assignee of this Contract will be required to certify that it is not on the Prohibited Entities List before the contract assignment will be approved by the State.

During the term of the Contract, should the state agency receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, the state agency will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then the state agency shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

The state agency reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension 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. (January 2014)

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