



## **2021-2022 Desk Monitoring Review**

New York State Education Department  
Office of ESSA-Funded Programs Room 320 EB  
89 Washington Avenue  
Albany, NY 12234

### **2021-2022 Desk Monitoring Review Indicators and Evidence**

The New York State Education Department uses the process of Desk Monitoring to review local educational agencies (LEAs) for compliance with programmatic and fiscal requirements under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA). This work follows up on the Consolidated Application for ESSA-Funded Programs that LEAs submit each year in order to fund programs under Title I, Part A, Title I, Part D, Title II, Part A, Title III, Part A, Title IV, Part A, and Title V, Part B. Through the monitoring process, the Department seeks to verify that the LEA is following the programmatic and fiscal plans submitted in the Consolidated Application and maintaining compliance with the ESSA assurances embedded within the application.

The LEA should present evidence demonstrating compliance with each section of this review form. This form identifies evidence that should be submitted in order to meet each indicator. Please note the evidence list is not exhaustive; the district may have additional documentation or alternate documentation that may satisfy a particular indicator.

The LEA should upload all documents to the secure business portal by the requested due date. For some indicators, compliance will be assessed through review of the Consolidated Application for ESSA Funded Programs in addition to staff interviews and document uploads. Please note: if the LEA does not have documentation for a particular indicator, the LEA may provide an explanation in the comment box and/or check the box requesting technical assistance.

**Section I – Programmatic Compliance**

**General Programmatic Compliance Requirements**

INDICATOR	EVIDENCE
<p>1. The 2021-22 Consolidated Application for ESEA-Funded Programs is developed with timely and meaningful consultation with appropriate stakeholders, as defined under each respective part.</p> <p><b>ESEA Section 1112(a)(1)(A); 2103(b)(3)(A); and 4106(c)(1)</b></p>	<p>Provide a combination of several pieces of evidence that demonstrate discussion of each applicable program and list the specific stakeholders. Evidence for consultation regarding Title IA, IIA, IIIA, IVA, or VB may include:</p> <ul style="list-style-type: none"> <li>• Meeting notifications</li> <li>• Minutes</li> <li>• Sign in sheets with the stakeholder groups identified</li> <li>• Agendas or presentations with the programs listed</li> <li>• Email exchanges</li> </ul>
<p>2. All teachers and paraprofessionals working in a Title I program meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.</p> <p><b>ESEA Section 1112(c)(6)</b></p>	<ul style="list-style-type: none"> <li>• For staff working in the Title I program (including those funded through transferability), please provide a list of names, job titles, and relevant certifications</li> </ul>
<p>3. The LEA has disseminated, free of charge, adequate information about the NYSED ESSA complaint procedures to parents of students, and appropriate private school officials.</p> <p><b>34 CFR 299.11</b></p>	<p>Provide one of the following:</p> <ul style="list-style-type: none"> <li>• District web link to NYSED complaint procedures located at <a href="http://www.nysed.gov/essa/new-york-state-essa-funded-programs-complaint-procedures">http://www.nysed.gov/essa/new-york-state-essa-funded-programs-complaint-procedures</a></li> <li>• Information displayed in: Parent/Student Handbooks, District/School Calendars, Title I Parent Meeting Informational materials</li> </ul>

## Title I, Part A: Parent and Family Engagement Requirements

INDICATOR	EVIDENCE
<p>1. The LEA has a written parent and family engagement policy that is developed jointly, agreed on with, and distributed to parents and family members of participating children.</p> <p><b>ESEA Section 1116(a)(2)</b></p>	<ul style="list-style-type: none"> <li>• Board of Education approved Title I LEA-level Parent &amp; Family Engagement Policy (PFEP) Please note: PFEP had to be updated under ESSA – beyond NCLB, after 2016</li> <li>• A combination of the following types of evidence of joint development:               <ul style="list-style-type: none"> <li>○ meeting minutes</li> <li>○ meeting notifications or agendas</li> <li>○ sign in sheets</li> </ul> </li> <li>• Evidence of distribution, any one of the following including:               <ul style="list-style-type: none"> <li>○ Web link</li> <li>○ Newsletter</li> <li>○ Email blast</li> <li>○ Parent handbook</li> </ul> </li> </ul>
<p>2. With the involvement of parents and family members, the LEA annually evaluates the content and effectiveness of its Parent and Family Engagement Policy in improving the academic quality of all Title I schools, including identifying—</p> <ul style="list-style-type: none"> <li>(i) barriers to greater participation by parents in activities authorized Title I, Part A;</li> <li>(ii) the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and</li> <li>(iii) strategies to support successful school and family interactions.</li> </ul> <p><b>ESEA Section 1116(a)(2)(D)</b></p>	<ul style="list-style-type: none"> <li>• Evidence of the annual evaluation of the district-level PFEP, such as meeting notifications minutes, or emails</li> <li>• Evidence that parents and family members were involved in the annual evaluation of the LEA-level PFEP</li> <li>• Evidence to show:               <ul style="list-style-type: none"> <li>○ Which barriers were identified by parents</li> <li>○ What needs were identified</li> <li>○ How the LEA responded to those barriers and needs</li> </ul> </li> </ul>

