



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

DEPUTY COMMISSIONER
Office of Higher Education
Office of the Professions

No. CEO 04-01

To: Chief Executive Officers of Degree-Granting Institutions of Higher Education in New York State

From: Johanna Duncan-Poitier

Subject: Request for Proposal for Teacher Opportunity Corps (TOC)

I invite all degree-granting institutions of higher education to apply for TOC funding for fiscal years 2007-2010. Full proposals must be submitted by April 23, 2007.

While funding for the TOC program in 2007-08 will not be determined until the Legislature passes and the Governor signs the appropriation bills, a minimum funding level of \$713,000.00 is anticipated.

The purpose of TOC is to enhance the preparation of teachers and prospective teachers in addressing the learning needs of students at risk of truancy, academic failure, or dropping out of school; and to increase the participation rate of historically underrepresented and economically disadvantaged individuals in teaching careers.

Four copies of the full proposal are due in the Teacher Development Programs Unit by April 23, 2007. All requested information and all required signatures must be included if a proposal is to receive consideration.

For further information you may contact:

New York State Education Department
Office of K-16 Initiatives and Access Programs
Teacher Development Programs Unit
89 Washington Avenue Room 1069 EBA
Albany, New York 12234
(518) 486-6042

**TEACHER OPPORTUNITY CORPS (TOC)
2007 – 2010**

ANNOUNCEMENT OF FUNDING OPPORTUNITY

- Legislative Authority: The Teacher Opportunity Corps (TOC) was established under Chapter 53 of the Laws of 1987. This publication is intended To assist institutions in applying for Teacher Opportunity Corps grant contracts for 2007 – 2010.
- Purpose/Goal: The purpose of TOC is to enhance the preparation of teachers and Prospective teachers in addressing the needs of students at risk of Truancy, academic failure, or dropping out of school and to increase the participation rate of historically underrepresented and economically disadvantaged individuals in teaching careers. TOC’s intent is to provide prospective and current classroom Teachers with training that:
- is focused on teaching strategies and pedagogy designed to meet the learning needs of at-risk students;
 - is integrated with strong academic content;
 - incorporates the use of mentors and other support systems for preservice and new teachers;
 - reflects recent research on teaching and learning and incorporates best practices;
 - is aligned with New State Teaching and Learning Standards.
 - is sustained, intensive, high quality, and designed to ensure a lasting and positive effect on classroom performance; and
 - fosters retention in teaching of highly qualified individuals who value diversity and equity.
- Funding: Eighteen projects were funded during the 2006-2007 funding cycle. The allocation for these grants was \$713,000.00. Funding for the TOC program in 2007-2008 will not be determined until the Legislature passes and the Governor signs Appropriation bills; however, a minimum funding level of \$713,000.00 is anticipated.
- Matching Requirements: A minimum 15 percent match of approved TOC grant contract is required. The matching requirement may be met through the institution’s own resources, private sources, other government

sources, and/or in-kind services. Other State funds may be used in this match, but may not duplicate services provided. All matching contributions must be used for activities related exclusively to the TOC project, and institutional accounts must be structured to Reflect this contribution by the appropriate line item.

Important Dates for
Awarding Grants:

Full proposals must be received by **Monday, April 23, 2007.**
Applicants will be informed by **Monday, May 14, 2007.**

Q & A

Questions regarding this grant must be e-mailed to ohetot@mail.nysed.gov by **Wednesday, March 7, 2007.**
A Questions and Answers Summary will be posted at:
www.highered.nysed.gov/kiap/TEACHING/tocrfp/tocindex.htm
no later than **Friday, March 16, 2007.**

For Information Contact
and Application
Submission:

Amy Cox
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Office of K-16 Initiatives and Access Programs
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**The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office of K-16 Initiatives and Access Programs
Teacher Development Programs Unit
89 Washington Avenue Room 1069 EBA
Albany, NY 12234**

**Guidelines
For Submission of Teacher Opportunity Corps Proposals
For the Period 2007-2010**

Proposals Due by **April 23, 2007**

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TEACHER OPPORTUNITY CORPS (TOC)

I. APPLICATION GUIDANCE

Please adhere to the following instructions or your application will **not** be considered for review.

Required Signature(s)

The original signature of the Chief Executive Officer (or designee) of the institution must appear on the Statement of Assurances (Attachment II) Page in **blue** ink.

Partnership Agreements

Applicant information for all partnership agreements must be provided. A signed memorandum of agreement (MOA) is required for all **primary partners**. The original signature of all **primary partnership** agreements must appear on the MOA in **blue** ink.

Number of Copies

Please submit **four** copies of the full proposal to the Teacher Development Programs Unit by **April 23, 2007**.

Questions

Please submit all questions via email by **March 7, 2007** to ohetot@mail.nysed.gov. A Questions and Answers summary will be posted at: www.highered.nysed.gov/kiap/TEACHING/tocrfp/tocindex.htm no later than **March 16, 2007**.

Due Date

Applicants are responsible for making sure the application package is complete and sent so that the Department receives the package by the due date.

Checklist

Please use the Application Checklist to ensure that you send a complete application package. Incomplete applications will not be considered for review.

Page Limits and Standards:

You must limit the project narrative to no more than **20 double-spaced pages in a minimum 10 point font** and all information requested in this section (excluding resumes, memoranda of agreement and course descriptions) must be contained within the narrative portion of the proposal. The narrative should present a cohesive document with each individual section related to all other sections. The name of the institution must appear in the top right corner of each page. A specific format is required for the information requested in **Attachment I**. This information should be provided on Attachment I and be included in the 20 page limit. Single-spacing may be used on Attachment I provided the typeface or font is at least 10 point size. **The Budget Narrative will be subject to the 20 page Project Narrative limit, but the FS-20 will not.**

Budget Category and Narrative Forms and Budget Summary Form (FS-20)

The application must include a budget narrative for each category of expenditure that is required for the grant (Professional Salaries, Support Staff Salaries, Purchased Services and Materials, Travel Expenses, Employee Benefits, Indirect Cost, BOCES Services, Minor Remodeling, and Equipment) and a Budget Summary Form (FS-20). The narrative should include sufficient detail to allow reviewers to understand what the funds will be used for and the relationship between the proposed expenditure and project activities and goals.

The total from each of the Budget Category Forms must correspond to amounts shown on the Budget Summary Form (FS-20). Please be sure to check your math.

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

An approved copy of the Budget Summary Form (FS-20) will be returned by Grants Finance to the contact person at the address completed on page one. A window envelope will be used for the return mailing; please make sure that the contact information is accurate, legible, and confined to the address field. If any modifications are made to the Budget Category Forms, they will be returned to the contact person by the program office.

GUIDELINES
For the Submission of Grant Proposals
For Fiscal Year 2007-8

II. INTRODUCTION

The Teacher Opportunity Corps (TOC) was established under Chapter 53 of the Laws of 1987. This publication is intended to assist institutions in applying for Teacher Opportunity Corps grants. These grants will support and help shape teacher training curricula and professional development activities which address the needs of at-risk students. Targeted activities will allow teachers and prospective teachers to improve their content knowledge and classroom practice in order to help students achieve academically.

III. PURPOSE

The purpose of TOC is to enhance the preparation of teachers and prospective teachers in addressing the learning needs of students at risk of truancy, academic failure, or dropping out of school and to increase the participation rate of historically underrepresented and economically disadvantaged individuals in teaching careers. TOC's intent is to provide prospective and current classroom teachers with training that:

- is focused on teaching strategies and pedagogy designed to meet the learning needs of at-risk students;
- is integrated with strong academic content;
- incorporates the use of mentors and other support systems for preservice and new teachers;
- reflects recent research on teaching and learning and incorporates best practices;
- is aligned with New York State Teaching and Learning Standards;
- is sustained, intensive, high quality, and designed to ensure a lasting and positive effect on classroom performance; and
- fosters retention in teaching of highly qualified individuals who value diversity and equity.

IV. RATIONALE

A 1997 New York City Board of Education study compared high achieving and low achieving elementary schools with similar student characteristics and found that "teacher qualifications accounted for more than 90 percent of the variation in student achievement in mathematics and reading." (Education Week *Special Report: Quality of Teaching*). The study also indicates that urban and poor rural districts have more difficulty than affluent districts in attracting and retaining the best-qualified teachers.

