



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

July 30, 2024

The Honorable Deena M. Bishop
Commissioner of Education
Alaska Department of Education and Early Development
P.O. Box 110500
Juneau, AK 99811

Dear Commissioner Bishop:

On June 28, 2024, Governor Dunleavy vetoed \$11,893,500 in supplemental payments to Anchorage School District and Kenai Peninsula Borough School District from Alaska's Fiscal Year (FY) 2025 spending plan that would have fully resolved Alaska's non-compliance with the American Rescue Plan Act of 2021 (ARP Act) Elementary and Secondary School Emergency Relief (ESSER) grant program maintenance of equity requirements in section 2004(b) of the ARP Act for Federal FY 2022. Given the Governor's veto and Alaska's continued non-compliance with this important requirement, I intend to withhold¹ the amount owed (\$11,893,486) from any remaining ARP ESSER funds awarded to the Alaska Department of Education and Early Development (AK DEED) by the U.S. Department of Education (Department). This withholding equals the amount by which per-pupil State funding was reduced to these two high-need or highest-poverty local educational agencies (LEAs) during FY 2022.²

Alaska is the only State that has not complied with this statutory, non-waivable requirement for FY 2022 and one of just four States to have not met the corresponding FY 2023 requirement. In receiving nearly \$359 million in ARP ESSER funds, AK DEED assured it would meet these requirements, and the Department has provided nearly two years of extensive technical assistance to support Alaska in doing so—including reviewing and approving three separate requests by AK DEED to tolerate larger per-pupil spending reductions in the State's smallest school districts. The Department has also sought to apply this requirement while preserving every opportunity for Alaska's students to continue to receive critical funding by taking intermediary steps—including implementing a grant condition and a high-risk designation on Alaska's ARP ESSER funds and applying route payment status—over the last four months. With two months remaining in the ARP Act's fund period, the Department must now take additional steps to ensure the State's compliance.

¹ The Department's intent to withhold is pursuant to sections 454(a)(1) and 455 of the General Education Provisions Act (GEPA) (20 U.S.C. §§ 1234c(a)(1) and 1234d).

² This figure reflects only the non-compliance for FY 2022. Maintenance of equity requirements also apply to FY 2023, for which the State's shortfall is \$5,556,632. The Department sent AK DEED a finding letter for non-compliance with the FY 2023 maintenance of equity requirements on July 16, 2024.

The Department’s conclusions regarding the State’s non-compliance are outlined below. As previously communicated, the State may satisfy the non-compliance by making the required supplemental payments now, or by entering into a formal written agreement with the Department to demonstrate how these supplemental payments will occur by another date certain. Any such agreement will help ensure that ARP ESSER funds continue to benefit Alaska’s students and schools while the State works to meet its legal obligations to the school districts that received less State funding than required under the ARP maintenance of equity requirement.

I. ALASKA'S FAILURE TO IMPLEMENT MAINTENANCE OF EQUITY REQUIREMENTS IN FY 2022

I.A. Alaska’s Maintenance of Equity Shortfall for its High-Need and Highest-Poverty LEAs

AK DEED received nearly \$359 million in ARP ESSER funds, which were conditioned on AK DEED meeting the maintenance of equity requirements in section 2004(b)(1) of the Act, which applies to Alaska’s high-need LEAs, and section 2004(b)(2) of the Act, which applies to Alaska’s highest-poverty LEAs.

Pursuant to the ARP Act, the Department awarded AK DEED \$239,138,089, two-thirds of the total ARP ESSER funding allocated to Alaska, on March 24, 2021. As stated in the Grant Award Notification (GAN), by drawing down funds under its ARP ESSER award, AK DEED assured it would “comply with the maintenance of equity provisions in section 2004(b) of the ARP [Act].”³ Following issuance of this GAN, AK DEED submitted its initial *State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund* on June 18, 2021, which additionally included an express assurance that the State would comply with the ARP Act maintenance of equity requirements and was signed by your predecessor, Dr. Michael Johnson.⁴ Further, on August 9, 2021, AK DEED submitted its final signed ARP ESSER State Plan, which again included an express agreement to comply with the maintenance of equity requirements in section 2004(b) of the ARP Act. Based on AK DEED’s ARP ESSER State Plan, the Department awarded AK DEED the remainder of its ARP ESSER allocation, bringing the total award to \$358,770,937.

