

# **New Mexico Public Education Department Fiscal Technical Assistance Guide and Subrecipient Fiscal Monitoring Tool**

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Final Draft

Community Schools and Extended Learning Time Bureau

## Purpose

The main purpose of this technical assistance guide and fiscal monitoring tool is to improve the quality of New Mexico's 21<sup>st</sup> Century Community Learning Center (CCLC) programs.

Improving the quality of the 21<sup>st</sup> CCLC programs in New Mexico is not only a transparent process, but a collaborative one. When subrecipients participate in the fiscal monitoring process, they have the opportunity to share promising practices with the NMPED, who can then share those promising practices with other eligible entities. In addition, the subrecipients have the opportunity to reflect on areas in which they need to improve and through concerted conversations and coaching, they can identify the specific steps they need to complete in order to be considered in compliance with Federal statutes, regulations, and the terms and conditions of the subaward.

As part of the continuous improvement process, the NMPED uses the feedback and information gathered from the monitoring process and monitoring tool to:

- provide targeted technical assistance to subrecipients on program-related matters;
- provide professional development opportunities for subrecipients, subcontractors, and NMPED staff members; and
- create additional technical assistance and guidance materials.

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## Applicable Definitions

### *Eligible Entity*

Eligible entity means a local educational agency, community-based organization, Indian tribe or tribal organization, another public or private entity, or a consortium of 2 or more agencies, organizations, or entities.

ESEA Section 4201(b)(3).

### *ESEA*

ESEA means the Elementary and Secondary Education Act (ESEA) of 1965 as amended by the Every Student Succeeds Act (ESSA).

### *Federal Award*

Federal award means the Federal financial assistance that a recipient receives directly from a Federal awarding agency or indirectly from a pass-through entity.

[2 CFR §200.1 "Federal award"](#).

### ***Federal Awarding Agency***

Federal awarding agency means the Federal agency that provides a Federal award directly to a non-Federal entity.

[2 CFR §200.1 "Federal awarding agency"](#).

### ***Grantee***

Grantee means the legal entity to which a grant is awarded and that is accountable to the Federal Government for the use of the funds provided. The term “grantee” does not include any secondary recipients, such as subgrantees and contractors that may receive funds from a grantee pursuant to a subgrant or contract.

[34 CFR §77.1\(c\)](#).

### ***Non-Federal Entity (NFE)***

Non-Federal entity means a State, local government, Indian tribe, Institution of Higher Education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient.

[2 CFR §200.1 "Non-Federal entity"](#).

### ***Pass-through Entity (PTE)***

Pass-through entity means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.

[2 CFR §200.1 "Pass-through entity"](#).

### ***Period of Performance (Performance Period)***

Period of performance means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. Identification of the period of performance in the Federal award per [§ 200.211\(b\)\(5\)](#) does not commit the awarding agency to fund the award beyond the currently approved budget period.

[2 CFR §200.1 "Period of performance"](#).

### ***Recipient***

Recipient means an entity, usually but not limited to non-Federal entities that receives a Federal award directly from a Federal awarding agency. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.

[2 CFR §200.1 "Recipient"](#).

### ***Subaward***

Subaward has the same meaning as subgrant.

[34 CFR 77.1\(b\) "Subaward"](#).

### ***Subgrant***

Subgrant means an award of financial assistance in the form of money, or property in lieu of money, made under a grant by a grantee to an eligible subgrantee. The term includes financial assistance when provided by contractual or any other form of legal agreement, but does not include procurement purchases, nor does it include any form of assistance that is excluded from the definition of “grant or award” under 34 CFR Part 77.

[34 CFR §77.1\(c\).](#)

### ***Subgrantee***

Subgrantee means the government or other legal entity to which a subgrant is awarded and that is accountable to the grantee for the use of the funds provided.

[34 CFR §77.1\(c\).](#)

### ***Subrecipient***

Subrecipient means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

[2 CFR §200.1 "Subrecipient".](#)

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## **Federal Fiscal Requirements for Recipients and Subrecipients**

### **Financial management**

Each state must expend and account for the Federal award in accordance with state laws and procedures for expending and accounting for the state's own funds. In addition, the state's and the other non-Federal entity's financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award.

[2 CFR §200.302\(a\).](#)

The financial management system of each non-Federal entity must provide for the following:

- (1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the Assistance Listings title and number, Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any.
- (2) Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in [§§ 200.328](#) and [200.329](#). If a Federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient must not be required to establish an accrual accounting system. This recipient may develop accrual data for its reports on the basis of an analysis of the documentation on hand. Similarly, a pass-through entity must not require a subrecipient to establish an accrual accounting system and must allow the subrecipient to develop accrual data for its reports on the basis of an analysis of the documentation on hand.
- (3) Records that identify adequately the source and application of funds for federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, financial obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.
- (4) Effective control over, and accountability for, all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes. See [§ 200.303](#).
- (5) Comparison of expenditures with budget amounts for each Federal award.
- (6) Written procedures to implement the requirements of [§ 200.305](#).
- (7) Written procedures for determining the allowability of costs in accordance with [subpart E of this part](#) and the terms and conditions of the Federal award.

[2 CFR §200.302\(b\)](#).

#### Internal controls

The non-Federal entity must:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal

Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

(b) Comply with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal awards.

(c) Evaluate and monitor the non-Federal entity's compliance with statutes, regulations and the terms and conditions of Federal awards.

(d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

(e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and responsibility over confidentiality.

[2 CFR §200.303.](#)

#### General Administrative Responsibilities

A State and a subgrantee shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal Funds.

[34 CFR §76.702.](#)

#### State Administrative Responsibilities

Each State shall have procedures for reviewing and approving applications for subgrants and amendments to those applications, for providing technical assistance, for evaluating projects, and for performing other administrative responsibilities the State has determined are necessary to ensure compliance with applicable statutes and regulations.

