



Education Stabilization Funds
Coordinated Monitoring

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

Education Stabilization Funds Coordinated Monitoring: Indicators and Evidence

The New York State Education Department (SED, or “The Department”) uses the process of Coordinated Monitoring to review local educational agencies (LEAs) for compliance with programmatic and fiscal requirements under the Elementary and Secondary School Emergency Relief (ESSER I) Fund, the Governor’s Emergency Education Relief (GEER) Fund, the Coronavirus Response and Relief Supplemental Appropriations (CRRSA/ESSER II) Act, and the American Rescue Plan (ARP). This work follows up on the applications that LEAs submitted to fund programs under the Education Stabilization Funds (ESF), including ESSER I, GEER I, CRRSA/ESSER II, and the American Rescue Plan (ARP). This work follows up on the applications that LEAs submitted to fund programs under the Education Stabilization Funds (ESF), including ESSER I, GEER I, CRRSA/ESSER II, and the American Rescue Plan (ARP).

low-income families, students of color, English learners, children	
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Return to In-

revised its reopening/return to in-person instruction plan. Any revisions to the plan meet CDC recommendations.

ARP Section 2001(i)(2)

ARP ESSER IFR (3)(b)(i)

person learning plan, no less frequently than every six months through 9/30/2023, which may include:

- o Meeting notifications
- o Minutes
- o Sign-in sheets
- o Agendas or presentations with the reopening/return to in-person learning plan listed
- o Email exchanges

ARP ESSER Lost Instructional Time and State -Level Reserves

INDICATOR	EVIDENCE
<p>1. The LEA reserved not less than 20% of their ARP ESSER allocation to address learning loss through the implementation of evidence-based interventions.</p> <p>ARP Section 2001(e)(1)</p>	<ul style="list-style-type: none"> x Expenditure reports, payroll records and purchase orders that demonstrate at least 20% of the ARP ESSER allocation was used for evidence-based interventions to address learning loss. x Evidence demonstrating implementation of evidence-based interventions, including but not limited to: <ul style="list-style-type: none"> o lesson plans o student participation data o time and effort reports o summer school or afterschool activity schedules
<p>2. The LEA ensures that interventions under the 20% Lost Instructional Time reserve address the disproportionate impact of the coronavirus on the student subgroups (children with disabilities, English learners, children experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students) described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C.. 6311(b)(2)(B)(xi).</p>	<ul style="list-style-type: none"> x Evidence that the LEA ensures interventions addressed the disproportionate impact of the coronavirus on student subgroups, such as: <ul style="list-style-type: none"> o Notes from data meetings where needs, progress monitoring, or evaluation were discussed o Presentations (slides/video) that provide an overview of

An activity, strategy, or intervention that—

demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—

strong evidence from at least 1 well-designed and well-implemented experimental study;

moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or

promising evidence from at least 1 well designed and well-implemented correlational study with statistical controls for selection bias; or

(ii) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

ARP Section 2001(e)(1)

Evidence May Include:

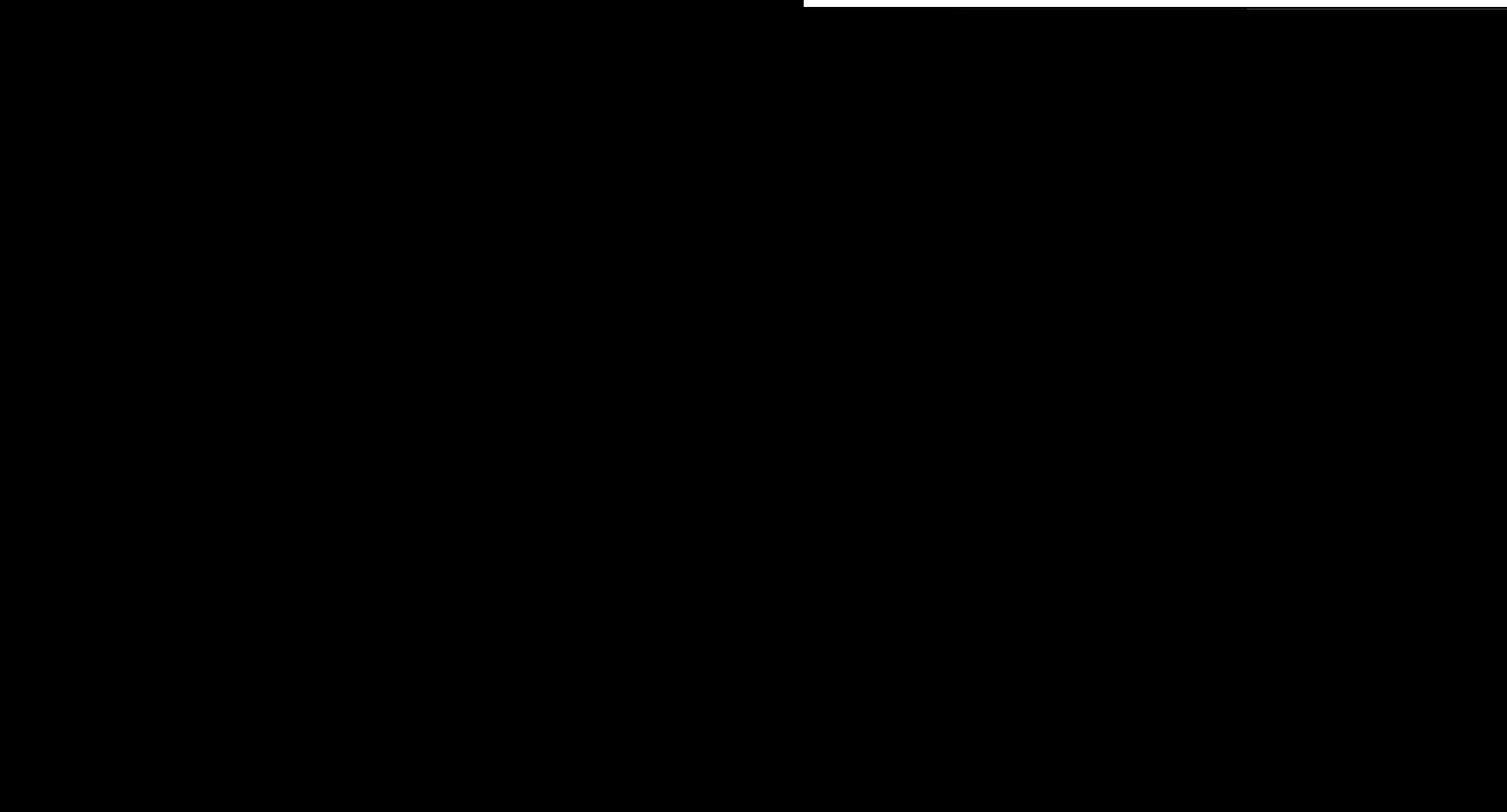
- x Links to or citations corresponding to evidence/research that demonstrates the intervention(s) outlined in the ARP ESSER application [if using one of the evidence-based interventions specified by the USDE (e.g., summer learning, summer enrichment, extended day), citations/links are not required].
- x Evidence demonstrating implementation of evidence-based interventions, including but not limited to:
 - o lesson plans
 - o student participation data
 - o time and effort reports
 - o summer school or afterschool activity schedules

Monitoring and Evaluation :

The LEA periodically monitored and evaluated interventions under the 20% Lost Instructional Time reserve and the ARP ESSER State Level Reserves to ensure that such interventions respond to students' academic, social, and emotional needs. ARP Act 2001(e)(1)

Evidence may include:

- x Evidence demonstrating the LEA periodically monitored and evaluated interventions under the 20% Lost Instructional Time Reserve, such as;
- x Data reports from those sources listed in the ARP ESSER plan, Question 3
- x Meeting minutes that describe the LEA process and results of the monitoring and evaluation
- x Presentations to the Board of Education or other stakeholder groups on the results of the interventions



Sustainability

In the chart below, please describe the LEA plan for the sustainability of ESF programs/activities after the grant period has ended, including which programs/activities the LEA intends to continue and how the LEA will continue to fund these activities. Please click “Add Row” to add as many rows as needed to fully encompass the programs/activities that the LEA intends to continue. If the LEA is using other funding sources for these programs/activities, please include the name of the funding source in the “other” field.

