

Announcement of Funding Opportunity

2023-2024 Statewide Universal Full-Day Prekindergarten (SUFDPK) Expansion Grant for New Full-Day Placements or for the Conversion of Half-Day Placements to Full-Day Placements for Four-Year-Old Students (2023-2024 SUFDPK Expansion Grant)

<p>Legislative Authority and Purpose of Grant Funds</p>	<p>Chapter 53 of the Laws of 2023 appropriates \$50 million for additional prekindergarten grants for school districts to establish New Full-Day Placements or for the Conversion of Half-Day Placements to Full-Day Placements for four-year-old students in accordance with applicable provisions in Education Law Section §3602-ee governing Statewide Universal Full-Day Prekindergarten (§3602-ee).</p>
<p>Purpose of Grant</p>	<p>The purpose of the 2023-2024 Statewide Universal Full-Day Prekindergarten (SUFDPK) Expansion Grant is for New York State school districts to further increase the availability of directly and collaboratively implemented prekindergarten programming. Programming must be aligned with applicable New York State Learning Standards along with relevant Education Law §3602-ee requirements and address student and community need.</p>
<p>Project Period</p>	<p>Initial period: July 1, 2023, through June 30, 2024</p> <p>Awards under this grant program will be based on the NYSED-approved number of New Full-Day and Half-Day to Full-Day prekindergarten placements for four-year-old students served by NYS-certified and uncertified prekindergarten teachers in a 180-day school year.</p> <p>For the purposes of this grant and pursuant to 8 NYCRR 151-1, during the 2023-2024 school year, awarded school districts will have the option to operate a full-day four-year-old prekindergarten program for a minimum of 90 days. Otherwise, awarded school districts will be able to operate a 180-day program during the 2024-2025 school year.</p> <p>Prekindergarten programs that operate fewer than 180 school days in the 2023-2024 school year and thereafter will be subject to Education Law §3602-e(16) which outlines the proportionate reduction of the total grant payable by 1/180th for each day the prekindergarten program did not operate.</p> <p>Subject to an available appropriation in the State budget for this purpose and provided all requirements of this grant and §3602-ee quality standards have been met, all awarded school districts will retain their 180-day maximum grant award in the 2024-2025 school year and thereafter.</p>
<p>Eligible Applicants</p>	<p>All public school districts are eligible to apply. However, preference for the 2023-2024 awards will be awarded as bonus points to districts who serve a high level of economically disadvantaged students.</p> <p><i>Appendix F contains the school district's percentage of economically disadvantaged students.</i></p> <p>Potential agency and CBO prekindergarten collaborators listed below are not eligible to directly apply for this funding opportunity. However, these eligible organizations are encouraged to apply to a school district to be considered for collaborative prekindergarten programming. Potential collaborating eligible agencies and CBOs include providers of approved, licensed and/or registered prekindergarten programs, such as those associated with:</p>

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	<ul style="list-style-type: none"> • Child Care and Early Education; • Early Childhood Centers; • Family/ Group Family Child Care; • Day Care Centers; • Head Start; • 4410 Preschool Special Education; • BOCES • Nursery Schools; • Charter Schools; • Non-Public Schools; • Libraries; and • Museums. <p>Multiple school districts are permitted to form a consortium and submit a joint application for the grant program. One school district must be identified as the fiscal agent of the consortium.</p>
<p>Amount of Funding</p>	<p>The New York State Education Department will award up to \$50 million to fund grants for the 2023-2024 school year and each school year thereafter subject to the achievement of performance targets and the availability of annual appropriations.</p> <p>For purposes of this grant, no school district shall receive an award of more than five percent (5%) or \$2.5 million of the total grant funds (\$50 million).</p> <p>NOTE: The supplement not supplant provision does not apply to this funding opportunity. Due to the highly competitive nature of this grant, a strong preference for award will be given to districts serving high levels of four-year-old students that are economically disadvantaged.</p> <p>Awards under this grant program will be based on the NYSED-approved number of New Full-Day and Half-Day to Full-Day prekindergarten placements for four-year-old students served by NYS-certified and uncertified prekindergarten teachers in a 180-day school year.</p> <p>For the purposes of this grant and pursuant to 8 NYCRR 151-1, during the 2023-2024 school year, awarded school districts will have the option to operate a full-day four-year-old prekindergarten program for a minimum of 90 days. Otherwise, awarded school districts will be able to operate a 180-day program during the 2024-2025 school year.</p> <p>Prekindergarten programs that operate fewer than 180 school days in the 2023-2024 school year and thereafter will be subject to Education Law §3602-e(16) which outlines the proportionate reduction of the total grant payable by 1/180th for each day the prekindergarten program did not operate.</p> <p>Subject to an available appropriation in the State budget for this purpose and provided all requirements of this grant and §3602-ee quality standards have been</p>

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	<p>met, all awarded school districts will retain their 180-day maximum grant award in the 2024-2025 school year and thereafter.</p> <p>Calculation of grant awards will be dependent on valid New York State teacher certification pursuant to Education Law §3602-ee (8).</p> <ul style="list-style-type: none"> • Grant awards shall equal \$10,000 per student when served by a teacher of record with New York State teacher certification valid for service in the early childhood grades or a teaching license or certificate for students with disabilities valid for service in early childhood grades. • Grant awards shall equal \$7,000 per student when served by a teacher of record without valid New York State teacher certification in early childhood grades. • Half-Day to Full Day Certified Conversion Placements for four year old students taught by teacher(s) of record with New York State teacher certification valid for service in the early childhood grades or a teaching license or certificate for students with disabilities valid for service in early childhood grades; or <ul style="list-style-type: none"> ○ Per Student: \$10,000 - existing half-day UPK funding = full day certified conversion funding • Half-Day to Full Day Uncertified Conversions Placements for four year old students taught by teacher(s) without valid New York State teacher certification in early childhood grades. <ul style="list-style-type: none"> ○ Per Student: \$7,000 - existing half-day UPK funding = full day certified conversion funding <p>Grant funds and associated expenditures must be separately accounted for and not commingled with other funds. School district funds must be maintained in, and expenditures made from, a special revenue (special aid) fund account.</p>
<p>Questions and Answers</p>	<p>All questions must be submitted via E-Mail to PREKRFP@nysed.gov by close of business December 8, 2023. A complete list of all Questions and Answers will be posted to NYSED Funding Opportunity Web Page no later than December 22, 2023.</p>
<p>Application Due Date</p>	<p>Receipt of 1 original and 2 paper copies must be received by 5:00 PM, January 19, 2024, to:</p> <p>New York State Education Department Attn: School Year 2023-2024 SUFDPK Expansion Grant RFP Office of Early Learning 89 Washington Avenue Room EB 514 W Mezzanine Albany, NY 12234</p> <p>Electronic submissions are also required to be received by the submission deadline to the Department via email to PREKRFP@nysed.gov.</p> <ul style="list-style-type: none"> • The file format must be in Microsoft Word.

