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Speaker 0 00:00:00 Welcome and thank you for joining today's conference, the Grantee Learning series, maintenance of Effort and Maintenance of Equity webinar. Before we begin, please ensure that you've opened the WebEx chat panel by using the associated icon on the bottom right corner of your screen. Please note that all audio connections are muted until the Q&A portion of the call. You may submit written questions throughout the presentation, and these will be addressed during Q&A. To submit a written question, select all panelists from the dropdown menu in the chat panel, enter your question in the message box provided and send. If you require technical assistance, please send a chat to the event producer. With that, I'll turn the conference over to Melissa Schrader, program officer and technical Assistant Lead in the Office of State and Grantee Relations. Please go ahead.

Speaker 2 00:00:49 Thank you and good afternoon everybody, and thanks for setting aside time to join us today for the Grantee Learning Series on Maintenance of Effort and Maintenance of equity. I'm Melissa Schrader and I'm a program officer and the technical assistance lead in the Office of State and grantee relations. The Grantee Learning series is comprised of five webinars held each Wednesday afternoon that began July 26th and goes through August 23rd. These webinars are designed to provide a forum for the department to share important information and resources with our grantees to support your implementation of the ESSER, GEER and s programs. These webinars serve to orient grantee staff that may be new to these programs, while also refreshing the knowledge of grantee staff who've been working on these programs over the last few years. This afternoon we're joined by my colleague Sarah Laven Jones, who is a program officer and the maintenance of effort and maintenance of equity lead in the Office of state and grantee relations. She's prepared a presentation to provide an overview of the maintenance of effort and maintenance of equity requirements for the ESSER, GEER and e programs. If you have questions during the presentation, please feel free to submit them using the chat feature. We'll also have time at the end of the presentation to take questions both in the chat, and we'll also invite you to come off mute to ask any questions as well. And without further delay, we'll go ahead and begin our presentation.

Speaker 3 00:02:16 Alright, so today in this presentation we're going to be focusing on maintenance of effort and maintenance of equity. And so, what we're hoping that folks will be able to take away is an understanding of the maintenance of effort requirements, the related policy guidance, and reporting deadlines. And the same for state level maintenance of equity, as well as local level maintenance of equity. So, we're going to start by walking through an overview of the requirements themselves. We're going to walk through what the related reporting deadlines have been and any feature deadlines, and then we'll have an opportunity, for some Q&A.

Speaker 3 00:02:59 So first and foremost, I want to talk, broadly about some of the differences between the maintenance of effort and maintenance of equity provisions. both of them are the same letters, MOE, but they, they do differ slightly. So, first and foremost, maintenance of equity was a law that was established for the first time in the American Rescue Plan, and that only applies to fiscal years. 22 and 23. Maintenance of effort applies to, you know, all the fiscal years that that related to the covid funds. So that's 20 20, 20 21, 20 22, and 2023 focusing on maintenance of effort first. Then again, we're going to do a deeper, deeper dive here, the, the baseline fiscal year. So, the point of comparison that we're looking at to determine whether a state has met the requirement in the maintenance of effort context is an average over three years, 20 17, 20 18, and 2019.

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Speaker 3 00:03:53 And it looks at all the funds across the board that a state makes available for both public education, elementary and secondary education and higher education. This is distinct from maintenance of equity because maintenance of equity looks at per pupil funding. So, it's a different picture, a a different way to look at how states are making money available. And it doesn't have any higher education component. It applies to a subset of school districts in a state, that serve the highest concentration of students living in poverty. Again, we're going to talk more about the details of both. I think the other biggest difference to note with maintenance of effort and maintenance of equity, maintenance of effort, the secretary does have waiver authority, versus maintenance of equity. The secretary cannot waive the requirements, but there are some exceptions. So now we've talked a little bit high level about the two policies. Let's take a deeper dive focusing on maintenance of effort.

Speaker 3 00:04:56 So as I mentioned before, under the CARES Act, states must maintain support for both elementary and secondary education as well as higher education, in fiscal years 2020 and 2021 at a level that is either equal to or greater than the average of state support for both of those, elementary and secondary education, as well as higher education in the pre pandemic years. So that's the average of 17, 18, and 19. So this CARES Act, maintenance of effort standard, is, is pretty similar, to other maintenance of effort provisions, that the department oversees. However, the CSA and ARC Act requirements shifted the way that we think about maintenance of effort a little bit. So, it extended the policy to include fiscal years 22 and 23. but instead of looking at a straight dollar figure, it asks the department to look at the proportional level of state support.