The Teacher Opportunity Corps, which recently celebrated its nineteenth anniversary, is part of the State Education Department's effort to resolve the shortage of teachers who are both qualified and prepared to teach at-risk students in severely underserved areas.

V. MISSION AND PRINCIPLES

High quality training as envisioned here refers to rigorous and relevant content, as well as to strategies and organizational supports that foster the development of new teachers who will bring positive attitudes to the teaching and learning environment. Partnerships among schools, higher education institutions, and other entities are essential in developing these supports for teachers and prospective teachers and for fostering a commitment to life-long learning. Furthermore, training and development are likely to be most effective when part of a system-wide effort to prepare, recruit, select and retain teachers.

Effective TOC projects will provide instructional and enrichment activities that:

- focus on the high performance of all students as the central measure of effective teaching;
- enable teachers to develop content area expertise while implementing effective classroom strategies that address the needs of at-risk students;
- reflect the best available research and practices in teaching, teaming and leadership;
- provide prospective teachers with supplemental classroom experiences to plan strategies and to observe and teach at-risk students;
- cultivate support systems within and outside the school building that promote and sustain implementation of strategies to address the needs of at-risk students; and
- are planned in conjunction with participating schools/district partners and other stakeholders.

VI. INSTITUTIONAL ELIGIBILITY

Only New York State public and independent degree-granting colleges and universities or consortia of such institutions that have a teacher preparation program approved by the Education Department may submit applications. Further, institutions with a pass rate on the New York State Teacher Certification Examinations that is less than 80 percent may not be approved for funding.

VII. PARTNERSHIP AGREEMENTS

Each institution of higher education (IHE) applicant **must** establish formal cooperative agreements with appropriate academic content area departments and with an appropriate representative from:

- school district(s), BOCES, community school district(s), or a consortium of such agencies; or
- school building(s).

These partnerships are to be arranged with schools with high concentrations of disadvantaged students. A listing of High Need Districts and SURR schools is provided in Appendix III and Appendix IV and should be used as the basis for arranging these partnerships. In the event that partnerships have been arranged with schools not listed on either Appendix III or Appendix IV, documentation must be provided showing those schools having a high percentage of disadvantaged students, such as 50% or more receiving free or reduced lunch.

In addition, IHEs are encouraged to establish partnerships with one or more of the following entities:

- educational programs or agencies with goals and objectives that are similar or those that recruit, enroll and provide strategies to retain underrepresented students in teaching, especially in mathematics, science, and other shortage areas identified by the United States Department of Education. Programs and organizations include the Teacher Leader Quality Partnerships Program, Future Teachers of America, the New York State Mentor Teacher Internship Program, Goals 2000, Pathways to Teaching Careers, Science and Technology Entry Program, and Collegiate Science and Technology Entry Program, Teachers of Tomorrow Program; and/or
- professional organizations or networks such as the New York State K-16 Professional Development Network, local or regional Teacher Resource Centers, etc.

A signed memorandum of agreement (MOA) is required for all **primary partners (Definition of primary partners:** include those organizations which provide specific and significant fiscal or other resources for the operation of a TOC project. Such contributions are usually equivalent to at least 10 percent of the TOC grant award and are offered either in real costs or in-kind contributions. Contributions may include the cost of providing substitute teachers in mentor-teacher classrooms, reimbursement of tuition expenses or tuition waivers for paraprofessionals pursuing undergraduate degrees or for uncertified teachers to pursue permanent certification or other tuition benefits, etc. Each MOA must outline the specific services, materials, and/or fiscal resources that will be provided. A sample MOA is provided in Appendix I.

NYSED Consortium Policy for State and Federal Discretionary Grant Programs:

The following policy describes the process for preparing a discretionary grant program RFP that allows a partnership or consortium of applicants to apply for a grant:

NYSED oversees many discretionary grant programs. These programs require NYSED to issue discretionary funds through a competitive grant RFP (unlike allocational grant programs where grant funds are allocated by formula, e.g. Title I Part A, Title II Part A, Title IV Part A). The statute pertaining to a grant program may require or permit a cooperative arrangement of grant applicants/participants, for the mutual benefit of the grant participants. In such cases, the participants can form a partnership or consortium to apply for the grant. In order to do so, the partnership or consortium must meet the following requirements:

1. The partnership or consortium must designate one of the participants to serve as the applicant and fiscal agent for the grant. The applicant agency must be an eligible grant recipient. All other consortium members must be eligible grant participants, as defined by the program statute or regulation.
2. In the event a grant is awarded to a partnership/consortium, the grant or grant contract will be prepared in the name of the applicant agency/fiscal agent, not the partnership/consortium, since the group is not a legal entity.
3. The applicant agency/fiscal agent must meet the following requirements:
 - a. Must be an eligible grant recipient as defined by statute;
 - b. Must receive and administer the grant funds and submit the required reports to account for the use of grant funds;
 - c. Must require consortium partners to sign an agreement with the fiscal agent that specifically outlines all services each partner agrees to provide.
 - d. Must be an active member of the partnership/consortium, except where SUNY or CUNY Research Foundations are the fiscal agent.
 - e. Cannot act as a flow-through for grant funds to pass to other recipients. NYSED may establish a minimum level of direct service to be provided by the fiscal agent.
 - f. Is PROHIBITED from subgranting funds to other recipients. The fiscal agent is permitted to contract for services with other consortium partners or consultants to provide services that the fiscal agent cannot provide itself.
 - g. Must be responsible for the performance of any services provided by the partners, consultants, or other organizations and must coordinate how each plan to participate.

VIII. PARTICIPANT ELIGIBILITY

TOC projects may offer components for undergraduate and/or graduate students, new teacher inductees, current classroom teachers preparing for permanent certification, and/or paraprofessionals and others preparing to become teachers. Participants enrolled in TOC projects must be:

- a sophomore, junior, or senior enrolled **full-time** in a registered undergraduate teacher education program leading to provisional certification; or
- a paraprofessional such as teacher aide or assistant, currently employed full-time and currently matriculated **part-time** in a teacher education program; or
- a graduate student enrolled **full-time** or **part-time** in a registered graduate teacher education program which satisfies the academic requirements for permanent certification; and
- a resident of New York State. A resident is defined as a person who:
 - is or will be an undergraduate who resides in New York State and who lived in New York State for the last two terms of high school prior to graduation; or
 - resided in New York State at the time of entry into military service, VISTA, or the Peace Corps and re-established New York State residency within six months after release from service; or
 - has resided in New York State for 12 months immediately preceding the term for which he or she is seeking acceptance into TOC and has established documented permanent residence in New York State.

Teacher Opportunity Corps projects must serve participants in any or all of the following three Priority Groups:

First Priority given to individuals who have been historically underrepresented and underserved in the teaching profession. For the purpose of TOC, these groups include individuals who are African American, Hispanic, Native American or Alaskan Native.

Second Priority given to individuals who are economically disadvantaged. For the purpose of TOC, an individual is economically disadvantaged if he or she meets any of the criteria described in Appendix II.

Third Priority given to any other individual who is **not** historically underrepresented in teaching **nor** economically disadvantaged. Appropriate evidence of the rationale and justification for each applicant admitted to the Corps in this category must be provided by the institution. Institutional rationale/justification **must** include the following:

- evidence of effectiveness and results of efforts to recruit Priority 1 and 2 participants,

- a description of the recruitment and selection process for Priority 1 and 2 participants, and
- a statement illustrating how the inclusion of Priority 3 participants will fulfill the legislative intent of the Teacher Opportunity Corps.

IX. TOC OBJECTIVES AND KEY STRATEGIES

The State Education Department - TOC will support projects that address the objectives listed below.

To meet these objectives, all TOC projects must implement strategies that address the intent of the TOC legislation as well as other state and national education goals or priorities. These objectives and key strategies are to be explained in the charts provided in TOC Attachment I. A chart is provided for each objective (selected examples of successful strategies are listed below each objective).

Objective 1: Provide sustained, intensive and high-quality instructional and enrichment activities addressing the needs of at-risk students.

