

## 2022-2023 Desk Review

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

### 2022-2023 Desk Review Indicators and Evidence Guide

The New York State Education Department uses the process of Desk Review to review local (lo)-15 (e)k

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

The LEA should upload all documents to the secure business portal by the requested due date. This will allow for ample review during scheduled review meetings.

Section I – Programmatic Compliance

General Programmatic Compliance Requirements

INDICATOR	EVIDENCE
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- 1. The 2022-23 Consolidated Application for ESEA-Funded Programs is developed with timely and meaningful consultation with appropriate stakeholders, as defined under each respective part.



## LEA Requirements

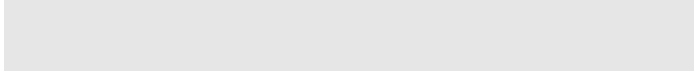
INDICATOR	
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**Title I, Part D: Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk Requirements**

INDICATOR	EVIDENCE
<p>1. The LEA has protocols/procedures in place to evaluate the Title I, Part D program(s) operating at residential facilities within the district.</p> <p><b>ESEA Section 1431(a)(1-5)</b></p>	<p>x LEA Title I Part D evaluation protocols/procedures</p>

## McKinney-Vento Homeless Education Program Requirements



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:
- X enrollment and/or transportation pending resolution of the dispute; and
  - X providing written notice to the parent/guardian/youth explaining the decision, the right to appeal to the State Education Department within 30 days, that the liaison is available to help with any appeal and providing a copy of the appeal papers.

**42 U.S.C. 11432(g)(3)(E); Education Law 275.16 & 310 & 3209(5)**

- x 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
- x LEA dispute resolution procedures regarding homeless eligibility, school selection, enrollment, and transportation

**Note:** Enrollment, Transportation, Dispute Process may all be included in a single (i.e., all-inclusive) policy: Education for Homeless Children and Youth.



## Foster Care Transportation

Title II, Part A: Supporting Effective Instruction Requirements

INDICATOR	EVIDENCE
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1.



## Other Programmatic Compliance Requirements

INDICATOR	EVIDENCE
1. If an LEA accepted American Rescue Plan (ARP) Homeless Children and Youth Part I (HCY I) and/or American Rescue Plan (ARP) Homeless Children and Youth Part II (HCY II) funds, provide evidence of the LEA: <ul style="list-style-type: none"><li>x Increasing capacity by hiring staff, dedicating resources, and planning partnerships with community-based organizations, among other strategies;</li><li>x Focusing on identifying students experiencing homelessness and connecting their families to summer learning and enrichment programs and engaging students and their families in preparation for the start of school;</li><li>x Identifying historically underserved populations such as rural children and youth, Tribal children and youth, students of color, children and youth with disabilities, English learners,</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>x Evidence of initial <i><b>and ongoing</b></i> consultation with private schools, such as dated meeting minutes, emails, call logs, letters, and presentation materials regarding the use of services funded by Title IA, IIA, IIIA, and IVA</li> <li>x Other dated 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>x Dated requisition form and/or related purchase orders and invoices for Title IA, IIA, IIIA, and IVA</li> <li>x Inventory tracking list or picture of equipment with proper label purchased under Title IA, IIA, IIIA, and IVA</li> </ul>

3. Services, such as professional development, were

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Section III - Fiscal Compliance

General Fiscal Requirements

INDICATOR	EVIDENCE
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1. Payroll documentation in the LEA records is 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

x Evidence of how LEA "proves" the employee performed work in a federal program; at minimum, there must be a periodic documentation of work (suggested time frames: Sept-Dec & Jan-June) performed with employee and/or supervisor sign off after the work has been performed for Titles IA, ID, IIA, IIIA, IVA, and VB

x As applicable, Employee Payroll Certifications (EPC)/Personal Activity Reports (PAR) for Titles IA, ID, IIA, IIIA, IVA, (IV)-3.8 (A)5.2 (.)-4. (w)-1.51 (p)1.1 (e)-e (es)3.02 Tc 0.001 TwA, (h2)0.6 (

**2 CFR 200.430(i)(i-vii)**

### 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>	<p>x 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</p>

ments

**EVIDENCE**

1. Actual expenditures for Title ID match those that were allowable, budgeted and approved within the Consolidated Application for ESSA-Funded Programs.

- x Expenditure reports from LEA accounting system AND
- x Invoices OR
- x Purchase orders OR
- x Payroll records

**ESEA Section 8306(a)(1)**







### Other Program Fiscal Requirements

INDICATOR	EVIDENCE
1. Actual expenditures for Title VB match those that were allowable, budgeted and approved within the Consolidated Application for ESSA-Funded Programs.  <b>ESEA Section 8306(a)(1)</b>	x Expenditure reports from LEA accounting system AND x Invoices OR x Purchase orders OR x

INDICATOR	EVIDENCE
<p>activities, services, supplies, materials and equipment.</p> <p><b>McKinney-Vento: § 722(e)(1) and § 723</b>  <b>Uniform Guidance: Subpart D (Post Federal Award Requirements), Subpart E (Cost Principles), and Subpart F (Audit Requirements)</b>  <b>EDGAR: 34. C.F.R. Part 76</b>  <b>ESEA: § 1124; § 1124A; § 1125; § 1126</b></p>	<p>x Payroll records</p> <p><b>Note:</b> If services are provided by the Consortium LEAD, please provide evidence of services provided</p>

5. If the LEA accepted American Rescue Plan Homeless Children and Youth (ARP HCY) II as part of a consortium, as the Lead, please provide the share amount, as well as evidence that actual expenditures match those allowable, budgeted and approved activities, services, supplies, materials and equipment.

**McKinney-Vento: § 722(e)(1) and § 723**  
**Uniform Guidance: Subpart D (Post Federal Award Requirements), Subpart E (Cost Principles), and Subpart F (Audit Requirements)**  
**EDGAR: 34. C.F.R. Part 76**  
**ESEA: § 1124; § 1124A; § 1125; § 1126**

## APPENDIX A: ESEA Funded Program Assurances

## 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

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

- (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 Section 100.2(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-



SPECIAL RULE - Any local educational agency receiving an allocation under section 4105(a)(1) in an amount less than \$30,000 shall be

## ASSURANCES - NON-CONSTRUCTION PROGRAMS

**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

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.

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**



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 and (S) i-51(pp) 5(c) 1-14r 5 sn,p 5)-0

**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