I.A.1. Alaska’s Maintenance of Equity Shortfall for its High-Need LEAs in FY 2022

The ARP Act requires that AK DEED, as a recipient of ARP ESSER funds, not reduce State funding (as calculated on a per-pupil basis) in FY 2022 or FY 2023 for any high-need LEA by an amount that exceeds the overall per-pupil reduction in State funds, if any, across all LEAs in the State. (ARP Act § 2004(b)(1).) The ARP Act defines a “high-need” LEA in section 2004(d)(3) and an “overall per-pupil reduction in State funds” in section 2004(d)(5), and the Department’s maintenance of equity guidance further describes these terms and provides examples in [FAQs 15 and 19](#).⁵

³ See Appendix 2 for more information regarding the Grant Award Notification.

⁴ See Appendix 2 for AK DEED’s initial and final ARP ESSER State Plans.

⁵ See Appendix 2 for Maintenance of Equity FAQs.

Consistent with the statute, “high-need” LEAs are those that “in rank order, have the highest percentages of economically disadvantaged students in the State...and collectively serve not less than 50 percent of the State’s total enrollment of students...” (ARP Act § 2004(d)(3)(A)–(B).) AK DEED’s most recent maintenance of equity data submission to the Department (March 2024) identifies the State’s high-need LEAs consistent with the statutory definition and the Department’s guidance.

Under the statute, an “overall per-pupil reduction in State funds” is “the amount of any reduction in the total amount of State funds provided to all LEAs in the State in such fiscal year compared to the total amount of such funds provided to all LEAs in the State in the previous fiscal year; divided by the aggregate number of children enrolled in all schools served by all LEAs in the State in the fiscal year for which the determination is being made.” (ARP Act § 2004(d)(5).) AK DEED’s most recent data submission of final State data for FY 2022 shows a \$205 per-pupil reduction in overall State funding from FY 2021 to FY 2022.⁶ An overall per-pupil reduction in State funding does not, by itself, constitute non-compliance with the maintenance of equity requirement.⁷ Instead, the maintenance of equity requirement for high-need LEAs protects these LEAs from *disproportionate* reductions in State funding. Accordingly, the overall per-pupil reduction in State funding, \$205 for FY 2022, is the maximum per-pupil reduction permitted for high-need LEAs. The State could have reduced per-pupil funding to any high-need LEA by up to this amount and still complied with the maintenance of equity requirement for these LEAs. In the case of the high-need LEA Anchorage School District (Anchorage), the State failed to maintain equity and violated section 2004(b)(1) of the ARP Act because the per-pupil reduction for Anchorage (\$354) exceeded the State-wide per-pupil reduction, generating a total shortfall of \$6,407,820.

I.A.2. Alaska’s Maintenance of Equity Shortfall for its Highest-Poverty LEAs in FY 2022

In addition to the maintenance of equity requirement for high-need LEAs, the ARP Act includes a separate requirement for highest-poverty LEAs as identified by the State. (ARP Act § 2004(b)(2).) For any such LEA, the ARP Act requires that AK DEED, as a recipient of ARP ESSER funds, not reduce State funding, calculated on a per-pupil basis in FY 2022 or FY 2023, below the per-pupil amount the SEA provided to such LEA in FY 2019. The ARP Act defines a “highest-poverty” LEA at section 2004(d)(2), and the Department’s maintenance of equity guidance further describes this term and provides examples in [FAQ 20](#).

Consistent with the statute, highest-poverty LEAs are those that, “in rank order, have the highest percentages of economically disadvantaged students in the State...and collectively serve not less than 20 percent of the State’s total enrollment of students...” (ARP Act § 2004(d)(2).) In other words, highest-poverty LEAs are a subset of high-need LEAs and include the LEAs serving the most economically disadvantaged students in the State. AK DEED’s most recent maintenance of

⁶ See Appendix 2 for the AK DEED data submission, March 8, 2024, Column AD, Row 60.