Implementation Strategies

- Plan, organize, and implement program models/components that enable teachers/prospective teachers to develop effective classroom strategies in assisting at-risk students to meet the New York State Teaching and Learning Standards.
- Provide comprehensive in-school classroom training for all participants.
- Evaluate, replicate, and disseminate proven strategies that prepare, retain, and support teachers of at-risk students.

Objective 2: Provide strong academic content and effective strategies and practices that value equity and diversity and increase the ability of teachers/prospective teachers to meet the needs of at-risk students.

Implementation Strategies

- Provide specific coursework that enables TOC participants to acquire the academic content necessary to teach at-risk students and apply successful classroom methodologies that incorporate equity practices.
- Provide coursework that focuses on strategies to implement content materials and methods which remove all barriers that may limit student success.
- Provide coursework that reflects recent research in best practices, such as inquiry based learning, brain compatible learning, etc.

- Provide a continuum of services that support participants in acquiring the skills, attitudes, and knowledge necessary to teach at-risk students.
- Provide partnerships that link mentors with all TOC graduates upon completion of their program(s) of study and/or during the first year of full-time teaching assignment.

Objective 3: Align academic content and classroom strategies with New York State's Teaching and Learning Standards.

See Link: www.emsc.nysed.gov/deputy/Documents/learnstandards.htm

Implementation Strategy

- Support and collaborate with schools/districts in implementing rigorous course content and performance standards for teachers and all students in their classrooms.

Objective 4: Increase the number of teachers who are appropriately certified in New York State's high-need districts.

Implementation Strategies

- Develop collaborative relationships to increase the number of teachers in high-need districts who enroll in programs leading to permanent certification.
- Develop collaborative relationships to increase the number of students from underrepresented groups who enroll in and complete teacher preparation programs.
- Develop collaborative relationships to increase partnerships with the K-12 community to recruit, prepare, and support new teachers of at-risk students, particularly those working in high-need districts.

Objective 5: Establish and maintain partnerships to maximize TOC resources and increase student/program success.

Implementation Strategies

- Identify and leverage other public and private resources available for the same purpose and with the same focus.
- Provide a forum to elicit input and feedback from graduates, mentors, and school personnel.
- Establish a planning agenda to address key issues, plans, strategies, and performance of the TOC program and local teaching needs.

X. PROJECT EXPECTATIONS

All institutions awarded a TOC grant will:

- Accomplish all project activities within the approved proposal period;
- Prepare all TOC participants to make the connection between coursework and classroom instruction, curriculum development and alignment with the New York State Teaching and Learning Standards;
- Help TOC participants develop strategies to teach at-risk students with diverse ethnic and cultural backgrounds, learning styles, language barriers, and/or physical abilities;
- Prepare all TOC participants to develop and implement curricula using materials and resources from a wide variety of cultures, learning styles, etc.; and
- Provide new teachers with ongoing support systems that promote strong classroom management skills and sustain life-long learning.

XI. PROJECT SCOPE AND PRIORITIES

Priority will be given to those institutions that:

1. Document positive outcomes and benefits resulting from activities and services provided in the schools/districts served by an existing or previous TOC project.
2. Demonstrate improvements in student performance in the classrooms served by previous TOC teacher graduates or current participants.
3. Document plans for positive outcomes and benefits resulting from activities and services provided in high need districts.
4. Document partnerships arranged with schools with high concentrations of disadvantaged students. A listing of High Need Districts and SURR schools is provided in Appendix III and Appendix IV and should be used as the basis for arranging these partnerships. In the event that partnerships have been arranged with schools not listed on either Appendix III or Appendix IV, documentation that the school(s) have a high percentage of disadvantaged students, such as 50% or more receiving free or reduced lunch, must be provided.
5. Outline a plan to target services to one or more of the following groups of teachers and prospective teachers:
 - uncertified and academically deficient teachers who are employed in one or more of the school districts with extraordinary needs (see Appendix III),
 - recent recipients of baccalaureate degrees who are interested in teaching careers but who have no prior teacher training, or
 - current classroom teachers holding an initial, transitional or provisional teaching license and seeking permanent or professional certification.

6. Outline a plan that provides a continuum of services and activities for classroom teachers and recent graduates of teacher training programs holding provisional certification to pursue graduate degrees leading to permanent certification; and/or
7. Outline a plan that provides inservice education for currently certified teachers in urban or rural schools/districts, where the average student performance falls below the statewide average achievement in any core subject.
8. Provide matching contributions for participant tuition support equal to or greater than the tuition support requested from the grant.

XII. FUNDING LIMITATIONS

The average TOC award for 2006-2007 was \$39,600. Eighteen projects were funded statewide for the academic year 2006-2007. The specific amounts for 2007-2008 awards will depend upon the amount of the Legislative appropriation and approval by the Teacher Development Programs Unit of an institution's application for funds.

Only one proposal per eligible institution may be submitted for funding.

All funding requests will be reviewed at the time of proposal submission. If certain costs cannot be supported by TOC funds, the institution will be given the opportunity to adjust its proposed budget. For information regarding award methodology, see section XVII. Method of Determining Award Amounts.

XIII. BUDGET

A. Use of Funds

1. Activities funded under a TOC grant will be administered according to a written agreement between the State Education Department and the participating institution.
2. Amendments to the proposal during the course of the year that involve changes in the manner in which TOC funds are expended must have prior written approval from the Teacher Development Programs Unit. Expenses for activities not included in the approved budget will not be reimbursed by the State.

B. Allowable Expenses

Allowable direct costs include the following:

1. program services such as professional and nonprofessional salaries, fringe benefits, consultants, etc.;
2. receipted TOC-related travel expenditures for project personnel;

3. program and instructional supplies and materials;
4. teacher licensing examination preparation; and
5. program evaluation activities.

Note: The use of grant funds for honoraria to individuals who provide approved service funded by TOC is permitted; however, an honorarium may not be paid to an individual whose salary is either in whole or in part funded by TOC funds.

C. Indirect Expenses

1. Indirect expenses provided by the TOC award may not exceed eight percent of TOC grant expenditures.
2. Indirect expenses provided by the institution may not exceed 20 percent of the matching funds contributed by the institution and other sources.

D. Fringe Benefits

The rate for fringe benefits cannot exceed the **actual rate** paid by the institution. The current cap for fringe benefits paid by the grant is 35.94 percent.

E. Transfer of Funds

1. Prior written approval from the Teacher Development Programs Unit is required for budget amendments of more than \$1,000. Form **FS-10-A: Proposed Amendment for the Operation of a Federal or State Project** must be used to request budget amendments. All budget amendments must be submitted to the Teacher Development Programs Unit for approval.
2. Funds up to \$1,000 may be transferred between approved line categories without prior written approval. However, the Teacher Development Programs Unit must be informed in writing of these budget amendments.

Note: Failure to follow the procedures outlined above may result in disallowance of all expenditures not previously approved.

F. Institutional Funds

1. Matching Funds

A minimum 15 percent match of the approved TOC grant is required. The matching requirement may be met through the institution's own resources, private sources, other governmental sources, and/or in-kind services. Other State funds may be used in this match, but may not duplicate services provided. All matching contributions must be used for activities related exclusively to the TOC project, and institutional accounts must be structured to reflect this contribution by the appropriate line item.

2. Program Support

The institution must provide sufficient space and other resources for the effective operation of the program.

3. Institutional Obligation

Institutions approved for funding will have an obligation to honor the institutional amount committed in support of the program in each budget category. This obligation will be reflected in the approved budget agreed to by the State Education Department and the institution. The budget may be amended during the year following the procedures stated in Section XIII. *Budget: E. Transfer of Funds.*

G. TOC Payment Schedule

Funds will be distributed using the SED grant process. The first payment will be generated upon the final approval of the Grant Contract. Thereafter, additional payments (up to 90 percent of the grant amount) will be generated only by the submission of an **FS-25: Expenditure Report and Request for Funds Form**. An **FS-25** should be filed quarterly by institutions awarded less than \$100,000 and monthly by institutions awarded \$100,000 or more or as the need for additional funds arises. All **FS-25's** must be submitted **directly** to the State Education Department's Office of Grants Finance Unit for payment.

A final payment for the balance of the grant will be made after a *Final Expenditures Report (FS-10-F)* is submitted and approved.

Note: An FS-20 is fully approved when it has been signed by the Institution's Chief Executive Officer or designee, by the appropriate officials of the Office of K-16 Initiatives and Access Programs, and by the Grants Finance Unit.