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	<ul style="list-style-type: none"> The subject line of the email must read as follows: 2023-2024 SUFDPK Expansion Grant RFP and the legal name of applicant school district
Appendices	<p>APPENDIX A: Standard Clauses for NYS Contracts APPENDIX A-1-G: General Assurances APPENDIX B: 2023-2024 New Full-Day Placements or Conversion of Half-Day Placements to Full-Day Placements Four-year-old Prekindergarten Maximum Grant Award Request and Collaboration Calculator APPENDIX C: New York State-Administered Universal Prekindergarten Quality Assurance Protocol Guidance Document APPENDIX D: Proposal Evaluation Rubric APPENDIX E: Proposal Submission Template for RFP APPENDIX E-1: Budget Expenditure Chart APPENDIX F: School Districts Percentage of Economically Disadvantaged and Districts APPENDIX G: Staffing Requirement Waiver APPENDIX H: Collaboration Variance Request APPENDIX I: Statement of Assurances APPENDIX J: NYS PreK Health and Safety Checklist</p>

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Purpose:

The purpose of the 2023-2024 SUFDPK Expansion Grant for four-year-old students is to increase the availability of high-quality prekindergarten placements for high needs students and schools within New York State. This competitive grant initiative builds on the foundation established by the \$1.2 billion investment in prekindergarten across the state.

Grant funds must be used to create new full-day placements or to convert existing half-day prekindergarten placements to full-day, for four-year old students.

Eligible Applicants:

All public school districts are eligible to apply. Preference for the 2023-2024 awards will be awarded as bonus points to districts serving high level of economically disadvantaged students. Economically-disadvantaged students are those who participate in, or whose family participates in, economic assistance programs, such as the free or reduced-price lunch programs, Social Security Insurance (SSI), Food Stamps, Foster Care, Refugee Assistance (cash or medical assistance), Earned Income Tax Credit (EITC), Home Energy Assistance Program (HEAP), Safety Net Assistance (SNA), Bureau of Indian Affairs (BIA), or Family Assistance: Temporary Assistance for Needy Families (TANF). If one student in a family is identified as low income, all students from that household (economic unit) may be identified as low income (data.nysed.gov Glossary of Terms).

Potential agency / CBO collaborators listed below are not eligible to directly apply for this funding opportunity. CBOs are encouraged to apply to a school district to be considered for contracting collaborative prekindergarten programming. Potential collaborating eligible agencies / CBOs include providers of approved, licensed and/or registered prekindergarten programs, such as those associated with:

- Child Care and Early Education;
- Early Childhood Centers;
- Family/ Group Family Child Care;
- Day Care Centers;
- Head Start;
- 4410 Preschool Special Education;
- BOCES
- Nursery Schools;
- Charter Schools;
- Non-Public Schools;
- Libraries; and
- Museums.

Multiple school districts are permitted to form a consortium and submit a joint application for the grant program. One school district must be identified as the fiscal agent of the consortium.

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Funding:

The New York State Education Department (NYSED) will award up to \$50 million to fund grants for the 2023-2024 school year for public school districts to implement direct and collaborative prekindergarten programming. For the purposes of this grant, no school district shall receive an award of more than five percent (5%) or \$2.5 million of the total grant funds (\$50 Million).

To determine the district's maximum grant award for the 2023-2024 school year, please refer to the **23-24 Grant Calculator Tab in Appendix B**. Once the BEDS code is inputted, the district's student enrollment and funding data will generate in the **District PreK Funding tab of Appendix B**. Please ensure this information is completed and included with the application.

Teacher Certification Requirements:

All teachers in the universal full-day prekindergarten program shall meet the same teacher certification standards applicable to public schools. Calculation of grant awards will be dependent on valid New York State teacher certification pursuant to Education Law §3602-ee(8).

- Grant awards shall equal \$10,000 per student when served by a teacher of record with New York State teacher certification valid for service in the early childhood grades or a teaching license or certificate for students with disabilities valid for service in early childhood grades.
- Grant awards shall equal \$7,000 per student when served by a teacher of record without valid New York State teacher certification in early childhood grades.
- Half-Day to Full Day **Certified** Conversion Placements for four year old students taught by teacher(s) of record with New York State teacher certification valid for service in the early childhood grades or a teaching license or certificate for students with disabilities valid for service in early childhood grades; or
 - Per Student: \$10,000 - existing half-day UPK funding = full day certified conversion funding
- Half-Day to Full Day **Uncertified** Conversions Placements for four year old students taught by teacher(s) without valid New York State teacher certification in early childhood grades.
 - Per Student: \$7,000 - existing half-day UPK funding = full day certified conversion funding

In accordance with Commissioner's Regulations Section 151-1.3(e), teachers employed by eligible collaborating agencies / CBOs partnering with school districts shall possess:

- a NYS teaching license or certificate valid for service in the early childhood grades, **or**
- a teaching license or certificate for students with disabilities valid for service in early childhood grades, **or**
- if uncertified, hold a Bachelor's degree in early childhood education or qualifications prescribed by the licensing or registering agency.

