



2023-2024 Desk Review

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

2023-2024 Desk Review Indicators and Evidence Guide

The New York State Education Department uses the process of Desk Review 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 to fund programs under Title I, Part A, Title I, Part D, Title II, Part A, Title IV, Part A, and Title V, Part B. In addition, this review monitors the use of American Rescue Plan (ARP) Homeless Children and Youth Part I (HCY I) and/or American Rescue Plan Homeless Children and Youth Part II (HCY II) funds, for those districts who accepted such funds. Through the monitoring process, the Department seeks to verify that the LEA is following the programmatic and fiscal plans submitted in the Consolidated Application, ARP HCY I, and ARP HCY II, and maintaining compliance with the ESEA assurances embedded within the applications.

The LEA should present evidence demonstrating compliance with each section of this review guide. This guide identifies evidence that should be submitted 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. This will allow for ample review prior to the scheduled review meetings. 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 |
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| <p>1. The 2023-24 Consolidated Application for ESEA-Funded Programs is developed with timely and meaningful consultation with appropriate stakeholders, as defined under each respective part.</p> <p>ESEA Section 1112(a)(1)(A); 2102(b)(3)(A); and 4106(c)(1)</p> | <p>Provide a combination of several pieces of evidence for meetings/discussions on the development of this year's Consolidated Application that informed the signatures on the Consultation and Collaboration forms submitted. Include evidence for each relevant program (Title IA, IIA, IVA, VB) and each required stakeholder group. For example, evidence may include dated:</p> <ul style="list-style-type: none"> • Meeting notifications • Minutes • Sign in sheets with the stakeholder groups identified • Agendas or presentations with the programs listed • Email exchanges • A description of evidence that illustrates the LEA's process for engaging stakeholders in consultation regarding the development of the Consolidated Application |
| <p>2. All teachers and paraprofessionals working in a Title IA or ID program meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.</p> <p>ESEA Section 1112(c)(6)</p> | <ul style="list-style-type: none"> • For staff working in the Title IA or ID program (including those funded through transferability), please provide a list of names, job titles, and relevant certifications |

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.

Provide one of the following:

- District web link to NYSED complaint procedures located at

34 CFR 299.11

Parent and Family Engagement Requirements

| INDICATOR | EVIDENCE |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LEA-LEVEL INDICATORS | |
| <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>ESEA Section 1116(a)(2)</p> | <ul style="list-style-type: none"> • Board of Education approved Title I LEA-level Parent & Family Engagement Policy (PFEP) Please note: PFEP had to be updated under ESSA – beyond NCLB, after 2016 • A combination of the following types of evidence of dated joint development: <ul style="list-style-type: none"> ○ meeting minutes ○ meeting notifications or agendas ○ sign in sheets • Evidence of distribution, any one of the following including: <ul style="list-style-type: none"> ○ Web link ○ Newsletter ○ Email blast ○ Parent handbook |

2. With the involvement of parents and family members, the LEA annually evaluates the content and effectiveness of the LEA-level PFEP, including engaging with school personnel and teachers; and (iii) strategies to support successful school and family interactions.

- Evidence of the annual evaluation of the district-level PFEP, such as dated meeting notifications minutes, or emails
- Evidence to show:
 - Which barriers were identified by parents
 - What needs were identified
 - How the LEA responded to those barriers and needs such as dated emails, minutes from administrators

ESEA Section 1116(a)(2)(D)

LEA Requirements

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>ESEA Section 1431(a)(1-5)</p> | <ul style="list-style-type: none">• LEA Title I Part D evaluation protocols/procedures |

McKinney-Vento Homeless Education Program Requirements

| INDICATOR | EVIDENCE |
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| <p>1. The LEA has an enrollment policy and practice that ensures:</p> <ul style="list-style-type: none"> • 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 individualized education programs (IEPs); and • continued enrollment for students enrolled in the LEA who become homeless, including those students who are temporarily residing outside of the LEA's boundaries. <p>42 U.S.C. 11432(g)(3)(A) & 11432(g)(3)(C)(i)</p> | <ul style="list-style-type: none"> • 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 • 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 <p>Note: 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"> • 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; • 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 • transportation for students who are homeless to participate in extra-curricular activities and summer school if the lack of transportation poses a barrier. <p>42 U.S.C. 11432(g)(1)(J)(iii) & NYS Education</p> | <ul style="list-style-type: none"> • Updated, Board-approved LEA enrollment policy for youth experiencing homelessness. All |

