

THE UNIVERSITY OF THE STATE OF NEW YORK  
THE STATE EDUCATION DEPARTMENT

REQUEST FOR QUALIFICATIONS (RFQ) # 25 -001b

**TEACHER AND PRINCIPAL EVALUATION:  
TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE**

APPLICATION PERIOD: CONTINUOUS AND ONGOING

The New York State Education Department (NYSED or “the Department”) does not discriminate on the

independent trained evaluator(s)<sup>1</sup>, and optional observations/school visits by trained peer educators. Section 30-3.9 of the Rules of the Board of Regents requires the Commissioner to evaluate teacher and principal practice rubrics based on the criteria outlined in this application.

## 1.2 BACKGROUND

The New York State school system is one of the most comprehensive educational systems in the country. It comprises 689 school districts, 37 BOCES, over 7,000 public/private elementary and secondary schools, including 246 charter schools, and serves the educational needs of over 3.1 million students. Additionally, there are currently over 220,000 certified public school teachers and administrators employed by New York State schools who directly support the educational needs and achievement of our student population.

Education Law §3012-d, as amended by the Laws of 2019, retains the performance evaluation system for classroom teachers and building principals. The evaluation system is designed to measure teacher and principal effectiveness based on performance, including measures of student growth and evidence of educator effectiveness in meeting the New York State Teaching Standards or the State's school leadership standards (Professional Standards for Educational Leadership: PSEL 2015 New York version). Under the law, New York State will differentiate teacher and principal effectiveness using four rating categories – Highly Effective, Effective, Developing, and Ineffective. Education Law §§3012-d(5)(a) and (b) require annual professional performance reviews (Educator Evaluation Plans) to result in a single teacher or principal effectiveness rating, which incorporates multiple measures of effectiveness. The results of the evaluations shall be a significant factor in employment decisions, including, but not limited to, promotion, retention, tenure determinations, termination, and supplemental compensation, as well as teacher and principal professional development (including coaching, induction support, and differentiated professional development).

Under the evaluation system, one category of teacher and principal evaluations shall be based on measures of student performance. Importantly, the law requires all measures of student performance to be based on student growth in up to two subcomponents: r r

of expected growth for individual students. In cases where the district/BOCES elects, through collective bargaining, to use the optional student growth subcomponent, such measure may be:

- (A) A second SLO, provided that this SLO is different from that used in the required subcomponent;
- (B) A growth score based on a statistical growth model, where available, for either State-created or -administered assessments or State-designed supplemental assessments;
- (C) A measure of student growth, other than an SLO, based on State-created or -administered assessments or State-designed supplemental assessments;
- (D) A performance index based on State-created or -administered assessments or State-designed supplemental assessments;
- (E) An achievement benchmark on State-created or -administered assessments or State-designed supplemental assessments; or

Any other collectively bargained measure of student growth or achievement included in the LEA's evaluation plan. The weightings and scoring ranges for both subcomponents of the Student Performance Category are set forth in Subpart 30-3 of the Rules of the Board of Regents.

The remaining portion of teacher and principal evaluations shall be based on multiple measures of effectiveness. This includes the extent to which the educator demonstrates proficiency in meeting New York State's teaching standards or the leadership standards. The methods of gathering evidence for teachers and principals must include observations/school visits by the educator's supervisor or another trained administrator and observations/school visits by impartial independent trained evaluator(s). Districts also have the option to include observations/school visits by trained peer educators<sup>2</sup>. Importantly, the new law requires that teacher and principal performance in this category be assessed based only on those components of the selected practices rubrics that are observable. Further, pursuant to Education Law §3012-d (6), the following elements are not eligible to be used in any evaluation subcomponent:

- a. evidence of student development and performance derived from lesson plans, other artifacts of teacher practice, and student portfolios, except for student portfolios measured by a state-approved rubric where permitted by the department;
- b. use of an instrument for parent or student feedback;
- c. use of professional goal-setting as evidence of teacher or principal effectiveness;
- d. any district or regionally developed assessment that has not been approved by the department; and
- e. any growth or achievement target that does not meet the minimum standards as set forth in regulations of the Commissioner adopted hereunder.