**Title I, Part A: LEA Requirements**

INDICATOR	EVIDENCE
<p>1. LEAs must maintain appropriate written documentation to support the removal of a student from the adjusted graduation rate cohort.</p> <p><b>34 CFR Section 200.19(b)(1)(i)(iv)</b></p>	<ul style="list-style-type: none"> <li>Written documentation (for example, request for transfers from receiving schools the student enrolled in another school or in an educational program that culminates in the award of a regular high school diploma, obituaries, notes from families), which confirms that a removed student transferred out, migrated to another country, or is deceased.</li> </ul> <p><b>Note:</b> If Title I allocation is greater than \$500,000 sample size of 25%; all documentation for all other LEAs</p>
<p>2. The LEA has comprehensive protocols for transitioning students from residential facilities back to their school.</p> <p><b>ESEA Section 1423(4) and CR 100.2(ff)(a)(2)</b></p>	<ul style="list-style-type: none"> <li>Current written transition protocol that describes the process of the LEA transitioning youth back into school from residential placement.</li> </ul> <p><b>Note:</b> The written transition protocol should include a description of the roles and responsibilities identified to facilitate the prompt, appropriate enrollment of students returning to the district from a residential placement.</p>

**Title I, Part C: Education of Migratory Children Requirements**

INDICATOR	EVIDENCE
<p>1. Identify the practices, including the use of the <i>ID&amp;R Parent Survey</i>, used by the LEA to screen students upon enrollment for possible eligibility for migrant education, and to refer such students to their regional METS program centers for eligibility determinations.</p> <p><b>ESEA Section 1304(b)(3)</b></p>	<ul style="list-style-type: none"> <li>• Sample completed <i>Identification and Recruitment Parent Survey</i> (see below)</li> </ul> <p>For more information, please see: <a href="https://www.nysmigrant.org/resources/schooldistricts">https://www.nysmigrant.org/resources/schooldistricts</a></p> <p>English <i>ID&amp;R Parent Survey</i>:  <a href="https://www.nysmigrant.org/sites/default/files/downloads/English-Parent-Survey_0.pdf">https://www.nysmigrant.org/sites/default/files/downloads/English-Parent-Survey_0.pdf</a></p> <p>Spanish <i>ID&amp;R Parent Survey</i>:  <a href="https://www.nysmigrant.org/sites/default/files/downloads/Spanish-Parent-Survey_0.pdf">https://www.nysmigrant.org/sites/default/files/downloads/Spanish-Parent-Survey_0.pdf</a></p>

**Title I, Part D: Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk Requirements**

<b>INDICATOR</b>	<b>EVIDENCE</b>
1. The LEA has protocols/procedures in place to evaluate the Title I, Part D program(s) operating at residential facilities within the district.  <b>ESEA Section 1431(a)(1-5)</b>	<ul style="list-style-type: none"><li>• LEA Title I Part D evaluation protocols/procedures</li></ul>