As per §3602-ee(8)(c), a school district may annually apply to the commissioner by September first of the current school year for a waiver that would allow personnel employed by an eligible agency that is collaborating with a school district to provide prekindergarten services and licensed by an agency other than the department, to meet the staff qualifications prescribed by the licensing or registering agency. Please complete and include **APPENDIX G: Staffing Requirement Waiver** as necessary.

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Community Based Organizations (CBOs):

Awarded school districts must set aside no less than 10 percent (10%) of the total grant award to collaborate with eligible agencies and/or CBOs who demonstrate best practices for the provision of the prekindergarten instructional program and who meet the standards and requirements of this grant program and as set forth in Education Law §3602-ee. CBOs include:

- Child Care and Early Education Centers;
- Early Childhood Centers;
- Family/ Group Family Child Care;
- Day Care Centers;
- Non-profit organizations;
- Head Start;
- 4410 Preschool Special Education Programs;
- BOCES;
- Nursery Schools;
- Charter Schools;
- Non-Public Schools;
- Libraries; and
- Museums.

School districts who are unable to use the set aside to make a collaborative arrangement may request a collaboration waiver from NYSED.

NYSED will consider an awarded school district's collaboration waiver based upon documented evidence that the district has exhausted all resources and options to develop a collaborative arrangement in the 2023-2024 school year. Upon conclusion of the school district's competitive process to collaborate, if the school district is not able to contract with any eligible agency / CBO to deliver collaborative prekindergarten programming, the school district should initiate the collaboration variance request process by emailing OEL@nysed.gov.

Programmatic Expectations

Evaluation of Proposals:

Due to the highly competitive nature of this grant, in addition to proposal quality, eligible school district applicants' proposals will be evaluated on several factors, including, but not limited to the:

- Level of existing prekindergarten services in the school district,
- Extent to which the school district would prioritize funds to maximize the total number of eligible four-year-old students served in its full-day prekindergarten programs, and
- School district's plan to comply with the provisions in this RFP, and applicable rules and requirements as set forth in Education Law §3602-ee.

Preference as bonus points will be awarded to programs serving high percentages of four-year-old students that are economically disadvantaged. Bonus points, with a maximum of ten, will be awarded based on a district's percentage of economically disadvantaged students, as compared to the State Average of 54%, using the following scale:

- Less than 54% - No Bonus Points
- 54% - 55% - Two Bonus Points
- 56% - 62% = Five Bonus Points

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- 63% - 69% = Six Bonus Points
- 70% - 77% = Seven Bonus Points
- 78% - 85% = Eight Bonus Points
- 86% - 92% = Nine Bonus Points
- 93% - 100% = Ten Bonus Points

Points will be automatically generated in the Proposal Evaluation Rubric (Appendix D).

Program Requirements, Components, and Quality:

Chapter 53 of the Laws of 2023 establishes several requirements that school districts must meet or assure to meet to be eligible to apply for this 2023-2024 SUFDPK Expansion Grant. Except as otherwise provided in this Request for Proposals (RFP), school districts and their collaborating agencies / CBOs serving four-year-old students in full-day prekindergarten programs funded by this grant must comply with all applicable rules and requirements as set forth in Education Law Section 3602-ee governing Statewide Universal Full Day Prekindergarten ([§3602-ee](#)).

All laws, regulations, guidance, and resources for implementing this prekindergarten program can be found on the Department's [Office of Early Learning Website for State-Administered Prekindergarten Programs](#).

Proposed New Full-Day Placements or for the Conversion of Half-Day Placements to Full-Day Placements prekindergarten programs will receive a competitive advantage in the application process by demonstrating the provision of high-quality instruction for enhancing child development and implementing creative direct and collaborative approaches to improve early childhood education for four-year-old students in the following program quality areas:

High-quality prekindergarten programs would exhibit:

1. Programmatic Oversight and Fiscal Management

- Leaders who demonstrate a commitment to developmentally appropriate instructional practices
- Leaders who observe classrooms to provide feedback, plan professional learning opportunities based on observations

2. Facility Quality

- Age-appropriate classrooms and playgrounds
- Indoor and outdoor spaces adhering to regulatory space requirements
- Equipment and materials that support learning are easily adapted to diverse interests, needs and abilities of the students
- Easy access to indoor and outdoor spaces/materials for individuals with special needs

3. Staffing Patterns, Qualifications, Performance, and Professional Learning

- Staff have an in-depth knowledge of child development and how young students learn
- Staff have access to ongoing professional development
- Teachers hold a valid NYS teacher certification in early childhood grades or students with disabilities in early childhood grades

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- Teachers in CBOs must minimally meet the requirements of the licensing, regulatory and/or funding agency or hold a valid NYS teacher certification in early childhood grades or students with disabilities in early childhood grades

4. Child Eligibility, Outreach and Lottery Process

- Outreach, recruitment including eligibility efforts to eligible Prekindergarten families
- A lottery procedure/process to utilize in the event enrollment exceed available space

5. Child Screening, Progress Monitoring, and Outcomes

- Screening all new entrants, including those entering school district and collaborating prekindergarten programs
- Administration of progress monitoring assessments, at least twice during the school year, to measure child progress
- Assessments results are shared with families and are used to inform instruction, professional learning, improve students need and the prekindergarten program

6. Child Nutrition, Health, and Well-being

- Student's nutritional needs are sufficiently met through the provision of appropriate meals and snacks
- A positive mealtime experience which includes meaningful adult-student interactions and opportunities for learning
- Opportunities for students to engage in developmentally appropriate fine and gross motor activities in both indoor and outdoor environments