XIV. PROJECT SCHEDULE

A. Operation Dates

Projects may begin as early as July 1, 2007, but must be completed by June 30, 2008. Expenses incurred prior to July 1, 2007, or after June 30, 2008, will not be reimbursed.

B. Required Reports

Each institution receiving a TOC grant will be required to submit a Final Report to the Teacher Development Programs Unit. The Final Report will provide information about all project operations and expenditures and identify project accomplishments for the 2007-2008 program year. The Final Report will be due at the completion of the program (no later than July 30). A format for the Report will be provided.

XV. APPLICATION FOR FUNDING

Interested institutions must submit one original and three copies of the application for funding. **The original must be clearly identified and signed in blue ink.** An application for funding requires the original signature of the Chief Executive Officer (or designee) of the institution on the Statement of Assurances (Attachment II). Applications for funding must be submitted on or before April 23, 2007 to:

New York State Education Department
Office of K-16 Initiatives and Access Programs
Teacher Development Programs Unit
89 Washington Avenue Room 1069 EBA
Albany, NY 12234

An application for funding meets the deadline requirement if it has a legible postmark, shipping label, invoice or receipt from the U.S. Postal Service or a commercial carrier bearing the date of April 23, 2007, or earlier. Private metered postmarks **will not** be accepted as proof of meeting the required deadline. Hand delivered applications must be received at the Teacher Development Programs Unit office by 5:00 p.m. on or before April 23, 2007.

Proposals that do not meet the deadline requirement will **not** be considered.

A complete application for funding consists of the following items in the order indicated:

- A. Table of Contents
- B. Narrative that covers, in order, the information requested in Section XV
- C. Objectives Matrix (Attachment I)
- D. Statement of Assurances (Attachment II)
- E. TOC 2007-2008 Proposed Budget (Attachment III)
- F. Signed Memoranda of Agreement (MOA)

XVI. NARRATIVE FORMAT

The proposal narrative should describe the 2007-2008 proposed activities in full detail, including the overall goals, planning, implementation, and evaluation of all proposed activities. **It may not be more than 20 double-spaced pages in a minimum 10 point font**, and all information requested in this section (excluding resumes, memoranda of agreement, course descriptions and the FS-20) must be contained within the narrative portion of the proposal. The narrative should present a cohesive document, with each individual section related to all other sections, and must adhere to the format indicated below. The name of the institution must appear in the top right corner of each page. A specific format is required for the information requested in Attachment I. This information should be provided on Attachment I and be included in the 20 page limit. Single-spacing may be used on Attachment I provided that the typeface or font is at least 10 point size. Failure to adhere to these guidelines or to include required information will result in an unfavorable review.

A. Project Abstract (5 Points)

Provide a concise description of the proposed project which includes the project's purpose and goals (maximum length: two pages). No other program information should be included on the abstract pages.

B. Equity/Access Initiatives (10 Points)

Describe institutional efforts and progress toward serving the needs of teachers and students from historically underrepresented and underserved populations, uncertified teachers, students at risk of truancy and academic failure, and school districts with a large concentration of disadvantaged students. Institutions previously funded for a TOC program **must** describe the results of such efforts, including but not limited to: number of teachers from historically underrepresented groups graduated, number of teachers certified and description of curricula for at-risk students.

C. Cooperative Relationships (5 Points)

- Provide a description of the roles and responsibilities of local education agencies, school district(s), and all other parties who will participate in the project. Specify how each collaborating party will contribute to the project. Memorandum of support/agreement (MOA) that describe collaborations **must** be attached.
- TOC programs should collaborate, where appropriate, with other programs and initiatives that address the needs of uncertified teachers or students who are at risk of truancy and academic failure. Describe the institution's plans to coordinate and integrate Teacher Opportunity Corps activities into a systematic approach of enhancing teacher preparation programs.
- Describe any cooperative relationships with other departments within the institution that will provide services to TOC students.

D. Program Objectives, Strategies, Activities, Services and Performance Measures/Data Sources (50 Points)

Use the forms provided in Attachment I: Program Objectives, Strategies, Activities, Services and Performance Measures/Data Sources

Objective 1: Provide sustained, intensive and high-quality instructional and enrichment activities addressing the needs of at-risk students. (10 Points)

Implementation Strategies

- Plan, organize, and implement program models/components that enable teachers/prospective teachers to develop effective classroom strategies in assisting at-risk students to meet the New York State Teaching and Learning Standards.
- Provide comprehensive in-school classroom training for all participants.
- Evaluate, replicate, and disseminate proven strategies that prepare, retain, and support teachers of at-risk students.

Objective 2: Provide strong academic content and effective strategies and practices that value equity and diversity and increase the ability of teachers/prospective teachers to meet the needs of at-risk students. (10 Points)

Implementation Strategies

- Provide specific coursework that enables TOC participants to acquire the academic content necessary to teach at-risk students and apply successful classroom methodologies that incorporate equity practices.
- Provide coursework that focuses on strategies to implement content materials and methods which remove all barriers that may limit student success.
- Provide coursework that reflects recent research in best practices, such as inquiry based learning, brain compatible learning, etc.
- Provide a continuum of services that support participants in acquiring the skills, attitudes, and knowledge necessary to teach at-risk students.
- Provide partnerships that link mentors with all TOC graduates upon completion of their program(s) of study and/or during the first year of full-time teaching assignment.

Objective 3: Align academic content and classroom strategies with New York State's Teaching and Learning Standards. (10 Points)

See Link: www.emsc.nysed.gov/deputy/Documents/learnstandards.htm

Implementation Strategy

- Support and collaborate with schools/districts in implementing rigorous course content and performance standards for teachers and all students in their classrooms.

Objective 4: Increase the number of teachers who are appropriately certified in New York State's high-need districts. (10 Points)

Implementation Strategies

- Develop collaborative relationships to increase the number of teachers in high-need districts who enroll in programs leading to permanent certification.
- Develop collaborative relationships to increase the number of students from underrepresented groups who enroll in and complete teacher preparation programs.
- Develop collaborative relationships to increase partnerships with the K-12 community to recruit, prepare, and support new teachers of at-risk students, particularly those working in high-need districts.

Objective 5: Establish and maintain partnerships to maximize TOC resources and increase student/program success. (10 Points)

Implementation Strategies

- Identify and leverage other public and private resources available for the same purpose and with the same focus.
- Provide a forum to elicit input and feedback from graduates, mentors, and school personnel.
- Establish a planning agenda to address key issues, plans, strategies, and performance of the TOC program and local teaching needs.

For each objective, be sure to address the following:

- Objectives and Strategies
List specific objectives to be accomplished. Objectives must support the TOC objectives and key strategies and should be measurable. Objectives should be focused on improving the preparation of teachers of students who are at-risk, and on increasing the number of individuals from historically underrepresented groups who enter teaching careers. Each of the TOC objectives listed should be addressed.
- Activities and Services
List and describe each activity and service that supports the achievement of each objective. Include required, TOC-specific courses, the level of each course, and the credits provided. (Courses identified should not include those that have traditionally been required by the institution to fulfill degree and/or teacher certification requirements.)

Teacher Opportunity Corps services must include, but are not limited to, the following:

- Field placements exclusively with at-risk students. (Do not include student teaching experiences required by the institution for the fulfillment of degree requirements.) Where possible, field placements should be

arranged at schools identified as schools with extraordinary needs. A listing of SURR and High Need Districts is provided in Appendix III and Appendix IV. In the event that field placements are not arranged with schools listed in Appendix III and Appendix IV, documentation must be provided that those schools have a high percentage of disadvantaged students, such as 50% or more receiving free or reduced lunch.

- Mentoring during the **first** year of teaching after participation in the Corps.
 - Courses which address pedagogy, motivation, and other factors related to teaching of students who are at risk.
 - Counseling
 - Tutoring
- Staff Responsible
Indicate staff responsible for the implementation of each activity or service.
 - Timeframe
Indicate the start and end dates, the timeframe, and the duration of each activity or service.
 - Measures/Data Sources
For each objective, describe the performance measures/data sources that will assess its efficacy. Indicate the populations to be served and the tools and instruments that will be used.