Law 3209(4)

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:
- enrollment and/or transportation pending resolution of the dispute; and
 - 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.
- Updated, Board-approved LEA enrollment policy for youth experiencing homelessness, which includes dispute resolution procedures. All policies must have been adopted after October 1,

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

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>ESEA Section 1112(c)(5)(B)</p> | <ul style="list-style-type: none">• Written transportation procedures specific to transportation of foster care students <p>Note: See page 33 of 46 of the Foster Care Toolkit for guidance on written transportation procedures: "Local Transportation Agreement for Students in Foster Care", Foster Care Toolkit:</p> <hr/> <p>Note: For additional information regarding Foster Care and NYSED: http://www.p12.nysed.gov/sss/pps/fostercare.html</p> |

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

| INDICATOR | EVIDENCE |
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| <p>1. The LEA has prioritized the distribution of funds to schools that align with one of the following:</p> <ul style="list-style-type: none"> • are among the schools with the greatest needs as determined by such local educational agency or consortium; • have the highest percentages or numbers of children counted under Section 1124(c); • are identified for comprehensive support and improvement under Section 1111(c)(4)(D)(i); • are implementing targeted support and improvement plans as described in Section 1111(d)(2); or • are identified as a persistently dangerous public elementary school or secondary school under Section 8532. <p>ESEA Section 4106(e)(2)(A)</p> | <ul style="list-style-type: none"> • Indicate which method of prioritization was used AND one or more of the following: • 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"> • Examples of evidence for each method of prioritization: <ul style="list-style-type: none"> <i>f</i> A formal comprehensive needs assessment for LEAs with an allocation of over \$30,000 and a needs assessment for all other LEAs <i>f</i> Poverty count by school <i>f</i> Needs assessment performed for TSI and CSI schools <i>f</i> School Safety and Educational Climate (SSEC) Summary Data Collection Form that collects School Violence Index data. • Evidence, such as a spreadsheet, that clearly identify school building level Title IV allocations to align to the prioritization of the distribution of funds |
| <p>2. The LEA has periodically evaluated the effectiveness of funded activities based on the outcomes and objectives identified in the Consolidated Application for ESSA-funded programs.</p> <p>ESEA Section 4106(e)(1)(E)</p> | <ul style="list-style-type: none"> • A description, and the findings/outcomes, of periodic evaluation of the Title IVA program, along with a schedule of when periodic evaluation took place during the school year - for each content area- Well-rounded educational opportunities (WRE), Safe and Healthy Students (SHS), Effective Use of Technology (EUT) - to determine if the needs for the content areas are being evaluated and modified as necessary • Examples include a narrative describing the LEA's periodic evaluation of the Title IVA program, a calendar demonstrating a timeline of periodic evaluation, findings/outcomes from periodic evaluation. Supporting evidence may include 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. |

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>ESEA Section 1117(a)(1) and (b)(1,3) ESEA Section 8501(a)(3)(A), (a)(4)(C), and (c)(1)</p> | <p>• Evidence of initial</p> <p><i>sultat()0.8</i></p> |

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 federal/state/local award. •

2 CFR 200.430(i)(i-vii)

Title I, Part A Fiscal Requirements

| INDICATOR | EVIDENCE |
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1. The LEA uses the same measure of poverty to identify Title I eligible schools (ex. FRPL-Free and Reduced Price Lunch); to determine the ranking of each school and to determine scanllcatndaed on h4089(e)37)0.7Tt-24.3 (a)1-6.1 (l16.1 ()0.8 no)-2 uh4089nt-24.3 b(e)-56.1 r()0.8 (o)-04.2 (f51.8 ()-11.2 c)14.2 hol16

Title IV, Part A Fiscal Requirements

| INDICATOR | EVIDENCE |
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| <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>ESEA Section 4110</p> | <ul style="list-style-type: none"> • 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 • 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 • LEA can note any new initiatives being funded by Title IVA |
| <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>ESEA Section 8306(a)(1)</p> | <ul style="list-style-type: none"> • Expenditure reports from LEA accounting system AND • Invoices OR • Purchase orders OR • Payroll records <p>Note: The LEA must clearly label items by Title IV content area (WRE, SHS, or EUT) and use of funds to show alignment to proposed expenditures in the budget</p> |

Other Program Fiscal Requirements

| INDICATOR | EVIDENCE |
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1.

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

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

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).

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

**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.