⁷ Similarly, having no overall per-pupil reduction in State funding does not, by itself, constitute compliance with the maintenance of equity requirement. See Appendix 2 maintenance of equity guidance, [FAQ 19](#), Table 2. If a State has no overall per-pupil reduction in State funding, then any per-pupil reduction in State funding to a high-need LEA is a violation of the maintenance of equity requirement.

equity data submission to the Department (March 2024) identifies the State’s highest-poverty LEAs consistent with the statutory definition and the Department’s guidance.

Based on the data submitted by AK DEED, Alaska did not meet the maintenance of equity requirement in FY 2022 for one of its highest-poverty LEAs, Kenai Peninsula Borough School District (Kenai) because the per-pupil amount of State funding provided in FY 2022 (\$9,812) was less than the per-pupil amount of State funding provided in FY 2019 (\$10,080), generating a total shortfall of \$5,485,666.

Together, the reductions in FY 2022 per-pupil State funding to Anchorage and Kenai total \$11,893,486 in excess of what was permitted under the maintenance of equity requirements.

II. GUIDANCE AND TECHNICAL ASSISTANCE

The Department released maintenance of equity guidance on June 9, 2021, to aid State officials in understanding section 2004 of the ARP Act and to provide descriptions and examples of how SEAs could implement the maintenance of equity requirements.⁸ Based on input from States and other considerations, on August 6, 2021, the Department issued a Dear Colleague letter and revised its guidance, including notable clarifications to [FAQ 17](#) to better describe the funding sources the SEA must include when determining whether it met the maintenance of equity requirements. The initial guidance, Dear Colleague letter, and revised guidance were all issued before AK DEED submitted its final ARP ESSER State Plan and corresponding express agreement to comply with the maintenance of equity requirements.

The Department made two further updates to this guidance to support States in meeting maintenance of equity requirements by providing further flexibilities:

- Updates issued on October 1, 2021, included the addition of [question 21\(a\)](#), outlining the process for submitting a small LEA tolerance proposal. This addition acknowledges the possibility of volatility in the calculated per-pupil funding amounts for small LEAs caused by year-over-year changes in student enrollment, which may be unrelated to whether an SEA has achieved the intent of the requirements. Therefore, a State may choose to submit a proposal to tolerate a specific year-over-year fluctuation in State funding for such small LEAs. AK DEED submitted multiple such requests, which reduced the number of LEAs that did not meet the maintenance of equity requirements.⁹
- Updates issued on January 23, 2023, clarified the possible inclusion of U.S. Department of the Treasury (Treasury) COVID-relief funds in a State’s maintenance of equity analysis. AK DEED made use of this flexibility and included in its data submission approximately \$3.8 million in Coronavirus Relief Funds received from the Treasury that the State awarded to certain LEAs, which decreased the amount of the maintenance of equity shortfall in both FYs 2022 and 2023.

In addition to formal, published guidance applicable to all States, the Department has provided Alaska substantial State-specific technical assistance to comply with maintenance of equity requirements, beginning in August 2022. These efforts included holding more than two dozen

⁸ See Appendix 2 for the Department’s maintenance of equity guidance and the Dear Colleague letter.

⁹ See Appendix 2 for documents related to AK DEED’s small LEA tolerance proposal.

technical assistance calls with State officials, including from AK DEED, the State’s Office of Management and Budget, and the Alaska State legislature; supporting the State in making required data submissions; and reviewing and approving multiple requests by AK DEED to tolerate larger per-pupil spending reductions in the State’s smallest school districts.