E. Recruitment (5 Points)

1. Describe all strategies and activities that will be used to recruit and select participants.
2. Fully describe recruitment strategies designed to attract and enroll Priority I participants: African American, Hispanic/Latino, or Native American/Alaskan Native.
3. Identify the academic and other criteria to be used in selecting program participants. Be specific.

F. Project Staffing and Management (5 Points)

1. Describe a management plan that will assure the effective completion of project activities given the fiscal and other resources available.

2. Provide an organization chart which indicates the management structure of the program within the institution.

Note: TOC programs must operate under the aegis of departments, schools or divisions of education. Direct involvement of education faculty is required.

3. Briefly describe all professional staff positions (full-time and part-time, paid and volunteer) that will be assigned directly to the project. Do not identify individuals, but do define role and scope of designated positions.
4. List the names and titles of all full-time and part-time professional and instructional staff for the project. Provide current resumes for all professionals in the project.
5. Provide an organization chart for the project which indicates the reporting line for the project director and all other staff.

G. Budget and Budget Narrative (20 Points)

1. Indicate the proposed expenditures for the project on Attachment III: TOC 2007-2008 Proposed Budget. The attachment must provide complete information and indicate all proposed expenditures from TOC, institutional and other source funds. The budget must be consistent with the scope of services, reasonable and cost effective. (5 Points)
2. Each salaried position is identified by title, anticipated salary amount and the time contribution to the TOC Program. Indicate the per diem or hourly rate for each consultant identified under the Purchased Services Category. Provide the unit rate or estimate for all services or items. (5 Points)
3. The staffing pattern is appropriate for the services to be offered. (5 Points)
4. Budget narrative expenditures descriptions (including descriptions of institutional and other source contributions) must follow the general format of Attachment III: TOC 2007-2008 Proposed Budget using the same sequence of categories and code numbers. The budget justifications must be clear and appropriate. (5 Points)

Note: A completed FS-20: Proposed Budget for the Operation of a Federal or State Project will be required with this application. (see Attachment V)

XVII. METHOD OF DETERMINING AWARD AMOUNTS

Grants will be awarded based upon high RFP scores to eligible IHEs following a competitive process that takes into account the following:

- A. quality and comprehensiveness of the proposed program;
- B. demonstrated effectiveness of current teacher preparation and equity and access programs;
- C. potential of the proposed program to serve as an effective model in preparing prospective teachers to meet the needs of at-risk students in high-need districts;
- D. adherence to the format and program requirements delineated in the guidelines;
- E. evidence of coursework which will address pedagogy, motivation and other factors related to teaching students at-risk;
- F. potential of the proposed program to prepare participants to meet and/or exceed degree requirements;
- G. potential of the proposed program to prepare candidates to achieve an 80 percent or higher pass rate on the New York State licensure examinations;
- H. 2007-2008 SED funding priorities;
- I. reasonableness of the budget in relation to the proposed activities;
- J. a review of the cost proposal which includes adjustments to eliminate non-allowable items and any other items deemed to be inappropriate;
- K. limits in the State appropriation;
- L. evaluator's recommendations

Funding for approved programs will be based on the following:

- For those institutions scoring 85% and above, recommendations reflect an award close to the requested amount.
- For those institutions scoring in the 80-85% band, recommendations reflect an award close to 90% of the amount requested.
- For those institutions scoring in the 65-80% band, recommendations reflect an award close to 75% of the amount requested.
- Applications receiving less than 65% of the total points available will not be eligible for any award.

If there are funds remaining that will not fully support the next highest ranking application, a partial award will be made.

NYSED reserves the right to limit any award amount if the level of funding requested in the application cannot be supported by the amount of grant funds.

XVIII. PROPOSAL RATING AND APPEALS PROCESS

1. Proposal Rating

Proposals will be rated numerically with a maximum possible score of 100. The applications will be reviewed and rated by two reviewers. A third review will be performed if there is a difference of at least 20 points between the two scores.

2. Appeals Process

If an applicant's proposal is not recommended for funding, the applicant may appeal the recommendation. To do so, the applicant must complete the following steps:

Applicants not recommended for funding may request a summary of the reviewers' comments with the notice that they have not been recommended for funding. Within **ten** (working) days of the date of the notice, the applicant should examine the reviewers' comments and send a letter responding to the comments, identifying any areas that the applicant wishes to appeal.

The appeal and any documentation should be sent to:

**Johanna Duncan-Poitier, Deputy Commissioner
Office of Higher Education
New York State Education Department
89 Washington Avenue
2 West Mezzanine Education Building
Albany, New York 12234**

A copy of the appeal and any documentation must be sent to the Teacher Development Programs Unit.

The Deputy Commissioner will act on the appeal and make a determination **ten** days after receipt of the appeal.

The Deputy Commissioner's decision is final.

XIX. CORRESPONDENCE

All correspondence, requests for information, and questions concerning the Teacher Opportunity Corps should be addressed to:

New York State Education Department
Office of K-16 Initiatives and Access Programs
Teacher Development Programs Unit
89 Washington Avenue Room 1069 EBA
Albany, New York 12234
Telephone: (518) 486-6042

TOC-Attachment I

Instructions for Completing Program Objectives, Strategies, Activities, Services and Performance Measures/Data Sources

**Teacher Opportunity Corps
Instructions for Completing Program Objectives, Strategies, Activities,
Services and Performance Measures/Data Sources Matrix**

1. Make as many copies of the forms as needed.
2. Each of the 5 identified TOC Objectives should be addressed. (see Section VIII) Complete one sheet for each objective.
3. Provide all the information requested in each column of the Objectives, Strategies, Activities Matrix (1-5).
4. Funded projects should include strategies that are currently used as well as any new strategies proposed for 2007-2008.
5. Definitions:
 - **Strategies:** Describe the process or method TOC projects will use to achieve the TOC objective indicated on the form (how).
 - **Activities/Services:** Indicate what TOC project will do to accomplish the TOC objective indicated on the form (action/work).
 - **Staff Responsible:** Indicate the staff who will be responsible. Use the title(s) for individuals listed.
 - **Performance Measure:** Indicate measurable elements that will indicate accomplishment of the TOC objective listed on the form.
 - **Data Source:** Indicate where the data elements are located/drawn from.
 - **Timeframe:** Indicate the timeframe(s) for each item listed.

TOC OBJECTIVES AND KEY STRATEGIES

All TOC projects should conduct activities and services that will provide instruction and enrichment services that are aligned with the following objectives. This document provides examples of several key strategies to achieve these objectives.

Objective 1: Provide sustained, intensive and high-quality instructional and enrichment activities addressing the needs of at-risk students.

Strategies

- Plan, organize, and implement program models/components that enable teachers/prospective teachers to develop effective classroom strategies in assisting at-risk students to meet the New York State Teaching and Learning Standards. See Link: www.emsc.nysed.gov/deputy/Documents/learnstandards.htm
- Provide comprehensive in-school classroom training for all participants.
- Evaluate, replicate, and disseminate proven strategies that prepare, retain, and support teachers of at-risk students.

Objective 2: Provide strong academic content and effective strategies and practices that value equity and diversity and increase the ability of teachers/prospective teachers to meet the needs of at-risk students.

Strategies

- Provide specific coursework that enables participants to acquire the academic content necessary to teach at-risk students and implement successful classroom methodologies that incorporate equity practices.
- Provide coursework that focuses on strategies to implement content materials and methods which remove all barriers that may limit student success.
- Provide coursework that reflects recent research in best practices, such as inquiry based learning, brain compatible learning, etc.
- Provide a continuum of services that support participants in acquiring the skills, attitudes, and knowledge necessary to teach at-risk students.
- Provide partnerships that link mentors with all TOC graduates upon completion of their program(s) of study and/or during the first year of full-time teaching assignment.

Objective 3: Align academic content and classroom strategies with New York State's Teaching and Learning Standards.

Strategy

- Support and collaborate with schools/districts in implementing rigorous course content and performance standards for teachers and all students in their classrooms.

Objective 4: Increase the number of teachers who are appropriately certified in New York State's high-need districts.