[34 CFR §76.770.](#)

## **Federal Monitoring Requirements**

### Requirements for pass-through entities

All pass-through entities must:

Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include:

#### [2 CFR §200.332\(d\)](#)

- (1) Reviewing financial and performance reports required by the pass-through entity.

#### [2 CFR §200.332\(d\)\(1\)](#)

- (2) Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and written confirmation from the subrecipient, highlighting the status of actions planned or taken to address Single Audit findings related to the particular subaward.

#### [2 CFR §200.332\(d\)\(2\)](#)

## **New Mexico's Fiscal Monitoring Tool**

### Purpose

The purpose of this monitoring tool is to:

- Assist the NMPED and CSELT Bureau in meeting their recipient responsibilities under Federal laws;
- Verify if subrecipients are meeting the terms and conditions of the subaward;
- Determine if subrecipients are meeting performance goals;
- Determine if subrecipients are meeting performance expectations;
- Provide oversight of the authorized activities; and
- Ensure subrecipients are in compliance with Federal statutes and regulations.

The fiscal monitoring tool includes two (2) critical elements and is organized into two (2) categories, Fiscal Management and Adequacy and Management of Resources.

### Fiscal Management

- A. Fiscal Administration and Accountability

### Adequacy and Management of Resources

- B. Financial Management and Fiscal Stability

Each critical element includes New Mexico's guiding principles and the U.S. Department of Education's (ED's) applicable critical elements.

## **Fiscal Monitoring Tool: Definitions of Indicators of Success, Evidence and Examples, and Performance Levels and Implications**

### Indicators of Success

Indicators of success are compiled from Federal regulations, Federal and State Statutes, State rules, NMPED's policies and procedures, and NMPED's protocol for monitoring the State's 21<sup>st</sup> Century Community Learning Centers. In addition, these indicators include known best practices and quality indicators that when implemented with fidelity, lead to quality outcomes for the 21<sup>st</sup> CCLC programs and the students and families they serve.

### Evidence and Examples

Evidence and examples are documents, exhibits, and artifacts that allow the subrecipient to demonstrate compliance with regulations, statutes, rules, and NMPED guidance. These are items subrecipients should be able to readily produce for the monitoring team.



For each indicator of success, there is a list of the types of documents, artifacts, etc. that are considered as acceptable evidence of compliance. For many of the indicators of success, there are required documents that must be included and reviewed. These documents are marked as “Required” on the fiscal monitoring tool. Any evidence provided should consist of materials or artifacts that clearly document program policies, procedures, or activities that demonstrate compliance with that requirement.

The evidence for each indicator of success should be the most recent examples. If evidence does not exist yet for the current program year, evidence can be included from the previous fiscal year. However, in this circumstance, documentation of current program efforts pertaining to the indicator of success must be provided even though it does not demonstrate complete compliance.

Note: Evidence and examples should not include any personally identifiable information about students and families (names, addresses, disability information, etc.) and confidential information about employees or subcontractors (social security numbers, license numbers, etc.).

### **Performance Levels and Implications**

**Compliant** Meets all of the components of the Federal regulations, Federal and State Statutes, State Rules, NMPED policies, procedures, guidance, and RfP #10-92400-20-26337 requirements.

**Partial Compliance with Recommendations and Action Plan** Meets most of the components of the Federal regulations, Federal and State Statutes, State Rules, and NMPED policies, procedures, guidance, and RfP requirements. Areas of need are addressed through an action plan developed by the subrecipient and sent to the CSELT Bureau for approval.

**Noncompliance with an Action Plan** Meets some or none of the components of the Federal regulations, Federal and State Statutes, State Rules, and NMPED policies, procedures, guidance, and RfP requirements. Areas of need are addressed through an action plan developed by the subrecipient in conjunction with the CSELT Bureau and approved by the NMPED.

## **Using the Fiscal Monitoring Tool**

### **CSELT Bureau Procedure**

The CSELT Bureau Director or Deputy Director decide which subrecipients will be monitored and the type of monitoring they will receive: desk-top, virtual, or on-site. This is determined at least annually; however monitoring can occur at any time even if a subrecipient was recently monitored. Considerations for subrecipient monitoring include, but are not limited to:

- Results of the annual risk assessment
- Single Audit results, concerns, or deficiencies
- Questionable practices
- Program data
- Lack of response
- Formal complaints

- Length of time since last formal monitoring

The CSELT Bureau Deputy Director oversees the subrecipient monitoring process. This includes the internal auditing of the process and the tracking of the monitoring's promising practices and findings of noncompliance (spreadsheet). The Deputy Director ensures that the monitoring takes place, subrecipients receive the technical assistance they need to be successful, and that any noncompliance is corrected in a timely manner.

### **Application of the Fiscal Monitoring Tool**

The fiscal monitoring tool is used as part of the NMPED's and CSELT Bureau's desk-top monitoring procedure, virtual monitoring review procedure, or during an on-site monitoring visit. The tool can be completed independently by the NMPED's and CSELT Bureau's staff, in collaboration with the subrecipient's staff and partners, or as a part of the subrecipient's self-assessment (Indicators of Success and Evidence and Examples sections only).

The CSELT Bureau and its partners use the tool to guide the review of the subrecipient's documents, policies, and procedures. In addition, the tool leads the discussions with applicable personnel (staff, families, subcontractors), along with the observation of 21<sup>st</sup> CCLC program, operations, and staff.

The CSELT Bureau reviews all of the evidence, examples, and information gathered before (checklists, self-assessments), during, and after (follow up and clarification) the subrecipient monitoring process. Then, the CSELT Bureau makes its final determination.

Within 15 business days, the CSELT Bureau provides the subrecipient with a written report. The report includes promising practices, recommendations for improvement, and any areas of noncompliance (with legal citations). When it is determined that the subrecipient has areas of noncompliance under Federal or State laws, the CSELT Bureau is required to notify the subrecipient of any deficiencies in accordance with [2 CFR §200.332\(d\)\(2\)](#).

