

Announcement of Funding Opportunity
Charter Schools Program (CSP) Expansion Grants
RFP 55

Legislative Authority	Charter Schools Program, authorized by Title IV, Part C of the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA).
Purpose of Grant	To support the expansion of high-quality educational opportunities for students in New York State by expanding the number of seats in existing charter schools in New York State that are already providing a significant educational benefit to students, especially those who are at the greatest risk of not meeting State academic standards.
Project Period	October 1, 2025 – September 30, 2028
Eligible Applicants	Existing charter school education corporations operating one or more charter schools that are authorized by one of New York State’s charter entities – the Board of Regents, the Buffalo Board of Education, the New York City Department of Education, the SUNY Board of Trustees – where one of the charter schools has been approved to significantly expand its enrollment and/or add grade levels.
Amount of Funding	<p>\$10,000,000 with no more than 5 grants to be awarded.</p> <p>Funding beyond Year One will be contingent upon the State Legislature appropriating funds and the grantee demonstrating progress toward meeting the objectives of its grant project.</p>
Application Due Date and Submission Instructions	Applicants are requested to submit their application electronically. The required documents, as listed in the Application Checklist section of this RFP, must be received via this online form no later than August 7, 2025 . Applications are due by 5:00 PM Eastern Time
Questions and Answers	Questions regarding the request must be submitted via this online form no later than the close of business July 10, 2025 . A Questions and Answers Summary will be posted to NYSED’s Funding Opportunities website no later than July 17, 2025.
Pre-qualification Requirement	Proposals received from nonprofit applicants that are not prequalified in the Statewide Financial System (SFS) by 5:00 PM on the proposal due date of August 7, 2025, cannot be evaluated. Such proposals will be disqualified from further consideration. Please see the “Prequalification Requirement” section for additional information.
Non-Mandatory Notice of Intent	The Notice of Intent (NOI) is not a requirement for submitting a complete application by the application date; however, NYSED strongly encourages all prospective applicants to submit an NOI to ensure a timely and thorough review and rating process. A non-profit applicant’s NOI will also help to facilitate timely review of their prequalification materials. Please send the

	NOI via this online form . Include your organization's legal name and NYS Vendor ID. The Procurement No. is 55. The due date is July 24, 2025.
NYSED Designated Contacts	Program: Valerie Martin Kowalski Fiscal: Karen Somide M/WBE: Thomas McBride

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Charter Schools Program (CSP) Expansion Grants RFP 55

Application Guidance

Description of Program

The New York State Education Department (NYSED) was awarded a FY2024 Expanding Opportunity Through Quality Charter Schools Program (CSP) grant by the United States Department of Education. Authorized by Title IV, Part C of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act, CSP provides funding to expand opportunities for all students, particularly traditionally underserved students, to attend high-quality public charter schools and meet challenging State academic standards; provide financial assistance for the planning, program design, and initial implementation of charter schools; increase the number of high-quality charter schools available to students across the United States; evaluate the impact of charter schools on student achievement, families, and communities; share best practices between charter schools and other public schools; encourage States to provide facilities support to charter schools; and support efforts to strengthen the charter school authorizing process.

Over the course of five years, NYSED's CSP project will support the opening of 30 new charter schools along with the expansion of 25 high-quality charter schools and achieve four main objectives:

1. Add 18,750 new seats within areas that have historically served high-need student populations in disproportionately large numbers.
2. Improve student academic outcomes in New York State charter schools.
3. Promote the dissemination of effective practices that lead to improved academic achievement.
4. Strengthen the overall quality of New York State charter authorizing.

To further the CSP grant's project objective of supporting the expansion of high-quality educational opportunities for students in New York State, the goal of this expansion grant program is to increase the number of seats in existing high-quality charter schools in New York State that are already providing a significant educational benefit to students, especially those who are at the greatest risk of not meeting State academic standards. The grant program continues NYSED's support for the charter school sector in New York State that offers diverse school models to communities, including models that serve rural communities.

According to CSP statute, grant funds may support one or more of the following activities:

- Preparing teachers, school leaders, and specialized instructional support personnel, including through paying the costs associated with providing professional development.
- Acquiring supplies, training, equipment (including technology), and educational materials (including developing and acquiring instructional materials).

- Carrying out necessary renovations to ensure that a new school building complies with applicable statutes and regulations, and minor facilities repairs (excluding construction).
- Providing one-time, startup costs associated with providing transportation to students to and from the charter school.
- Carrying out community engagement activities, which may include paying the cost of student and staff recruitment.
- Providing for other appropriate, **non-sustained** costs related to opening and preparing for the operation of a new charter school when such costs cannot be met from other sources.

CSP expansion grant funds may not be used for costs associated with normal daily operations. They may only support activities directly associated with the new activity of expanding the charter school.

Eligibility

An eligible applicant must be an existing charter school education corporation operating one or more charter schools authorized by the Board of Regents, the Buffalo Board of Education, the New York City Department of Education, or the State University of New York that has had its charter renewed at least once.

All applicants must meet the federal definition of a “charter school” per ESEA §4310(2) as amended by ESSA as well as the federal definition of a “developer” per ESEA §4310(5) as amended by ESSA. In addition, applicants that were approved for expansion of the charter school must meet the definition of a “high-quality charter school” per ESEA §4310(8) as amended by ESSA and expand in a manner that meets the federal definition of “expand” per ESEA §4310(7) as amended by ESSA. (See following page for definitions.)

Prior to submitting an application for a CSP expansion grant, a charter school must have had a revision to its charter approved by its authorizer that allows the school to add a substantial number of seats to the school, either by significantly increasing enrollment or by adding one or more grades. For the purposes of this funding opportunity, the “significant” increase in enrollment approved by the authorizer is an additional 40 percent of the charter school’s enrollment at the time of approval.

During the grant period, an eligible applicant must be actively planning the approved expansion and/or in the process of expanding.

Ineligible charter schools are:

- charter schools that have completed an expansion;
- charter schools awarded a CSP planning and implementation grant or a CSP expansion grant within the last five years or for the same purpose;
- charter schools receiving funds from a CSP CMO grant (CFDA 84.282M) or a CSP Developer grant (CFDA 84.282B and 84.282E) awarded by the U.S. Department of Education for the same purpose.

Definitions:

ESEA § 4310 (2) CHARTER SCHOOL —The term “**charter school**” means a public school that—

- (A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;
- (B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;
- (C) operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the authorized public chartering agency;
- (D) provides a program of elementary or secondary education, or both;
- (E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;
- (F) does not charge tuition;
- (G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the “Family Educational Rights and Privacy Act of 1974”), and part B of the Individuals with Disabilities Education Act;
- (H) is a school to which parents choose to send their children, and that—
 - (i) admits students on the basis of a lottery, consistent with section 4303(c)(3)(A), if more students apply for admission than can be accommodated; or
 - (ii) in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i);
- (I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;
- (J) meets all applicable Federal, State, and local health and safety requirements;
- (K) operates in accordance with State law;
- (L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school; and
- (M) may serve students in early childhood education programs or postsecondary students.

ESEA § 4310 (5) DEVELOPER.—The term “**developer**” means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers,

administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

ESEA § 4310 (7) EXPAND. — The term “**expand**”, when used with respect to a high-quality charter school, means to significantly increase enrollment or add one or more grades to the high-quality charter school.

ESEA § 4310 (8) HIGH-QUALITY CHARTER SCHOOL —The term “**high-quality charter school**” means a charter school that—

(A) shows evidence of strong academic results, which may include strong student academic growth, as determined by a State;

(B) has no significant issues in the areas of student safety, financial and operational management, or statutory or regulatory compliance;

(C) has demonstrated success in significantly increasing student academic achievement, including graduation rates where applicable, for all students served by the charter school; and has demonstrated success in increasing student academic achievement, including graduation rates where applicable, for each of the subgroups of students, as defined in section 1111(c)(2), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

Funding Amounts

The total funding anticipated for this grant program is \$10,000,000. No more than five grants may be awarded via this RFP regardless of the total amount of funds awarded.