Strategies

- Develop collaborative relationships to increase the number of teachers in high-need districts who enroll in programs leading to permanent certification.
- Develop collaborative relationships to increase the number of students from underrepresented groups who enroll in and complete teacher preparation programs.
- Develop collaborative relationships to increase partnerships with the K-12 community to recruit, prepare, and support new teachers of at-risk students, particularly those working in high-need districts.

Objective 5: Establish and maintain partnerships to maximize TOC resources and increase student/program success.

Strategies

- Identify and leverage other public and private resources available for the same purpose and with the same focus.
- Provide a forum to elicit input and feedback from graduates, mentors, and school personnel.
- Establish a planning agenda to address key issues, plans, strategies, and performance of the TOC program and local teaching needs.

Objective 1: Provide sustained, intensive and high-quality instructional and enrichment activities addressing the needs of at-risk students.

Strategies	Activities/Services	Staff Responsible	Timeframe	Performance Measures/Data Source

Objective 2: Provide strong academic content and effective strategies and practices that value equity and diversity and increase the ability of teachers/prospective teachers to meet the needs of at-risk students.

Strategies	Activities/Services	Staff Responsible	Timeframe	Performance Measures/Data Source

Objective 3: Align academic content and classroom strategies with New York State’s Teaching and Learning Standards.				
Strategies	Activities/Services	Staff Responsible	Timeframe	Performance Measures/Data Source

<p>Objective 4: Increase the number of teachers who are appropriately certified in New York State's high-need districts.</p>				
Strategies	Activities/Services	Staff Responsible	Timeframe	Performance Measures/Data Source

Objective 5: Establish and maintain partnerships to maximize TOC resources and increase student/program success.				
Strategies	Activities/Services	Staff Responsible	Timeframe	Performance Measures/Data Source

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Statement of Assurances

Teacher Opportunity Corps
STATEMENT OF ASSURANCES

Institution Name: _____

Program: _____

1. The recipient will, if funded, operate a Teacher Opportunity Corps (TOC) program within the letter and spirit of all pertinent legislation (Chapter 53 of the Laws of 1987) and policies, including the appropriate Guidelines.
2. Funds from this source will supplement, not supplant, local expenditures and will not duplicate expenditures from other sources.
3. All activities supported by grant funds will, to the extent possible, be accessible by persons with disabilities.
4. Upon request, the recipient will provide the State Education Department access to its records and other sources of information concerning the operation of the TOC program.
5. All materials developed in whole or in part with the support of TOC funds, including publicity releases and program announcements, will include the following statement:
Support for the development and production of this material was provided by a grant under the Teacher Opportunity Corps administered by the New York State Education Department.
6. The State funds requested will be used for a continued or expanded program to enhance the preparation of prospective teachers in addressing the learning needs of at-risk pupils and to increase participation in careers in teaching by historically underrepresented individuals. The required partnerships with schools/districts will be arranged with schools with high concentrations of disadvantaged students. A listing of High Need Districts and SURR schools is provided in Appendix III and Appendix IV and should be used as the basis for arranging these partnerships. In the event that partnerships have been arranged with schools not listed on either Appendix III or Appendix IV, documentation that the school(s) have a high percentage of disadvantaged students, such as 50% or more receiving free or reduced lunch, must be provided. Students benefiting from these funds will be New York State residents.

CHIEF EXECUTIVE OFFICER CERTIFICATION

I hereby certify that the information in this application is correct and in total compliance with appropriate State laws and regulations and that the program design will be carried out as described in the application.

Signed* _____ Date _____
 (Chief Executive Officer)

Print name and title _____

*Original signature of Chief Executive Officer is required.

**2007-2008 Proposed Budget
Teacher Opportunity Corps
2007-2008 PROPOSED BUDGET**

Number of Students To Be Served: _____

TOC 2007-2008 PROPOSED BUDGET

ROUND CENTS TO THE NEAREST DOLLAR

Line No.	Expenditure Category	Code	TOC (1)	Institution (2)	Other Sources (3)	TOTAL (4)
1	Salaries for Professional Personnel	15				
2	Salaries for Non-Professional Personnel	16				
	a. Clerical/Secretarial					
	b. Student Assistants					
	c. Other					
3	Purchased Services	40				
4	Supplies & Materials	45				
	a. Instructional					
	b. Other					
5	Travel Expenses	46				
	a. Student/Programmatic					
	b. Staff/Administrative					
6	Employee Benefits	80				
	a. Professional ___%					
	b. Clerical/Secretarial ___%					
	c. Student Assistants ___%					
	d. Other ___%					
7	SUBTOTAL of Lines 1-6					
8	Indirect Cost*	90				
9	Equipment	20				
10	GRAND TOTAL (Lines 7 - 9)					

*The TOC Indirect Cost (column 1) may not exceed 8% of SUBTOTAL (col. 1, line 7). The Institutional Indirect Cost (column 2) may not exceed 20% of SUBTOTAL (col. 2, line 7). Equipment is not included when computing Indirect Cost.

Proposal Application Checklist

Applicant Name: _____

Listed below are the components of a complete application package, in the order they should appear. Use this checklist to ensure that your application submission is in compliance with the application requirements. The checklist must be included with the proposal application.

<u>Request for Proposal Sections</u>	<u>Checked Applicant</u>	<u>Checked SED</u>
A. Table of Contents	<input type="checkbox"/>	<input type="checkbox"/>
B. Narrative that covers, in order, The information requested in Section XV	<input type="checkbox"/>	<input type="checkbox"/>
C. Objectives Matrix (Attachment I)	<input type="checkbox"/>	<input type="checkbox"/>
D. Statement of Assurances (Attachment II)	<input type="checkbox"/>	<input type="checkbox"/>
E. TOC 2007 – 2008 Proposed Budget (Attachment III)	<input type="checkbox"/>	<input type="checkbox"/>
F. Signed Memoranda of Agreement (MOA)	<input type="checkbox"/>	<input type="checkbox"/>

BUDGET SUMMARY

CATEGORIES	CODE	PROJECT COSTS
Professional Salaries	15	
Support Staff Salaries	16	
Purchased Services	40	
Supplies and Materials	45	
Travel Expenses	46	
Employee Benefits	80	
Indirect Cost (IC)* (Amount from "C" below)	90	
BOCES Services	49	
Minor Remodeling	30	
Equipment	20	
Grand Total		

Agency Code

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

Project #

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

Contract #

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

Agency Name: _____

*A. Modified Direct Cost Base

	\$
--	----

B. Approved Restricted IC Rate

	%
--	---

C. (A) x (B) = Indirect Cost

(Be sure to put total in Code 90 above)

	\$
--	----

FOR DEPARTMENT USE ONLY

Approved Funding Dates: _____
From To

Program Approval: _____

Date: _____

CHIEF ADMINISTRATOR'S CERTIFICATION

I hereby certify that the requested budget amounts are necessary for the implementation of this project and that this agency is in compliance with applicable Federal and State laws and regulations.

Date Signature

Name and Title of Chief Administrative Officer

<u>Fiscal Year</u>	<u>First Payment</u>	<u>Line #</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Voucher # First Payment

Sample MOA

**SAMPLE
(Insert Name) College and (Insert Name) Organization
Teacher Opportunity Corps Service Agreement**

This cooperative agreement reflects the overall commitment as well as the specific responsibilities and the roles of the (insert Name) College Teacher Opportunity Corps and (insert name) Organization to enhance the preparation of prospective teachers. The purpose of this partnership is to prepare and support educators to help all students achieve high standards of learning and development.