For those subrecipients who have *partial compliance with recommendations and an action plan*, they are required to complete an action plan with the steps necessary to address the deficiencies along with the adoption of the recommendations.

For those subrecipients who have *noncompliance with an action plan*, because of the number and depth of deficiencies, they are required to work together with the CSELT Bureau to develop an action plan. The action plan includes the steps that are necessary to address the deficiencies.

Within 10 business days, the subrecipient must submit the action plan to the CSELT Bureau for approval.

The subrecipient is responsible for implementing the steps in the action plan. The subrecipient must correct the noncompliance as soon as possible.

In accordance with [2 CFR §200.332\(d\)](#), the CSELT Bureau follows up with the subrecipient to ensure the subrecipient takes timely and appropriate action on all deficiencies. The CSELT Bureau staff or their partners monitor the subrecipient's progress in meeting the action plan steps and

reviews updated information to determine if the recommendations have been implemented and the noncompliance has been corrected.

After it is established that the recommendations are being implemented and the noncompliance has been corrected, the CSELT Deputy Director shares the evidence with the CSELT Bureau Director and provides a final recommendation. Once the noncompliance is considered corrected, the subrecipient is notified in writing by the CSELT Bureau Director.

**Failure to meet action plan steps, implement recommendations, and correction of noncompliance.**

There are multiple actions the NMPED can take when the subrecipient does not correct the noncompliance. The NMPED supports resolving the noncompliance at the lowest level possible in order to continue the 21<sup>st</sup> CCLC programming for students and families, without interruption. However, the NMPED is the recipient of the 21<sup>st</sup> CCLC program funds and is responsible for the fiscal and programmatic oversight and implementation of the grant in accordance with Federal statutes and regulations.

Continued noncompliance is addressed through a Corrective Action Plan (CAP) developed and issued by the CSELT Bureau. The purpose of the CAP is to:

- Correct identified deficiencies; and
- Produce recommended improvements.

Any continued noncompliance is considered as part of the subrecipient's risk in accordance with [2 CFR §200.332\(b\)](#) which may result in:

- Providing the subrecipient with training and technical assistance on program-related matters; and
- Performing on-site reviews of the subrecipient's program operations;
- Arranging for agreed-upon procedures engagements as described in [2 CFR §200.425](#).

[2 CFR §200.332\(e\)](#).

Specific award conditions

If the above actions are determined to be ineffective in compelling compliance, based on an analysis of factors in accordance with [2 CFR §200.208\(b\)](#), specific award conditions may be assigned based upon the subrecipient's:

- risk evaluation under [2 CFR §200.206\(b\)\(2\)](#) which includes any items such as
  - Financial stability;
  - management systems and standards;
  - history of performance;
  - audit reports and findings; and

- ability to effectively implement requirements.
- history of compliance with the general or specific terms of the Federal award (21<sup>st</sup> CCLC);
- ability to meet expected performance goals as described in [2 CFR §200.211\(a\)](#); or
- responsibility determination.

Additional Federal award conditions may include items such as the following:

- withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given performance period;
- requiring additional, more detailed financial reports;
- requiring additional project monitoring;
- requiring the non-Federal entity to obtain technical or management assistance; or
- establishing additional prior approvals.

[2 CFR §200.208\(c\)](#).

If additional requirements are going to be imposed, the NMPED must notify (in writing) the subrecipient as to:

- the nature of the additional requirements;
- the reason why the additional requirements are being imposed;
- the nature of the action needed to remove the additional requirement, if applicable;
- the time allowed for completing the actions, if applicable; and
- the method for requesting reconsideration of the additional requirements imposed.

[2 CFR §200.208\(d\)](#).

In accordance with [2 CFR §200.208\(e\)](#), any additional requirements must be promptly removed once the conditions that prompted them have been satisfied.

**Other Allowable Actions for Noncompliance**

**Suspension of Funds and Withholding of Funds**

If the NMPED determines that the noncompliance cannot be remedied by the conditions applied, the NMPED may take one or more of the following actions, as appropriate in the circumstances:

- Temporarily withhold cash payments pending correction of the deficiency or more severe enforcement action.
- Disallow (that is deny, both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
- Wholly or partly suspend or terminate the Federal award.
- Initiate suspension or debarment proceedings as authorized under [2 CFR Part 180](#) and Federal awarding agency regulations.
- Withhold further Federal awards for the project or program.
- Take other remedies that may be legally available.

[2 CFR §200.339](#) and Paragraph (2) of Subsection (A) of 6.21.2.10 NMAC.

New Mexico law allows the suspension of payments, in whole or in part, under an applicable program if the department (NMPED) has reason to believe that there has been substantial failure to comply with any such requirements;

- the department shall not suspend such payments until fifteen(15) days after the department provides an opportunity to show cause why such action should not be taken;
- no suspension shall continue in effect longer than sixty (60) days unless the department within such period provides the notice for a hearing.

Under New Mexico law, payments can be withheld, in whole or in part, under any such program if the department finds, after reasonable notice and opportunity to be heard before an impartial hearing officer, that the subgrantee has failed substantially to comply with any such requirements; any withholding of payments shall continue until the department is satisfied that there is no longer a failure to comply substantially with any of such requirements.

Subparagraph (b) and (c) of Paragraph (2) of Subsection (A) of 6.21.2.10 NMAC.

#### Hearing Procedures for the Suspension or Withholding of Federal Funds

##### New Mexico Hearing Procedures

1. When a hearing is required under these rules or other applicable Federal requirements, the New Mexico Secretary of Public Education shall appoint an impartial hearing officer to conduct the proceeding. The impartial hearing officer shall be an impartial decision-maker who has not taken part in the investigation and who is not under the supervision of a department employee who did and who shall not have personal, economic, or professional interest in the outcome of the hearing other than the proper application of Federal laws, regulations, and policies.
2. The following procedures shall apply:
  - a. a written notice of hearing;
  - b. an opportunity for the aggrieved party to be heard; and
  - c. a prohibition of ex parte contacts between one party and the impartial hearing officer.
3. The impartial hearing officer shall issue a written decision that includes findings of fact and conclusions of law.