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<sup>2</sup> During the September 2015 Board of Regents meeting, Subpart 30-3.5 of the Rules of the Board of Regents was amended to provide for a waiver from the requirement that at least one observation/school visit be conducted by one or more impartial independent trained evaluators selected and trained by the district for rural school districts or school districts with a registered school pursuant to §100.18 of the Commissioner's regulations that, due to the size and limited resources of the school district, is not able to independent evaluator within a reasonable proximity without an undue burden. Where a waiver has been granted, the district must instead conduct such observations/school visits utilizing one or more evaluators selected and trained by the district

For additional information on New York State's evaluation system, including information on the Commissioner's regulations, see the New York State Education Department website at <https://www.nysed.gov/educator-quality/new-york-state-evaluation-system>.

## 2.0 SPECIFICATIONS

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### 2.1 ELIGIBLE APPLICANTS

This application is for those LEAs or a consortium of LEAs<sup>3</sup> requesting a variance to use a teacher and/or principal practice rubric other than those rubrics on the Department's Approved List for use in the Teacher Observation/Principal School Visit category of the APPR.

### 2.2 TYPES OF VARIANCES AND APPROVAL PERIOD

LEAs<sup>4</sup> can request a variance to use: (1) an existing rubric (i.e., a rubric that is already in use by the LEA) that is self-developed, developed by a third party, or an adaptation of a rubric on the Department's Approved List; or (2) a new, innovative rubric that will support their professional capacity to successfully implement teacher and principal evaluations. If an LEA's variance application is approved, the LEA may use the practice rubric to implement teacher and principal evaluations in accordance with Education Law §3012-d, as amended.

#### Existing Rubric

If applying to use an existing rubric that is self-developed, developed by a third party, or an adaptation of a rubric on the Department's Approved List, applicants must establish that the proposed rubric meets ALL of the approval criteria outlined in this application (see §3.6 of this application), and must also demonstrate:

- evidence that the LEA has made a significant investment in the rubric, particularly in training and implementation; AND
- evidence that the LEA has a history of using the rubric that would justify continued use of that rubric. This includes evidence that:
  - the LEA's use of the rubric, to date, has generated differentiated ratings and assessments of educator skill and proficiency; AND
  - the degree of differentiation in the ratings is justified by student achievement results.

In general, the Department discourages LEAs from making any adaptations to other providers' rubrics. Any change by an LEA to the content of a rubric on the Department's Approved List (including deletions, additions, or other edits) constitutes an adaptation for which a variance would be required.

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<sup>3</sup> An application for a rubric variance may be made by an individual LEA or a consortium of LEAs including a group of individuals who have

The LEA is responsible for securing any necessary approvals or permissions from the rubric provider, prior to making any adaptations.

An LEA is NOT required to request a variance for procedural differences in implementation of a rubric on the Department's Approved List. Procedural differences include, but are not limited to:

- providing additional or more detailed guidance on how to implement the rubric that is not available from the original rubric provider; or
- maintaining all components of the rubric but choosing to emphasize certain components of the rubric over others.

The use of an existing rubric will be approved for a period of three years, at which time an LEA must request a renewal if they wish to continue to use the rubric. Details for the renewal process will be provided prior to the expiration date for all approved variances.

### New, Innovative Rubric

(ii) The rubric is not identifying meaningful and/or observable differences in performance levels across schools and classrooms; and/or

(iii) High-quality rec 0 Tw 4i aTc alqual2 (hool)2.6 (s6 (i)2)0.7 (i)tfoi6 (dent)-6.6 (ion6.6 (o)s6 (i)26 (dent)2



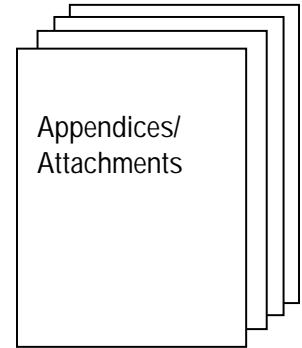
### 3.4 APPLICATION PACKAGE CHECKLIST

Submitted?	Component	Requirement/Format
<input type="checkbox"/>	Transmittal Letter	An authorized individual must write a brief Transmittal Letter, to formally submit/transT(m)-4.3 (a (o)10.5 (



### 3.5 APPLICATION PACKAGE SAMPLE

A sample complete application package might look like the following (see illustration below):



### 3.6 APPLICATION REVIEW AND SCORING PROCESS

#### General Review and Scoring Process

Applications will each be independently reviewed and evaluated by two members of the Evaluation Committee using the criteria specified in this application. Applicant responses on Form B of the