## McKinney-Vento Homeless Education Program Requirements

INDICATOR	EVIDENCE
<p>1. The LEA has an enrollment policy and practice that ensures:</p> <ul style="list-style-type: none"> <li>• the immediate enrollment and full participation of children and youth experiencing homelessness in the LEA even though they may not have the documents normally needed for enrollment (e.g. proof of immunizations, proof of residency, birth certificate, school records, etc.), including students with IEPs; and</li> <li>• continued enrollment for students enrolled in the LEA who become homeless, including those students who are temporarily residing outside of the LEA's boundaries.</li> </ul> <p><b>42 U.S.C. 11432(g)(3)(A) &amp; 11432(g)(3)(C)(i)</b></p>	<ul style="list-style-type: none"> <li>• Updated, Board-approved LEA enrollment policy for youth experiencing homelessness. All policies must have been adopted after October 1, 2016, to be in compliance with amendments adopted under ESSA</li> <li>• If not detailed in the policy, provide specific procedures for immediate enrollment of students experiencing homelessness, including unaccompanied homeless youth, even if they are missing records</li> </ul> <p><b>Note:</b> Enrollment, Transportation, Dispute Process may all be included in a single policy: Education for Homeless Children and Youth. If the LEA policy is inclusive of these items, requested in items 2, 3, 4, and 5, you can upload the policy one time in this indicator.</p>
<p>2. The LEA has a transportation policy and practice that ensures:</p> <ul style="list-style-type: none"> <li>• transportation to the school of origin for students who are homeless, including for preschoolers who attend a preschool of origin, for the duration of homelessness, through the remainder of the school year in which the student becomes permanently housed, and possibly an additional year if it is the student's terminal grade;</li> <li>• transportation is provided to the school of origin up to 50 miles each way, even if such service is not available to students who are permanently housed, and</li> <li>• transportation for students who are homeless to participate in extra-curricular activities and summer school if the lack of transportation poses a barrier.</li> </ul>	<ul style="list-style-type: none"> <li>• Updated, Board-approved LEA enrollment policy for youth experiencing homelessness. All policies must have been adopted after October 1, 2016, to be in compliance with amendments adopted under ESSA</li> <li>• Transportation policy</li> </ul> <p><b>Note:</b> Enrollment, Transportation, Dispute Process may all be included in a single (i.e. All-inclusive) policy: Education for Homeless Children and Youth, which may be uploaded in indicator 1.</p>

<p><b>42 U.S.C. 11432(g)(1)(J)(iii) &amp; NYS Education Law 3209(4)</b></p>	
<p>3. The LEA has dispute resolution procedures for the prompt resolution of disputes regarding homeless eligibility, school selection, enrollment, and transportation and such procedures include:</p> <ul style="list-style-type: none"> <li>• enrollment and/or transportation pending resolution of the dispute; and</li> <li>• providing written notice to the parent/guardian/youth explaining the decision, the right to appeal to the State Education Department within 30 days, and that the liaison is available to help with any appeal and providing a copy of the appeal papers.</li> </ul> <p><b>42 U.S.C. 11432(g)(3)(E); Education Law 275.16 &amp; 310 &amp; 3209(5)</b></p>	<ul style="list-style-type: none"> <li>• Updated, Board-approved LEA enrollment policy for youth experiencing homelessness, which includes dispute resolution procedures. All policies must have been adopted after October 1, 2016, to be in compliance with amendments adopted under ESSA OR</li> <li>• LEA dispute resolution procedures regarding homeless eligibility, school selection, enrollment, and transportation</li> </ul> <p><b>Note:</b> Enrollment, Transportation, Dispute Process may all be included in a single (i.e. all- inclusive) policy: Education for Homeless Children and Youth.</p>

## Foster Care Transportation Requirements

INDICATOR	EVIDENCE
<p>1. Evidence that the LEA has developed and implemented clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care.</p> <p><b>ESEA Section 1112(c)(5)(B)</b></p>	<ul style="list-style-type: none"> <li>• Written transportation procedures specific to transportation of foster care students</li> </ul> <p><b>Note:</b> See page 18 of the Foster Care Toolkit for guidance on written transportation procedures: "Local Transportation Agreement for Students in Foster Care", Foster Care Toolkit: <a href="https://www.p12.nysed.gov/sss/documents/PUB-5221_ESSATOOLKIT-PACKET_SEDadded.pdf">https://www.p12.nysed.gov/sss/documents/PUB-5221_ESSATOOLKIT-PACKET_SEDadded.pdf</a></p> <p><b>Note:</b> For additional information regarding Foster Care and NYSED: <a href="http://www.p12.nysed.gov/sss/pps/fostercare.html">http://www.p12.nysed.gov/sss/pps/fostercare.html</a></p>