Activity/Program	Please select all applicable funding sources being used for this activity/program currently.	Total Investment (\$) across all funding sources	Please list the funding sources the LEA will use to sustain this program/activity after the grant period has ended.
	<ul style="list-style-type: none"> <input type="radio"/> ESSER I <input type="radio"/> GEER I <input type="radio"/> CRRSA/ESSER II <input type="radio"/> GEER II <input type="radio"/> ARP ESSER <input type="radio"/> ARP ESSER State Level Reserves <input type="radio"/> Title Funds <input type="radio"/> Other Federal Funds <input type="radio"/> Other _____ 		

Section III – Fiscal Compliance

Use of Funds

CARES ESSER I & GEER I

INDICATOR	EVIDENCE
<p>1. The LEA activities and expenditures align with those described in the approved ESF applications and are in compliance with the appropriate grant act.</p> <p>ESSER I/GEER I</p> <p>All activities and expenditures align with those described in the approved ESSER I application and are in compliance with CARES Act Sec. 18003(d)(1-12).</p> <p>2 CFR 200.403</p>	<ul style="list-style-type: none"> x Expenditure detail reports that demonstrate the use of funds for allowable activities described in the application for funds submitted to and approved by NYSED. x Payroll Records x Receipts x Invoices x Purchase orders
<p>2. LEA activities and expenditures are necessary, reasonable, and allocable to the funding source, meaning the funded activities or expenditures were made necessary as a result of the COVID-19 pandemic and were necessary in order for the LEA to respond to, prepare for, or prevent the spread of COVID-19.</p> <p>2 CFR 200.403 - 200.405</p>	<ul style="list-style-type: none"> x Expenditure detail reports that demonstrate the use of funds for allowable activities described in the application for funds submitted to and approved by NYSED. x Payroll Records x Receipts x Invoices x Purchase orders

CRRSA/ESSER II & GEER II

INDICATOR	EVIDENCE
<p>1. The LEA activities and expenditures align with those described in the approved ESF applications and are in compliance with the appropriate grant act.</p> <p>CRRSA/ESSER II/ GEER II</p> <p>All activities and expenditures align with those described in the approved ESSER II application and are in compliance with CRSAA Sec. 313(d)(1-15).</p> <p>2 CFR 200.403</p>	<ul style="list-style-type: none"> x Expenditure detail reports that demonstrate the use of funds for allowable activities described in the application for funds submitted to and approved by NYSED. x Payroll Records x Receipts x Invoices x Purchase orders
<p>2. LEA activities and expenditures are necessary, reasonable, and allocable to the funding source, meaning the funded activities or expenditures were made necessary as a result of the COVID-19 pandemic and were necessary in order for the LEA to respond to, prepare for, or prevent the spread of COVID-19.</p> <p>2 CFR 200.403 - 200.405</p>	<ul style="list-style-type: none"> x Expenditure detail reports that demonstrate the use of funds for allowable activities described in the application for funds submitted to and approved by NYSED. x Payroll Records x Receipts x Invoices x Purchase orders

ARP ESSER

ARP ESSER State Level Reserves

INDICATOR	EVIDENCE
<p>1. The LEA activities and expenditures align with those described in the approved ESF applications and are in compliance with the appropriate grant act.</p> <p>ARP ESSER State Reserves: All activities and expenditures align with those described in the approved ARP ESSER State Reserves application and are in compliance with ARP ACT Sec. 2001(f)(1-3)</p>	<ul style="list-style-type: none">x Expenditure detail reports that demonstrate the use of funds for allowable activities described in the application for funds submitted to and approved by NYSED.x Payroll Recordsx Receiptsx Invoices