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Part II

Question Category	Expectations for Responses
<p>Information about the rubric (Question #1)</p>	<p>a. The LEA provides a rationale that clearly articulates the reasons for the use of the submitted rubric instead of a Department-approved rubric, including how the use of the submitted rubric is directly relevant to improving teaching practices and student learning.</p> <p>If requesting a variance to use an existing rubric that is an adaptation of a Department-approved rubric, the LEA specifies what adaptations have been made to the Department-approved rubric, including a justification for the adaptations.</p> <p>b. The LEA describes its history of having used the submitted rubric for one or more of the following purposes: evaluations; planning for differentiated professional development; and/or employment decisions, including, but not limited to promotion, retention, tenure determinations, termination, and supplemental compensation.</p>
<p>Significant investment in the rubric (Question #2 and Form C)</p>	<p>The LEA provides evidence of its investment in the submitted rubric,</p>



evidence in Part I will result in a rejection of the application and a denial of the variance request.

Part I

Question Category	Expectations for Responses
(Tables 1.3 and 1.4 – see Form B-P)	Statement is clear and thorough and responds to each criterion. For each established criterion, the application will be scored as follows: Yes – Rubric demonstrates the established criterion No – Rubric does not demonstrate the established criterion

- ii. Applications that receive a “Yes” rating for each criterion in Part I will then be reviewed and scored in Part II as outlined below.

Existing Rubric

For each established criterion, the application will be scored as follows:

Yes – Applicant response demonstrates the established criterion

No – Applicant response does not demonstrate the established criterion

Part II

Question Category	Expectations for Responses
Information about the rubric (Question #1)	a. The LEA provides a rationale that clearly articulates the reasons for the use of the submitted rubric instead of a Department-approved rubric, including how the use of the submitted rubric is directly relevant to improving leadership practices and student learning. If requesting a variance to use an existing rubric that is an adaptation of a Department-approved rubric, the LEA specifies what adaptations have been made to the Department-approved rubric, including a justification for the adaptations. b. The LEA describes its history of having used the submitted rubric for one or more of the following purposes: evaluations; planning for differentiated professional development; and/or employment decisions, including, but not limited to promotion, retention, tenure determinations, termination, and supplemental compensation.
Significant investment in the rubric (Question #2 and Form C)	The LEA provides evidence of its investment in the submitted rubric, including, but not limited to, investments of money and staff time in developing or procuring the rubric, training educators to effectively use the rubric, actual use of the rubric, and analysis and application of the resulting ratings. The LEA includes details regarding budget expenditures and training and implementation that have occurred to date (e.g., training timeframes, methodologies, providers, targeted audiences, etc.), including calibration of evaluators to ensure inter-rater reliability and effective use of the rubric.





category, and a differentiated ratings summary that shows the number and percent of teachers or principals rated in each category per year.



TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE

Section I. Variance Application - Cover Page

Name of Entity <sup>6</sup>
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## TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE APPLICATION

### Section II. Teacher and Principal Practice Rubric Narrative

#### TEACHER PRACTICE RUBRIC NARRATIVE - PART I

Please be advised that your responses will be thoroughly reviewed and evaluated based on the criteria articulated in the application instructions. We strongly encourage you to be as complete and detailed as possible in your responses. If you are attaching supporting documentation, please do not simply indicate “see attached” in the response fields; provide a summary of why the supporting documentation is necessary and the specific page numbers you are referring to.

Table 1.1

<a href="#">New York State Teaching Standards</a>	Domain	My rubric covers the Domain (Yes or N/A):	Please thoroughly describe any evidence to support your rubric’s alignment with the categories listed. If your rubric does not align with the category listed, please indicate “N/A.”
I.	Knowledge of Students and Student Learning	Please select:	
II.	Knowledge of Content and Instructional Planning	Please select:	
III.	Instructional Practice	Please select:	
IV.	Learning Environment	Please select:	
V.	Assessment for Student Learning	Please select:	
VI.	Professional Responsibilities and Collaboration	Please select:	
VII.	Professional Growth	Please select:	
	Student Learning Outcomes	Please select:	
	“Other”	Please select:	

**TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE APPLICATION**  
**TEACHER PRACTICE RUBRIC**  
**NARRATIVE - PART I**