Eligible applicants may apply for a base award of \$1,500,000 for a three-year period beginning October 1, 2025. An eligible applicant may apply for an additional \$500,000 provided the applicant demonstrates that it meets one or more of the following program design priorities. In no instance will an award exceed \$2,000,000.

- The school is specifically designed to meet the learning needs and raise the achievement of students with disabilities or English language learners;
- The school is a high school whose mission is specific to the needs of over-age and under-credited students;
- The school will serve students who are at-risk of academic failure because they reside in a community that is served by a persistently low-achieving school;
- The school will provide a distinctive educational option for students in rural communities with limited educational options; and/or
- The school's program will promote racial, ethnic, and linguistic diversity.

An applicant requesting funds beyond the \$1,500,000 base amount will be required to provide justification of how the charter school meets one or more of those program design priorities as part of the project narrative. Eligibility for the potential award of additional funds will be assessed as part of the peer review of grant applications.

Allowable Expenditures

Allowable expenditures include, but are not limited, to:

- Employee salaries and benefits directly related to the expansion
- Rent/lease for new space, if applicable (prior to July 1 of the opening of the expanded seats)
- Professional development
- Curriculum design and development
- Recruitment of staff and students
- Supplies
- Technology
- Educational Materials
- Equipment
- Minor repairs and renovations

Nonallowable expenditures include, but are not limited, to:

- Expenditures for daily operations
- All phases of construction, including land acquisition services and architectural services
- Indirect costs
- Student uniforms
- Promotional items
- Food
- Gifts and Gift Incentives
- Charter Management Organization (CMO) services

Please see the [NYSED CSP Grants Management and Allowable Costs Guide](#) for more information and detail.

Budget

Applicants must submit a three-year budget narrative with this application as well as three [FS-10](#) budgets, one for each period of the grant – 10/1/25 to 9/30/26, 10/1/26 to 9/30/27, and 10/1/27 to 9/30/28. The Excel version of the FS-10 is preferred. The budget narrative must include justification for each proposed expense in each category of expense. The budget narrative will be reviewed and scored.

Applicants must use the [budget narrative template](#) found on the NYSED website. Budgeted costs must comply with applicable State and federal laws and regulations and the Department's Fiscal Guidelines. See the NYSED CSP Grants Management and Allowable Costs Guide for more information and detail.

The budget and budget narrative must propose expenses that are reasonable, appropriate, allocable, and align to the grant project's objectives.

Payment Schedule

Payments will be made to the grantee as often as once a month via a form FS-25 Request for Funds. All payments will be reimbursement for expenditures that were approved in the FS-10 budget and will only be made after the grantee provides documentation to the grant program office to support the reported expenses.

Reporting and Monitoring

Grantees must submit an FS-10F final expenditure report at the end of each of the three grant periods to document all claims for reimbursement. This must occur no later than 90 days after the end of each period, although NYSED reserves the right to require submission earlier. Grantees must also submit an annual performance report at the end of each grant period, no later than the first Friday in November. The performance report should demonstrate that substantial progress has been made toward meeting the project objectives and the program performance indicators. Additional information about the annual performance report will be made available to grantees by the grant program office after grant awards are made. A grantee that does not demonstrate adequate performance may have its grant discontinued.

All grantees are subject to monitoring by NYSED that primarily addresses financial accountability, internal controls, and mitigation of specific areas of risk. This includes review of documentation provided with requests for reimbursement and a formal monitoring protocol that includes, but is not limited to, risk assessments, desk audits, and on-site visits. Fiscal monitoring findings may require that funds paid to a grantee be returned to NYSED.

NYSED will be monitoring each charter school receiving CSP funds annually to ensure that it continues to meet the additional application requirements. In addition, it will monitor to ensure that:

- It makes its annual State report card publicly available on its website to help families make informed decisions about the education options available to their children.
- It makes its annual independent audits of financial statements prepared in accordance with generally accepted accounting principles publicly available on its website.

Requirements for Funding

Registration In Federal System for Award Management (SAM) – In order to be awarded federal funds, an agency must be registered and maintain registration in the federal [System for Award Management](#) known as SAM. SAM is a government-wide, web-enabled database that collects, validates, stores and disseminates business information about organizations receiving federal funds. Information on an agency's registration in SAM needs to be provided on the Payee Information Form that must be submitted with the application.

Payee Information Form/NYSED Substitute W-9 – The [Payee Information Form](#) is a packet containing the Payee Information Form itself and an accompanying NYSED Substitute W-9. The NYSED Substitute W-9 may or may not be needed from your agency. Please follow the specific

instructions provided with the form. The Payee Information Form is used to establish the identity of the applicant organization and enables it to receive federal (and/or State) funds through NYSED.

Prequalification Requirement

Pursuant to the New York State Division of the Budget bulletin H-1032 (revised January 9, 2024), nonprofit organizations must prequalify to do business with New York State agencies before they can compete for State grants. The process allows nonprofits to address questions and concerns prior to entering a competitive bid process. Nonprofits are strongly encouraged to begin the prequalification process as soon as possible.

To become prequalified, a nonprofit must first register with Statewide Financial System (SFS). Once registered, nonprofits complete an online prequalification application. This includes completing a series of forms by answering basic questions regarding the organization and uploading key organizational documents.

Detailed information on how to [register](#) with SFS and [become prequalified](#) is available on the [Grants Management](#) website (<https://grantsmanagement.ny.gov/>).

Disclaimer: *New York State reserves 5-10 business days from the receipt of complete Prequalification applications to conduct its review. If supplementary information or updates are required, review times will be longer. Due to the length of time this process could take to complete, it is advised that nonprofits Prequalify as soon as possible. Failure to successfully complete the Prequalification process early enough may result in a grant application being disqualified.*

Nonprofits must receive approved prequalification status prior to grant application and execution of contracts. Grant proposals received from nonprofits that are not Prequalified in SFS by 5:00 PM on the application due date of August 7, 2025, will not be evaluated. Such proposals will be disqualified from further consideration.

Entities' Responsibility

The grant project must operate under the jurisdiction of the charter school education corporation's board of trustees and are subject to at least the same degree of accountability as all other expenditures of the education corporation. The board of trustees is responsible for the proper disbursement of, and accounting for, project funds. The education corporation's written policies concerning wages, mileage and travel allowances, overtime compensation, or fringe benefits, as well as State rules pertaining to competitive bidding, safety regulations and inventory control must be followed. Supporting or source documents are required for all grant-related transactions entered in the education corporation's recordkeeping systems. Source documents that authorize the disbursement of grant funds consist of purchase orders, contracts, time and effort records, delivery receipts, vendor invoices, travel documentation and payment documents.

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

For additional information about grants, please refer to the [Fiscal Guidelines for Federal and State Aided Grants](#).

Accessibility of Web-Based Information and Applications

Any documents, web-based information and applications development, or programming delivered pursuant to the contract or procurement, will comply with New York State Education Department IT Policy NYSED-WEBACC-001, Web Accessibility Policy as such policy may be amended, modified or superseded, which requires that state agency web-based information, including documents, and applications are accessible to persons with disabilities. Documents, web-based information and applications must conform to NYSED-WEBACC-001 as determined by quality assurance testing. Such quality assurance testing will be conducted by NYSED employee or contractor and the results of such testing must be satisfactory to NYSED before web-based information and applications will be considered a qualified deliverable under the contract or procurement.

Requirements of Education Law Section 2-d

The Contractor agrees to comply with FERPA and New York State Education Law § 2-d. The NYS Education Department (NYSED) is required to ensure that all contracts with a third-party contractor that has access to or receives information include a Data Privacy and Security Plan, pursuant to Education Law § 2-d and § 121.6 of the Regulations of the Commissioner of Education. For every contract, the Contractor must complete the following or provide a plan that materially addresses its requirements, including alignment with the NIST Cybersecurity Framework, which is the standard for educational agency data privacy and security policies in New York state.