Speaker 3 00:05:56 So in other words, what percentage of total overall state spending is the state spending on education? So, if you think about state spending as a pie, what slice of the pie is going towards education, and it's the same baseline comparison years. It's the average of 17, 18, and 19. And again, looking at 22 and 23, at this point in the year, states have already submitted maintenance of effort data for the CARES Act requirement. Again, that was 20 and 21 and 22. and those are all final data, and we have received that from all states. So, we appreciate everyone for your work on that as well as interim FY 23 data, and we've received that from all states as well. We will not have final fiscal year 23 data until March 15th, 2024. That'll be the final data collection for maintenance of effort. So, at this point, most of the data, we, we already have, again, the final piece of data collection will be in March.

Speaker 3 00:06:55 And, fiscal year's 2020 and 2021 are uploaded into the Education Stabilization Fund, transparency portal. We are working to upload 22 and 23, and so that should be visible there soon as well. So, just as a reminder, the CARES Act looks at, again, overall state spending in the baseline year. So, in this example, this is completely hypothetical. Obviously, there are no states that are spending a total of \$150 on education. but just as an example here in this hypothetical state, the average across their baseline years was \$150. So that means in order to be in compliance with the CARES Act maintenance of effort requirement, they have to spend at least \$150 in 20 and 21 in order to be in compliance. So again, in this hypothetical example, they spent 175 and 185. So, they're in compliance because they're spending more than \$150.

Speaker 3 00:07:57 On the higher education side, the average, again, of 17, 18 and 19 was 70. So, this is the threshold, the baseline for the higher education requirement. In this hypothetical example, they spent \$60 in fiscal year 20. And so, as a result, they are out of compliance because they had to spend at least 70, they spent \$10 less. So, they did not, they did not meet the requirement, but they did meet the requirement in 21. Now, CSSA, as I mentioned before, changed the requirement to look at the

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percentage of education spending. So, this, in this imaginary state in the baseline year, 27% of their total budget on elementary and secondary education. Again, that's the average of 17 and 18 and 19. So the CISA Act extended the requirements just to fiscal year 22. In this hypothetical example, the state spent 28.5%, so the percentage of spending increased compared to the baseline. And so, they met the requirement for higher education. The hypothetical example is that they spent 12.6%. In 22, they spent 12.8%, and so therefore, they are in compliance.

Speaker 3 00:09:16 American rescue plan, again, same concept as the CSSA and ARP acts. So you'll see the same percentages, and it just extend the requirement out to 2023. So, in this example, the state did meet the requirement in 22 because 28.5 exceeded 27%, but in 23, they did not meet it because the state had 26.5% in the higher education example. Again, they had met it in 22, and they also met it in 23. As I mentioned at the beginning, when we were speaking at a high level, if a state was in this position where they met the requirement in 22, they did not meet it in 23, the state could submit a maintenance of effort waiver request. Again, the secretary does have the authority to waive the maintenance of effort requirements. So that would be an option available to the state. Our maintenance of effort FAQs outline a number of considerations that the department, you know, may consider with regard to waivers. So, if a state is interested in submitting a waiver request, we'll talk more about that later, but I would encourage you to look at the maintenance of efforts, FAQs, which are available on our website.

Speaker 3 00:10:30 So as I mentioned before, the CISA and R act changed maintenance of effort to look at it in, as a proportional measurement. So that meant we were looking at percentages of education spending, since the department was implementing this, and it, it is a somewhat new provision in terms of the way that we think about maintenance of effort. one thing that we noticed from states is that when they were comparing the proportional levels in 22 or 23 to the baseline states, were using different, different decimal places. So to create consistency, and, and provide additional guidance, what we have said at the department is that when comparing either, again, 22 or 23 proportional levels of support to the baseline years, the average of 17, 18, and 19 states may at their discretion round the difference of those two numbers to the nearest whole number using standard rounding procedures.

Speaker 3 00:11:25 So for example, if the difference between 22 and the baseline year, if that difference already exceeds zero, that means they spent more as a proportion of their state budget than the baseline years the state's in compliance. So, you know, the state can still elect round if they choose, but you know, they've met the requirement if a state is comparing spending in 22 to the baseline, and that difference is a negative number, but it's within negative 0.1 to negative 0.5, that difference less than 0.5 could be rounded down to zero and therefore is, you know, a diminished difference. And so, if a state chooses to do that, if the difference is within this middle range here, again from negative 0.1% to negative 0.5%, the state could elect around and would therefore be in compliance. That said, if any difference between 22 and the baseline or 23 and the baseline is larger than negative 0.5%, that would exceed the department's rounding allowance until the state would not be in compliance. Again, I would encourage you to reference the maintenance of effort FAQs. We give a number of specific examples of how to apply that, that rounding allowance if you so choose. So, if this is something that you think might apply to your state, I would encourage you to review the maintenance of effort FAQs.