General Fiscal Requirements

INDICATOR	EVIDENCE
1. Job duties, work schedules, and/or activity records verify that the number and types of stimulus-funded personnel match project budgets and, if applicable, the corresponding FTE and job duties	

2 CFR 200.318(b)	
<p>4. LEA has a written Procurement and Inventory Tracking Policy, indicating procedures to be followed.</p> <p>2 CFR 200.318</p>	<p>x Written Procurement and Inventory Tracking Policy or Policies</p> <p>Note: 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>
<p>5. Documentation for items purchased with Stimulus funds, including purchases for private schools, demonstrates the implementation of LEA Procurement and Inventory Tracking procedures.</p> <p>2 CFR 200.318(i)</p>	<p>x Invoices, purchase orders, and expenditure reports as applicable to ESSER, GEER I, CRRSA/ESSER II, GEER</p>

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Construction

Indicator	Evidence
1. If the LEA purchased land and/or property using federal funds,	

access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood hazards; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and the general agreement to comply with all applicable Federal laws, executive orders and regulations.

8. The LEA assures that the LEA will have on file with the SEA a set of assurances that meets the requirements of section 442 of the General Education Provisions Act (GEPA) (20 U.S.C. 1232e).
9. The LEA assures that the LEA will comply with the requirements of section 427 of GEPA (20 U.S.C. 1228a). The description must include information on the steps the LEA proposes to take to permit students, teachers, and other program beneficiaries to overcome barriers (including barriers based on gender, race, color, national origin, disability, and age) that impede equal access to, or participation in, the program.
10. The LEA assures that the LEA uses ESSER funds for purposes that are reasonable, necessary, and allocable under the CARES Act.
11. The LEA assures that the LEA will comply with the provisions of all applicable acts, regulations and assurances; the following provisions of Education Department General Administrative Regulations (EDGAR) 34 CFR parts 76, 77, 81, 82, 84, 97, 98, and 99; the OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and the Uniform Guidance in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.
12. The LEA assures that federal grant recipients, sub recipients and their grant personnel are prohibited from text messaging while driving a government owned vehicle, or while driving their own privately owned vehicle during official grant business, or from using government supplied electronic equipment to text message or email when driving as per Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1,2009.
13. The LEA assures that no 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 the making or renewal of Federal grants under this program.

GEER I

1. The LEA will use its best efforts to expend funding on an expedited timeline.
2. The LEA shall obligate GEER funds by September 30, 2022 and liquidate GEER funds by October 30, 2022.
3. The LEA assures that funds received under Section 18002 will not be used for administrative or executive salaries and benefits for IHEs, SEAs, or the other education-related entities referenced at § 18002(c)(3).

4. The LEA will, to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to COVID-19 in compliance with Section 18006 of Division B of the CARES Act.
5. The LEA will cooperate with any examination of records with respect to such funds by making records available for inspection,

11.

3. The LEA assures that it will comply with all reporting requirements, including those in Section 15011 of the CARES Act and section 313(f) of Division M of the CRRSA/ESSER II Act, and submit quarterly reports to the Commissioner at such time and in such a manner as the Commissioner may require. The Commissioner may require additional reporting in the future, which may include: the uses of funds by the LEAs or other entities and demonstration of their compliance with Section 313, such as any use of funds addressing learning loss among students disproportionately affected by coronavirus and school closures, including low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children and youth in foster care.
4. The LEA assures that records pertaining to the ESSER II award under 2 C.F.R. § 200.334 and 34 C.F.R. § 76.730, including financial records related to use of grant funds, will be retained separately from an LEA's ESSER funds.
5. The LEA assures that the LEA will cooperate with any examination of records with respect to such funds by making records available for inspection, production, and examination, and authorized individuals available for interview and examination, upon the request of (i) the Department and/or its Inspector General; or (ii) any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority.
6. The LEA assures that the LEA will comply with all applicable assurances in OMB Standard Forms 424B and D (Assurances for Non-Construction and Construction Programs), including the assurances relating to the legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood hazards; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and the general agreement to comply with all applicable Federal laws, executive orders and regulations.
7. The LEA assures that the LEA will have on file with the SEA a set of assurances that meets the requirements of section 442 of the General Education Provisions Act (GEPA) (20 U.S.C. 1232e).
8. The LEA assures that the LEA will comply with the requirements of section 427 of GEPA (20 U.S.C. 1228a). The description must include information on the steps the LEA proposes to take to permit students, teachers, and other program beneficiaries to overcome barriers (including barriers based on gender, race, color, national origin, disability, and age) that impede equal access to, or participation in, the program.
9. The LEA assures that the LEA uses ESSER funds for purposes that are reasonable, necessary, and allocable under the CARES Act.
10. The LEA assures that the LEA will comply with the provisions of all applicable acts, regulations and assurances; the following provisions of Education Department General Administrative Regulations (EDGAR) 34 CFR parts 76, 77, 81, 82, 84, 97, 98, and 99; the OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and the Uniform Guidance in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.
11. The LEA assures that federal grant recipients, sub recipients and their grant personnel are prohibited from text messaging while driving a government owned vehicle, or while driving their own privately owned vehicle during official grant business, or from