Pursuant to Education Law § 2-d and § 121.3 of the Regulations of the Commissioner of Education, NYSED is required to post information to its website about its contracts with third-party contractors that will receive Student PII and/or Teacher and/or Principal APPR data (“APPR Data”), collectively referred to as PII.

NYSED’s Data Privacy Appendix (Attachment R), annexed to this RFP, the terms of which are incorporated herein by reference, shall also be part of the Contract.

Cloud Service Provider Compliance

Any Cloud Service Provider (CSP) under consideration must have in place a baseline of data protection security configurations implemented along with documentation that demonstrates annual testing of the same. CSP must also, have a compliance process within their environment

to ensure proper access control. The compliance process will encompass auditable access and timely access termination procedures. This applies to any cloud services that contains any NYSED data. This includes but not limited to Infrastructure as a Service (IaaS), Software as a Service (SaaS), and Platform as a Service (PaaS).

Contract Terms and Conditions

Grant awards to non-profit and for-profit organizations will require that the awardee enter into a grant contract, the form of which is contained in an attachment to this RFP. In addition to being signed by the awardee and NYSED Counsel, the contract will need to be submitted for review and approval by the NYS Attorney General and the Office of the State Comptroller. All provisions of this RFP are subordinate to the terms and conditions of the grant contract. The contents of this RFP, any subsequent correspondence related to final contract negotiations, and such other stipulations as agreed upon may be made a part of the final contract developed by NYSED.

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

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

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

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

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

The M/WBE participation goal for this grant is 30% of each applicant's total discretionary non-personal service budget each year of the grant. Discretionary non-personal service budget is defined as total annual budget, excluding the sum of funds budgeted for:

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

The M/WBE Goal Calculation Worksheet is provided for use in calculating the dollar amount of the M/WBE goal for this grant application.

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

METHODS TO COMPLY

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

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

COMPLETE FORMS:

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

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

COMPLETE FORMS:

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

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

COMPLETE FORMS:

- M/WBE Goal Calculation Worksheet
- M/WBE Cover Letter
- M/WBE 101 Request for Waiver
- M/WBE 105 Contractor's Good Faith Efforts
- M/WBE 105A Contractor Unavailable Certification
- EEO 100 Staffing Plan

GOOD FAITH EFFORTS

Applicants must make a good faith effort to solicit NYS certified M/WBE firms as subcontractors and/or suppliers to achieve the goals for this grant. Solicitations may include, but are not limited to: advertisements in minority and women-centered publications; solicitation of vendors found in the [NYS Directory of Certified Minority and Women-Owned Business Enterprises](#); and the solicitation of minority and women-oriented trade and labor organizations.

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

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

REQUEST FOR WAIVER

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

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

All payments to Minority and Women-Owned Business Enterprise subcontractor(s) should be reported to the NYSED M/WBE Program Unit using the M/WBE 104G Quarterly M/WBE Compliance Report. This report should be submitted on a quarterly basis and can be requested at MWBEGrants@nysed.gov.

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

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

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

NYSED's Reservation of Rights

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

Debriefing Procedures

All unsuccessful applicants may request a debriefing within fifteen (15) calendar days of receiving notice from NYSED. Applicants may submit a request for a debriefing letter through the [online form](#).

The Fiscal Contact person will arrange with program staff to provide a written summary of the proposal's strengths and weaknesses, as well as recommendations for improvement. Within ten (10) business days, the program staff will issue a written debriefing letter to the bidder.

Contract Award Protest Procedures

Applicants who receive a notice of non-award or disqualification may protest the NYSED award decision subject to the following:

1. The protest must be in writing and must contain specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the contract award by NYSED.
2. The protest must be filed within ten (10) business days of receipt of a debriefing or disqualification letter. The protest letter must be filed via [online form](#).
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 bidder with written notification of the review team's decision within ten (10) business days of the receipt of the protest. The original protest and decision will be filed with OSC when the contract procurement record is submitted for approval and CAU will advise OSC that a protest was filed.

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

Vendor Responsibility

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

NYSED recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the [VendRep System Instructions](#) or go directly to the [VendRep System online](#).

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

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the [VendRep website](#) or may contact NYSED or the Office of the State Comptroller's Help Desk for a copy of the paper form.

Subcontractors:

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

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

Workers' Compensation Coverage

New York State Workers' Compensation Law (WCL) has specific coverage requirements for businesses contracting with New York State and additional requirements that 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](#). Alternatively, questions relating to either workers' compensation or disability benefits coverage should be directed to the NYS Workers' Compensation Board, Bureau of Compliance at (518) 486-6307.

Application Checklist

Listed below are the required documents for a complete application package. Use this checklist to ensure that your application submission is complete and in compliance with application instructions.

Required Documents	Checked-Applicant	Checked –SED	
Application Cover Page with Original Signature of Chief Administrative Officer	<input type="checkbox"/>	<input type="checkbox"/>	
Payee Information Form (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	
Application Checklist	<input type="checkbox"/>	<input type="checkbox"/>	
Abstract	<input type="checkbox"/>	<input type="checkbox"/>	
Grant Workplan (posted with the RFP)	<input type="checkbox"/>	<input type="checkbox"/>	
Proposal Narrative	<input type="checkbox"/>	<input type="checkbox"/>	
Budget Narrative (form on NYSED website)	<input type="checkbox"/>	<input type="checkbox"/>	
Three FS-10 Budgets (signature required)	<input type="checkbox"/>	<input type="checkbox"/>	
Five-year budget (form on NYSED website)	<input type="checkbox"/>	<input type="checkbox"/>	
Additional Application Requirements (see page 25)	<input type="checkbox"/>	<input type="checkbox"/>	
Worker's Compensation Documentation (encouraged)	<input type="checkbox"/>	<input type="checkbox"/>	
Disability Benefits Documentation (encouraged)	<input type="checkbox"/>	<input type="checkbox"/>	
Is the applicant education corporation prequalified? (While no documentation is required with the application, the applicant education corporation will be required to prequalify in order to be eligible for this grant opportunity.)	<input type="checkbox"/>	<input type="checkbox"/>	
M/WBE Documents Package (original signatures required) <input type="checkbox"/> Full Participation <input type="checkbox"/> Request Partial Waiver <input type="checkbox"/> Request Total Waiver			
Forms Required			
Type of Form	Full Participation	Request Partial Waiver	Request Total Waiver
Calculation of M/WBE Goal Amount	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE Cover Letter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE 100 Utilization Plan	<input type="checkbox"/>	<input type="checkbox"/>	N/A
M/WBE 102 Notice of Intent to Participate	<input type="checkbox"/>	<input type="checkbox"/>	N/A
M/WBE 105 Contractor's Good Faith Efforts	N/A	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE 105A Contractor Unavailable Certification	N/A	<input type="checkbox"/>	<input type="checkbox"/>
M/WBE 101 Request for Waiver Form and Instructions	N/A	<input type="checkbox"/>	<input type="checkbox"/>
EE0 100 Staffing Plan and Instructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SED Comments:

Has the applicant complied with the application instructions? ☐ Yes ☐ No

SED Reviewer: _____ Date: _____

Charter Schools Program (CSP) Expansion Grants

Application Cover Page

Name of Charter School Education Corporation	
Name of Charter School	
Charter School Address	
City	Zip Code
Name and Title of Grant Contact Person	Telephone
E-Mail Address	
<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, Appendix A, the terms and conditions of the State of New York Contract for Grants, 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>	
Assurances	
<input type="checkbox"/>	Grant funds will be expended only for the purpose of expanding a charter school that meets the definition of a charter school per ESEA §4310(2), meets the definition of a developer per ESEA §4310(5), is nonsectarian, does not charge tuition, and will be in compliance with all New York State laws and regulations.
<input type="checkbox"/>	The charter school awarded this grant has not received any funds from the U.S. Department of Education through CFDA 84.282B and 84.282E (Developer Grants) or 84.282M (CMO Grants) for the same purpose as to what is proposed in this grant application.
<input type="checkbox"/>	The applicant has applied to an authorized public chartering authority and provided adequate and timely notification to the authority that they are applying for this grant.
<input type="checkbox"/>	I understand that the applicant charter school's authorizer has granted the charter school a degree of autonomy and flexibility that is consistent with the definition of a charter school in ESEA § 4310 (2) and is therefore exempt from significant State or local rules that inhibit the flexible operation and management of public schools.
<input type="checkbox"/>	The charter school's design is meant to meet the educational needs of their students, including children with disabilities and English language learners.
<input type="checkbox"/>	The charter school's authorizer adequately monitors the charter school in recruiting, enrolling, retaining, and meeting the needs of all students, including children with disabilities and English language learners.
<input type="checkbox"/>	The charter school receives adequate technical assistance to meet the objectives described in section 4303(f)(1)(A)(viii) and (f)(2)(B) of the ESEA;

<input type="checkbox"/>	The charter school has quality authorizing, such as the authorizer monitoring the charter school by- <ol style="list-style-type: none"> 1) Assessing annual performance data of the schools, including graduation rates, student academic growth, and rates of student attrition; 2) Reviewing the school's independent, annual audits of financial statements, prepared in accordance with generally accepted accounting principles, and ensuring that the audits are publicly reported; and 3) Holding the school accountable to the academic, financial., and operational quality controls agreed to between the charter school and authorizer, such as through renewal, non-renewal, or revocation of the school's charter. 	
<input type="checkbox"/>	The charter school is included with traditional public schools in decision-making about the public school system in New York State.	
<input type="checkbox"/>	The charter school makes publicly available, consistent with the annual State report card, information to help parents make informed decisions about the education options available to their children, including - <ol style="list-style-type: none"> 1) Information on the educational program; 2) Student support services; 3) Enrollment criteria (as applicable); and 4) Annual performance and enrollment data for each subgroup of students. 	
<input type="checkbox"/>	The grantee will comply with all provisions of all applicable acts, regulations and federal laws including the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, Section 444 of the General Education Provisions Act, Part B of the Individuals with Disabilities Education Act, all provisions of the Department of Education General Administrative Regulations (EDGAR), and 2 CFR Part 200.	
<input type="checkbox"/>	The grantee will comply with all provisions of Title IV, Part C of ESEA, as amended by ESSA, §§4301-4310.	
<input type="checkbox"/>	The grantee will ensure that the charter school will receive funds for which it is eligible through programs administered by the U.S. Department of Education in which funds are allocated on a formula basis, such as Title I, Part A.	
<input type="checkbox"/>	I have reviewed NYSED's Fiscal Guidelines for Federal and State Grants , and grant funds will be obligated during the specified grant period and expended within 90 days after the end of the grant period; the amount of funds requested at any one time will only include actual expenditures; funds will be utilized only for approved activities; and all fiscal forms will be submitted to NYSED by established due dates.	
<input type="checkbox"/>	I have reviewed NYSED's Charter School Audit Guide , and standard accounting procedures will be utilized by grant recipients and records of all grant expenditures will be maintained in an accurate, thorough and complete manner.	
<input type="checkbox"/>	The grantee will ensure that all members of the education corporation's board of trustees will actively participate in NYSED's board training opportunities at least once per year in which the training is offered.	
Original Signature of Chief Administrative Officer*		Typed Name of Chief Administrative Officer*
Date		

* The individual certifying this application and agreeing to the assurances must be either the chairperson of the education corporation's board of trustees or a designated employee of the education corporation. NYSED reserves the right to terminate any award where a representative of a contracted charter management organization represents the education corporation.

Formatting Specifications and Page Limits

The Proposal Narrative and Budget Narrative are to be submitted on single-spaced 8.5" x 11" pages with one-inch margins. Pages with charts/tables are not required to adhere to this standard. Use an Arial or similar font in a 12-point size. If the Proposal Narrative exceeds the page limit, the excess pages will not be read by the reviewers. Required attachments, such as a budget and an enrollment plan, are not counted toward the page limits.

Project Abstract – no more than 1 page

Workplan – no limit (use Workplan template posted with RFP)

Proposal Narrative – no more than 20 pages

Budget Narrative – no limit

Additional Application Requirements – no limit

Work Plan Template and Proposal Narrative (80 points)

Abstract (0 points, but required)

The abstract will be a high-level overview of the grant project, including the overall objectives to be met as well as desired outcomes.

Work Plan (20 points)

An applicant must provide a project workplan **for each year of the grant** and must use the standard workplan template that is posted with this RFP.

The workplans must identify a minimum of four objectives of the grant project. The applicant should identify one or more associated tasks to be completed to achieve each objective and one or more performance measures associated with each task. **Complete a workplan for each year of the three-year grant.**

Additional information that is not included in the workplans is to be included in a narrative format in the Proposed Activities/Project Narrative section of the application. Be clear, precise and adhere to the required format. The narrative will be reviewed in accordance with the following points and according to the Proposal Narrative Rubric.

Each workplan must include:

- A minimum of four objectives that will be met through the grant project;
- One or more tasks directly related to each objective that will be completed to achieve the objective, and a specific timeframe for each task;
- One or more performance measures associated with each task. Performance measures should meet the SMART definition, where they are specific, measurable, achievable, relevant, and time-bound.

Required:

- At least one of the objectives must concern academic outcomes for educationally disadvantaged students, where educationally disadvantaged is defined as a student in one or more of the categories described in section 1115(c)(2) of the ESEA, which includes children who are economically disadvantaged, children with disabilities, migrant students, English learners, neglected or delinquent students, homeless students, and students who are in foster care.

Description of a High-Quality Charter School (10 points)

Section 4303(b) of the federal CSP statute specifies that NYSED may award CSP expansion grants only to high-quality charter schools. Provide evidence that the expanding charter school meets each of the following four criteria for being of high quality:

- Strong academic results;
- Demonstrated success in significantly increasing student academic achievement for all students enrolled in the school;
- Demonstrated success in increasing student academic achievement for each of the at-risk subgroups – English language learners, students with disabilities, and the economically disadvantaged; and
- Strong performance in the areas of student safety, financial and operational management, and statutory/regulatory compliance.

Proposed Activities/Project Narrative (20 points)

- Provide information regarding the expanding charter school, including but not limited to:
 - community or communities served by the charter school;
 - demographics of students enrolled in the school;
 - current enrollment (total and by grade level);
 - approved expanded enrollment (total and by grade level);
 - type of expansion and begin/end dates of the expansion;
 - application wait list size by grade, lottery procedures, and any use of a weighted lottery;
 - any other information necessary to understand the school and the context in which the grant program will operate;
- Describe the charter school's current facility/facilities as well as the need for space to accommodate the expansion and the plan for acquiring any needed space;
- Expand *in narrative form* on how the grant funds will be used to meet the objectives as described in the abstract and work plans.

Need for Grant Project/Grant Funds (20 points)

- Describe the charter school education corporation's financial position, citing directly from its most recent annual audited financial statements;
- Provide concrete reasons why the charter school education corporation requires this grant funding in order to successfully expand the charter school;

- Explain how the amount of funds requested is proportionate to the projected costs of the expansion;
- Describe how the expansion serves the interests and meets the needs of students and families in the community, including examples of local community support for additional grade levels and/or seats in the school, and how the applicant will meet its expanded enrollment goal.

Organizational Capacity (5 points)

- Describe the roles and responsibilities of the charter school education corporation's board of trustees and its administrators as well as partner organizations (if any) and CMO (if applicable), including the roles and responsibilities of these partners. Provide evidence that the board of trustees and the administrators possess the governance, leadership and management skills necessary to plan and operationalize expansion of the charter school;
- Provide evidence that the charter school has the organizational capacity, including staff, partners and/or contractors with *financial and grant expertise*, to successfully manage a substantial competitive grant program.