Up front Planning Activities: _____

SPECIFIC ROLES AND RESPONSIBILITIES

The partnership of the (Insert Name) College and the (insert name) Organization entails the following:

The (insert Name) College Teacher Opportunity Corps agrees to:	The (insert Name) Organization agrees to:
<p>[List all activities/services/etc., that the college will provide to the partnership. This may include items such as the following:]</p> <ul style="list-style-type: none"> • Offer at least one education course /semester that addresses the needs of the at-risk student • Obtain teacher input in the planning of professional development activities • Consult on a regular basis with appropriate school personnel about the progress of each TOC participant • When distributing, promoting or publicizing TOC activities, attribute sponsorship and provision of grant funds to NYSED-Collegiate and Pre-Professional Programs Unit 	<p>[List all activities/services/etc., that the organization will provide to the partnership. This may include items such as the following:]</p> <ul style="list-style-type: none"> • Identify, recommend and support non-certified teachers in Title I schools in the following ways: • Provide release time for above-identified individuals to participate in class activities • Assist the college by providing such services as mentoring, classroom observation, etc. • Provide college staff access to classrooms in order to track the improvement in instructional practices and procedures • Provide designated space for project activities

Name of Institution _____ **Signature** _____ **Date** _____

Project Director _____ **Signature** _____ **Date** _____

Name, Title, Organization _____
Signature _____ **Date** _____

Name, Title, Organization _____
Signature _____ **Date** _____

PLEASE NOTE THAT THESE ACTIVITIES ARE FOR EXAMPLE ONLY. THE AGREEMENT FOR YOUR PROGRAM SHOULD REFLECT THE SPECIFICS OF YOUR PROGRAM AND YOUR PARTNERS. ALL ACTIVITIES/SERVICES, ETC. THAT ARE PERTINENT TO YOUR PROJECT SHOULD BE INCLUDED.

Economically Disadvantaged Eligibility Requirements

ECONOMICALLY DISADVANTAGED ELIGIBILITY REQUIREMENTS

I. Definitions

The economic eligibility standards set forth in this section apply only at the time of application to the Corps. Once admitted, a participant may continue to receive supportive services, as needed, even if the family income rises above the current eligibility standards. In the case of student financial assistance, however, limitations caused by financial need shall apply.

- A. The student's family is the recipient of: 1) Family Assistance Program Aid; or 2) Safety Net Assistance through the New York State Office of Temporary and Disability Assistance, or a county department of social services; or 3) family day-care payments through the New York State Office of Children and Family Assistance, or a county department of social services.
- B. For the purpose of TOC, an individual is economically disadvantaged if he or she is a member of:
- a household supported by one parent if dependent, by the student or by a spouse if independent, whose total annual income is not more than the applicable amount listed in the table below; **or**
 - a household supported solely by one member thereof who works for two or more employers with a total annual income which does not exceed the applicable amount set forth in the following table by more than **\$1,800; or**
 - a household supported by more than one **worker** (parents if dependent, student and spouse if independent) in which the total annual income does not exceed the applicable amount listed in the table below by more than **\$4,800; or**
 - a household supported by one **worker** (parent if dependent, student if independent) who is the sole support of a one-parent family in which the total annual income does not exceed the applicable amount listed in the table below by more than **\$4,800**.

For the purpose of this subdivision, the number of members of a household shall be determined by ascertaining the number of individuals living in the student's residence who are economically dependent on the income supporting the student.

TOC-Appendix II

For students attending between July 1, 2007 and June 30, 2008.

Number of members in household (including head of household)	Total annual income in preceding calendar year
1	\$14,100
2	19,600
3	22,350
4	27,800
5	32,850
6	38,550
7	42,900
8	47,250
9	51,600
10	55,950
11	60,300
	Plus \$4,350 for each family member in excess of 11

Note: Income refers to all taxable and nontaxable funds received for support of the household in the calendar year prior to the academic year for which participation is sought. Household members include all individuals living therein who are dependent upon that income.

- C. For the purpose of TOC, an independent student:
1. is 24 years of age or older by December 31st of the academic year for which the participant is seeking acceptance into TOC; or
 2. is an orphan or ward of the court; or
 3. is a veteran of the Armed Forces of the United States, who has engaged in active duty in the United States Army, Navy, Air Force, Marines, or Coast Guard, and who was released under a condition other than dishonorable; or
 4. is a married individual; or
 5. has legal dependents other than a spouse; or
 6. is a student for whom an opportunity program and financial aid administrator have made a satisfactorily documented determination of independence by reason of other extraordinary circumstances.

II. Exceptions

Reference to the family income scale need not be made if the student falls into one of the following categories, and documentation is available:

- A. The student's family is the recipient of: (1) Family Assistance Program Aid; or (2) Safety Net Assistance through the New York State Office of Temporary and Disability Assistance, or a county department of social services; or (3) family day care payments through New York State Office of Children and Family Services Assistance, or a county department of social services; or
- B. The student is living with foster parents who do not provide support for college, and no monies are provided from the natural parents; or
- C. The student is a ward of the State or a county; or
- D. The student is enrolled or was enrolled in a State Sponsored Opportunity Program (i.e., EOP, HEOP, SEEK, College Discovery). See Attachment IV for sample form which documents transfers from opportunity programs.

III. Documentation

A. The following shall be acceptable documentation of economic eligibility:

- 1. Documentation of all income, earned dividends and interest: a signed copy of appropriate year's tax return (IRS forms 1040, 1040A, or 1040EZ; or 4506).
- 2. Documentation of a sole worker's income from two or more employers: W2s for the appropriate year or similar documentation acceptable to the Commissioner.
- 3. Documentation of no income: a copy of IRS form 4506 which has been filed by the student or family with the Internal Revenue Service or a copy of IRS Letter 1722 indicating that the student (if independent) or parent did not file a return.
- 4. Documentation of pension, annuity, or unemployment benefits: letter from the applicable agency showing appropriate year's total award (if not reported on IRS forms 1040, 1040A or 1040EZ or 1099).
- 5. Documentation of Social Security, Supplemental Security Income, or Veterans Administration non-educational benefits: a letter from the applicable agency showing

TOC-Appendix II

applicable year's total award for **each** member of the household including medicare premiums or IRS form 1099 for each member of the household.

6. Documentation of social services payments: verification from a branch of the State Office of Temporary and Disability Assistance, Office of Children and Family Services Assistance, or a county department of social services showing year that benefits were received and names of recipients including the applicant.
7. Documentation of child support and/or alimony: a court order, affidavit, or student's Free Application for Federal Student Aid form (FAFSA).
8. Documentation of additional members in household: birth certificates, marriage certificates, third-party verification, or similar documentation acceptable to the Commissioner, along with proof of income or lack of income for each such member.
9. Documentation of zero household contribution: the needs analysis output form from one of the United States Department of Education's approved needs analysis systems.

B. Responsibility for Documentation

It is the joint responsibility of the program director and a financial aid officer to verify that all first-time program students are economically eligible and that all of the appropriate documentation to verify this eligibility is on hand.

TOC-Appendix III
High Need Districts 2004-05 School Year



Accountability Status May 1, 2006 FINAL ALPHA ORDER

SED Master List- Districts

High Need Districts

Beacon City SD
Berkshire UFSD
Binghamton City SD

NYC Geog Dist # 7
NYC Geog Dist # 8

Brentwood UFSD
Buffalo City SD
Central Islip UFSD

NYC Geog Dist # 9
NYC Geog Dist #10
NYC Geog Dist #11
NYC Geog Dist #12

Corning City SD
Dunkirk City SD
East Ramapo CSD
(Spring Valley)

NYC Geog Dist #13
NYC Geog Dist #14
NYC Geog Dist #18

Elmira City SD
Freeport UFSD
Fulton City SD

NYC Geog Dist #19
NYC Geog Dist #24
NYC Geog Dist #27

George Junior Republic UFSD
Greece CSD
Greenburgh-Graham UFSD

NYC Geog Dist #29
NYC Geog Dist #31
Port Jervis City SD

Greenburgh-North Castle UFSD
Hawthorne-Cedar Knolls UFSD
Hempstead UFSD

Poughkeepsie City SD
Rochester City SD
Rome City SD

Kingston City SD
Middletown City SD
Mt Pleasant-Cottage UFSD

Rush-Henrietta CSD
Schenectady City SD
South Country CSD

Mt Vernon City SD
NYC Alternative HS Dist
Newburgh City SD

Syracuse City SD
Utica City SD
Watertown City SD

Niagara Falls City SD
NYC Geog Dist # 1

Wyandanch UFSD
Yonkers City SD

NYC Geog Dist # 6

Schools Under Registration Review (SURR) List

As of 9/2006

New York City

<u>Region</u>	<u>District</u>	<u>School</u>
10	07	I.S. 184
8	14	I.S. 33
6	17	I.S. 390
2	12	I.S. 158
1	09	J.H.S. 117
8	13	J.H.S. 258
3	29	I.S. 192
5	19	Franklin K. Lane
10	05	I.S. 172
1	09	C.I.S. 219
1	10	M.S. 399
8	15	School for International Studies

<u>Region</u>	<u>District</u>	<u>School</u>
5	19	William Maxwell HS
5	19	Thomas Jefferson
4	32	I.S. 349
9	02	Graphic Communication Arts
9	07	JHS 151
9	07	PS 156
1	09	PS 230
1	10	PS 396
1	10	Monroe Academy for Visual Arts
5	27	Far Rockaway
9	02	Legacy High School

<u>Region</u>	<u>District</u>	<u>School</u>
9	07	PS 220
2	08	JHS 123
2	08	MS 302
8	13	JHS 265
8	16	JHS 57
8	16	MS 143
6	17	PS 12
4	32	IS 291
	75	PS 12

*Year identified refers to the school year of initial identification, i.e., 1989 means the school was identified during the 1989-90 school year. For former SURR schools that were re-identified, year identified is the year of re-identification. Group designations are based upon year of most recent identification or redesign. Schools that are phasing out are eliminating grades and not enrolling new students.