Subsection (B) of 6.21.2.10 NMAC.

#### Appeal Procedures for the Suspension or Withholding of Federal Funds

Nothing in the NMAC shall abrogate any right of appeal to the Secretary of the United States Department of Education or other appropriate Federal agency as provided for by Federal statute or regulation.

Subsection (C) of 6.21.2.10 NMAC.

## **Termination of an Award**

The Federal award may be terminated in whole or in part as follows:

- By the NMPED if the subrecipient fails to comply with the terms and conditions of the Federal award;
- By the NMPED, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities;
- By the NMPED, with consent of the subrecipient, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated;
- By the subrecipient upon sending the NMPED written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the NMPED determines in the case of partial termination that the reduced or modified portion of the subaward will not accomplish the purposes for which the Federal award was made, the NMPED may terminate the Federal award in its entirety; or
- By the NMPED pursuant to termination provisions included in the Federal award.

[2 CFR §200.340\(a\)](#).

The NMPED must provide the subrecipient a notice of termination in accordance with [2 CFR §200.341\(a\)](#).

### **Effects of Suspension and Termination**

Costs to the non-Federal entity (subrecipient) resulting from financial obligations incurred by the non-Federal entity during a suspension or after termination of a Federal award or subaward are not allowable unless the Federal awarding agency or pass-through entity (NMPED) expressly authorizes them in the notice of suspension or termination or subsequently. However, costs during suspension or after termination are allowable if:

- a. The costs result from financial obligations which were properly incurred by the non-Federal entity before the effective date of suspension or termination, are not in anticipation of it; and
- b. The costs would be allowable if the Federal award was not suspended or expired normally at the end of the period of performance in which the termination takes effect.

[2 CFR §200.343](#).

## **Opportunities to Object, Hearings, and Appeals**

### **Federal Requirements**

The NMPED must comply with any requirements for hearings, appeals or other administrative proceedings to which the subrecipient is entitled under any statute or regulation applicable to the action involved.

[2 CFR §200.342.](#)

When taking certain actions, the NMPED must provide the subrecipient an opportunity for a hearing. A subrecipient may request a hearing if it alleges that any of the following actions by the State education agency (NMPED) violated a State or Federal statute or regulation:

- Ordering, in accordance with a final State audit resolution determination, the repayment of misspent or misapplied Federal funds; or
- Terminating further assistance for an approved project.

[34 CFR §76.783.](#)

### **State Requirements**

#### **New Mexico Requirements for Subgrantees Aggrieved by Final Letter of Determination or Notice of Intended Action**

An opportunity for a hearing must be provided to any subgrantee or subrecipient aggrieved by a final action of the department (NMPED) and alleging a violation of state or Federal laws, rules, regulations, or guidelines governing the applicable program (21<sup>st</sup> CCLC) with regard to the department's:

- i. disapproving or failing to approve its application or program in whole or in part;
- ii. failing to provide funds in amounts in accord with the requirements of laws and regulations;
- iii. ordering, in accordance with the department's audit resolution determination, the repayment of misspent or misapplied federal funds; or
- iv. terminating further assistance for an approved program.

Subsection (A) of 6.21.2.9 NMAC.

### **Hearing Procedures**

1. Request for hearing: The subgrantee shall request in writing the hearing within thirty (30) days of the date of the final letter of determination or notice of intended action.
2. Availability of records: The department shall make available, at reasonable times and places, to each applicant or subgrantee all records of the department pertaining to the review or appeal the applicant is conducting, including records of other applicants.
3. Hearing: Within thirty (30) days after the department receives a request for a hearing pursuant to this section, the department shall hold a hearing on the record and shall review its action or proposed action. The following procedures shall apply:
  - a. a written notice of hearing to all parties;

- b. an opportunity for all parties to participate in the hearing;
  - c. prohibition of ex parte contacts between one party and the impartial hearing officer;
  - d. an impartial hearing officer, who has not taken part in the investigation and who is not under the supervision of a department employee who did, shall be appointed by the Secretary of Public Education;
  - e. the right of the parties to appear with counsel;
  - f. the right to present oral and written evidence and to conduct cross examinations;
  - g. the right to submit proposed findings of fact and conclusions of law; and
  - h. the compiling and availability of a record upon which the impartial hearing officer's recommend findings of fact, conclusions of law, and decisions are made.
4. Ruling
- a. No later than ten (10) days after the hearing, the department shall issue its written ruling, including findings of fact and reasons for the ruling.
  - b. If the department determines that its action or proposed action in whole or in part was contrary to federal or state statutes, regulations, and guidelines governing the applicable program, the department shall rescind its action or proposed action in whole or in part.
5. Appeal to the Secretary: If the department does not rescind its final action or proposed action after a review under this section, the applicant may appeal to the secretary. The applicant shall file a notice of the appeal with the secretary within twenty (20) days after the applicant has been notified by the department of the department's ruling.

Section (B) of 6.21.2.9 NMAC.

### **Repayment**

#### **State Requirements**

Repayment of misspent or misapplied federal funds, as determined through the audit resolution determination, shall be made from nonfederal sources or from federal funds, no accountability for which is required to the federal government.

Section (C) of 6.21.2.9 NMAC.

#### **Federal Requirements**

Payments made for costs determined to be unallowable ([disallowed costs](#)) by either the Federal awarding agency, cognizant agency for indirect costs, or pass-through entity, either as direct or indirect costs, must be refunded (including interest) to the Federal Government in accordance with instructions from the Federal agency that determined the costs are unallowable unless Federal statute or regulation directs otherwise.

[2 CFR §200.410](#).



## Prospective Funding

### Continuation Awards

Continuation means continuing a subgrant from one year to the next through the original period of performance. The NMPED provides one year of funding at a time in accordance with the *sustainability support structure* (as noted in RfP 10-92400-20-26337). Each year, the subrecipient receives a non-competitive continuation award for each subsequent year of the period of performance. Continuation is based upon the availability of funds, project performance, and compliance with progress and financial reporting requirements.