**Title II, Part A: Supporting Effective Instruction Requirements**

<b>INDICATOR</b>	<b>EVIDENCE</b>
<p>1. The LEA has prioritized the distribution of funds to schools implementing comprehensive support and improvement activities and targeted support and improvement activities and have the highest percentage of high-poverty children and those counted under section 1124 (c).</p> <p><b>ESEA Section 2102(b)(2)(C)</b></p>	<p>Based on the Title II Part A program within the district, provide some combination of the following:</p> <ul style="list-style-type: none"> <li>• Building allocations for Title II funding (if applicable)</li> <li>• Schedules or payroll records that show prioritized assignment of coaches or other IIA staff to TSI and CSI schools or placement of class size reduction teachers</li> <li>• Documentation showing PD choices are based on needs assessment in TSI and CSI schools</li> </ul>
<p>2. The LEA uses data and ongoing consultation to continually update and improve activities supported under Title II Part A.</p> <p><b>ESEA Section 2102(b)(2)(D)</b></p>	<ul style="list-style-type: none"> <li>• Building or district leadership teams or PD committee meeting agendas, minutes, or presentations reviewing/evaluating IIA programs to inform future program activities AND/OR</li> <li>• Data such as teacher surveys, classroom observations, student performance AND/OR</li> <li>• Data coach meetings with teachers, summaries of discussion, or topics covered AND/OR</li> <li>• Follow up walk-throughs or observations of teachers after PLC meetings or data coaching sessions</li> </ul>

**Title IV, Part A: Student Support and Academic Enrichment Requirements**

INDICATOR	EVIDENCE
<p>1. The LEA has prioritized the distribution of funds to schools that:</p> <ul style="list-style-type: none"> <li>• are among the schools with the greatest needs as determined by such local educational agency, or consortium;</li> <li>• have the highest percentages or numbers of children counted under Section 1124(c);</li> <li>• are identified for comprehensive support and improvement under Section 1111(c)(4)(D)(i);</li> <li>• are implementing targeted support and improvement plans as described in Section 1111(d)(2); or</li> <li>• are identified as a persistently dangerous public elementary school or secondary school under Section 8532.</li> </ul> <p><b>ESEA Section 4106(e)(2)(A)</b></p>	<ul style="list-style-type: none"> <li>• District data analysis demonstrating the determination of prioritized needs such as one of the criteria identified under section 4106(e)(2)(A) listed in the indicator               <ul style="list-style-type: none"> <li>• Examples of evidence by bullet:                   <ul style="list-style-type: none"> <li>▪ A formal comprehensive needs assessment for LEAs with an allocation of over \$30,000 and a needs assessment for all other LEAs</li> <li>▪ Poverty count by school</li> <li>▪ Needs assessment performed for TSI and CSI schools</li> <li>▪ School Safety and Educational Climate (SSEC) Summary Data Collection Form that collects School Violence Index data.</li> </ul> </li> </ul> </li> <li>• School building level Title IV allocations that demonstrate the prioritization of the distribution of funds</li> </ul>
<p>2. The LEA has periodically evaluated the effectiveness of funded activities based on the outcomes and objectives identified in the Consolidated Application for ESEA-funded programs.</p> <p><b>ESEA Section 4106(e)(1)(E)</b></p>	<ul style="list-style-type: none"> <li>• Description and, if available, findings of periodic evaluation (for example, building or district leadership teams or PD committee meeting agendas, minutes, or presentations reviewing/evaluating IVA programs to inform future program activities or data such as teacher surveys, classroom observations, student performance) for each content area to determine if the needs for the content areas (WRE, SHS, EUT) are being evaluated and modified as necessary</li> </ul>