Financial Sustainability (5 points)

Address how the charter school will maintain financial stability after the school stops receiving CSP grant funds.

- Provide a realistic five-year budget for the three years of the grant plus the first two years after the grant ends, including projected student enrollment and numbers of administrators, teaching staff and ancillary staff for each year. (Applicants must use the [five-year budget form](#) on the NYSED website.) If the budget includes CSP grant funds as a revenue source, identify where CSP funds will support specific expenses. Use the applicant's fiscal year, not the grant period;
- Provide narrative assumptions to support the five-year budget projections.

Justification for Additional Award (0 points, but required for additional funding)

An eligible applicant may apply for an additional \$500,000 provided it demonstrates that it meets one or more of the following program design priorities. This section ***must be*** completed satisfactorily to qualify for additional funding beyond the base amount of \$1,500,000. In no instance will an award exceed \$2,000,000.

- The school is specifically designed to meet the learning needs and raise the achievement of students with disabilities or English language learners;
- The school is a high school whose mission is specific to the needs of over-age and under-credited students;
- The school will serve students who are at-risk of academic failure because they reside in a community that is served by a persistently low-achieving school;

- The school will provide a distinctive educational option for students in rural communities with limited educational options; and/or
- The school's program will promote racial, ethnic, and linguistic diversity.

Required:

- Explain how the school's program design meets one or more of the priorities listed above.
- Provide excerpts from the expansion revision application to the charter authorizer as evidence.

Budget Narrative (20 Points)

The three-year [budget narrative](#), using the form posted with the RFP, must include justification for each proposed expense in each category of expense. The budget narrative will be reviewed for accuracy and completeness. The budget narrative will also be reviewed to determine that the proposed use of the funds is for the direct support of the proposed grant project and that the anticipated expenditures are allowable, appropriate, and reasonable. See the [NYSED CSP Grants Management and Allowable Costs Guide](#) for information regarding allowable and unallowable expenses.

In the budget narrative, include a timeline for the expansion along with the school's planned opening date for the new seats or grades served.

For each proposed expenditure in the budget narrative:

- Provide a justification for how the proposed expenditure will be used to support the grant project's activities and contribute to the program's objectives as described in the project's work plan;
- Present all information in a manner that will allow reviewers to clearly understand the basis of calculation for each proposed expenditure;
- Explain how the proposed expenditures are necessary, reasonable, and allowable;
- Explain how the proposed expenditures are supplemental and do not supplant or duplicate daily operating activities.

Should the applicant propose to be awarded more than the base amount of \$1,500,000 (but no more than \$2,000,000) and the description of how the eligible applicant meets one or more of the program design priorities listed above **does not** justify the additional award, the grant program office will reduce the award proportionately across the three-year grant period.

Applicants must also submit three FS-10 budget forms for the periods **10/1/25-9/30/26, 10/1/26-9/30/27, and 10/1/27-9/30/28 that mirror the budget narrative for those periods**. NYSED staff will eliminate any unallowable, unreasonable and/or unjustified items in the budget. Grantees will not be allowed to substitute new items for those that have been eliminated.

Additional Application Requirements (0 points)

Successful applicants must meet additional application requirements as delineated by the U.S. Department of Education for the CSP grant program. Peer reviewers will review the information and materials from each applicant and make recommendations for additional information and revisions. These application requirements are not part of the scoring rubric, but successful applicants must meet the additional applicant requirements before the CSP expansion grant funds can be accessed. Responses should be in the same order as the list below. The additional application requirements are as follows:

1. A description of the charter school's recruitment and enrollment practices that promote inclusion of all students, including by eliminating any barriers to the enrollment of educationally disadvantaged students.
2. A description of the school's policies that promote student retention and limit the overuse of discipline practices that remove students from the classroom.
3. A description of the school's enrollment plan, including use of a lottery, and how the plan aligns with the [NYSED CSP Enrollment Policy](#). If the school uses a weighted lottery, a description of the weighted lottery, how it is used, and how it aligns with the [NYSED CSP Enrollment Policy](#). If a weighted lottery is not in use, respond "not applicable".
4. A description of the school's student transportation plan.
5. A description of the community engagement plan and strategies the school employs to solicit input from families and other members of the community regarding the vision and design of the school and how that input is put to use in the implementation *and operation* of the school.
6. A description of how community engagement creates strong and ongoing partnerships and fosters a collaborative culture in the school that involves all families to ensure their ongoing input in school decision-making.
7. A description of how the school engages families and the community to develop an instructional model that meets the educational needs of its students, including students with disabilities and English language learners.
8. If the school is provided comprehensive management services by a **non-profit** CMO, describe the roles and responsibilities of the school, any partner organizations, and the CMO, including the administrative and contractual roles and responsibilities of any partner organizations. If no such contract exists, respond "not applicable".
9. For applicants with an existing or proposed contract between the charter school and a **for-profit** management organization (including a nonprofit management organization operated by or on behalf of a for-profit entity):
 - a. A description of the contract, including the name and contact information of the management organization; the cost (i.e., fixed costs and estimates of any ongoing costs or fees) and the percentage such cost represents of the school's overall funding; the duration; roles and responsibilities of the management organization; and steps the applicant will take to ensure that it pays fair market value for any services or other items purchased or leased

from the management organization, makes all programmatic decisions, and maintains control over CSP fund;

- b. A description of any business or financial relationship between the charter school developer and the management organization, including payments, contract terms, and any property owned, operated, or controlled by the management organization or related individuals or entities that will be used by the charter school;
- c. The name and contact information for each member of the governing board of the charter school and a list of the management organization's officers, chief administrator, or other administrators, and any staff involved in approving or executing the management contract; and a description of any actual or perceived conflicts of interest, including financial interests, and how the applicant will resolve any actual or perceived conflicts of interest to ensure compliance with [2 CFR 200.318\(c\)](#);
- d. A description of how the applicant will ensure that members of the governing board of the charter school are not selected, removed, controlled, or employed by the management organization and that the charter school's legal, accounting, and auditing services will be procured independently from the management organization;
- e. An explanation of how the applicant will ensure that the management contract is severable, severing the management contract will not cause the proposed charter school to close, the duration of the management contract will not extend beyond the expiration date of the school's charter, and renewal of the management contract will not occur without approval and affirmative action by the governing board of the charter school; and
- f. A description of the steps the applicant will take to ensure that it maintains control over all student records and has a process in place to provide those records to another public school or school district in a timely manner upon the transfer of a student from the charter school to another public school, including due to closure of the charter school, in accordance with section 4308 of the ESEA.

If no such contract exists, respond "not applicable".

- 10. An acknowledgement that a charter agreement between the charter school and its authorizer exists and that the charter agreement contains quality controls, including how the school's performance in the State's accountability system and its impact on student achievement (which may include student academic growth) will be one of the most important factors for renewal or revocation of the school's charter and how the Board of Regents and the school's charter authorizer reserve the right to revoke or not renew a school's charter based on financial, structural, or operational factors involving the management of the school.
- 11. An acknowledgement that the applicant charter school has autonomy and flexibility that is consistent with the definition of a charter school in ESEA § 4310(2) (see page 5).

Method of Award

Each eligible application will be reviewed by at least two peer reviewers. Each peer reviewer will score the application according to the indicated point criteria in the Proposal Narrative and the Budget using the Proposal Evaluation Rubric. If individual scores are more than 15 points apart, another peer reviewer will score the application. The two scores closest in numeric value will be averaged to calculate the final average score of the application. If the third reviewer's score is equal to the average of the two original scores, the third reviewer's score will become the final score.

Applications will be ranked in order of final average score from highest to lowest. In the event of tie scores, proposals with the highest score in the Proposal Narrative will be ranked higher. Should the scores in the Proposal Narrative have tie scores, then proposals with the highest score in the Budget Narrative will be ranked higher.