Source: 21<sup>st</sup> Century Community Learning Centers Program Non-Regulatory [Guidance](#), updated October 19, 2023.

### New Mexico's Continuation Award Policy

The NMPED may make a continuation award for a [budget period](#) after the first budget period of an approved multi-year project if:

1. There are sufficient 21<sup>st</sup> Century Community Learning Center program funds available.
2. The subrecipient has made substantial progress in achieving the primary goals and performance measures at each community learning center.
3. The subrecipient has submitted all required reports including, but not limited to
  - a. EZReports per the RfP and assurances;
  - b. Four agency approved surveys (fall and spring);
  - c. Spring action plan;
  - d. Sustainability Plan;
  - e. Continuation report; and
  - f. Semi-annual report.
4. The subrecipient participates in the continuous quality improvement (CQI) cycle.
5. The subrecipient participates in the required professional development and training activities.
6. The subrecipient has maintained financial and administrative management systems that meet the financial management requirements under [2 CFR §200.302](#) and internal controls in accordance with [2 CFR §200.303](#).
7. The subrecipient has corrected noncompliance in a timely manner or is making significant progress in meeting the steps in the action plan.
8. Continuation of this project is in the best interest of the NMPED.

## New Mexico's Continuation Award Procedure

The decision to continue the award is determined by the CSELT Bureau Director in consultation with the Administrative Services Division (ASD) and senior leadership, if applicable. When making this decision, the CSELT Bureau Director considers the recommendations from the bureau's Deputy Directors along with data and information gathered from the:

- Risk assessment;
- Desk-top, virtual, and on-site monitoring;
- Program monitoring tool;
- Fiscal monitoring tool;
- Student outcomes;
- CQI team; and
- External evaluators.

When issuing continuation awards, the CSELT Bureau considers the subrecipient's remaining funds from the previous year. This may result in the reduction of the continuation award if the subrecipient did not fully expend the funds from the previous year.

Note: If it is determined to not issue a continuation award, the subrecipient must be afforded due process and a right to a hearing with an impartial hearing officer in accordance with Federal and State laws as described above.

### **Renewability of Awards**

ESEA Section 4203(a)(8)(A) requires that the State educational agency make awards for programs for a period of not less than three (3) years and not more than five (5) years.

ESEA Section 4204(j) stipulates that renewability can occur at the end of the original period of performance and is allowable under certain terms. However, New Mexico law [13-1-150](#) NMSA, 1978 indicates that professional service contracts may not exceed four (4) years, including all extensions and renewals.

The 21<sup>st</sup> Century Community Learning Center Request for Proposal (RfP) Term of Agreement indicates that the agreement shall be for one (1) year, with the option to renew for a period of four (4) additional one-year options. The agreement shall not exceed five (5) years, including extensions and renewals.

New Mexico Public Education Department (NMPED)

Community Schools and Extended Learning Time (CSELT) Bureau

**Nita M. Lowey 21<sup>st</sup> Century Community Learning Centers**

**Subrecipient Fiscal Monitoring Tool**

The Fiscal Monitoring Tool is intended to assist the CSELT Bureau monitoring team as they conduct desk-top reviews, virtual monitoring visits, or on-site monitoring visits. In addition, the tool is intended to be used when meeting with the subrecipient's staff of the local Nita M. Lowey 21<sup>st</sup> CCLC programs. The tool is used to determine compliance with Federal and State statutes, Federal regulations, State rules, and department policies and procedures. Lastly, the tool informs staff of any needed quality improvements.

<b>Basic information</b>	
Subrecipient:	Date of Subrecipient Monitoring:
Subrecipient Address:	Type of Subrecipient Monitoring: <input type="checkbox"/> Desk-Top <input type="checkbox"/> Virtual Visit <input type="checkbox"/> On-site
Subrecipient Phone Number:	
Project Director Name:	Project Director email:
Fiscal Year of Award:	Amount of Award:
LEA(s) (school district(s) supported):	
Feeder School(s):	
Subrecipient staff interviewed and providing evidence:	CSELTB staff conducting monitoring:

**A. Fiscal Administration and Accountability**

**U.S. Department of Education’s Critical Element II:** Accountability of subgrants using standards, assessments, monitoring, and evaluation.

**U.S. Department of Education’s Critical Element III:** Fiscal requirements.

**New Mexico’s Guiding Principle:** Subrecipient/Eligible Entity manages funding sources appropriately and in compliance with Federal and State laws.

Fiscal Management			
Indicators of Success	Evidence & Examples	Performance Level	Notes
<p><b>A1.</b> The subrecipient maintains accurate financial records. Fiscal records and information that are required as part of financial audits are provided without delay. Subrecipient meets the NMPED’s documentation criteria for reimbursement requests (RfRs or invoices).</p> <p>2 CFR §200.302.                      2 CFR §200.334.                      2 CFR §200.510.                      34 CFR §76.730.                      34 CFR §76.731.                      RfP requirement.                      NMPED policies and procedures.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Record retention policy “Required”</li> <li><input type="checkbox"/> RfR/invoice checklists</li> <li><input type="checkbox"/> Audit reports</li> <li><input type="checkbox"/> Other (describe)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Compliant</li> <li><input type="checkbox"/> Partial compliance with recommendations</li> <li><input type="checkbox"/> Noncompliant with action plan</li> </ul>	