Speaker 3 00:12:56 As I mentioned, the secretary does have waiver authority related to all the maintenance of effort requirements under CARES act, CISA act in ARP Act. And the secretary can waive those requirements to relieve a fiscal burden that a state has endured as a result of the COVID 19

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pandemic. As I mentioned before, if you are interested in submitting a maintenance of effort waiver, all of those, considerations and appendices, and related data that's required to submit a waiver are available, on our maintenance of effort website, and in our maintenance of effort FAQs. At the end of the presentation, I will include links to all of those things. We also post all maintenance of effort waiver requests that the department has received on our website. So, if you're interested in looking, at what another state has submitted, those are all publicly available at this point.

Speaker 3 00:13:45 The department has received 22 maintenance of effort waiver requests, 13 of which were withdrawn by the state after receiving technical assistance. So, they were withdrawn ultimately because the state demonstrated compliance with the requirements and did not need the waiver request. So, if you see that on our website and it says withdrawn, that's why so far the department has approved for maintenance of effort waiver requests. One was for the CARES Act requirement for the Commonwealth, it's the Northern Mariana Islands. And then three have been related to the C ARC requirements. that's New Hampshire, New York, and West Virginia. The department currently has seven maintenance of effort waiver requests that are pending, and that are still under review.

Speaker 3 00:14:31 We're now going to switch gears to talk about maintenance of equity. As I mentioned previously, maintenance of equity are requirements that were enacted for the very first time in the American Rescue Plan, and it is a two part requirement. One, part of the requirement applies to state educational agencies, which I will be referring to in this presentation as sess. And the other, the local maintenance of equity requirement applies to local educational agencies, which I'll be referring to as LEAs. Again, unlike maintenance of effort, which applies to fiscal years 2020 through 2023, maintenance of equity only applies to fiscal year 22 and fiscal year 23. So, in other words, the school year 21 to 22, and school year 22 to 23. I'm going to start by talking about the SEA level requirements. Then we're going to shift to the LEA level requirements. So, the concept behind maintenance of equity generally is to safeguard the school districts that serve the largest share of students from low income backgrounds.

Speaker 3 00:15:38 And I'm going to be referring to those throughout this presentation as high need LEAs from experiencing a disproportionate reduction in per pupil funding in fiscal years 22 and 23. So again, all the analysis we do for maintenance of equity is done on a per pupil basis. This the, the second piece of the state level maintenance of equity requirement is that school, the same set of school districts, can't receive a decrease in state for people funding compared to their pre pandemic, their 2019 level. And this subset of districts we call high poverty districts. And a second, I'm going to show you the process a state might use to identify these districts. But again, no, there's two points of comparison. The first point of comparison or high need LEAs looks at disproportionate reductions in 21 compared to 22. In 22 compared to 23. And highest poverty, LEAs are looking at reductions compared to pre pandemic 2019, specifically, unlike maintenance of effort, there is no waiver authority for maintenance of equity. and there are no exceptions to the state level maintenance of equity requirements. So, all states are subject to the requirement. However, there are some exceptions that were built into the American rescue plan for the school district level requirement that I will talk through momentarily.

Speaker 3 00:16:59 So I'm going to talk through how an SEA might identify their high need and highest poverty districts, starting with high need. So, the district's definition of a high need district is one that has the highest percentage of economically disadvantaged students in the state and collectively

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serves not less than 50% of the state's total enrollment of students. So, in this hypothetical example I put together here, this state took all of the districts within their state, again, this is a hypothetical example with a small number of districts, and they ranked those districts, from the highest concentration of students being served by the district that are in poverty to the lowest. And the measure, the poverty measure that we ask states to use is safety, more information about, you know, safety data. And, this ranking system is available in our maintenance of equity FAQs, along with additional examples.