7. Learning Environment and Curriculum

- Students are encouraged to be self-assured and independent through an intentionally planned daily schedule of teacher and student-initiated learning
- Programs informed by an understanding of general developmental pattern, knowledge of student's individual characteristics
- Awareness of the cultural, linguistic and social connects that shape the student's experience;
- Learning standards, which outline expectations for what students should know and be able to do and the scope and sequence of each content area

8. Family Engagement and Support and Partnerships with Non-profit, Community, and Educational Institutions

- Opportunities available for parents and guardians to actively participate in the education of their children
- Involved with the decision-making related to the program; and in other activities that address their roles as parents, workers, and citizens
- Conducive environments for families by planning ways to establish rapport, responding to opportunities to connect with families with needed services and by providing a variety of options for families to become partners with schools

More detailed information on program quality areas can be found in Appendix C: New York State-Administered Universal Prekindergarten Quality Assurance Protocol Guidance Document

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Days of Operation

Awards under this grant program will be based on the NYSED-approved number of New Full-Day and Half-Day to Full-Day prekindergarten placements for four-year-old students served by NYS-certified and uncertified prekindergarten teachers in a 180-day school year.

For the purposes of this grant and pursuant to [8 NYCRR 151-1](#), during the 2023-2024 school year, awarded school districts will have the option to operate a full-day four-year-old prekindergarten program for a minimum of 90 days. Otherwise, awarded school districts will be able to operate a 180-day program during the 2024-2025 school year.

Prekindergarten programs that operate fewer than 180 school days in the 2023-2024 school year and thereafter will be subject to Education Law [§3602-e\(16\)](#) which outlines the proportionate reduction of the total grant payable by 1/180th for each day the prekindergarten program did not operate.

Subject to an available appropriation in the State budget for this purpose and provided all requirements of this grant and §3602-ee quality standards have been met, all awarded school districts will retain their 180-day maximum grant award in the 2024-2025 school year and thereafter.

Eligible Four-Year-Old Students and Maximum Class Size:

An eligible prekindergarten student is one who resides in the school district and will be four-years of age on or before December 1, 2023.

- If there are more eligible students than new full-day prekindergarten program placements provided by this grant, the school district must establish a random method of selection (lottery system) to determine which eligible students the prekindergarten program can immediately serve, and which students will be placed on a waiting list.
- Maximum class size for a prekindergarten class is 20 four-year-old students.

Prekindergarten Provider Type	Maximum Class Size (Four-year-old Students)	Minimum Staffing Levels assigned to each class
Family Day Care	6	1 Teacher
Group Family Day Care	12	1 Teacher
School District Or Community Based Organization	18	1 Teacher And 1 Paraprofessional [Teaching Assistant or Teacher Aide]
	19-20	1 Teacher And 2 Paraprofessionals [Teaching Assistant(s) and/or Teacher Aide(s)]

Proposed Budget (FS-10):

For the purposes of this grant and pursuant to 8 NYCRR 151-1, during the 2023-2024 school year, awarded school districts will have the option to operate a full-day four-year-old prekindergarten program for a minimum of 90 days. Otherwise, awarded school districts will be able to operate a 180-day program during the 2024-2025 school year.

Prekindergarten programs that operate fewer than 180 school days in the 2023-2024 school year and thereafter will be subject to §3602-e (16) that outlines the proportionate reduction of the total grant payable by 1/180th for each day the prekindergarten program did not operate.

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Subject to an available appropriation in the State budget for this purpose and provided all requirements of this grant and §3602-ee quality standards have been met, all awarded school districts will retain their 180-day maximum grant award in the 2024-2025 school year and thereafter.

School district applicants must submit an FS-10 Proposed Budget with this application for a 12-month project period of July 1 – June 30 for new full-day and Half-Day to Full-Day prekindergarten placements for four-year-old students beginning either in the 2023-2024 school year for at least 90 days, or at the start of the 2024-2025 school year for at least 180 days.

- If opting to begin at a point during the 2023-2024 school year for less than 180 full school days, but for a minimum of 90 full school days, the maximum grant award must be prorated on the FS-10 Budget Proposed Budget to account for days in operation during the 7/1/2023-6/30/2024 project period.
- If opting to begin upon the start of the 2024-2025 school year for 180 days, the FS-10 Proposed Budget must reflect the maximum grant award for operating 180 full school days during the 7/1/2024-6/30/2025

The proposed budget will be reviewed and scored.

- Budgeted costs as proposed on the FS-10 must comply with applicable State and federal laws and regulations and follow the Department’s Fiscal Guidelines. Guidelines are available online at the [Grants Finance website](#).
- The FS-10 must bear the original “wet” ink signature of the Chief School/Administrative Officer.
- Information about the categories of expenditures and general information on allowable costs, applicable cost principles and administrative regulations are available in the [Fiscal Guidelines for Federal and State Aided Grants](#).
- Pursuant to §§ 1712, 2514, and 2555 of the Education Law, no parent and/or guardian of a child participating in a prekindergarten program should be subjected to a fee/charge for the instructional program

Detailed requirements of the above program quality areas can be found in Appendix E-1: Budget Expenditure Chart

Allowable Expenditures:

Allowable expenditures are any expenses for which grant funds may be used, such as, but not limited to:

- Program components
- Professional salaries
- Professional development
- Support services
- Materials and supplies
- Administrative support service
- Transportation services
- Leasing expenses or other appropriate facilities expenses

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- Other costs as approved by the commissioner

Payment Schedule:

Initial payment in the amount of 25% of the annual budget will be payable upon approval of the form FS-10 Proposed Budget for a Federal or State Project.

To receive interim payments, the subgrantee will submit form FS-25 Request for Funds for A Federal or State Project. Requests for interim payments may only represent actual expenditures plus anticipated expenditures during the next month. Up to 90% of the total approved annual budget amount will be reimbursed through the interim payment process.