<p><b>A2.</b> The subrecipient adheres to all proper budgeting procedures.</p> <p>2 CFR §200.302. 6.20.2 NMAC. RfP requirement. NMPED policies and procedures.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Fiscal management system “Required”</li> <li><input type="checkbox"/> Budget records “Required”</li> <li><input type="checkbox"/> System generated reports “Required”</li> <li><input type="checkbox"/> RfR/Invoice checklists</li> <li><input type="checkbox"/> Audit reports</li> <li><input type="checkbox"/> Other (describe)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Compliant</li> <li><input type="checkbox"/> Partial compliance with recommendations</li> <li><input type="checkbox"/> Noncompliant with action plan</li> </ul>	
<p><b>A3.</b> The subrecipient has an official and consistent process for making purchases to ensure purchases are allocable, allowable, and reasonable.</p> <p>2 CFR §200.403. 2 CFR §200.404. 2 CFR §200.405. NMPED policies and procedures.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Internal controls policy and procedure for approvals “Required”</li> <li><input type="checkbox"/> Authorization of purchases “Required”</li> <li><input type="checkbox"/> Internal fiscal procedures</li> <li><input type="checkbox"/> RfR or Invoice checklist</li> <li><input type="checkbox"/> Other (describe)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Compliant</li> <li><input type="checkbox"/> Partial compliance with recommendations</li> <li><input type="checkbox"/> Noncompliant with action plan</li> </ul>	
<p><b>A4.</b> The subrecipient maintains satisfactory documentation to support what (personnel, supplies, equipment, transportation, professional development, etc.) was</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Fiscal management system “Required”</li> <li><input type="checkbox"/> Budget records “Required”</li> <li><input type="checkbox"/> Authorization of purchases</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Compliant</li> <li><input type="checkbox"/> Partial compliance with recommendations</li> </ul>	

<p>purchased with 21<sup>st</sup> CCLC funds.</p> <p>2 CFR §§200.302(a). 2 CFR §200.302(b)(4). 2 CFR §200.334. 34 CFR §76.730. 34 CFR §76.731. RfP requirement. NMPED policies and procedures.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Receipts, invoices, or purchase orders</li> <li><input type="checkbox"/> Time and effort documentation</li> <li><input type="checkbox"/> Timesheets</li> <li><input type="checkbox"/> Employee contracts</li> <li><input type="checkbox"/> Travel documents</li> <li><input type="checkbox"/> Professional development and training documents</li> <li><input type="checkbox"/> Audit reports</li> <li><input type="checkbox"/> Other (describe)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Noncompliant with action plan</li> </ul>	
<p><b>A5.</b> The subrecipient submits an invoice or RfR at least monthly. The invoice or RfR includes a system generated report with all of the NMPED mandatory components, required fiscal supporting</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> General ledger “Required”</li> <li><input type="checkbox"/> System generated report “Required”</li> <li><input type="checkbox"/> Monthly RfR or invoice submission</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Compliant</li> <li><input type="checkbox"/> Partial compliance with recommendations</li> <li><input type="checkbox"/> Noncompliant with action plan</li> </ul>	

<p>documentation, and the applicable checklist.</p> <p>2 CFR §200.302. 6.20.2 NMAC. RfP requirement. NMPED policies and procedures.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> RfR/Invoice checklists</li> <li><input type="checkbox"/> CSELT tracking spreadsheet</li> <li><input type="checkbox"/> Other (describe)</li> </ul>		
<p><b>A6.</b> The subrecipient has a tracking system in place for equipment purchased with 21<sup>st</sup> CCLC funds. The system includes prior written approval documents. An annual inventory is conducted to include the location of the item and item condition. Equipment is tagged and recorded and a disposal process is in place.</p> <p>2 CFR §200.407. 2 CFR §200.313. 2 CFR §200.439. RfP requirement. NMPED policies and procedures.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Inventory procedure “Required”</li> <li><input type="checkbox"/> Inventory list with location and item condition “Required”</li> <li><input type="checkbox"/> Purchase orders/invoices</li> <li><input type="checkbox"/> Disposal records</li> <li><input type="checkbox"/> Prior written approval</li> <li><input type="checkbox"/> Other (describe)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Compliant</li> <li><input type="checkbox"/> Partial compliance with recommendations</li> <li><input type="checkbox"/> Noncompliant with action plan</li> </ul>	
<p><b>A7.</b> The subrecipient follows all requirements for the use of subcontractors, which includes the RfR or invoice process for subcontractors.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Subcontractor’s written agreement with subrecipient “Required”</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Compliant</li> <li><input type="checkbox"/> Partial compliance with recommendations</li> </ul>	

<p>RfP Requirement. NMPED policies and procedures.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Policies and procedures for monitoring compliance and allowable use of funds “Required”</li> <li><input type="checkbox"/> List of 21<sup>st</sup> CCLC funded contracts and amounts spent “Required”</li> <li><input type="checkbox"/> Subcontractor assurance form</li> <li><input type="checkbox"/> Subcontractor timesheets/logs and time and effort documents</li> <li><input type="checkbox"/> Subcontractor invoices for supplies and materials</li> <li><input type="checkbox"/> Compensation checklist</li> <li><input type="checkbox"/> Other (describe)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Noncompliant with action plan</li> </ul>	
<p><b>A8.</b> The subrecipient tracks personnel time and effort and maintains personnel records (contracts, agreements, PARs, etc.)</p> <p>2 CFR §200.430. 2 CFR §200.334. RfP Requirement.</p>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Tracking procedure “Required”</li> <li><input type="checkbox"/> Records retention policy “Required”</li> <li><input type="checkbox"/> Personnel Activity Reports (PARs)</li> <li><input type="checkbox"/> Semi-annual certifications</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Compliant</li> <li><input type="checkbox"/> Partial compliance with recommendations</li> <li><input type="checkbox"/> Noncompliant with action plan</li> </ul>	