III. ENFORCEMENT ACTIONS TO DATE

III.A. High-Risk Designation and Grant Condition

On December 22, 2023, the Department issued a letter to AK DEED, outlining its findings on AK DEED’s implementation of the maintenance of equity requirements for FY 2022.¹⁰ In this letter, the Department required AK DEED to provide a plan demonstrating the State’s active efforts to resolve its non-compliance with the maintenance of equity requirements for its high-need and highest-poverty LEAs. Additionally, AK DEED was required to provide updated data that included all State funds required for the maintenance of equity analysis. The Department notified AK DEED that failure to submit both a plan and the updated data by January 22, 2024, could result in the Department designating the grant as “high-risk,” adding conditions to the grant, or taking other enforcement actions. While the State provided final State-level maintenance of equity data on March 8, 2024, AK DEED did not present a plan describing its efforts to resolve its non-compliance with the maintenance of equity requirements.

Accordingly, on March 27, 2024, the Department added a condition on Alaska’s ARP ESSER grant that required AK DEED to demonstrate compliance with the maintenance of equity requirements; this same letter designated AK DEED’s ARP ESSER grant as “high-risk.”¹¹ The Department stated that the “high-risk” designation would be removed if, within 30 days, AK DEED provided a sufficient plan for resolution of the maintenance of equity non-compliance for FY 2022 or provided supplemental funds to the affected districts in the amount of the FY 2022 shortfall. We reiterated these expectations in our April 11, 2024, correspondence.

As of July 30, 2024, both the high-risk designation and condition remain on Alaska’s ARP ESSER grant because Alaska has not met the maintenance of equity requirements for FY 2022 nor has it provided a plan to do so.¹²

III.B. Alaska’s Continued Failure to Resolve the Shortfalls in FY 2022

In the months since the Department’s initial enforcement actions, adding a grant condition, and designating the State’s ARP ESSER grant “high-risk,” AK DEED has not taken sufficient

¹⁰ See Appendix 2 for the Department’s letter and additional correspondence discussed in this section.

¹¹ The high-risk designation was made pursuant to the Department’s authority under 2 C.F.R. §§ 200.208 and 3474.10.

¹² Though AK DEED has not submitted a sufficient plan for resolving its maintenance of equity non-compliance for FY 2022, it has offered various arguments for why the ARP Act’s maintenance of equity requirements are incompatible with Alaska’s education funding system and why certain categories of State funding should be excluded from the maintenance of equity analysis required by the ARP Act. (See, e.g., AK DEED letter, Apr. 5, 2024.) The Department has rebutted AK DEED’s arguments and consistently expressed the need to AK DEED to comply with the maintenance of equity requirements. (See, e.g., Department letter, Apr. 11, 2024.) See Appendix 2 for the correspondence between the Department and AK DEED on these issues.

measures to resolve its maintenance of equity non-compliance for FY 2022.¹³ In contrast, on May 15, 2024, the Alaska State legislature passed an appropriation for FY 2025 that included \$11,893,500 in supplemental funding for the two LEAs affected by AK DEED's maintenance of equity non-compliance in FY 2022.¹⁴ If allocated to the two impacted LEAs (Anchorage and Kenai), this supplemental funding would have resolved Alaska's maintenance of equity non-compliance for FY 2022. Using his authority to line-item veto portions of appropriations bills, Governor Dunleavy vetoed this supplemental funding on June 28, 2024. As a result, AK DEED remains non-compliant with the ARP Act's maintenance of equity requirements for FY 2022.

IV. DETERMINATION OF THE PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION

It is my determination that for FY 2022, AK DEED has failed to substantially comply with the maintenance of equity requirements in section 2004(b) of the ARP Act. These requirements were a condition of receiving ARP ESSER funds under section 2001 of the ARP Act, which AK DEED assured it would follow. Specifically, AK DEED violated the maintenance of equity requirements by reducing State funding to Anchorage School District (by \$6,407,820) and Kenai Peninsula Borough School District (by \$5,485,666) for an overall shortfall of \$11,893,486 more than was permitted under the requirement.