Speaker 3 00:17:55 So I definitely encourage you to check that out if you have additional questions. So, in this example, the first, thing that the state did, again, they ranked districts from the highest percentage of students living in poverty to the lowest. And then again, to determine which districts are high need LEAs and are subject to the requirement that per pupil funding can't be cut disproportionately, we have to capture at least 50% of students in the state. So, in this example, just 1, 2, 3, 4 districts didn't quite get us to that 50% mark. And so, we rounded up to five districts and that pushed us over, the, the 50% mark, to, to capture the high need districts. The second identification is the highest poverty districts. So, a highest poverty district is also a high need district. It's, it's a subset of the same group. And while the high needs captured 50% of students in the state, highest poverty captures 20% of students in the state. So, as I mentioned before, these are all high need

Speaker 3 00:19:07 And these two are highest poverty LEAs, again, because they're capturing the top 20% of students in the state. As a reminder, these districts be Fitzgerald, ISD, and Billy Holiday ISD, re subject to both requirements. They are both a high need district and the highest poverty district. So that means the state cannot cut funds on a per pupil basis to Ella Fitzgerald, ISD, Billie Holiday, ISD, disproportionately in 22 or 23, and they have to receive at least the same amount that they received in 2019 on a per pupil basis. That's the distinction between highest yield and highest.

Speaker 3 00:19:52 So focusing on a specific example here, this table is from our FAQs. again, definitely recommend checking those out, for additional details. So, under section 2 0 0 4 D three of the American Rescue Plan, a high need LEA, as we mentioned, serves the highest percentage of students, disadvantaged students using safety data. Safety is the small area income and poverty estimates and serve not less than 50% of students. And so, in this example here, if a, this, this is showing that the state did not reduce funds on a per pupil basis at all. In other words, per pupil spending went up from 21 to 22. In this specific example. So, in this high need LEA their 20, from 21 to 22, they maintained level funding. So, there was no reduction, and therefore the reduction compared to the overall state number was not disproportionate. So that's why you're seeing this highlighted in green because this, the state met the requirement for this high need elegant.

Speaker 3 00:20:58 The reason why this example is out of compliance is because, again, our baseline is that the state did not cut funds. So, the state increased money. However, at this high need LEA, their funds were reduced by \$50 per pupil. And so that is a disproportionate reduction compared to the states and state funding was not cut overall. Therefore, this, district is out of compliance. Thea second example, the state did cut funding overall looking at all school districts across the state on a per pupil basis. Andt in and of itself is not a compliance issue right now it's a, it's just a different test because other districts that are high need can also receive a, a cut, a per pupil cut of \$100 because that's the, the comparison to the state. There's only a compliance issue if that cut exceeds a hundred dollars. So, for example, here, this district, this high need district had a reduction of \$150 per pupil, whereas the statewide reduction was only 150.

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Speaker 3 00:22:03 So that's why this is disproportionate. It's \$50 more than the overall reduction, and therefore this district is out of compliance. However, these districts are in compliance because they, even though they saw a reduction, right? This one, the, the middle column saw a hundred dollars reduction. The far right column saw a \$50 reduction. Those reductions are less than the overall state reduction, and therefore the state has maintained equity in those high need <inaudible> for fiscal year 22. The comparison looks at 21 compared to 22. So, it's a one year lookback in fiscal year 23, it's also a one year lookback. So, it looks at 22 compared to 23. So highest poverty LEAs have a different test than high need LEAs. As a reminder, the highest poverty LEAs are from the same set of high need LEAs high, but these capture just 20% of the students in the state, and these are the most economically disadvantaged LEAs in the state.

Speaker 3 00:23:10 So, unlike high need LEAs that look at disproportionate reductions high as poverty LEAs, it is an absolute funding requirement that in 22 and 23, a highest poverty LEA gets at least the same amount that they got on a per pupil basis in 2019. So, in these examples here, this first row, the district got 10,000 per pupil. And so, in 22 they got 10,000. They at least met what they did in what they got in 2019. And so, the state would be in compliance. The only example here, where the states are out of compliance is when they got less than what they did in 2019. So, this example, if they got \$500 less 9,500, they would not meet the requirement. and same here, if the, if the highest poverty LEA got 15,000 in 2019, but only 10,000 in 22, then the state has not maintained equity in that highest poverty LEA.

Speaker 3 00:24:13 So a comprehensive list of all of the reporting elements for the state level data is available in our maintenance of equity FAQs. But I want to take a second and talk about it at a high level. So first, again, we need all of the data on a per pupil basis for all the fiscal years we just talked about so that, you know, we can determine whether the state made met the requirement. So, for high need LEAs, first we need the statewide per pupil amounts. So essentially how much money overall went to all districts. So not just the ones that are subject to the requirement that every district in the state in fiscal years 21, 22, and 23. And the reason we need that is again, to establish our baseline of what is a disproportionate reduction. So, if the state overall went up between 21 and 22, we need to know that for the 22 comparison.