**Section II – Equitable Services to Private Schools Compliance**

**General Equitable Services Requirements**

INDICATOR	EVIDENCE
<p>1. The LEA engaged in timely, meaningful and ongoing consultation with appropriate private school officials with the goal of reaching agreement about the use of funds, and provided the equitable calculation of the private schools' allocation.</p> <p><b>ESEA Section 1117(a)(1) and (b)(1,3) ESEA Section 8501(a)(3)(A), (a)(4)(C), and (c)(1)</b></p>	<ul style="list-style-type: none"> <li>• Evidence of initial and ongoing consultation with private schools, such as meeting minutes, emails, call logs, letters, and presentation materials regarding the use of services funded by Title IA, IIA, IIIA, and IVA</li> <li>• Other evidence to demonstrate ongoing consultation on services provided throughout the year</li> </ul> <p><b>Note:</b> Consultation topics can be found on the <a href="#">Written Affirmation of LEA Consultation with Private School Officials Form</a>.</p>
<p>2. The public school district retains control and administration of program funds at all times. Non-consumable supplies/materials and equipment are appropriately labeled with the district's name, the funding source that purchased the item, and the program year in which they were purchased.</p> <p><b>ESEA Section 1117(d)(1) and ESEA Section 8501(d)(1)</b></p>	<ul style="list-style-type: none"> <li>• Requisition form and/or related purchase orders and invoices for Title IA, IIA, IIIA, and IVA</li> <li>• Inventory tracking list or picture of equipment with proper label purchased under Title IA, IIA, IIIA, and IVA</li> </ul>
<p>3. Services, such as professional development, were delivered by employees of a public agency or through contract by the public agency with an individual, association, agency, organization, or other entity.</p> <p><b>ESEA Section 1117(d)(2) and ESEA Section 8501(d)(2)</b></p>	<ul style="list-style-type: none"> <li>• Third party vendor contracts for Title IA, IIA, IIIA, and IVA</li> <li>• Expenditure reports, purchase orders or invoices identifying the vendors for Title IA, IIA, IIIA, and IVA</li> </ul>

**Section III - Fiscal Compliance**

**General Fiscal Requirements**

INDICATOR	EVIDENCE
<p>1. Payroll documentation in the LEA records are supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable and properly allocated AND support the distribution of salary and wages where an employee works on more than one cost objective or federal/state/local award.</p> <p><b>2 CFR 200.430(i)(i-vii)</b></p>	<ul style="list-style-type: none"> <li>• Evidence of how LEA “proves” the employee performed work in a federal program; at minimum, there must be a periodic documentation of work performed with employee and/or supervisor sign off for Titles IA, ID, IIA, IIIA, IVA, and VB</li> <li>• As applicable, Employee Payroll Certifications (EPC)/Personal Activity Reports (PAR) for Titles IA, ID, IIA, IIIA, IVA, and VB</li> </ul> <p><b>Note:</b> For LEAs serving more than 10 Title I schools provide a sample of requested evidence for 25%</p>
<p>2. LEA has a written Procurement and Inventory Tracking Policy, indicating procedures to be followed.</p> <p><b>2 CFR 200.318</b></p>	<ul style="list-style-type: none"> <li>• Written Procurement and Inventory Tracking Policy or Policies</li> </ul> <p><b>Note:</b> The policy should describe district procedures for the purchasing, requisitioning of supplies/materials, equipment, receiving, distribution, tracking, and disposal of said items, purchased with <u>any</u> federal education program funds. These would include any items tagged as “high-risk of loss”.</p>

### Title I, Part A Fiscal Requirements

INDICATOR	EVIDENCE
<p>1. The LEA uses the same measure of poverty to identify Title I eligible schools (ex. FRPL); to determine the ranking of each school; and to determine school allocations based on the total number of children from low-income families in each school.</p> <p><b>ESEA Section 1113(c)</b></p>	<ul style="list-style-type: none"> <li>• Data or reports on low-income status of each building, such as those provided for child nutrition (FRPL) or direct certification data for CEP programs</li> </ul>
<p>2. An LEA with a Title I allocation greater than \$500,000 has reserved and is expending not less than one percent of its Title I allocation for parent and family engagement activities, which may include family literacy.</p> <p><b>ESEA Section 1116(a)(3)</b></p>	<ul style="list-style-type: none"> <li>• Expenditure reports AND</li> <li>• Receipts OR</li> <li>• Invoices OR</li> <li>• Purchase orders</li> </ul>
<p>3. Actual expenditures for Title IA match those that were allowable, budgeted and approved within the Consolidated Application for ESSA-Funded Programs.</p> <p><b>ESEA Section 8306(a)(1)</b></p>	<ul style="list-style-type: none"> <li>• Expenditure reports AND</li> <li>• Invoices OR</li> <li>• Purchase orders OR</li> <li>• Payroll records</li> </ul>

### Title I, Part D Fiscal Requirements

INDICATOR	EVIDENCE
<p>1. Actual expenditures for Title ID match those that were allowable, budgeted and approved within the Consolidated Application for ESSA-Funded Programs.</p> <p><b>ESEA Section 8306(a)(1)</b></p>	<ul style="list-style-type: none"><li>• Expenditure reports AND</li><li>• Invoices OR</li><li>• Purchase orders OR</li><li>• Payroll records</li></ul>