To receive final payment, the subgrantee will submit form FS-10F Final Expenditures for A Federal or State Project. Final payment shall be made upon satisfactory statement of expenditures consistent with the approved budget and any budget amendments on a properly completed form (FS-10A). Final payments are also contingent upon submission of all required program reports.

Method of Award:

Each eligible proposal will be reviewed by at least two reviewers. Each reviewer will score the proposal according to the indicated point criteria in the Proposal Narrative and the Budget Narrative using the Proposal Evaluation Rubric in Appendix D. Bonus points based on economically disadvantaged percentage data will be automatically generated. Scores from each reviewer will be averaged to compute the final score. If there is a difference of more than 15 points between the two reviewers' scores, a third reviewer will review the application and the two closest scores will be averaged to compute the final score. In those instances where the third review falls equally between the initial two scores, the score of the third review will be used as the final score. A third review will not be required when it is mathematically impossible for an applicant to achieve an average score of 60 or higher with a third review.

Budgets will be adjusted to eliminate any unallowable or inappropriate expenditure.

Proposals that receive a final average score of 60 or more, excluding bonus points, will be considered for funding.

Awards will be made starting with the highest scoring proposal in rank order for all other districts.

In the event of tie scores, proposals with the highest combined score on Section 2 Need Narrative will be ranked higher. If a tie remains, the proposal with the highest combined score on Section 4 Program Quality Narrative will be ranked higher.

[NYSED Consortium Policy for State and Federal Discretionary Grant Programs](#)

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

1. The consortium must designate one of the members to serve as the applicant and fiscal agent for the grant. The applicant agency must be an eligible grant recipient. All other consortium members must be eligible grant participants, as defined by the program statute or regulation.

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2. In the event a grant is awarded to a consortium, the grant or grant contract will be prepared in the name of the applicant agency/fiscal agent, not the consortium, since the group is not a legal entity.
3. The applicant agency/fiscal agent must meet the following requirements:
 - Must be an eligible grant recipient as defined by statute;
 - Must receive and administer the grant funds and submit the required reports to account for the use of grant funds;
 - Must require consortium partners to sign an agreement with the fiscal agent that specifically outlines all services each partner agrees to provide.
 - Must be an active member of the partnership/consortium.
 - Cannot act as a flow-through for grant funds to pass to other recipients. NYSED has established a minimum level of direct service of 20% to be provided by the fiscal agent.
 - Is PROHIBITED from sub-granting 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.
 - Must be responsible for the performance of any services provided by the partners, consultants, or other organizations and must coordinate how each intends to participate.

Entities' Responsibility:

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

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

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

Reporting:

As a condition of continued receipt of grant funds, grantees will be required to submit annual program and fiscal reports to the Department in the proscribed format:

Program Reporting: Grantees will be required to submit reports twice annually:

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- Once at the start of the program year (an application) to describe proposed programming and
- At the end of the grant period (a final report), but no later than July 31st of each year, assuring that programs included in this application meet quality standards and all applicable requirements of this RFP.

Fiscal Reporting

- Grantees will be required to report expenditure data and student enrollment data at the end of the grant period.
- Thirty days following the end of the grant period (July 30th), grant recipients will be expected to complete an FS-10F long form ([Grants Finance Web Page](#)).
- Grantees will be required to submit updated Applicant Information and Grant Calculator forms to reflect the actual number of students served, and the number of days in operation during the school year and information about the prekindergarten sites.
- No grantee may receive final payment that exceeds the total actual expenditures incurred by the district.
- Payment amounts will also be adjusted if the number of days in operation, number of students served, and/or number of New York State-certified teachers are lower than originally submitted on the 2023-2024 Grant Award Request & Collaboration Calculator in Appendix B.

Monitoring:

Awarded school districts will be subject to physical plant review by NYSED on an annual basis per the program quality requirements outlined in Appendix C: New York State-Administered Universal Prekindergarten Quality Assurance Protocol Guidance Document.

Accessibility of Web-Based Information and Applications

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

Proposal Submission:

Each applicant should provide a comprehensive and clear description of the school district's proposed New Full-Day Placements or for the Conversion of Half-Day Placements to Full-Day Placements for four-year-old students. Review and scoring will be in accordance with Proposal Evaluation Rubric found in Appendix D.

Format and Submission Requirements

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Use **Appendix E- Proposal Submission Template for RFP** to form your proposal. Proposals must be complete and adhere to the following formatting and submission requirements:

1) File Format Requirements:

- Microsoft Word
- Paper size: 8.5" x 11"
- Orientation: Portrait
- Margins: 1.0 inch
- Line spacing: Multiple @ 1.50 lines

Font: Arial 12 point (10-point font size is permissible in charts and tables)

2) Proposal Requirements:

The four required proposal sections, their associated page limits, the bonus point criteria, and assigned points are outlined below:

#	Section	Page Limit (15 Pages Maximum)	Evaluation Rubric (100 Points Total)
Proposal content exceeding each section's page limits will not be read or scored by reviewers.			
BONUS	Percentage of Economically Disadvantaged Students	N/A	Maximum of 10 Points
Section 1	Abstract	1 / 15 pages	0 / 100 Points (Abstract is Required)
Section 2	Need Narrative	2 / 15 pages	20 / 100 Points
Section 3	Program Design and Program Quality Narrative	Program Design, Program Quality Narrative have a combined limit of 10 / 15 pages	60 / 100 Points
Section 4	Budget Narrative FS-10 Proposed Budget	Budget Narrative 2 / 15 pages The FS-10 Proposed Budget is required, but not included in the limit of 15 proposal pages	20 / 100 Points
<i>Do not include any attachments, appendices, or addenda.</i>			
If the narrative sections exceed the page limit, the excess pages will not be read or scored by reviewers.			

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Appendix F details points depending on the district's percentage of economically disadvantaged students. Points are automatically populated in the rubric based on the district's percentage of economically disadvantaged students.