Applications that receive a final average score of 60 or more (not including bonus points) will be considered for funding. Applicants will be funded in rank order until the number of grants available are exhausted.

Details regarding the award process as well as obligating and accessing grant funds by successful applicants are available in the [NYSED Fiscal Guidelines for Federal and State Grants](#) and the [NYSED CSP Grants Management and Allowable Costs Guide](#).

Proposal Evaluation Rubric

Applicant:		
Reviewer:	Date Reviewed:	Score:

All applicants must receive a minimum score of 60 points to be considered for funding.

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 - Unclear and non-specific. 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.
- Not Found - Does not address the criteria or simply re-states the criteria.

1. Work Plan (20 Points)	Very Good	Good	Fair	Poor	NF
a. Provides a discrete work plan for each year of the three-year grant.	2	1.5	1	.5	0
b. Includes one or more objectives that will be met through the grant project.	5	3.75	2.5	1.25	0
c. Includes one or more tasks associated with each objective that will be completed to achieve that objective. Specifies the timeframe of the task.	5	3.75	2.5	1.25	0
d. Includes one or more performance measures associated with each task. The performance measures meet the SMART definition.	5	3.75	2.5	1.25	0
e. Meets the requirement to have at least one of the objectives concern academic outcomes for educationally disadvantaged students.	3	2.25	1.5	.75	0

Total (out of 20)	
Comments:	

2. High-Quality Charter School (10 Points)	Very Good	Good	Fair	Poor	NF
a. Provides evidence of strong academic results.	2.5	1.875	1.25	.625	0
b. Provides evidence of demonstrated success in significantly increasing student academic achievement for all students enrolled in the school.	2.5	1.875	1.25	.625	0
c. Provides evidence of success in increasing student academic achievement for each of the three at-risk subgroups.	2.5	1.875	1.25	.625	0
d. Provides evidence of strong performance in student safety, financial and operational management, and statutory/regulatory compliance.	2.5	1.875	1.25	.625	0
Total (out of 10)					
Comments:					

3. Proposed Activities/Project Narrative (20 Points)	Very Good	Good	Fair	Poor	NF
a. Provides information about the charter school needed to understand the school expansion and the context in which the grant program will operate.	10	7.5	5	2.5	0
b. Describes the charter school's current facilities and the need for space to accommodate the expansion plus a plan for acquiring any needed additional space.	5	3.75	2.5	1.25	0
c. Expands on the information provided in the work plans to describe how the grant funds will support the workplans' objectives.	5	3.75	2.5	1.25	0
Total (out of 20)					

Comments:

4. Need for Grant Project/Grant Funds (20 Points)	Very Good	Good	Fair	Poor	NF
a. Describes the charter school education corporation's financial position, cites directly from its most recent audited financial statements.	5	3.75	2.5	1.25	0
b. Provides concrete reasons why the education corporation requires the grant funds to expand the charter school.	5	3.75	2.5	1.25	0
c. Explains how the amount of funds requested is proportionate to the project costs of the expansion.	5	3.75	2.5	1.25	0
d. Describes how the expansion serves the interests and meets the needs of students and families in the community. Includes examples of local community support for additional grade levels and/or seats in the school. Describes how the applicant will meet its expanded enrollment goal.	5	3.75	2.5	1.25	0
Total (out of 20)					
Comments:					

5. Organizational Capacity (5 Points)	Very Good	Good	Fair	Poor	NF
a. Provides evidence that the charter school education corporation's board of trustees and the charter school's administrators have the skills necessary to plan and operationalize expansion of the charter school.	2.5	1.875	1.25	.625	0
b. Provides evidence that the charter school has the organizational capacity, including staff, partners and/or potential contractors with financial and grant expertise, to successfully manage a substantial competitive grant program.	2.5	1.875	1.25	.625	0
Total (out of 5)					

Comments:

6. Financial Sustainability (5 Points)	Very Good	Good	Fair	Poor	NF
a. Provides a five-year budget, using the RFP's budget template, that is realistic and based on projected student enrollment and increases in staff year to year. Identifies where CSP funds will support specific expenses in the budget.	2.5	1.875	1.25	.625	0
b. Provides narrative assumptions to support the budget.	2.5	1.875	1.25	.625	0
Total (out of 5)					
Comments:					

8. Justification for Additional Award (0 Points)	Yes	No
a. Explains how the school's program design meets one or more of the priorities listed below.		
b. Provides excerpts from the revision application to the charter authorizer as evidence.		
<ul style="list-style-type: none"> The school is specifically designed to meet the learning needs and raise the achievement of students with disabilities or English language learners; The school is a high school whose mission is specific to the needs of over-age and under-credited students; The school will serve students who are at-risk of academic failure because they reside in a community that is served by a persistently low-achieving school; The school will provide a distinctive educational option for students in rural communities with limited educational options; and/or The school's program will promote racial, ethnic, and linguistic diversity. 		
Comments:		

7. Budget Narrative (20 Points)	Very Good	Good	Fair	Poor	NF
a. Justifies how each proposed expenditure supports the grant project's objectives and tasks as described in the work plans and the proposed activities/project narrative.	10	7.5	5	2.5	0
b. Provides all information in a manner that will allow reviewers to clearly understand the basis of calculation for each proposed expenditure.	2.5	1.875	1.25	.625	0
c. Explains how the proposed expenditures are necessary, reasonable, and allowable.	2.5	1.875	1.25	.625	0
d. Explains how proposed expenditures of the grant project are supplemental and do not supplant or duplicate daily operating activities.	5	3.75	2.5	1.25	0
Total (out of 20)					
Comments:					

Required Assurances and Certifications

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

Sexual Harassment Prevention Certification

By submission of this application, each applicant and each person signing on behalf of any applicant certifies, and in the case of a joint application each party thereto certifies its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.

ASSURANCES AND CERTIFICATIONS FOR FEDERAL PROGRAM FUNDS

Federal Assurances and Certifications, General:

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

Federal Assurances and Certifications, ESEA:

The following are required as a condition for receiving any federal funds under the Elementary and Secondary Education Act (ESEA).

- ESEA Assurances
- School Prayer Certification

ASSURANCES - NON-CONSTRUCTION PROGRAMS

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

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

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

on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards that may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR Part 200, Audits of States, Local Governments, and Non-Profit Organizations.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Standard Form 424B (Rev. 7-97), Prescribed by 2 CFR Part 200, Authorized for Local Reproduction, as amended by New York State Education Department

**CERTIFICATIONS REGARDING LOBBYING, DEBARMENT, SUSPENSION AND
OTHER RESPONSIBILITY MATTERS**

These certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 2 CFR Part 200, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Sections 82.105 and 82.110, the applicant certifies that:

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

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

This certification is required by OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 CFR Part 180

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of any offenses listed in 2 CFR §180.800(a) or had a civil judgment rendered against them for one of those offenses within that time period;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in 2 CFR §180.800(a); and
- (d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION – LOWER TIERED COVERED TRANSACTIONS

The terms “debarment,” “suspension,” “excluded,” “disqualified,” “ineligible,” “participant,” “person,” “principal,” “proposal,” and “voluntarily excluded” as used in this certification have the meanings set forth in 2 CFR Part 180, Subpart I, “Definition.” A transaction shall be considered a “covered transaction” if it meets the definition in 2 CFR Part 180 Subpart B, “What is a covered transaction?”

A. The applicant certifies that it and its principals:

- (a) Upon approval of their application, in accordance with 2 CFR Part 180 Subpart C, they shall not enter into any lower-tier non-procurement covered transaction with a person without verifying that the person is not excluded or disqualified unless authorized by USDOE.
- (b) Will obtain an assurance from prospective participants in all lower tier covered non-procurement transactions and in all solicitations for lower tier covered non-procurement transactions that the participants will comply with the provisions of 2 CFR Part 180 subparts A, B, C and I.
- (c) Will provide immediate written notice to the New York State Education Department if at any time the applicant and its principals learn that a certification or assurance was erroneous when submitted or has become erroneous because of changed circumstances.