Speaker 3 00:25:04 And then we need to know for 23 what happened overall per pupil basis, statewide for 22 and 23. So that's why we need those funding. well, that's why we need that data. So, it's sort of like our, our, our baseline. Then for the high need LEAs, again, that comparison is a disproportionate per pupil reduction, in 21 to 22 versus 22 to 23. So, we need per pupil funding for that subset of LEAs in those years. And then for highest poverty LEAs, we obviously need to know, you know, the N C E S, ID for those that, that the state has selected. And then we need to know the per pupil amounts for those in 20 19, 22 and 23. because again, the comparison is to 2019. The final piece of information is a list of high poverty schools in each of the LEAs in the state in which the, the districts have to maintain equity under the local requirement. This is also something that we'll talk about related to the school district level requirement. and it's, it's, it's more wrapped up in that, but did want to mention it when we were talking here about the state reporting requirements.

Speaker 3 00:26:17 Here is a general timeline of where we stand with the state level requirements, for folks that, for staff that are new. This just gives you a sense of, of where we've been, where we've been and where we're going. So, at this point, all states should have submitted final fiscal year 22 data.

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So that's data for last school year. All states should have submitted interim fiscal year 23 data that was due July of last year with extensions offered to October. We asked states to submit small LEA tolerance proposals in March related to their f y 22 data. And last but not least, the final f y 23 data is coming up to be due on July 31st. So, if you are, you know, in a state that has, has not met any of these reporting requirements, I encourage you to reach out to your program officer. and if you need an additional assistance, we're always happy to, to hop on the phone, and provide additional support. But, for any of these deadlines, if a state does want to request an extension, you can do that through the state mailbox. We just ask that you provide a specific date, for the extension request, and then a reason for the extension request.

Speaker 3 00:27:37 Alright, I'm going to switch gears now and talk about the school district level maintenance of equity requirements. So, at the very beginning, I mentioned that the maintenance of equity requirement was two part one that falls on states, one that falls on districts. So, the same similar section of the American Rescue Plan 2 0 0 4 C states that districts, again, in addition to states must maintain equity in their high poverty schools. And when we say maintain equity, we mean these specific tests. So, there can't be a disproportionate reduction in both state and local per pupil funds in high poverty schools compared to all schools that are served by the LEA. Also, there can't be a disproportionate reduction in the number of F T E staff or people compared to all schools served by the LEA. Similar to state level maintenance of equity, this only applies in fiscal years 22 and 23 same school years, as the state level requirement.

Speaker 3 00:28:36 And when I say comp disproportionate compared to all schools, we do give districts the opportunity to assess that both fiscal and staffing equity on a grade span or, or an LEA level basis as a whole. So what I mean by that is you can look at how much per pupil funding did a high poverty school get compared to other, let's say, elementary schools, if that's an elementary school and that's a grade span that the, the district selects, or how much did that high poverty school get on a per pupil basis compared to the entire district? So it's up to the, to the district to, to choose how they want to do that analysis. But both of those options are available just like with highest poverty and high-need LEAs. Not every single school in the district is going to be subject to this requirement. It's going to be a subset of schools that serve the highest quartile of students living in poverty. again, also based on, on safety data. So, we're going to talk through how you would actually identify high poverty schools if you were a district.

Speaker 3 00:29:47 Again, a high poverty school is the school that serves the highest quartile of schools served by the entire LEA based on the number of economically disadvantaged students that attend that school. So, this is an example from our FAQs. In this example, all the, the district started by ranking all of their schools by the percentage of students that are economically disadvantaged. They chose in this example, to look at all schools across the district regardless of their, of their grade span. So that's why you see in this example, the only schools that are subject to this maintenance of equity requirement are elementary schools because they had more students living in poverty than the middle schools and the high schools. So, once you have, once the district has ranked all of the schools, the second step is to divide, divide that total number of schools by four. That's how you find that, again, that highest quartile. And then you select that number of schools. So, in this example, these schools, a, B, and C and gray represent the highest quartile. And so, these are the three schools that are subject to the maintenance of equity local level requirement.

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Speaker 3 00:31:09 So as I described earlier in this example, if you're trying to figure out the highest quartile, there's nine schools and you divided that by four, it's only going to get you 2.25 schools since 0.25 of a school is not a round number. The, the FAQs say that states must round up. And so that's why we ultimately selected three schools to be highest poverty, out of the nine total in the district. Now, this is the same concept, but doing it on a grade span basis. So instead of looking at the entire district and the distribution of, of students living in poverty, this looks at the distribution in each specific grade span. So, as you can see in this district, they have 1, 2, 3, 4, 5, 6 elementary schools, two middle schools, and a high school. And so, we know that the district has to pick three high poverty schools. Again, it's the nine schools divided by four, rounded up to three.