Section 1 – Abstract

Abstract
<p>The abstract is the applicant's opportunity to provide a clear and concise one-page summary that describes the entire project. The abstract should provide information and context that will assist the reviewers as they read and score the proposal. The abstract is not scored.</p> <p>Content should not exceed one page in length. If the narrative sections exceed the page limit, the excess pages will not be read by reviewers.</p>
<p>A high-quality abstract should:</p> <ul style="list-style-type: none">• Describe the primary purpose of the project,• Identify those students and schools most in need of services, and• Highlight planned collaboration efforts that will provide high quality programming for students and their families.

Section 2 – Need Narrative

Need Narrative
<p>The need narrative clearly describes “why” additional funding is needed to support new full-day prekindergarten seats or for the conversion of half-day placements to full-day placements. This section should illustrate a deep understanding of the needs of the district's community and the challenges and/or gaps currently faced by underserving students and families.</p> <p>Content should not exceed two pages in length. If the narrative sections exceed the page limit, the excess pages will not be read or scored by reviewers.</p>
<p>A high-quality need narrative should include:</p> <ul style="list-style-type: none">• Current prekindergarten programming and why expansion is needed;<ul style="list-style-type: none">○ Specific indicators of community need including the proportion of eligible four-year-old students currently not served by UPK or other publicly funded high-quality prekindergarten programs.○ Total number of eligible four-year-old students currently on waiting lists for prekindergarten services, if applicable.○ Total number of four-year-old prekindergarten students currently enrolled in half-day and full-day programs.• Current kindergarten enrollment.

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- How the program's structure and schedule will meet the needs of the school district's four-year-old students, their families (including longer hours and more accessibility/convenience for working parents), and communities.
- The availability or lack of community resources and programs to serve the community's four-year-old students and their families.
- How the expansion will benefit students and families.

Section 3- Program Design and Program Quality Narrative

Program Design and Program Quality Narrative

The program design and program quality narrative should thoroughly, clearly, and concisely describe how the districts' proposed collaborative prekindergarten program will be structured, organized and in compliance to Education Law §3602-ee and Commissioner Regulations. The applicant describes how the school district will meet the requirements for the program quality areas below.

Content should not exceed ten pages in length. If the narrative sections exceed the page limit, the excess pages will not be read or scored by reviewers.

A high-quality program design and program quality narrative should describe:

1. Programmatic Oversight and Fiscal Management

- How the district will improve upon current prekindergarten programming, learning environment, and teacher-student interaction.
- The number of full instructional school days a prekindergarten program will operate.
- Outreach efforts to eligible CBOs and how 10% of the grant award be allocated to provide collaborative prekindergarten programming.

2. Facility Quality

- How the school district provides health and safety oversight of the **district-operated** and **CBO-operated** prekindergarten locations.
- How the school district ensures compliance with all requirements of the American with Disabilities Act (ADA).
- How the school district considers and ensures correction of any record of violations of potential and existing collaborating prekindergarten program providers.

Please see Appendix J for more information.

3. Staffing Patterns, Qualifications, Performance, and Professional Learning

- The district's staffing policy or efforts to recruit, place, and retain prekindergarten program workforce that considers the diversity and needs of the prekindergarten students and families.
- The district's efforts to ensure teachers hold a valid NYS teacher certification in early childhood grades or students with disabilities in early childhood grades and teachers in CBOs must meet the qualifications of the licensing, regulatory and/or funding agency.

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- Class sizes are within the required teacher – student ratio.
- The district provision of professional learning opportunities for prekindergarten teachers.

4. Child Eligibility, Outreach and Lottery Process:

- How the district coordinates and conducts all outreach, recruitment, registration, waitlist, enrollment, intake, and placement of students in school district and collaborating prekindergarten programs.
- How the district will conduct a random selection lottery for when there are more eligible four-year-old students than can be served in a given school year.

5. Screening, Progress Monitoring and Outcomes

- How the district will screen new entrants, including potential emergent multilingual learners.
- How the district will progress monitor prekindergarten students.
- How the district will communicate assessment results with families.

6. Child Nutrition, Health, and Well-being;

- How students' nutritional and well-being needs are met.
- How the district ensures physical activity is embedded throughout the program day.

7. Learning Environment and Curriculum

- The physical classroom learning environment, including centers.
- The curriculum to be implemented for the prekindergarten program.
- How students with disabilities and emergent multilingual learners are to be integrated within the classroom setting.
- The length of the school day and an overview of the prekindergarten program day.

8. Family Engagement and Support and Partnerships with Non-profit, Community, and Educational Institutions

- How families are actively engaged within the school community.
- Community partnerships that are available to students and families.

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Section 4 – Budget Narrative and FS-10 Proposed Budget

Budget Narrative and FS-10 Proposed Budget

The budget narrative and FS-10 proposed budget will present and describe proposed expenditures that are appropriate, reasonable, and necessary to support the proposed project activities and goals.

Content should not exceed two pages. If the narrative section exceeds the page limit, the excess pages will not be read or scored by reviewers.

A high-quality budget narrative should include:

- An explanation of the proposed program expenditures.
- How the proposed program expenditures are appropriate and necessary to support the project.
- How the proposed program expenditures are primarily targeted to the provision of direct services to students (i.e., how will funds be used to provide a developmentally appropriate learning experience for the prekindergarten students).

Debriefing Procedures:

All unsuccessful applicants may request a debriefing within fifteen (15) calendar days of receiving notice from NYSED. Bidders may request a debriefing letter on the selection process regarding this RFP by submitting a written request to PREKRFP@nysed.gov.

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

Contract Award Protest Procedures:

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

1. The protest must be in writing and must contain specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the contract award by NYSED.
2. The protest must be filed within ten (10) business days of receipt of a debriefing or disqualification letter. The protest letter must be filed with PREKRFP@nysed.gov.
3. The NYSED Contract Administration Unit (CAU) will convene a review team that will include at least one staff member from each of NYSED's Office of Counsel, CAU, and the Program Office. The review team will review and consider the merits of the protest and will decide whether the protest is approved or denied. Counsel's Office will provide the bidder with written notification of the review team's decision within ten (10) business days of the receipt of the protest. The original protest and decision will be filed with OSC when the contract procurement record is submitted for approval and CAU will advise OSC that a protest was filed.