Therefore, I am exercising my authority under sections 454(a)(1) and 455 of GEPA (20 U.S.C. §§ 1234c(a)(1) and 1234d) to withhold \$11,893,486 of Alaska's ARP ESSER grant award, which is equal to AK DEED's shortfall in funding to these LEAs in FY 2022. The next section of this notice contains important information regarding AK DEED's opportunity for a hearing on this withholding action.

As of July 30, 2024, Alaska has approximately \$64.6 million in ARP ESSER funds remaining available for valid obligations. Alaska's LEAs must retain access to these funds and should continue to invest them to address students' needs. As AK DEED makes drawdown requests under its route payment status, the Department intends to approve valid drawdown requests for LEAs to maximize the benefits to Alaska's students. During this withholding, because Alaska has not resolved its maintenance of equity non-compliance, Alaska assumes responsibility for any additional reimbursement to LEAs using State funds if the State's ARP ESSER balance falls below \$11,893,486.

The Department will lift the withholding once AK DEED: 1) provides supplemental funding to Anchorage School District and Kenai Peninsula Borough School District in amounts equal to the FY 2022 shortfall or 2) enters into a formal written agreement with the Department; any such agreement must be signed by August 30, 2024, and must detail the means of remedying the State funding reductions that affected these two LEAs in FY 2022.

¹³ Though the subject of this withholding notice is AK DEED's maintenance of equity non-compliance in FY 2022, on May 9, 2024, AK DEED offered to resolve its maintenance of equity non-compliance in FY 2023 by making a supplemental payment to one of four LEAs for which AK DEED impermissibly reduced State funding in FY 2023.

¹⁴ See Appendix 2 for the relevant portion of the State appropriations bill and documentation of the Governor's veto.

In addition, under the authority in section 455(a) and (d) of GEPA (20 U.S.C. § 1234d(d)), I also intend to suspend AK DEED’s authority to obligate the same portion of Alaska’s ARP ESSER grant pending the finalization of this withholding action. The next section of this notice contains important information regarding AK DEED’s opportunity to show cause why its authority to obligate these funds should not be suspended.

V. APPEAL RIGHTS

V.A. Opportunity for a Hearing on the Determination to Withhold Funds

AK DEED may request a hearing on this withholding action. To request a hearing, AK DEED must file a request for a hearing with the Office of Hearings and Appeals (OHA) in accordance with the applicable requirements in 34 C.F.R. Part 81. The request for a hearing must be received by the OHA no later than August 29, 2024.

This hearing is to be held “on a date at least 30 days after the notification has been sent to the recipient” and is to be conducted in accordance with the rules and procedures prescribed by sections 451(f) and (g) of GEPA (20 U.S.C. § 1234(f) and (g)) and 34 C.F.R. §§ 81.1–81.20.

If AK DEED does not request a hearing by the specified deadline, this withholding action will become final.

A request for a hearing should contain the following information: a copy of this notice and a short and plain statement of the disputed issues of law and fact and your position with respect to those issues.

All submissions to OHA via the U.S. Postal Service should be sent to the following address:

Office of Hearings and Appeals
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

All submissions to OHA via hand delivery, private messenger, or other private carrier, should be sent to the following address:

Office of Hearings and Appeals
U.S. Department of Education
550 12th Street, SW, 10th Floor
Washington, DC 20024

Any Department official whose determination is appealed to the OHA becomes a “party” under the regulations in 34 C.F.R. Part 81. Therefore, a copy of the hearing request must also be sent by email to me at Alaska.OESE@ed.gov as a PDF attachment.

V.B Opportunity to Show Cause on Why Authority to Obligate Funds Should Not Be Suspended

AK DEED is entitled to “an opportunity to show cause why . . . authority to obligate Federal funds should not be suspended.” Section 455(d) of GEPA (20 U.S.C. § 1234d(d)).

If AK DEED wishes to show cause why its authority to obligate \$11,893,486 of Alaska’s ARP ESSER grant funds should not be suspended, AK DEED should file with me a written statement, including supporting legal arguments and evidence, setting out the reasons why. Supporting documentation can be appended to this statement if AK DEED so chooses.