using government supplied electronic equipment to text message or email when driving as per Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009.

12. The LEA assures that no 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 the making or renewal of Federal grants under this program.

13. The LEA assures:

(1) that the local educational agency will administer each program covered by the application in accordance with all [applicable statutes](#), regulations, program plans, and applications;

(2) that the control of funds provided to the local educational agency under each program, and title to property acquired with those funds, will be in a public agency and that a public agency will administer those funds and property;



(9) that none of the funds expended under any [applicable program](#) will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.

GEER II

1. The LEA will use its best efforts to expend funding on an expedited timeline.
2. The LEA shall obligate GEER funds by September 30, 2023 and liquidate GEER funds by October 15, 2023.
3. The LEA assures that funds received under Section 312 will not be used for administrative or executive salaries and benefits for IHEs, SEAs, or the other education related entities referenced at § 312(c)(3).
4. The LEA will, to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to COVID-19 in compliance with Section 315 of the CRRSA/ESSER II Act.
5. The LEA will cooperate with any examination of records with respect to such funds by making records available for inspection, production, and examination, and authorized individuals available for interview and examination, upon the request of (i) the Department and/or its Inspector General; or (ii) any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority.
6. The LEA assures that records pertaining to the GEER II award under 2 C.F.R. § 200.334 and 34 C.F.R. §76.730, including financial records related to use of grant funds, will be retained separately from an entity's GEER funds.
7. The LEA assures that it will comply with all reporting requirements, including those in Section 15011 of the CARES Act and submit quarterly reports to the Commissioner at such time and in such a manner as the Commissioner may require. The Commissioner may require additional reporting in the future.
8. The LEA, that receives more than \$150,000 in CARES Act funds, will report:
 - a. The total amount of funds received;
 - b. The amount spent or obligated for each project or activity;
 - c. A detailed list of all projects or activities supported with CARES Act funds (including name, description and estimated number of jobs created or retained (where applicable)); and
 - d. Detailed information on subcontracts and subgrantees, including FFATA data elements, as prescribed by OMB (OMB is authorized to allow aggregate reporting on awards below \$50,000). (Sec. 15011(b)(2))

- d. that the local educational agency will make reports to the State agency or board and to the [Secretary](#) as may reasonably be necessary to enable the State agency or board and the [Secretary](#) to perform their duties and that the local educational agency will maintain such records, including the records required under [section 1232f of this title](#), and provide access to those records, as the State agency or board or the [Secretary](#) deem necessary to perform their duties; and
- e. that the local educational agency will provide reasonable opportunities for the participation by teachers, parents, and other interested agencies, organizations, and individuals in the planning for and operation of each program.