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

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

The following M/WBE requirements apply when an applicant submits an application for grant funding that exceeds \$25,000 for the full grant period. All forms referenced here can be found in the M/WBE Documents section at the end of this RFP.

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

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

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

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

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

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

METHODS TO COMPLY

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

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

COMPLETE FORMS:

M/WBE Goal Calculation Worksheet

M/WBE Cover Letter

M/WBE 100 Utilization Plan

M/WBE 102 Notice of Intent to Participate

M/WBE 100 EEO Staffing Plan

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

COMPLETE FORMS:

M/WBE Goal Calculation Worksheet

M/WBE Cover Letter

M/WBE 100 Utilization Plan

M/WBE 101 Request for Waiver

M/WBE 102 Notice of Intent to Participate

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M/WBE 105 Contractor's Good Faith Efforts

M/WBE 100 EEO Staffing Plan

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

COMPLETE FORMS:

M/WBE Goal Calculation Worksheet

M/WBE Cover Letter

M/WBE 101 Request for Waiver

M/WBE 105 Contractor's Good Faith Efforts

M/WBE 100 EEO Staffing Plan

GOOD FAITH EFFORTS

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

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

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

REQUEST FOR WAIVER

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

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

All payments to Minority and Women-Owned Business Enterprise subcontractor(s) should be reported to the NYSED M/WBE Program Unit using the M/WBE 104G Quarterly M/WBE Compliance Report. This report should be submitted on a quarterly basis and can be found on the [NYSED MWBE unit website](#).

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

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

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

NYSED's Reservation of Rights:

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

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Appendix A

STANDARD CLAUSES FOR NYS CONTRACTS

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

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

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

3. COMPTROLLER’S APPROVAL. In accordance with Section 112 of the State Finance Law, if this contract exceeds \$50,000 (or \$75,000 for State University of New York or City University of New York contracts for goods, services, construction and printing, and \$150,000 for State University Health Care Facilities) 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 \$25,000, 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, either for itself or its customer agencies by the Office of General Services Business Services Center, is required when such contracts exceed \$85,000. Comptroller’s approval of contracts established as centralized contracts through the Office of General Services is required when such contracts exceed \$125,000, and when a purchase order or other procurement transaction issued under such centralized contract exceeds \$200,000.

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, nor subject any individual to harassment, because of age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status or because the individual has opposed any practices forbidden under the Human Rights Law or has filed a complaint, testified, or assisted in any proceeding under the Human Rights Law. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. WAGE AND HOURS PROVISIONS. If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor’s employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law. Additionally, effective April 28, 2008, if this is a public work contract

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covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

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

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

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

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

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

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

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section 312 of the Executive Law and 5 NYCRR Part 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total

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expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

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

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

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

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

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

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

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

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

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

18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the

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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 and Technology Development
625 Broadway
Albany, New York 12245
Telephone: 518-292-5100

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

NYS Department of Economic Development
Division of Minority and Women's Business Development
633 Third Avenue 33rd Floor
New York, NY 10017
646-846-7364
email: mwbebusinessdev@esd.ny.gov
[NYS M/WBE Directory](#)

The Omnibus Procurement Act of 1992 (Chapter 844 of the Laws of 1992, codified in State Finance Law § 139-i and Public Authorities Law § 2879(3)(n)-(p)) 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, codified in State Finance Law § 165(6) and Public Authorities Law § 2879(5)) require that they be

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denied contracts which they would otherwise obtain. NOTE: As of May 2023, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii.

22. COMPLIANCE WITH BREACH NOTIFICATION AND DATA SECURITY LAWS. Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law §§ 899-aa and 899-bb and State Technology Law § 208).

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

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

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

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

26. IRAN DIVESTMENT ACT. By entering into this Agreement, Contractor certifies in accordance with State Finance Law § 165-a that it is not on the “Entities Determined to be Non-Responsive Bidders/Offerers pursuant to the New York State Iran Divestment Act of 2012” (“[Prohibited Entities List](#)”).

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

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

The state agency reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

27. ADMISSIBILITY OF REPRODUCTION OF CONTRACT. Notwithstanding the best evidence rule or any other legal principle or rule of evidence to the contrary, the Contractor acknowledges and agrees that it waives any and all objections to the admissibility into evidence at any court proceeding or to the use at any examination before trial of an electronic reproduction of this contract, in the form approved by the State Comptroller, if such approval was required, regardless of whether the original of said contract is in existence.

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APPENDIX A-1-G General Assurances

General

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

Terminations

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

Responsibility Provisions

A. General Responsibility Language

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

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B. Suspension of Work (for Non-Responsibility)

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

C. Termination (for Non-Responsibility)

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

Safeguards for Services and Confidentiality

- A. Any copyrightable work produced pursuant to said agreement shall be the sole and exclusive property of the New York State Education Department. The material prepared under the terms of this agreement by the Contractor shall be prepared by the Contractor in a form so that it will be ready for copyright in the name of the New York State Education Department. Should the Contractor use the services of consultants or other organizations or individuals who are not regular employees of the Contractor, the Contractor and such organization or individual shall, prior to the performance of any work pursuant to this agreement, enter into a written agreement, duly executed, which shall set forth the services to be provided by such organization or individual and the consideration therefor. Such agreement shall provide that any copyrightable work produced pursuant to said agreement shall be the sole and exclusive property of the New York State Education Department and that such work shall be prepared in a form ready for copyright by the New York State Education Department. A copy of such agreement shall be provided to the State.
- B. All reports of research, studies, publications, workshops, announcements, and other activities funded as a result of this proposal will acknowledge the support provided by the State of New York.
- C. This agreement cannot be modified, amended, or otherwise changed except by a written agreement signed by all parties to this contract.
- D. No failure to assert any rights or remedies available to the State under this agreement shall be considered a waiver of such right or remedy or any other right or remedy unless such waiver is contained in a writing signed by the party alleged to have waived its right or remedy.
- E. Expenses for travel, lodging, and subsistence shall be reimbursed in accordance with the policies stipulated in the aforementioned Fiscal guidelines.
- F. No fees shall be charged by the Contractor for training provided under this agreement.
- G. Nothing herein shall require the State to adopt the curriculum developed pursuant to this agreement.