Table 1.2

Approval Category	Approval Criteria	My rubric covers the following  (Yes or N/A):	Please thoroughly describe any evidence to support your rubric's alignment with the categories listed. If your rubric does not align with the category listed, please indicate "N/A."
	My rubric:  broadly covers the New York State Teaching Standards, and its related elements.  is grounded in research about teaching practice that supports positive student learning outcomes.	Please select:  Please select:	

Alignment with  
 Overall New  
 York State  
 Evaluation  
 System

	<p>is applicable to all grades and subjects or, is designed explicitly for specific grades/subjects as indicated herein.</p>	<p>Please select:</p>	
	<p>uses clear and precise language that facilitates common understanding among teachers and administrators.</p>	<p>Please select:</p>	
	<p>is specifically designed to assess the classroom effectiveness of teachers.</p>	<p>Please select: <b>ggg</b></p>	

Ease of  
Implementation

TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE APPLICATION

TEACHER PRACTICE RUBRIC  
NARRATIVE - PART II

- I. If requesting a variance to use an existing teacher practice rubric (self-developed, developed by a third party, or an adaptation of a Department-approved rubric), respond to the following questions.

Information (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (ab) (ac) (ad) (ae) (af) (ag) (ah) (ai) (aj) (ak) (al) (am) (an) (ao) (ap) (aq) (ar) (as) (at) (au) (av) (aw) (ax) (ay) (az) (ba) (bb) (bc) (bd) (be) (bf) (bg) (bh) (bi) (bj) (bk) (bl) (bm) (bn) (bo) (bp) (bq) (br) (bs) (bt) (bu) (bv) (bw) (bx) (by) (bz) (ca) (cb) (cc) (cd) (ce) (cf) (cg) (ch) (ci) (cj) (ck) (cl) (cm) (cn) (co) (cp) (cq) (cr) (cs) (ct) (cu) (cv) (cw) (cx) (cy) (cz) (da) (db) (dc) (dd) (de) (df) (dg) (dh) (di) (dj) (dk) (dl) (dm) (dn) (do) (dp) (dq) (dr) (ds) (dt) (du) (dv) (dw) (dx) (dy) (dz) (ea) (eb) (ec) (ed) (ee) (ef) (eg) (eh) (ei) (ej) (ek) (el) (em) (en) (eo) (ep) (eq) (er) (es) (et) (eu) (ev) (ew) (ex) (ey) (ez) (fa) (fb) (fc) (fd) (fe) (ff) (fg) (fh) (fi) (fj) (fk) (fl) (fm) (fn) (fo) (fp) (fq) (fr) (fs) (ft) (fu) (fv) (fw) (fx) (fy) (fz) (ga) (gb) (gc) (gd) (ge) (gf) (gg) (gh) (gi) (gj) (gk) (gl) (gm) (gn) (go) (gp) (gq) (gr) (gs) (gt) (gu) (gv) (gw) (gx) (gy) (gz) (ha) (hb) (hc) (hd) (he) (hf) (hg) (hh) (hi) (hj) (hk) (hl) (hm) (hn) (ho) (hp) (hq) (hr