Upstate SURR Schools

District	School
Roosevelt	Roosevelt Campus Schools: Roosevelt High School Roosevelt Middle School.
Buffalo	Harvey Austin School
Syracuse	James A. Shea M.S.
Buffalo	Frank A. Sedita
Buffalo	P.S. 53
Buffalo	Burgard H.S.
Rochester	Frederick Douglas
Wyandanch	Milton O. Olive M.S.
Buffalo	P.S. 18
Buffalo	South Park H.S.
Buffalo	P.S. 19

District	School
Buffalo	Grover Cleveland H.S.
Buffalo	Harriet Ross Tubman (Formerly Stanton Academy)
Buffalo	PS 37
Hempstead	Hempstead High School
Yonkers	Roosevelt High School
Buffalo	PS 61
Buffalo	PS 76 – Herman Badillo
Buffalo	West Hertel Elementary School
Syracuse	Seymour Magnet
Syracuse	George Fowler

*Year identified refers to the school year of initial identification, i.e., 1989 means the school was identified during the 1989-90 school year. For former SURR schools that were re-identified, year identified is the year of re-identification. Group designations are based upon year of most recent identification or redesign. Schools that are phasing out are eliminating grades and not enrolling new students.

Performance Measures for TOC

The following set of performance measures will be used to determine the success of TOC projects and participants:

- Percentages of TOC participants enrolled under Priority 1, Priority 2 and Priority 3
- Percentage of TOC participants in good academic standing
- Percentage of eligible TOC participants applying for certification/licensure
- Percentage of TOC participants passing certification/licensure examinations
- Percentage of TOC Reports, Budget Forms and other required forms received by SED on or before required due dates
- Percentage of TOC graduates teaching in high need districts and/or SURR schools and districts in New York State

In addition, it is important to note that only New York State public and independent degree-granting colleges and universities or consortia of such institutions that have a teacher preparation program approved by the Education Department may submit applications. Further, institutions with a pass rate on the New York State Teacher Certification examinations that is less than 80 percent may not be approved for funding.

Required for Federal and State Discretionary Grant Programs

APPENDIX A

STANDARD CLAUSES FOR NYS CONTRACTS

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

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

2. **NON-ASSIGNMENT CLAUSE.** In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the previous consent, in writing, of the State and any attempts to assign the contract without the State's written consent are null and void. The Contractor may, however, assign its right to receive payment without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

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

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

5. **NON-DISCRIMINATION REQUIREMENTS.** To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the

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

6. WAGE AND HOURS PROVISIONS. If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law.

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

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

9. SET-OFF RIGHTS. The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold

for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

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

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION. (a) FEDERAL EMPLOYER IDENTIFICATION NUMBER and/or FEDERAL SOCIAL SECURITY NUMBER. All invoices or New York State standard vouchers submitted for payment for the sale of goods or services or the lease of real or personal property to a New York State agency must include the payee's identification number, i.e., the seller's or lessor's identification number. The number is either the payee's Federal employer identification number or Federal social security number, or both such numbers when the payee has both such numbers. Failure to include this number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or New York State standard voucher, must give the reason or reasons why the payee does not have such number or numbers.

(b) PRIVACY NOTIFICATION. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law.

(2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in New York State's Central Accounting System by the Director of Accounting Operations, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

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

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

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

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

Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State; or (iii) banking services, insurance policies or the sale of securities. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment

opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Governor's Office of Minority and Women's Business Development pertaining hereto.

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

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

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

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

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

18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of State Finance Law §165. (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

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

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

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

NYS Department of Economic Development
Division for Small Business
30 South Pearl St -- 7th Floor
Albany, New York 12245
Telephone: 518-292-5220
Fax: 518-292-5884
<http://www.empire.state.ny.us>

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

NYS Department of Economic Development
Division of Minority and Women's Business Development
30 South Pearl St -- 2nd Floor
Albany, New York 12245
Telephone: 518-292-5250
Fax: 518-292-5803
<http://www.empire.state.ny.us>

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

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

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

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

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

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

22. PURCHASES OF APPAREL. In accordance with State Finance Law 162 (4-a), the State shall not purchase any apparel from any vendor unable or unwilling to certify that: (i) such apparel was manufactured in compliance with all applicable labor and occupational safety laws, including, but not limited to, child labor laws, wage and hours laws and workplace safety laws, and (ii) vendor will supply, with its bid (or, if not a bid situation, prior to or at the time of signing a contract with the State), if known, the names and addresses of each subcontractor and a list of all manufacturing plants to be utilized by the bidder. **(June 2006)**

General

A. In the event that the Contractor shall receive, from any source whatsoever, sums the payment of which is in consideration for the same costs and services provided to the State, the monetary obligation of the State hereunder shall be reduced by an equivalent amount provided, however, that nothing contained herein shall require such reimbursement where additional similar services are provided and no duplicative payments are received.

B. This agreement is subject to applicable Federal and State Laws and regulations and the policies and procedures stipulated in the NYS Education Department Fiscal Guidelines found at <http://www.nysed.gov/cafe/>.

C. Continuation of this contract beyond June 30, 2006 and beyond June 30th of each succeeding year, is contingent upon appropriation and availability of funds and approval by Division of the Budget and subject to approval by the Office of the State Comptroller in accordance with paragraph 3 of Appendix "A".

Terminations

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

Safeguards for Services and Confidentiality

A. Any copyrightable work produced pursuant to said agreement shall be the sole and exclusive property of the New York State Education Department. The material prepared under the terms of this agreement by the Contractor shall be prepared by the Contractor in a form so that it will be ready for copyright in the name of the New York State Education Department. Should the Contractor use the services of consultants or other organizations or individuals who are not regular employees of the Contractor, the Contractor and such organization or individual shall, prior to the performance of any work pursuant to this agreement, enter into a written agreement, duly executed, which shall set forth the services to be provided by such organization or individual and the consideration therefor. Such agreement shall provide that any copyrightable work produced pursuant to said agreement shall be the sole and exclusive property of the New York State Education Department and that such work shall be prepared in a form ready for copyright by the New York State Education Department. A copy of such agreement shall be provided to the State.

B. All reports of research, studies, publications, workshops, announcements, and other activities funded as a result of this proposal will acknowledge the support provided by the State of New York.

C. This agreement cannot be modified, amended, or otherwise changed except by a written agreement signed by all parties to this contract.

D. No failure to assert any rights or remedies available to the State under this agreement shall be considered a waiver of such right or remedy or any other right or remedy unless such waiver is contained in a writing signed by the party alleged to have waived its right or remedy.

E. Expenses for travel, lodging, and subsistence shall be reimbursed in accordance with the policies stipulated in the aforementioned Fiscal guidelines.

F. No fees shall be charged by the Contractor for training provided under this agreement.

G. Nothing herein shall require the State to adopt the curriculum developed pursuant to this agreement.

H. All inquiries, requests, and notifications regarding this agreement shall be directed to the Program Contact or Fiscal Contact shown on the Grant Award included as part of this agreement.

I. This agreement, including all appendices, is, upon signature of the parties and the approval of the Attorney General and the State Comptroller, a legally enforceable contract. Therefore, a signature on behalf of the Contractor will bind the Contractor to all the terms and conditions stated therein.

J. The parties to this agreement intend the foregoing writing to be the final, complete, and exclusive expression of all the terms of their agreement.