## Title II, Part A Fiscal Requirements

INDICATOR	EVIDENCE
<p>1. The LEA has demonstrated that Title IIA funds supplement, and do not supplant, non-Federal funds that would otherwise be used for activities authorized under this title.</p> <p><b>ESEA Section 2301</b></p>	<ul style="list-style-type: none"> <li>• Documentation, which may include payroll records, invoices, or purchase orders, that demonstrate the funded activity was not previously funded out of state or local funds</li> <li>• To overcome a presumption of supplanting, provide evidence the LEA does not have funds to implement state or local mandated activities being funded out of federal dollars</li> </ul>
<p>2. Actual expenditures for Title IIA match those that were allowable, budgeted and approved within the Consolidated Application for ESSA-Funded Programs.</p> <p><b>ESEA Section 8306(a)(1)</b></p>	<ul style="list-style-type: none"> <li>• Expenditure reports AND</li> <li>• Invoices OR</li> <li>• Purchase orders OR</li> <li>• Payroll records</li> </ul>

**Title IV, Part A Fiscal Requirements**

INDICATOR	EVIDENCE
<p>1. The LEA has demonstrated that Title IVA funds supplement, and do not supplant, non-Federal funds that would otherwise be used for activities authorized under this title.</p> <p><b>ESEA Section 4110</b></p>	<ul style="list-style-type: none"> <li>• Documentation, which may include payroll records, invoices, or purchase orders, that demonstrate the funded activity was not previously funded out of state or local funds</li> <li>• To overcome a presumption of supplanting, provide evidence the LEA does not have funds to implement state or local mandated activities being funded out of federal dollars</li> </ul>
<p>2. Actual expenditures for Title IVA match those that were allowable, budgeted and approved within the Consolidated Application for ESSA-Funded Programs.</p> <p><b>ESEA Section 8306(a)(1)</b></p>	<ul style="list-style-type: none"> <li>• Expenditure reports AND</li> <li>• Invoices OR</li> <li>• Purchase orders OR</li> <li>• Payroll records</li> </ul> <p><b>Note:</b> The LEA must clearly label items by Title IV content area (WRE, SHS, or EUT) to show alignment to the budget</p>

### Other Program Fiscal Requirements

INDICATOR	EVIDENCE
<p>1. If the LEA accepted 2017-18 Temporary Emergency Impact Aid for Displaced Students, please provide evidence that actual expenditures match those allowable, budgeted and approved activities, services, supplies, materials and equipment.</p> <p><b>Robert T. Stafford Disaster Relief and Emergency Act (§ 401 or 501, 42 U.S.C. 5170 and 5190) and Hurricane Education Recovery Act (HERA) (§107 P.L. 109-148)</b></p>	<ul style="list-style-type: none"> <li>• Expenditure reports AND</li> <li>• Invoices OR</li> <li>• Purchase orders OR</li> <li>• Payroll records</li> </ul>
<p>2. If the LEA accepted 2018-19 Assistance for Homeless Children and Youth (also known as “2018-19 Hurricane Education Recovery Assistance for Homeless Children and Youth”), please provide evidence that actual expenditures match those allowable, budgeted and approved activities, services, supplies, materials and equipment.</p> <p><b>Robert T. Stafford Disaster Relief and Emergency Act (§ 401 or 501, 42 U.S.C. 5170 and 5190), McKinney-Vento Homeless Assistance Act (§723) and Hurricane Education Recovery Act (HERA) (§106 of Title IV, P.L. 109-148)</b></p>	<ul style="list-style-type: none"> <li>• Expenditure reports AND</li> <li>• Invoices OR</li> <li>• Purchase orders OR</li> <li>• Payroll records</li> </ul>
<p>3. Actual expenditures for Title VB match those that were allowable, budgeted and approved within the Consolidated Application for ESSA-Funded Programs.</p> <p><b>ESEA Section 8306(a)(1)</b></p>	<ul style="list-style-type: none"> <li>• Expenditure reports AND</li> <li>• Invoices OR</li> <li>• Purchase orders OR</li> <li>• Payroll records</li> </ul>