I must receive this written statement by August 14, 2024, by email to Alaska.OESE@ed.gov as a PDF attachment. If a written statement from AK DEED is not received by that date, the suspension of authority to obligate Federal funds will take effect. If a written statement is received, I will issue a determination on whether the suspension will take effect.

VI. VOLUNTARY TERMINATION OF GRANT FUNDS

If AK DEED determines that it will not comply with the maintenance of equity requirement for FY 2022, it may avoid suspension and withholding proceedings by voluntarily terminating \$11,893,486 of Alaska’s ARP ESSER in accordance with 2 C.F.R. § 200.340(a)(4). To do so, AK DEED must submit a written notification that includes the reasons for the termination, the effective date, and a clear description of the portion of the grant to be terminated. This notification must be sent by email to Alaska.OESE@ed.gov as a PDF attachment.

Finally, please note that this termination would not preclude the Department from taking other appropriate enforcement actions related to AK DEED’s ARP ESSER grant, including additional enforcement actions related to the State’s non-compliance with maintenance of equity requirements for FY 2023.

Thank you for your cooperation in the resolution of this matter.

Sincerely,



Adam Schott
Principal Deputy Assistant Secretary
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

APPENDIX 1: RELEVANT STATUTORY AND REGULATORY PROVISIONS

American Rescue Plan Act of 2021 (ARP Act)
§ 2005 MAINTENANCE OF EFFORT AND MAINTENANCE OF EQUITY.

The full statute is available online at:
<https://www.govinfo.gov/app/details/COMPS-16472>.

General Education Provisions Act (GEPA)
§ 451 OFFICE OF ADMINISTRATIVE LAW JUDGES.
§ 454 REMEDIES FOR EXISTING VIOLATIONS.
§ 455 WITHHOLDING.

The full statute is available online at:
<https://www.govinfo.gov/app/details/COMPS-732>.

2 C.F.R. Part 200
§ 200.208 Specific conditions.
§ 200.340 Termination.

The full Part 200 is available online at:
<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>.

2 C.F.R. Part 3474
§ 3474.10 Clarification regarding 2 CFR 200.207.

The full Part 3474 is available online at:
<https://www.ecfr.gov/current/title-2/subtitle-B/chapter-XXXIV/part-3474>.

34 C.F.R. Part 81
Subpart A, §§ 81.1–81.20.

The full Part 81 is available online at:
<https://www.ecfr.gov/current/title-34/subtitle-A/part-81>.

APPENDIX 2: SUPPORTING DOCUMENTS

| Description | Date |
|---|---|
| <p>Frequently Asked Questions, American Rescue Plan Elementary and Secondary School Emergency Relief (ESSER) Program, Maintenance of Equity Requirements.</p> <p>Available online at: https://oese.ed.gov/files/2023/01/2023-01-23-Update_22-0471-moequity-FAQs_Final-Version.pdf</p> | <p>Jan. 23, 2023</p> |
| <p>AK DEED Data Submission</p> <p>Signature page Available online at: https://oese.ed.gov/files/2024/02/Alaska-FY23-Appendix-A-Redacted.pdf.</p> <p>Final data file Available online at: https://oese.ed.gov/files/2024/03/Alaska-FY2022-and-FY2023-Final-MOEquity-March2024.xlsx.</p> | <p>Aug. 7, 2023</p> <p>Mar. 8, 2024</p> |
| <p>Grant Award Notification (GAN), “Attachment C: Grant Conditions”</p> <p>The text of these grant conditions, which include the maintenance of equity requirements and were incorporated into the GAN issued to AK DEED, is available online at: https://oese.ed.gov/files/2021/03/ARP-ESSER-Grant-Award-Assurances_FINAL2.pdf</p> | <p>Mar. 24, 2021</p> <p>Nov. 29, 2021</p> |
| <p>State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund</p> <p>AK DEED’s initial submission is available online at: https://oese.ed.gov/files/2021/06/Alaska-ARP-ESSER-State-Plan.pdf.</p> <p>AK DEED’s final, approved plan is available online at: https://oese.ed.gov/files/2021/08/Alaska-ARP-ESSER-State-Plan-Final-with-Attachments.pdf</p> | <p>Jun. 18, 2021</p> <p>Aug. 9, 2021</p> |
| <p>“Dear Colleague” Letter</p> <p>Available online at: https://oese.ed.gov/files/2021/08/21-006207-MOEquity-DCL-F08-05-2021-SIGNED.pdf</p> | <p>Aug. 6, 2021</p> |