) (hs) (ht) (hu) (hv) (hw) (hx) (hy) (hz) (ia) (ib) (ic) (id) (ie) (if) (ig) (ih) (ii) (ij) (ik) (il) (im) (in) (io) (ip) (iq) (ir) (is) (it) (iu) (iv) (iw) (ix) (iy) (iz) (ja) (jb) (jc) (jd) (je) (jf) (jg) (jh) (ji) (jj) (jk) (jl) (jm) (jn) (jo) (jp) (jq) (jr) (js) (jt) (ju) (jv) (jw) (jx) (jy) (jz) (ka) (kb) (kc) (kd) (ke) (kf) (kg) (kh) (ki) (kj) (kk) (kl) (km) (kn) (ko) (kp) (kq) (kr) (ks) (kt) (ku) (kv) (kw) (kx) (ky) (kz) (la) (lb) (lc) (ld) (le) (lf) (lg) (lh) (li) (lj) (lk) (ll) (lm) (ln) (lo) (lp) (lq) (lr) (ls) (lt) (lu) (lv) (lw) (lx) (ly) (lz) (ma) (mb) (mc) (md) (me) (mf) (mg) (mh) (mi) (mj) (mk) (ml) (mm) (mn) (mo) (mp) (mq) (mr) (ms) (mt) (mu) (mv) (mw) (mx) (my) (mz) (na) (nb) (nc) (nd) (ne) (nf) (ng) (nh) (ni) (nj) (nk) (nl) (nm) (nn) (no) (np) (nq) (nr) (ns) (nt) (nu) (nv) (nw) (nx) (ny) (nz) (oa) (ob) (oc) (od) (oe) (of) (og) (oh) (oi) (oj) (ok) (ol) (om) (on) (oo) (op) (oq) (or) (os) (ot) (ou) (ov) (ow) (ox) (oy) (oz) (pa) (pb) (pc) (pd) (pe) (pf) (pg) (ph) (pi) (pj) (pk) (pl) (pm) (pn) (po) (pp) (pq) (pr) (ps) (pt) (pu) (pv) (pw) (px) (py) (pz) (qa) (qb) (qc) (qd) (qe) (qf) (qg) (qh) (qi) (qj) (qk) (ql) (qm) (qn) (qo) (qp) (qq) (qr) (qs) (qt) (qu) (qv) (qw) (qx) (qy) (qz) (ra) (rb) (rc) (rd) (re) (rf) (rg) (rh) (ri) (rj) (rk) (rl) (rm) (rn) (ro) (rp) (rq) (rr) (rs) (rt) (ru) (rv) (rw) (rx) (ry) (rz) (sa) (sb) (sc) (sd) (se) (sf) (sg) (sh) (si) (sj) (sk) (sl) (sm) (sn) (so) (sp) (sq) (sr) (ss) (st) (su) (sv) (sw) (sx) (sy) (sz) (ta) (tb) (tc) (td) (te) (tf) (tg) (th) (ti) (tj) (tk) (tl) (tm) (tn) (to) (tp) (tq) (tr) (ts) (tt) (tu) (tv) (tw) (tx) (ty) (tz) (ua) (ub) (uc) (ud) (ue) (uf) (ug) (uh) (ui) (uj) (uk) (ul) (um) (un) (uo) (up) (uq) (ur) (us) (ut) (uu) (uv) (uw) (ux) (uy) (uz) (va) (vb) (vc) (vd) (ve) (vf) (vg) (vh) (vi) (vj) (vk) (vl) (vm) (vn) (vo) (vp) (vq) (vr) (vs) (vt) (vu) (vv) (vw) (vx) (vy) (vz) (wa) (wb) (wc) (wd) (we) (wf) (wg) (wh) (wi) (wj) (wk) (wl) (wm) (wn) (wo) (wp) (wq) (wr) (ws) (wt) (wu) (wv) (ww) (wx) (wy) (wz) (xa) (xb) (xc) (xd) (xe) (xf) (xg) (xh) (xi) (xj) (xk) (xl) (xm) (xn) (xo) (xp) (xq) (xr) (xs) (xt) (xu) (xv) (xw) (xx) (xy) (xz) (ya) (yb) (yc) (yd) (ye) (yf) (yg) (yh) (yi) (yj) (yk) (yl) (ym) (yn) (yo) (yp) (yq) (yr) (ys) (yt) (yu) (yv) (yw) (yx) (yz) (za) (zb) (zc) (zd) (ze) (zf) (zg) (zh) (zi) (zj) (zk) (zl) (zm) (zn) (zo) (zp) (zq) (zr) (zs) (zt) (zu) (zv) (zw) (zx) (zy) (zz)