## APPENDIX A: ESEA Funded Program Assurances

### Section 8306 Assurances

1. The LEA will administer programs in accordance with all applicable statutory and regulatory requirements that govern its uses. SEC. 8306. [20 U.S.C. 7846](a)(1)
2. The control of funds provided under such programs and title to property acquired with program funds will be in a public agency or in an eligible private agency, institution, organization, or Indian Tribe, if the law authorizing the program provides for assistance to those entities. SEC. 8306. [20 U.S.C. 7846](a)(2)(A)
3. The public agency, eligible private agency, institution, or organization, or Indian Tribe will administer the funds and property to the extent required by authorizing statutes. SEC. 8306. [20 U.S.C. 7846](a)(2)(B)
4. The applicant will adopt and use proper methods of administering each such program, including the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program. SEC. 8306. [20 U.S.C. 7846](a)(3)(A)
5. The applicant will adopt and use proper methods of administering each such program, including the correction of deficiencies in program operations that are identified through audits, monitoring or evaluations. SEC. 8306. [20 U.S.C. 7846](a)(3)(B)
6. The LEA assured that the applicant will cooperate in carrying out any evaluations of each such program conducted by or for the state education agency, the Secretary, or other federal officials. SEC. 8306. [20 U.S.C. 7846](a)(4)
7. The LEA assured that the applicant will use fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, federal funds paid to the applicant under such program. SEC. 8306. [20 U.S.C. 7846](a)(5)
8. The LEA assured that the applicant will submit such reports to the state education agency (which will make the reports available to the Governor) and the Secretary as the state educational agency and the Secretary may require to enable the State educational agency and the Secretary to perform their duties under each such program. SEC. 8306. [20 U.S.C. 7846](a)(6)(A)
9. The LEA assured that the applicant will maintain such records, provide such information, and afford such access to the records as the state educational agency (after consultation with the Governor) or Secretary may reasonably require to carry out the state educational agency's or the Secretary's duties. SEC. 8306. [20 U.S.C. 7846](a)(6)(B)
10. The LEA assured that, before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment. SEC. 8306. [20 U.S.C. 7846](a)(7)

## State and Federal Assurances

### Supplement Not Supplant

1. ESEA Section 1118(b) requires that a local educational agency (LEA) use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of students participating in programs assisted under this part, and not to supplant such funds.
2. ESEA Section 2301 requires that a local educational agency (LEA) use Federal funds made available under this subpart to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this title.
3. ESSA Section 3115(g) requires that a local educational agency (LEA) use Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.
4. ESEA Section 4110 requires that a local educational agency (LEA) use Federal funds made available under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.
5. ESEA Section 5232 requires that a local educational agency (LEA) use Federal funds made available under subpart 1 or subpart 2 shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

### Title I Assurances

6. ESEA Section 1112(c) requires each local educational agency plan shall provide assurances that the local educational agency will:
  - (1) ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;
  - (2) provide services to eligible children attending private elementary schools and secondary schools in accordance with Section 1117, and timely and meaningful consultation with private school officials regarding such services;
  - (3) participate, if selected, in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under Section 303(b)(3) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(3));
  - (4) coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;
  - (5) collaborate with the State or local child welfare agency to—
    - A. designate a point of contact if the corresponding child welfare agency notifies the local educational agency, in writing, that the agency has designated an employee to serve as a point of contact for the local educational agency; and
    - B. by not later than 1 year after the date of enactment of the Every Student Succeeds Act, develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care, which procedures shall—
      - (i) ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and

- in accordance with Section 475(4)(A) of the Social Security Act (42 U.S.C. 675(4)(A)); and
- (ii) ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if—
    - I. the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;
    - II. the local educational agency agrees to pay for the cost of such transportation; or
    - III. the local educational agency and the local child welfare agency agree to share the cost of such transportation;
  - (6) ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification; and
  - (7) in the case of a local educational agency that chooses to use funds under this part to provide early childhood education services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under Section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)).
7. ESEA Section 1115(b)(2)(G) requires that "To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the challenging State academic standards, each targeted assistance program under this Section shall— serve participating students identified as eligible children under subsection (c), including by—providing to the local educational agency assurances that the school will—
    - (i) help provide an accelerated, high-quality curriculum;
    - (ii) minimize the removal of children from the regular classroom during regular school hours for instruction provided under this part; and
    - (iii) on an ongoing basis, review the progress of eligible children and revise the targeted assistance program under this Section, if necessary, to provide additional assistance to enable such children to meet the challenging State academic standards.
  8. ESEA Section 1116 requires that local educational agencies may receive Title I funds only if such agency conducts outreach to all parents and family members and implements programs, activities, and procedures for the involvement of parents and family members in programs assisted under this part consistent with this Section. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children. Each local educational agency that receives Title I funds must develop jointly with, agree on with, and distribute to, parents and family members of participating children a written parent and family engagement policy. The policy shall be incorporated into the local educational agency's plan developed under Section 1112, establish the agency's expectations and objectives for meaningful parent and family involvement.
  9. ESEA Section 1118(c)(2)(A) related to Comparability states that a local educational agency shall be considered to have met the requirements of paragraph (1) if such agency has filed with the State educational agency a written assurance that such agency has established and implemented—
    - (i) a local educational agency-wide salary schedule;
    - (ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and
    - (iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