Speaker 3 00:32:10 And so if the, if the district chose to do it this way on a grade span basis, they would ultimately select the, one school from each grade span, right? That's just how it happened to be in this example. and so, they selected school a, school G, and school I, because this is, these are the schools that serve the most kids in poverty within the elementary school grade span, the middle school grade span, and the high school grade span. So, either way, the district can, can, can, can select it, you know, can select their high poverty schools using this way, using the other way. It's completely up to the discretion of the district.

Speaker 3 00:32:51 As I mentioned, there are some exceptions to the maintenance of equity requirement at the local level. There are no exceptions at the state level. All states are subject to this requirement. However, not all districts are subject to this requirement. So, if a district has less than a thousand students, if the district is a single school LEA, there's only one school in the district. If they serve all students within each grade span within a single school, those are all three reasons that a district is sort of automatically accepted from the this requirement. states still have to report which districts are accepted, but if you are accepted from the requirement, those districts don't have to select high poverty schools, the process we just did before. And they don't have to provide any data on per pupil funding or staff f t e per pupil.

Speaker 3 00:33:43 Another way that a district could be accepted from the maintenance of equity requirements is if the district can demonstrate an exceptional or uncontrollable circumstance. Some of these examples, you know, not limited to certainly could be unpredictable changes in student enrollment, a precipitous decline in financial resources. And these determinations are made, by the Department of Education. So, if an, if a district is interested in seeking an exception in this way, they have to reach out directly to the department, and we'll talk about that process in just a second. In addition to all of these four exceptions, the secretary also determined that if a district did not have an aggregate reduction in combined state and local per pupil funding in 22, compared to 21 or 23 compared to 22, that they have also demonstrated an exceptional or uncontrollable circumstance that warrants an exception from the maintenance of equity requirement in that fiscal year. So, in essence, there are five total ways that a district could be accepted from the requirements.

Speaker 3 00:34:53 So if you are trying to figure out, if you are a, a school district and you are trying to figure out, or you're a state and you're advising school districts on how they figure out if they are eligible for a maintenance equity exception, my recommendation is the first thing to do is think about what are the automatic exceptions? So is my district small, right? Does it have just a single school? Does it serve all students within the same grade span? If that's the case, then you are automatically accepted. So, the state should keep a record of the districts that are accepted, that should be made available on

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their website. but no additional forms need to be provided to the department, or anything like that. And no requests need to be sent to the department. But if you have more than a thousand students, if, if you don't meet the, any of these categories, one, two, or three, the next thing to think about is does the district have an exceptional or uncontrollable circumstance that prevented them from meeting the requirement?

Speaker 3 00:35:48 if that's the case, then there's two types of, you know, exceptional or uncontrollable circumstances. So, the first thing that we encourage state, districts to do is take a look at how much money overall did the state make available? Excuse me, did the district make available on a per pupil basis to all of their schools? And if that amount increased either from 21 to 22 or 22 to 23, then the, the district can be accepted from the maintenance of equity requirements, and they do not need to report. The way that they do that is by signing appendix B. Appendix B is available in the maintenance of equity FAQs, and districts should submit that to their state educational agencies. EANS should keep these on file and then add these districts that ultimately are accepted to their list of accepted districts that are made available on their website.

Speaker 3 00:36:45 Now, if after doing that analysis at the district level, you identify that you have reduced funds to all schools on a per pupil basis, again, from 21 to 22 or 22 to 23, that's okay. That doesn't mean that you have a maintenance of equity violation, it just means that you can't get an exception by ex by signing an appendix fee. But it also doesn't mean that you can't get an exception at all. So your last opportunity to seek an exception would be to submit a formal request for exception to the department. You do that through your state mailbox, which is the name of your state dot oe se@ed.gov. There is not an appendix or a form that you have to fill out, but in the request we ask that you document what is the exceptional or uncontrollable circumstance that has prevented you at the district from meeting the maintenance of equity requirements in your high need schools.

Speaker 3 00:37:40 So I would encourage you, we, we do provide some potential examples in our FAQs. So, if you're interested in submitting one of those requests, I would encourage you to look there. Once districts submit exception requests, we are happy to get on the phone and discuss them further. but that is the, the final way that a district can seek a, an exception request. As I mentioned before, if a district is asking for an exception due to an uncontrollable circumstance, that is a written request that comes to us at the department, be via the state mailbox. And we encourage you to copy your SEA officials so that they understand that you've made the request. As I mentioned before, please include the information on the exceptional or uncontrollable circumstance and how it has prevented the district from meeting the requirement. In other words, how it's prevented the district from maintaining equity in its high property schools. We have approved, a number of exception requests and all of our approvals are publicly available on our website.