**NEW YORK STATE DEPARTMENT OF EDUCATION
ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA) ASSURANCES**

These assurances are required for programs funded under the Elementary and Secondary Education Act as amended by the Every Student Succeeds Act of 2015.

As the chief school officer of the applicant, by signing the Application Cover Page, I certify that:

- (1) the applicant will comply with the requirements of Education Law § 3214(3)(d) and (f) and the Gun-Free Schools Act (20 U.S.C. § 7151);
- (2) the applicant will comply with the requirements of 20 U.S.C. § 7908 on military recruiter access;
- (3) the applicant will comply with the requirements of 20 U.S.C. § 7904 on constitutionally protected prayer in public elementary and secondary schools;
- (4) the applicant will comply with the requirements of Education Law § 2802(7), and any state regulations implementing such statute and 20 U.S.C. § 7912 on unsafe school choice;
- (5) the applicant will comply with all fiscal requirements that apply to the program, including but not limited to any applicable supplement not supplant or local maintenance of effort requirements; and
- (6) the applicant understands the importance of privacy protections for students and is aware of the responsibilities of the grantee under section 20 U.S.C. 1232g (FERPA) (ESSA §854).

Appendix R
NEW YORK STATE EDUCATION DEPARTMENT'S
DATA PRIVACY APPENDIX FOR GRANT CONTRACTS

ARTICLE I: DEFINITIONS

As used in this Data Privacy Appendix ("DPA"), the following terms shall have the following meanings:

1. **Access:** The ability to view or otherwise obtain, but not copy or save, data arising from the on-site use of an information system or from a personal meeting.
2. **Breach:** The unauthorized Access, acquisition, use, or Disclosure of Personal Information that is (a) accomplished in a manner not permitted by New York State and federal laws, rules, and regulations, or in a manner that compromises its security or privacy, (b) executed by or provided to a person not authorized to acquire, access, use, or receive it, or (c) a Breach of Contractor's or Subcontractor's security that leads to the accidental or unlawful destruction, loss, alteration, Access to or Disclosure of, Personal Information.
3. **Disclose or Disclosure:** The intentional or unintentional release, transfer, or communication of Personal Information by any means, including oral, written, or electronic.
4. **Personal Information:** Information concerning a natural person which, because of name, number, personal mark, or other identifier, can be used to identify such natural person.
5. **Services:** Services provided by Contractor pursuant to this Contract with the New York State Education Department ("NYSED") to which this DPA is attached and incorporated.
6. **Subcontractor:** Contractor's non-employee agents, consultants, volunteers, including student interns, who is engaged in the provision of Services pursuant to an agreement with or at the direction of the Contractor.

ARTICLE II: PRIVACY AND SECURITY OF PERSONAL INFORMATION

1. **Compliance with Law.**

When providing Services pursuant to this Contract, Contractor may receive and/or have Access to Personal Information regulated by one or more New York and/or federal laws and regulations, including, but not limited to, the

Family Educational Rights and Privacy Act at 20 U.S.C. § 1232g (34 CFR Part 99); Children's Online Privacy Protection Act at 15 U.S.C. §§ 6501-6502 (16 CFR Part 312); Protection of Pupil Rights Amendment at 20 U.S.C. § 1232h (34 CFR Part 98); the Individuals with Disabilities Education Act at 20 U.S.C. § 1400 et seq. (34 CFR Part 300); the New York Education Law at § 2-d (8 NYCRR Part 121); the New York General Business Law at article 39-F; and the New York Personal Privacy Protection Law at Public Officers Law article 6-A. Contractor agrees to maintain the confidentiality and security of Personal Information in accordance with applicable New York, federal and local laws, rules and regulations.

2. Data Privacy and Security.

- a. Contractor agrees and understands that Contractor has no property, licensing, or ownership rights or claims to Personal Information Accessed by or Disclosed to Contractor for the purpose of providing Services, and Contractor shall not use Personal Information for any purpose other than to provide Services. Contractor will ensure that its Subcontractors agree and understand that neither the Subcontractor nor Contractor has any property, licensing or ownership rights or claims to Personal Information received or Accessed by or Disclosed to Subcontractor for the purpose of assisting Contractor in providing Services.
- b. Contractor shall adopt and maintain reasonable safeguards to protect the security, confidentiality, and integrity of Personal Information in a manner that complies with General Business Law section 899-bb and other applicable New York State, federal and local laws, rules and regulations.
- c. Upon NYSED's request, Contractor may be required to undergo an audit of its privacy and security safeguards, measures, and controls, or in lieu of performing an audit, provide NYSED with an industry standard independent audit report on Contractor's privacy and security practices that is no more than twelve months old.

3. Contractor's Employees and Subcontractors.

- a. Access to or Disclosure of Personal Information shall only be provided to Contractor's employees and Subcontractors who need to know the Personal Information to provide the Services and such Access and/or Disclosure of Personal Information shall be limited to the extent necessary to provide such Services. Contractor shall ensure that all such employees and Subcontractors comply with the terms of this DPA.

- b. Contractor must ensure that each Subcontractor performing Services where the Subcontractor will have Access to and/or receive Disclosed Personal Information is contractually bound by a written agreement that includes confidentiality and data security obligations equivalent to, consistent with, and no less protective than, those found in this DPA.
- c. Contractor shall examine the data privacy and security measures of its Subcontractors. If at any point a Subcontractor fails to materially comply with the requirements of this DPA, Contractor shall (i) notify NYSED, (ii) as applicable, remove such Subcontractor's Access to Personal Information; and (iii) as applicable, retrieve all Personal Information received or stored by such Subcontractor and/or ensure that such Personal Information has been securely deleted or securely destroyed in accordance with this DPA. In the event there is an incident in which Personal Information held, possessed, or stored by the Subcontractor is compromised, unlawfully Accessed, or unlawfully Disclosed, Contractor shall follow the Data Breach reporting requirements set forth in Section 5 of this DPA.
- d. Contractor shall take full responsibility for the acts and omissions of its employees and Subcontractors.
- e. Other than Contractor's employees and Subcontractors who have a need to know the Personal Information, Contractor must not provide Access to or Disclose Personal Information to any other party unless such Disclosure is required by statute, court order or subpoena, and Contractor notifies NYSED of the court order or subpoena no later than the time the Personal Information is Disclosed, unless such Disclosure to NYSED is expressly prohibited by the statute, court order or subpoena. Notification shall be made in accordance with the Notice provisions of this r Contract and shall also be provided to the Office of the Chief Privacy Officer, NYS Education Department, 89 Washington Avenue, Albany, New York 12234.
- f. Contractor shall ensure that its Subcontractors know that they cannot provide Access to or Disclose Personal Information to any other party unless such Disclosure is required by statute, court order or subpoena. If a Subcontractor is required to provide Access to or Disclose Personal Information pursuant to a court order or subpoena, the Subcontractor shall, unless prohibited by statute, court order or subpoena, notify Contractor no later than two (2) days before any Personal Information is Disclosed. Upon receipt of

notice from a Subcontractor, Contractor shall provide notice to NYSED no later than the time that the Subcontractor is scheduled to provide Access to or Disclose the Personal Information.

- g. Contactor shall ensure that all its employees and Subcontractors who will receive Personal Information will be trained on the federal and state laws governing confidentiality of such data prior to receipt.