## **Title II Assurances**

10. ESEA Section 2102(b)(2) requires that each application submitted under paragraph (1) shall include the following:
  - (E) an assurance that the local educational agency will comply with Section 8501 (regarding participation by private school children and teachers); and

- (F) an assurance that the local educational agency will coordinate professional development activities authorized under this part with professional development activities provided through other Federal, State, and local programs.
11. The LEA assures that it will comply with all applicable laws and regulations regarding professional development, including but not limited to 20 U.S.C. 6612, 20 U.S.C. 6613, and 8 NYCRR Section100.2(dd).

#### **Title IV Assurances**

12. ESSA Section 4001(a)(1)(A) requires that an LEA obtains prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under this title and conducted in connection with an elementary school or secondary school under this title.
13. ESSA Section 4001(a)(1)(B) requires that an LEA, before obtaining the written consent described in the previous assurance (Item #14), has provided the parent written notice describing in detail such mental health assessment or service, including the purpose for such assessment or service, the provider of such assessment or service, when such assessment or service will begin, and how long such assessment or service may last.
14. ESSA Section 4106(e)(2) requires the LEA to assure that it will:
- A. prioritize the distribution of funds to schools served by the LEA that:
    - i. are among the schools with the greatest needs, as determined by such local educational agency, or consortium;
    - ii. have the highest percentages or numbers of children counted under section 1124(c);
    - iii. are identified for comprehensive support and improvement under section 1111(c)(4)(D)(i);
    - iv. are implementing targeted support and improvement plans as described in section 1111(d)(2); or
    - v. are identified as a persistently dangerous public elementary school or secondary school under section 8532;
  - B. comply with section 8501 (regarding equitable participation by private school children and teachers);
  - C. use not less than 20 percent of funds received under this subpart to support one or more of the activities authorized under section 4107;
  - D. use not less than 20 percent of funds received under this subpart to support one or more activities authorized under section 4108;
  - E. use a portion of funds received under this subpart to support one or more activities authorized under section 4109(a), including an assurance that the local educational agency, or consortium of local educational agencies, will comply with section 4109(b); and
  - F. annually report to the State for inclusion in the report described in section 4104(a)(2) how funds are being used under this subpart to meet the requirements of subparagraphs (C) through (E).

SPECIAL RULE - Any local educational agency receiving an allocation under section 4105(a)(1) in an amount less than \$30,000 shall be required to provide only one of the assurances described in subparagraphs (C), (D), and (E) of subsection (e)(2).

#### **McKinney-Vento Assurances**

15. The LEA assured that it will comply with all applicable laws and regulations regarding the rights of students experiencing homelessness, including but not limited to 42 U.S.C. 11431, et seq., Education Law Section3209, and 8 NYCRR Section100.2(x).

#### **Migrant Education Program Assurances**

16. The LEA assured that, to the extent that it has migrant-eligible students as evidenced by their Certificates of Eligibility (COEs) issued by the Statewide Identification & Recruitment/MIS2000/MSIX (ID&R) Program Center, the LEA will properly code such students in its Student Information

Management System and that the LEA will timely respond to any request(s) for data and information from a regional Migrant Education Tutorial and Support Services (METS) Program Center in conformance with all applicable laws and regulations, including but not limited to the federal Family Educational Rights and Privacy Act ("FERPA") (20 U.S.C. Section 1232g; 34 CFR Part 99).

## ASSURANCES - NON-CONSTRUCTION PROGRAMS

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

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

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR Part 200, Audits of States, Local Governments, and Non-Profit Organizations.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

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

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

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

### **1. LOBBYING**

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

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

### **2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

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

#### **A. The applicant certifies that it and its principals:**

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

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

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

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

#### **A. The applicant certifies that it and its principals:**

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

**New York State Department of Education  
ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA) Assurances**

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

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

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