<p>NMPED policies and procedures.</p>	<p><input type="checkbox"/> Other (describe)</p>		
<p><b>A9.</b> The subrecipient provides documentation that prior audit problems, exceptions, findings, recommendations and/or site visit concerns have been resolved and corrected.</p> <p>2 CFR §200.511. 2 CFR 200.332(d)(2). RfP requirement. NMPED policies and procedures. <i>ED's Monitoring Review Protocol II.10.</i></p>	<p><input type="checkbox"/> Letters from applicable agency accepting documents, etc. indicating compliance and concerns corrected "Required"</p> <p><input type="checkbox"/> Management decision</p> <p><input type="checkbox"/> BOE or governing council agenda and meeting minutes</p> <p><input type="checkbox"/> Other (describe)</p>	<p><input type="checkbox"/> Compliant</p> <p><input type="checkbox"/> Partial compliance with recommendations</p> <p><input type="checkbox"/> Noncompliant with action plan</p>	
<p><b>A10.</b> The subrecipient has at least one of the subrecipient's fiscal representatives attend a NMPED annual fiscal training.</p> <p>2 CFR §200.332(e)(1). ESEA Section 4202(c)(3)(B). ESEA Section 4202(c)(3)(D). ESEA Section 4203(a)(6). RFP requirement. NMPED policies and procedures.</p>	<p><input type="checkbox"/> Certificate or evidence of completion "Required"</p> <p><input type="checkbox"/> Registration</p> <p><input type="checkbox"/> Sign-in sheets</p> <p><input type="checkbox"/> Other (describe)</p>	<p><input type="checkbox"/> Compliant</p> <p><input type="checkbox"/> Partial compliance with recommendations</p> <p><input type="checkbox"/> Noncompliant with action plan</p>	

<i>ED's Monitoring Review Protocol II.11.</i>			
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Referenced Statutes, Regulations, and Rules

- [ESEA](#) Section 4202(c)(3)(B) – capacity building, training, and technical assistance.
- ESEA Section 4202(c)(3)(D) – training and technical assistance to eligible entities.
- ESEA Section 4203(a)(6) – ongoing technical assistance and training, dissemination of promising practices.
- ESEA Section 4204(b)(2)(N) - other information and assurances the State educational agency may reasonably require (RfP requirement).
- Code of Federal Regulations [2 CFR §200.302](#) – Financial management.
- Code of Federal Regulations [2 CFR §200.302\(a\)](#) – Expending and accounting for Federal award.
- Code of Federal Regulations [2 CFR §200.302\(b\)\(4\)](#) – Control and accountability.
- Code of Federal Regulations [2 CFR §200.313](#) – Equipment.
- Code of Federal Regulations [2 CFR §200.332\(d\)\(2\)](#) – Following up on all deficiencies
- Code of Federal Regulations [2 CFR §200.332\(e\)\(1\)](#) – Providing subrecipients with training and technical assistance.
- Code of Federal Regulations [2 CFR §200.334](#) – Retention requirements for records.
- Code of Federal Regulations [2 CFR §200.403](#) – Factors affecting allowability of costs.
- Code of Federal Regulations [2 CFR §200.404](#) – Reasonable costs.
- Code of Federal Regulations [2 CFR §200.405](#) – Allocable costs.
- Code of Federal Regulations [2 CFR §200.407](#) – Prior written approval.
- Code of Federal Regulations [2 CFR §200.430](#) – Compensation – personal services.

Code of Federal Regulations [2 CFR §200.439](#) – Equipment and other capital expenditures.

Code of Federal Regulations [2 CFR §200.510](#) – Financial statements.

Code of Federal Regulations [2 CFR §200.511](#) – Audit findings follow-up.

Code of Federal Regulations [34 CFR §76.730](#) – Records related to grant funds.

Code of Federal Regulations [34 CFR §76.731](#) – Records related to compliance.

New Mexico Administrative Code [6.20.2](#) NMAC – Governing Budgeting and Accounting for New Mexico Public Schools and School Districts.

Final Draft

## B Financial Management and Fiscal Sustainability

**U.S. Department of Education’s Critical Element II:** Accountability of subgrants using standards, assessments, monitoring, and evaluation.

**U.S. Department of Education’s Critical Element III:** Fiscal requirements.

**Guiding Principle:** Subrecipient/Eligible Entity manages funding resources appropriately and provides and sustains the level of program funding needed for the 21<sup>st</sup> Century Community Learning Center program over the duration of the grant cycle and after the grant funding ends.

Adequacy and Management of Resources			
Indicators of Success	Evidence & Examples	Performance Level	Notes
<p><b>B1.</b> The subrecipient uses funds to supplement and not supplant other Federal, State, and local public funds, to provide programs and activities under the ESEA and other similar programs.</p> <p>ESEA Section 4204(b)(2)(G). ESEA Section 4203(a)(9). RfP requirement. <i>ED’s Monitoring Review Protocol I.15.</i></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Description of services and evidence of supplemental nature of the services “Required”</li> <li><input type="checkbox"/> Budget records of various funds used for program “Required”</li> <li><input type="checkbox"/> Program funding history</li> <li><input type="checkbox"/> Other (describe)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Compliant</li> <li><input type="checkbox"/> Partial compliance with recommendations</li> <li><input type="checkbox"/> Noncompliant with action plan</li> </ul>	
<p><b>B2.</b> The subrecipient clearly distinguishes and tracks the different types of funds (Federal, State, and local) used for the program and prevents the comingling of funds.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Fiscal management system “Required”</li> <li><input type="checkbox"/> Unique coding of funds “Required”</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Compliant</li> <li><input type="checkbox"/> Partial compliance with recommendations</li> </ul>	

<p>The accounting software clearly distinguishes the 21<sup>st</sup> century grant as a separate fund.</p> <p>2 CFR §200.302. 2 CFR §200.303(a). 2 CFR §200.303 (b). 34 CFR §76.702. 6.20.2 NMAC. RfP requirement. NMPED policies and procedures.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> General ledger</li> <li><input type="checkbox"/> Budget reconciliations</li> <li><input type="checkbox"/> Other (describe)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Noncompliant with action plan</li> </ul>	
<p><b>B3.</b> The subrecipient uses funds in a manner consistent with the purpose of the 21<sup>st</sup> CCLC program.</p> <p>2 CFR §200.302(b). 2 CFR §200.303(a). 2 CFR §200.303(b). 2 CFR §200.303(c). 2 CFR §200.400. ESEA Section 4205(a). RfP requirement.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Written fiscal policies and procedures (e.g. procurement policy, bids and contracts policy, time and effort reporting procedures) “Required”</li> <li><input type="checkbox"/> Fiscal records demonstrating that expenditures align with latest CSELT approved budget “Required”</li> <li><input type="checkbox"/> Budget records and tracking</li> <li><input type="checkbox"/> RfRs/Invoices</li> <li><input type="checkbox"/> Other (describe)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Compliant</li> <li><input type="checkbox"/> Partial compliance with recommendations</li> <li><input type="checkbox"/> Noncompliant with action plan</li> </ul>	