16. The LEA further assures:

- f. that any application, evaluation, periodic program plan or report relating to each program will be made readily available to parents and other members of the general public;
- g. that in the case of any project involving construction—
 - i. the project is not inconsistent with overall State plans for the construction of school facilities, and
 - ii. in developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed by the [Sec4 \(c\)4 \(r\)7sn tEMC /Span <</MCID 19 >>B22 0.2 g 0.004 .746\[\(S\)1 \(eu](#)

- a. data on each school's mode of instruction (remote, hybrid, in-person), including student attendance data (disaggregated by student subgroup) for each modality;
- b. LEA uses of funds to meet students' social, emotional, and academic needs, including through summer enrichment programming and other evidence-based interventions, and how they advance equity for underserved students;
- c.

overcome barriers (including barriers based on gender, race, color, national origin, disability, and age) that impede equal access to, or participation in, the program.

8. The LEA assures that the LEA is using ARP ESSER funds for purposes that are reasonable, necessary, and allocable under the ARP.
9. The LEA assures that the LEA will comply with the provisions of all applicable acts, regulations and assurances; the following provisions of Education Department General Administrative Regulations (EDGAR) 34 CFR parts 76, 77, 81, 82, 84, 97, 98, and 99; the OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and the Uniform Guidance in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 34.
10. The LEA assures that federal grant recipients, sub recipients and their grant personnel are prohibited from text messaging while driving a government owned vehicle, or while driving their own privately owned vehicle during official grant business, or from

- a. any application, evaluation, periodic program plan or report relating to each program will be made readily available to parents and other members of the general public;
 - b. in the case of any project involving construction—(A) the project is not inconsistent with overall State plans for the construction of school facilities, and (B) in developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed by the [Secretary](#) under [section 794 of title 29](#) in order to ensure that facilities constructed with the use of Federal funds are accessible to and usable by individuals with disabilities;
 - c. the local educational agency has adopted effective procedures for
- b.
- b. -53.1 s fdut 0 0 eth 0 0 sof iencai2 (h 2 (dut (i)6 (d)10 (JTJ g d/LBodyon 0 Tc 55nd26on 0 Tc)14 (prd [(u) 6 (iy 0 0 1d [(o (es)13.9 (i)
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17. The LEA assures that the LEA will include in its application to the Department for ARP-ESSER funds a plan, in a format

1. The LEA assures it will have or obtain a full title or other interest in the site, including right of access, that is sufficient to insure the grantee's undisturbed use and possession of the facilities for 50 years or the useful life of the facilities, whichever is longer. § 75.603 (Authority: 20 U.S.C. 1221e-3 and 3474)
 2. The LEA assures it will ensure that sufficient funds are available to meet any non-Federal share of the cost of constructing the facility. § 75.604
 3. The LEA assures work will begin on construction within a reasonable time after the grant for the construction is made. § 75.605 (Authority: 20 U.S.C. 1221e-3 and 3474)
 - 4.
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11. The LEA assures that, when construction is completed, sufficient funds will be available for effective operation and maintenance of the facilities. § 75.614
12. The LEA assures that it shall operate and maintain the facilities in accordance with applicable Federal, State, and local requirements. § 75.615
13. The LEA assures that, to the extent feasible, it shall design and construct facilities to maximize the efficient use of energy. § 75.616 Further, the LEA shall comply with ASHRAE standards in designing and constructing facilities built with project funds. § 75.616 The following standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) are incorporated by reference in this section:
 - a. ASHRAE-90 A-1980 (Sections 1-9).
 - b. ASHRAE-90 B-1975 (Sections 10-11).
 - c. ASHRAE-90 C-1977 (Section 12)
14. Incorporation by reference of these provisions has been approved by the Director of the Office of the Federal Register pursuant to the Director's authority under 5 U.S.C. 552 (a) and 1 CFR part 51. The incorporated document is on file at the Department of Education, Grants and Contracts Service, rm. 3636 ROB-3, 400 Maryland Avenue, SW., Washington, DC 20202-4700 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. These standards may be obtained from the publication sales department at the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, NE., Atlanta, Georgia 30329. § 75.616

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:

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 -1.1510 (f)2 ((ui)6 ()2 (r)l)6 (oo0 (tb/0 (ac(t)2 (a (s)4(t)2 (e(t)2 (he)

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