Speaker 3 00:38:45 So this is a recap of the information that I previously shared related to the exception requests for districts that have not reduced aggregate funding on a per pupil basis. Just as a reminder, as I mentioned before, these exception requests do not go to the department. If a district has not reduced funds on a per pupil basis and wants to be accepted for that reason, they should sign appendix B, Andex B is available and our maintenance of equity FAQs, and they should send it to their SEA. The SEA is the one collecting these forms and ultimately reporting to the department the number of districts that signed these forms. And this is an exceptional exception that's available for both fiscal years 22 and 23. We have received some questions about how a district would actually demonstrate

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compliance with maintenance of equity. Again, this information is available on our FAQs as well as our final rule that came out about LEA level maintenance equity re reporting. So just so folks are aware for the purpose of demonstrating compliance with the maintenance of equity requirements at the local level in terms of the data that states are using, we, states may use allocations or budgeted data or per pupil expenditure data from Title one part a report cards.

Speaker 3 00:40:08 If a district is deciding whether or not to use per pupil expenditure data, an LEA may review prior year per pupil expenditure data to inform its approach to monitoring and assess the likelihood of a maintenance of equity violation proactively. But we do acknowledge that districts using per pupil expenditures will not know whether they maintained equity until after the school year ends. And so, as a result, a district may not be able to actually remedy a maintenance of equity violation in the school year in which it happens. So if that is a case, if that is the case and the district does not maintain equity and can't make adjustments in that year, the LEA can make adjustments to either funding or F t E staff in the next year to ensure that their high poverty schools in the district are treated <inaudible>.

Speaker 3 00:40:59 Just like we talked about for state level, this, the district level reporting, we have at this point states should have provided final fiscal year 22 data. that was due on December 31st. And so, the next time that we're going to be asking for data from states is December 31st, 2023. And again, that will be for 23. The other piece of information that should be available on a state's website is for both 22 and 23 states should have published the number of districts that are accepted, why those districts are accepted. So, you know, was it an automatic exception? Did they have less than a thousand students? Did they seek an exception by signing appendix fee? because they weren't reducing funds overall on a per pupil basis, or did they seek an exception from the department? That should be explained for each district. That is an exception. And for districts that are not accepted, the state should have on their website the identity of the high poverty schools that are subject to the local requirement.

Speaker 3 00:42:05 I've been talking a lot during this presentation about our FAQs, and so you can find them here, at this link. I also encourage you to go to the maintenance and equity webpage. We also have a maintenance of effort webpage. and this includes a list of all the deadlines. It includes materials that have been submitted to us by states, any responses that the, the department has provided to states. So it's a great resource, if you are trying to get familiar with the requirements and better understand, the resources that the department has available. As always, we are happy to meet with states, for whatever reason on both maintenance of effort and maintenance of equity. If you're working on a proposal and it's helpful to have a thought partner to think through. you know, we're, we're always available to provide technical assistance, and so, please reach out to your program officer via your state mailbox if that, if it would be helpful to set up a meeting to talk about either maintenance of effort or maintenance of equity, we are always happy to provide technical assistance. Thank you so much for taking time to today to listen to both maintenance of effort and maintenance of equity. And, happy to take questions.

Speaker 2 00:43:26 If you have any questions, please feel free to enter them into the chat or to come off mute, and we're happy to, to take those questions.

Speaker 0 00:43:40 Okay. And just to give you, a reminder of how you can put yourself in the question queue, feel free to use the WebEx raise hand icon, which you'll see right above the chat there. excuse me to the left of the chat. At that time, we'll go ahead and unmute you and you're, you'll hear a beep tone. Okay. We actually do have someone who wishes to ask a verbal question, so I'll go ahead and unmute them.

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Speaker 4 00:44:24 <inaudible>, Utah. one of my questions, one of my questions is, is the best way to demonstrate compliance after non-compliance in the prior year is to make a new calculation for FTEs and per pupil spending

Speaker 3 00:44:45 Question, just to make sure I understand what you're saying, you're talking about the school district level requirement. You're asking about the best way to demonstrate compliance with staffing equity, is that right?

Speaker 4 00:44:58 Staffing and or fiscal equity?

Speaker 3 00:45:01 Yeah, so I think the first step, if we're talking about fiscal year 22, because as I mentioned, our N F R notes that, you know, if the compliance issue happened after the school year closed, it's possible that a district could remedy the violation in the subsequent school year. So since 22 has closed, if a state can show that the district remedied the compliance issue in 23, either because, you know, additional funding was provided on a per pupil basis or additional staff was provided, F t E staff per pupil, that's sort of like the first line of, of defense and first way to demonstrate compliance. so that would be, that would be my recommendation.