4. Data Return and Destruction of Data.

- a. Contractor is prohibited from retaining Disclosed Personal Information or continuing to Access Personal Information, including any copy, summary or extract of Personal Information, on any storage medium (including, without limitation, hard copies, and storage in secure data centers and/or cloud-based facilities) beyond the term of the this Contract unless such retention is expressly authorized by the this Contract, necessary for purpose of facilitating the transfer of Personal Information to NYSED, or expressly required by law. As applicable, upon expiration or termination of this Contract, Contractor shall transfer Personal Information to NYSED in a format agreed to by the Parties.
- b. When the purpose that necessitated Contractor's Access to and/or Disclosure of Personal Information has been completed or Contractor's authority to have Access to Personal Information and/or retain Disclosed Personal Information has expired, Contractor shall ensure that, as applicable, (1) all privileges providing Access to Personal Information are revoked, and (2) all Personal Information (including without limitation, all hard copies, archived copies, electronic versions, electronic imaging of hard copies) retained by Contractor and/or its Subcontractors, including all Personal Information maintained on behalf of Contractor or its Subcontractors in a secure data center and/or cloud-based facilities is securely deleted and/or destroyed in a manner that does not allow it to be retrieved or retrievable, read, or reconstructed. Hard copy media must be shredded or destroyed such that Personal Information cannot be read, or otherwise reconstructed, and electronic media must be securely cleared, purged, or destroyed such that the Personal Information cannot be retrieved, read, or reconstructed. When Personal Information is held in paper form, destruction of such Personal Information, and not redaction, will satisfy the requirements for data destruction. Redaction is specifically excluded as a means of data destruction.

- c. Upon request by NYSED, Contractor may be required to provide NYSED with a written certification of (1) revocation of Access to Personal Information granted by Contractor and/or its Subcontractors, and (2) the secure deletion and/or secure destruction of Personal Information held by the Contractor or Subcontractors, at the address for notifications set forth in this Contract.
- d. To the extent that Contractor and/or its Subcontractors continue to be in possession of any de-identified data (i.e., data that has had all direct and indirect identifiers removed), Contractor agrees that it will not attempt to re-identify de-identified data and/or transfer de-identified data to any person or entity, except as provided in subsection (a) of this section and that it will prohibit its Subcontractors from the same.

5. Breach.

- a. Contractor shall promptly notify NYSED of any Breach of Personal Information, regardless of whether the Contractor or a Subcontractor suffered the Breach, without delay and in the most expedient way possible, but in no circumstance later than seven (7) calendar days after discovery of the Breach. Notifications shall be made in accordance with the notice provisions of this contract and shall also be provide to the office of the Chief Privacy Officer, NYS Education Department, 89 Washington Avenue, Albany, New York 12234 and must include a description of the Breach that identifies the date of the incident, the date of discovery, the types of Personal Information affected and the number of records affected; a description of Contractor's investigation; and the name of a point of contact.
- b. Contractor and its Subcontractors will cooperate with NYSED, and law enforcement where necessary, in any investigations into a Breach. Any costs incidental to the required cooperation or participation of the Contractor or its Subcontractors will be the sole responsibility of the Contractor if such Breach is attributable to Contractor or its Subcontractors.
- c. Contractor shall promptly notify the affected individuals of any Breach, regardless of whether Contractor or a Subcontractor suffered the Breach. Such notice shall be made using one of the methods prescribed by § 899-aa (5) of the New York General Business Law. If Contractor requires information from NYSED to perform such

notifications, Contractor shall reimburse NYSED for the cost of assembling and providing such information to Contractor.

6. Termination.

The confidentiality and data security obligations of Contractor under this DPA shall survive any termination of this Contract to which this DPA is attached and shall continue for as long as Contractor or its Subcontractors retain Access to Personal Information.

M/WBE Goal Calculation Worksheet
(This form should reflect Year 1 budget totals)

RFP # and Title: _____

Applicant Name: _____

The M/WBE participation for this grant is 30% of each applicant's total discretionary non-personal service budget for each year of the grant. Discretionary non-personal service budget is defined as the total annual budget, excluding the sum of funds budgeted for direct personal services (i.e., professional and support staff salaries) and fringe benefits, as well as rent, lease, utilities, and indirect costs, if these are allowable expenditures. Please complete the following table to determine the dollar amount of the M/WBE goal for this grant application.

	Budget Category	Amount budgeted for items excluded from M/WBE calculation	Totals
1.	Total Budget		
2.	Professional Salaries		
3.	Support Staff Salaries		
4.	Fringe Benefits		
5.	Indirect Costs		
6.	Rent/Lease/Utilities*		
7.	Sum of lines 2, 3 ,4 ,5, and 6		
8.	Line 1 minus Line 7		
9.	M/WBE Goal percentage (30%)		0.30
10.	Line 8 multiplied by Line 9 = MWBE goal amount		

*If not included in #5

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

NAME OF GRANT PROGRAM_____

NAME OF APPLICANT_____

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

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

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

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

M/WBE UTILIZATION PLAN

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

Bidder/Applicant's Name _____

Telephone/Email: _____/_____

Address _____

Federal ID No.: _____

City, State, ZIP _____

RFP No.: _____

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

PREPARED BY (Signature) _____

DATE _____

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

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

TELEPHONE/E-MAIL _____

DATE _____

REVIEWED BY _____ DATE _____

UTILIZATION PLAN APPROVED YES/NO DATE _____

NOTICE OF DEFICIENCY ISSUED YES/NO DATE _____

NOTICE OF ACCEPTANCE ISSUED YES/NO DATE _____

M/WBE 100

M/WBE SUBCONTRACTORS AND SUPPLIERS NOTICE OF INTENT TO PARTICIPATE

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

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

Address: _____ Phone No.: _____

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

Signature of Authorized Representative of Bidder/Applicant's Firm _____

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

Date: _____

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

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

Address: _____ Phone No.: _____

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

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

DESIGNATION: _____ MBE Subcontractor _____ WBE Subcontractor _____ MBE Supplier _____ WBE Supplier

PART C - CERTIFICATION STATUS (CHECK ONE):

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

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

The estimated dollar amount of the agreement \$ _____

Signature of Authorized Representative of M/WBE Firm _____

Printed or Typed Name and Title of Authorized Representative _____

Date _____

M/WBE 102

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

PROJECT/CONTRACT # _____

I, _____
(Bidder/Applicant)

_____ of _____
(Title) (Company)

_____ (Address) (_____) (Telephone Number)

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

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

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

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

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

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

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

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

Submit additional pages as needed.

Authorized Representative Signature

Date

M/WBE CONTRACTOR UNAVAILABLE CERTIFICATION

RFP#/PROJECT NAME _____

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

(Address) (_____) (Phone)

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

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

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

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

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

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

M/WBE 105A

REQUEST FOR WAIVER FORM

BIDDER/APPLICANT NAME:

TELEPHONE:

ADDRESS:

EMAIL:

FEDERAL ID NO.:

CITY, STATE, ZIP CODE:

RFP#/PROJECT NO.:

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

BIDDER/APPLICANT IS REQUESTING (check all that apply):			
<input type="checkbox"/> MBE Waiver - A waiver of the MBE goal for this procurement is requested.	<input type="checkbox"/> WBE Waiver - A waiver of the WBE goal for this procurement is requested.		
<input type="checkbox"/> Total	<input type="checkbox"/> Partial _____%	<input type="checkbox"/> Total	<input type="checkbox"/> Partial _____%

PREPARED BY (Signature): _____

DATE: _____

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

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

M/WBE 101

REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS

When completing the Request for Waiver Form, please check all boxes that apply. To be considered, the Request for Waiver Form must be accompanied by documentation for items 1-10, as listed below. Copies of the following information and all relevant supporting documentation must be submitted along with the request.

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

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

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

Applicant Name: _____

Telephone: _____

Address: _____

Federal ID No.: _____

City, State, ZIP: _____

Project No: _____

Report includes:

☐ Work force to be utilized on this contract OR

☐

☐ Applicant's total work force

☐

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

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

PREPARED BY (Signature): _____
NAME AND TITLE OF PREPARER: _____

DATE: _____
TELEPHONE/EMAIL: _____

STAFFING PLAN INSTRUCTIONS

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

Instructions for Completing:

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

RACE/ETHNIC IDENTIFICATION

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

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

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