- a. that the use of this teacher practice rubric generates differentiated ratings and assessments of educator skill and proficiency that are aligned (or easily convertible) to the NYSED's four rating categories;
- b. that the distribution of teachers in different levels of proficiency is justified by student achievement results; AND
- c. that the use of this teacher practice rubric cultivates continual professional growth and/or achievement of effective teaching practices that are directly relevant to improving student learning.



TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE APPLICATION

PRINCIPAL PRACTICE RUBRIC  
NARRATIVE - PART I

Please be advised that your responses will be thoroughly reviewed and evaluated based on the criteria articulated in the application instructions.

5.	cultivate an inclusive, caring, and supportive school community that promotes the academic success and well-being of each student;	Please select:	
6.	develop the professional capacity and practice of school personnel to promote each student's academic success and well-being;	Please select:	
7.	foster a professional community of teachers and other professional staff to promote each student's academic success and well-being;	Please select:	
8.	engage families and the community in meaningful, reciprocal, and mutually beneficial ways to promote each student's academic success and well-being;	Please select:	
9.	manage school operations and resources to promote each student's academic success and well-being; and	Please select:	
10.	act as agents of continuous improvement to promote each student's academic success and well-being.	Please select:	

**TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE APPLICATION**  
**PRINCIPAL PRACTICE RUBRIC**  
**NARRATIVE - PART I**

Table 1.4

Approval Category	Approval Criteria  My rubric:	My rubric covers the following (Yes or N/A):	Please thoroughly describe any evidence to support your rubric's alignment with the categories listed. If your rubric does not align with the category listed, please indicate "N/A."
Alignment with Overall New York State Evaluation System	Aligns to the 2015 PSEL Standards (New York Version) and its related domains and elements.	Please select:	
	is grounded in research about leadership practice that supports positive student learning outcomes.	Please select:	
	has four performance rating categories.	Please select:	
	does not have four levels that match the rating categories of highly effective, effective, developing, and ineffective, but the rubric's summary ratings are easily convertible to the four rating categories that New York State has adopted.	Please select:	
	clearly defines the expectations for each rating category. The Highly Effective and Effective rating categories encourage excellence beyond a minimally acceptable level of effort or compliance.	Please select:	
Ease of Implementation	uses clear and precise language that facilitates common understanding	Please select:	



**TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE APPLICATION****PRINCIPAL PRACTICE RUBRIC  
NARRATIVE - PART II**

- I. If requesting a variance to use an existing principal practice rubric (self-developed, developed by a third party, or an adaptation of a Department-approved rubric), respond to the following questions.

## Information about the rubric:

1.
  - a. Provide a rationale that clearly articulates the reasons for the use of the submitted rubric instead of a Department-approved rubric, including how the use of the submitted rubric is directly relevant to improving principal leadership practices and student learning. In addition, if requesting a variance to use an existing rubric that is an adaptation of a Department-approved rubric, specify what adaptations have been made to the Department-approved rubric, including a justification for the adaptations.
  - b. Describe the LEA's history of using the submitted rubric for one or more of the following purposes such as evaluations; planning for differentiated professional development; and/or employment decisions, including, but not limited to, promotion, retention, tenure determinations, termination, and supplemental compensation.

## Significant investment in the rubric:

2. Provide evidence of the LEA's investment in the submitted rubric, including, but not limited to, investments in money and staff time in developing or procuring the rubric, training educators to effectively use the rubric, actual use of the rubric, and analysis and application of the resulting ratings. Include in your response details regarding budget expenditures and the LEA's training and implementation that have occurred to date (e.g., training timeframes, methodologies, providers, targeted audiences, etc.), including calibration of educators, in order to ensure inter-rater reliability and effective use of the rubric. Use Form C, to detail expenditures and rating summary and include additional information, if necessary.

## History of use that justifies continuation:

3.
  - a. Provide evidence that the submitted rubric to date has generated differentiated ratings and assessments of principal skill and proficiency. This evidence uses the rating categories that are aligned (or easily convertible) to NYSED's four rating categories and includes



**TEACHER AND PRINCIPAL PRACTICE RUBRIC VARIANCE APPLICATION**  
**Section III. Investment Summary and Differentiated Ratings Summary**

**TOTAL EXPENSES ASSOCIATED WITH YEARLY TRAINING**

School year





Section V. Request for Exemption from Disclosure Pursuant to the Freedom of Information Law

New York State Public Officers Law, Article 6 (Freedom of Information Law) requires that each agency shall make available all records maintained by said agency, except that agencies may deny access to records or portions thereof that fall within the scope of the exceptions listed in Public Officers Law §87(2).

Any proprietary materials submitted as part of, or in support of, an applicant’s proposal, which applicant considers confidential or otherwise excepted from disclosure under the Freedom of Information Law, must be specifically so identified, and the basis for such confidentiality or other exception must be specifically set forth.

Please list all such documents for every portion of the proposal on the form below and include a copy of this document with each separate portion of the proposal (technical, cost, appendices). Materials which are not indicated below may be released in their entirety upon request without notice to you.

According to law, the entity requesting exemption from disclosure has the burden of establishing entitlement to confidentiality. Submission of this form does not necessarily guarantee that a request for exemption from disclosure will be granted. If necessary, NYSED will make a determination regarding the requested exemptions, in accordance with the process set forth in Public Officers Law §89(5).

Table with 3 columns: Material for which Exemption is Requested, Location / Page Number(s), Basis for Request. The table contains 6 empty rows for data entry.