Speaker 4 00:45:46 Okay, thank you. We

Speaker 2 00:45:55 Have a question in the chat. It says if SAP E data is outdated and not reflective of an LEA a's current poverty status, can we request permission to use another more recent poverty measure?

Speaker 3 00:46:14 Ozzy? You can certainly request it. I don't know if we have gotten that request from another state, but we're happy to consider it. and obviously we want the state to be using the most accurate data, so we appreciate your thoughts on that. So yeah, go ahead and, if you wouldn't mind sending, if that's a request, that, you know, the state would like to make, if you could just send that to your state mailbox because of information about, you know, if there's a different data set you'd like to use and why. we're happy to consider that

Speaker 2 00:46:48 We have another question in the chat. if the final SEA MO equity report has been submitted, should we expect a letter of compliance or just look for it to be posted on the O E S S E website?

Speaker 3 00:47:05 the, if by like final SEA MOE equity report, you mean like the final fiscal year 22 data? We are not sending, or at least at this point, have not been sending formal letters, you know, that say the state is in compliance. If that's something that you need, you know, whether it's for an auditing purpose or whatever, please let us know. But all of the correspondence that we have provided to states, whether it's about compliance status or approving a tolerance proposal, that's all available on the maintenance of equity webpage. so, I can drop that in the chat. So, if you're interested in just general communication that we've had with your state or any state, you can kind of get a sense of, you know, all that communication that is available on our website.

Speaker 3 00:48:11 I saw there was a request to restate the question in the chat. The question I just answered was, and I think Melissa read it, but if, if the department is going to be sending like, formal letters of compliance related to state level maintenance of equity, or whether that we will be posting it on our website. So that was the question I just answered. The previous question, that I don't think was in

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the chat was basically if a school district has not maintained equity, either staffing or fiscal equity, how should the state work with the district to remedy compliance? And so, you know, and, and, and demonstrate that they've met the requirement. And so that was my, my response was, my first response was to that question. Are there any other questions that I should restate

Speaker 0 00:49:13 As we wait, any additional questions? Just a reminder, you can feel free to use the raise hand icon, which you'll see below the content viewing area. if you wish to ask a verbal question or you can leave your questions in the chat.

Speaker 3 00:49:52 I know I like dumped a lot of information on you all, so definitely encourage you all to, you know, in your own time continue to review the recording if different questions come up. happy to get on a call to talk about anything that's state specific or any additional questions that come up. I know that maintenance of equity provisions are new for everyone. maintenance of effort, the, the provisions under CSA and a are a slightly different calculation, so we're always happy to provide any assistance that might be helpful. Sarah, there is one more question in the chat that reads, if an

Speaker 2 00:50:27 An LEA is spending more state or local money on a per pupil basis than the prior year, but less overall, is it eligible for the waiver?

Speaker 3 00:50:41 I think the answer is yes, but let me read you exactly what it says in the appendix. So as a reference, if folks want to read it themselves, go ahead and put in the chat the M equity FAQs. I am on very last page, page 29. So, this is the exception request that the question was referring to. So, it says, in cert basically in submitting this certification, the key line, which answers the question is the I the LEA is certifying it will not implement an aggregate reduction in combined state and local per people funding for the relevant fiscal year. So again, 21, 22, or 22 to 23. So yeah, the analysis we're asking the district to do is on a per pupil basis. So, if the district, can certify that they can sign the, appendix and they are accepted from the requirement at the district level

Speaker 2 00:52:45 Seeing or hearing no more questions, I think we can go ahead and wrap up. I want to thank you Sarah for joining us today to present a presentation on maintenance of equity and maintenance of efforts. And I want to remind folks that we do have our final session, of the grantee learning series coming up next Wednesday. It will be on FADA and annual performance reporting. And so, you can register and join us at 2:30 PM Eastern next Wednesday, August 23rd. We look forward to seeing you all there and also we are recording all of these sessions and they will be posted on our website, and we are also including links to the recordings as they're posted in our weekly SS G R news flash. So, keep your eyes out for those, we'll have those available soon. So again, thank you everybody and have a wonderful afternoon.

Speaker 0 00:53:40 That concludes our conference.

Speaker 2 00:53:41 Thanks, everyone. Appreciate your interest in this.

Speaker 0 00:53:44 Thank you for using event services. You may now disconnect.