<p><b>B4.</b> The subrecipient coordinates with other Federal, state, and local programs to make effective use of resources.</p> <p>ESEA Section 4204(b)(2)(C) ESEA Section 4204(b)(2)(G). RfP requirement.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Budget records (funding codes) highlighting the coordination “Required”</li> <li><input type="checkbox"/> Lists of jointly-funded (includes fiscal breakdown) and planned activities “Required”</li> <li><input type="checkbox"/> Fiscal records showing the transfer or deposit of funds from external agencies</li> <li><input type="checkbox"/> Other (describe)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Compliant</li> <li><input type="checkbox"/> Partial compliance with recommendations</li> <li><input type="checkbox"/> Noncompliant with action plan</li> </ul>	
<p><b>B5.</b> The subrecipient has the required Sustainability Plan and has begun the implementation.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Evidence of progress on plan such as “Required” <ul style="list-style-type: none"> <li>• Sustainability planning committee (e.g. list of members, schedule of meetings, meeting minutes, etc.)</li> <li>• Records of community outreach events, communications, and fund raising activities</li> <li>• Documentation of additional funding sources secured to support program</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Compliant</li> <li><input type="checkbox"/> Partial compliance with recommendations</li> <li><input type="checkbox"/> Noncompliant with action plan</li> </ul>	

<p>ESEA Section 4204(b)(2)(K). ESEA Section 4203(a)(8)(B). RfP requirement. <i>ED's Monitoring Review Protocol I.16.</i></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Partnership agreements/MOUs/ Contracts “Required”</li> <li><input type="checkbox"/> Sustainability Plan “Required”</li> <li><input type="checkbox"/> Volunteer logs</li> <li><input type="checkbox"/> Volunteer activities support authorized activities</li> <li><input type="checkbox"/> Other (describe)</li> </ul>		
<p><b>B6.</b> The subrecipient’s Sustainability Plan includes the leveraging and braiding of funds. Sustainability Plan funding does not include program income and costs to students and families.</p> <p>ESEA Section 4204(b)(2)(K). ESEA Section 4203(a)(8)(B). RfP requirement. <i>ED's Monitoring Review Protocol I.16.</i></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Documentation of additional funding sources secured to support program “Required”</li> <li><input type="checkbox"/> Budget records and tracking “Required”</li> <li><input type="checkbox"/> In-kind contribution list</li> <li><input type="checkbox"/> Parent and family interviews</li> <li><input type="checkbox"/> Other (describe)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Compliant</li> <li><input type="checkbox"/> Partial compliance with recommendations</li> <li><input type="checkbox"/> Noncompliant with action plan</li> </ul>	

Referenced Statutes, Regulations, and Rules

[ESEA](#) Section 4203(a)(8)(B) – plan for the continuation of funding.

ESEA Section 4203(a)(9) – funds used supplement and not supplant.

ESEA Section 4204(b)(2)(C) – coordination of Federal, State and local programs – effective use of public resources.

ESEA Section 4204(b)(2)(G) – increase level of funds, no supplanting.

ESEA Section 4204(b)(2)(K) – preliminary plan of how center will continue after funding ends.

ESEA Section 4205(a) – Authorized Activities.

ESEA Section 4204(b)(2)(N) - other information and assurances the State educational agency may reasonably require (RfP requirement).

Code of Federal Regulations [2 CFR §200.302](#) - Financial management.

Code of Federal Regulations [2 CFR §200.303\(a\)](#) – Establish and maintain effective internal control.

Code of Federal Regulations [2 CFR §200.303\(b\)](#) – comply with Federal statutes, regulations, and terms and conditions of Federal award.

Code of Federal Regulations [2 CFR §200.303\(c\)](#) – evaluate and monitor non-Federal entity’s compliance.

Code of Federal Regulations [2 CFR §200.400](#) – Policy guide.

Code of Federal Regulations [34 CFR §76.702](#) – Fiscal control and fund accounting procedures.

New Mexico Administrative Code [6.20.2](#) NMAC – Governing Budgeting and Accounting for New Mexico Public Schools and School Districts.



**Promising Practices**

Successful practices observed with this Out-of-School Time (OST) Program:

Promising Practices

**Recommendations to Strengthen Practice(s)**

Areas that are partially compliant but need some improvement:

Recommendations

**Summary of Actions to be taken**

Based on areas of partial compliance and noncompliance:

Overview of Noncompliance				For CSELT Bureau Staff Only			
Indicators of Success	Summary of Finding	Supporting Documentation Needed	Timeline	Date Received	CSELT Analysis	CSELT Decision	Date Resolved

The subrecipient must complete an action plan to address the recommendations and to correct the areas of noncompliance. Findings of noncompliance must be corrected as soon as possible.

Please email the action plan to \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ no later than \_\_\_\_\_.

The CSELT Bureau will review and approve the action plan. It is the subrecipient's responsibility to complete the action steps, in accordance with the timelines, and send the supporting documentation and evidence to the CSELT Bureau. Upon receipt, the CSELT Bureau will review the documentation and evidence to determine if the noncompliance has been corrected or if additional documentation and evidence is needed.

Failure to correct the noncompliance in a timely manner can result in the NMPED taking any of the actions described in the **Failure to meet action plan steps, implement recommendations, and correction of noncompliance** section above, in order to compel compliance. The CSELT Bureau will issue a letter of compliance when all of the findings have been corrected.