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- 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.

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APPENDIX I – Statement of Assurances

As Chief School Officer, I have signed the cover page assuring that all *school district-operated and collaborating agency- / CBO-operate prekindergarten programs* adhere to Sections 3602-ee and 3602-e of Education Law, and Subpart 151-1 of the Commissioners Regulations. Specifically, I assure the District will:

1. Ensure no family member, parent and/or guardian of a child participating in the prekindergarten program will be subjected to a fee or charge, pursuant to §§ 1712, 2514, and 2555 of the Education Law;
2. Adopt and implement developmentally, linguistically, and culturally appropriate, responsive, and sustaining curriculum, activities, and practices that are learner-centered and aligned with the *New York State Prekindergarten Learning Standards*;
3. Screen all enrolled prekindergarten students in all prekindergarten sites in accordance to Commissioner's Regulations Part 117;
4. Provide for an age appropriate assessment of the development of language, cognitive, and social-emotional development of all enrolled prekindergarten students;
5. Ensure that people with disabilities can access the program site as required by the Americans with Disabilities Act of 1990;
6. Ensure that the measures of student outcomes will not be used to prohibit or discourage a child's enrollment in kindergarten;
7. Ensure continuity between all prekindergarten classrooms and instruction in kindergarten and the early elementary grades;
8. Encourage students to be self-assured and independent;
9. Recognize preschool special education providers in the community as eligible entities to receive funds to establish collaborative integrated prekindergarten programs;
10. Encourage the participation, inclusion, and integration of preschool students with disabilities and provide all required supports, as well as those necessary to ensure that preschool students with disabilities equitably and successfully access, participate, and progress in the curriculum;
11. Provide supports and implement policies to severely limit expulsion and suspension practices, with the goal of eliminating these practices. School districts and their collaborating agencies / CBOs are urged to review their policies and practices to take steps that will ensure that high-quality behavioral and social- emotional supports are in place to prevent suspensions and expulsions of preschool children. Additional guidance on the suspension and expulsion of preschool children can be found in this [July 2015 NYSED field memo](#).
12. Encourage the participation, inclusion, and integration of language-diverse Emergent Multilingual Learners, provide English language and home language supports, as well as required culturally and

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linguistically responsive and sustaining practices necessary to ensure that Emergent Multilingual Learners equitably and successfully access, participate, and progress in the curriculum;

13. Provide equal access for families, parents, and/or guardians of all children to actively participate in all phases of the program, such as volunteering in classes, serving as chaperones for field trips, and if applicable, serving on a prekindergarten program's Advisory Board;
14. Utilize staff who meet the qualifications set forth in Section 3602-ee of Education Law and 8NYCRR, Section 151-1.3(e);
15. Provide for strong parent and/or guardian partnerships and family engagement in prekindergarten program participation, planning, decision-making, implementation, evaluation, quality, and program improvement;
16. Provide early childhood professional learning opportunities aligned with the school district's Kindergarten-Third Grade curriculum and based upon the instructional needs of students;
17. Establish a method for selection of eligible students to receive prekindergarten program services on a random basis when there are more eligible students than can be served in each school year, except as provided in a plan for prioritizing or targeting enrollment that is specified in the district's application for this grant;
18. Provide supervision for all classrooms regardless of school district or collaborating agency / CBO setting.
19. Adopt and use proper methods of administering each program, including (a) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients for carrying out each program; and (b) the correction of deficiencies in program operations that are identified through audits, monitoring or evaluation;
20. Use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, funds under each program;
21. Maintain on file a detailed accounting of grant expenditures including other sources of funding used to support the school district's prekindergarten program including local tax levy;
22. Participate in any independent evaluation conducted by the State of the effectiveness of the prekindergarten program, which shall include providing information requested by the Department including but not limited to a summary of student progress, determined in a manner approved by the Department; identification of best practices; and other program quality indicators as determined by the Commissioner;
23. Make reports to NYSED as may be necessary to enable the Department to perform its duties under the program;
24. Ensure that each school district and collaborating agency / CBO facility providing prekindergarten meets all applicable fire and safety and building codes and any applicable facility requirements of a state or local licensing or registering agency; and at all times maintain building and classroom space in a manner that ensures and protects the health and safety of students in the program;

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25. Ensure that the program is administered in full compliance with Education Law §§ 305(44), 3602(15), and 8 N.Y.C.R.R. Sections 100.3(a)(5), 151-1.2(e), and 151-1.3(b)(4), which prohibit the administration of traditional standardized tests in prekindergarten programs;
26. The school district will maintain on file and provide to NYSED as requested, including, but not limited to, the following:
- a. A description of the school district's competitive selection process for prekindergarten program collaboration;
 - b. A copy of any contracts or agreements between the collaborative agencies and the school district to implement a collaborative prekindergarten program;
 - c. A list of all prekindergarten providers within the school district community;
 - The number of prekindergarten students;
 - The number of preschool students with disabilities with individualized education programs (IEPs);
 - The number of students who speak a language other than English at home and which language(s);
 - The number of NYS-certified and uncertified prekindergarten teachers;
 - The number of uncertified prekindergarten teachers, in collaborating agencies / CBOs and the current qualifications of each uncertified teacher;
 - A description of the process used to randomly select eligible students for enrollment when there are more applicants than available placements; and Documentation to support any applicable variances.