

## Guidelines for Agreements with an Approved Provider

If an approved survey provider is selected by an LEA\* to provide training, professional development, or any other service related to the use of the survey, **for a cost**, the LEA and provider are advised to enter into an agreement before the survey is used for evaluation purposes. Any organization submitting a survey without any related services for a cost would not be expected to enter into an agreement with an LEA. Approval and placement on the approved list does not require any provider to enter into an agreement to provide services to any other entity.

It is the responsibility of the service provider and LEA to reach an agreement on the survey(s) to be used and any related services to be provided, if deemed necessary by the respective parties. NYSED will not be party to or responsible for agreements between service providers and LEAs. However, in order to support the service providers and LEAs, NYSED recommends minimum guidelines to be followed, or at least considered, for agreements between an approved provider and LEA.

- A detailed description of the student and teacher survey instruments to be used, and the arrangements for providing the partnering LEA with a copy of the survey instruments;
- A detailed description of the professional development, training, and/or other related services agreed to between the parties that is deemed necessary for successful implementation (*e.g. participants, initiation date, frequency, and duration of professional development services*), and by whom such services would be provided (*e.g., by the provider itself or by an identified partner of the provider*);
- The location where services would be provided;
- A provision that the agreement shall terminate immediately upon the provider's removal from the Department's Approved List.
- A provision detailing the provider's suggested method for successful implementation of the student and teacher surveys for use as an evaluation instrument as part of DTSDE, with the understanding that in no way is the suggested method the only method for successful implementation.
- A provision that the provider shall produce documentation that evidences sufficient staffing levels, or appropriate partnerships, and fiscal viability and soundness to provide training, professional development and/or other related services agreed to by the parties as a prerequisite for implementation of the survey instrument;
- Payment provisions that are based on delivery of student and teacher survey services, if any, and/or the tool itself; and
- Provisions that subject all individuals employed by or otherwise associated with the approved provider, including support staff, etc., who have direct contact with students, to the fingerprint and criminal history record check pursuant to Education Law §§305(30), 1125(3), 1604(39), 1604(40), 1709(39), 1709(40), 1804(9), 1804(10), 1950(4)(II), 1950(4)(mm), 2503(18),

2503(19), 2554(25), 2554(26), 2590-h (20), 2854(3)(a-2), 2854(3)(a-3) and 3035, and Part 87 of the regulations of the Commissioner of Education.