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| <p>Monitoring letter from the Department to AK DEED regarding compliance with the maintenance of equity requirement for fiscal year 2022.</p> <p>Note that the shortfall amounts specified in this letter were later updated based on corrected data submitted by AK DEED.</p> <p>Available online at: https://oese.ed.gov/files/2024/04/FINAL-Alaska-FY-2022-MOEquity-Monitoring-Finding-Letter_12.22.23.pdf</p> | <p>Dec. 22, 2023</p> |
| <p>Letter from the Department to AK DEED regarding AK DEED’s proposed level of tolerance for certain small local educational agencies.</p> <p>Note that the shortfall amounts specified in this letter were later updated based on corrected data submitted by AK DEED.</p> <p>Available online at: https://oese.ed.gov/files/2024/03/FINAL_Alaska-Amended-Small-LEA-Tolerance-Response_3.18.24-1.pdf</p> | <p>Mar. 18, 2024</p> |
| <p>Letter from AK DEED to the Department regarding AK DEED’s views on compliance with the maintenance of equity requirement.</p> <p>Available online at: https://oese.ed.gov/files/2024/04/03.22.24-Alaska-MOEquity-Letter-to-USDOE.pdf</p> | <p>Mar. 22, 2024</p> |
| <p>Letter from the Department to AK DEED regarding “high-risk” status and a condition for AK DEED’s ARP ESSER grant.</p> <p>Note that the shortfall amounts specified in this letter were later updated based on corrected data submitted by AK DEED.</p> <p>Available online at: https://oese.ed.gov/files/2024/04/VERSION-4-3.27.24-FINAL-Clean_AK-ARP-ESSER-Grant-Condition_MOEquity-FINAL.pdf</p> | <p>Mar. 27, 2024</p> |
| <p>Letter from AK DEED to the Department regarding its views on compliance with the maintenance of equity requirement and the inclusion of certain State funds in the analysis.</p> <p>Available online at: https://oese.ed.gov/files/2024/04/American-Rescue-Plan-Act-ARPA-and-Maintenance-of-Equity-MOEquity.pdf</p> | <p>Apr. 5, 2024</p> |
| <p>Letter from the Department to AK DEED clarifying the final shortfall amounts for fiscal years 2022 and 2023, based on corrected data submitted by AK DEED on Mar. 8, 2024.</p> <p>Available online at: https://oese.ed.gov/files/2024/04/Response-to-Alaska-MOEquity-4.5.24-letter_FINAL.pdf</p> | <p>Apr. 11, 2024</p> |

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| <p>Letter from AK DEED to the Department regarding AK DEED’s views on its compliance with the maintenance of equity requirement and proposing a supplemental payment of \$327,015 to Fairbanks North Star Borough School District to resolve a portion of the fiscal year 2023 shortfall.</p> <p>Available online at: Alaska-MOEquity-May_9_2024.pdf (ed.gov)</p> | <p>May 9, 2024</p> |
| <p>Alaska State Appropriations Act for Fiscal Year 2025, Enrolled HB 268, as passed by the State legislature on May 15, 2024.</p> <p>See section 36(f), page 105, which provides funds to resolve the maintenance of equity shortfall for fiscal year 2022.</p> <p>Available online at: https://www.akleg.gov/PDF/33/Bills/HB0268Z.PDF</p> | <p>May 15, 2024</p> |
| <p>Alaska Office of Management and Budget, HB 268 Veto Summary.</p> <p>See line 34, which indicates the Governor’s line-item veto of the funds intended to resolve the maintenance of equity shortfall for fiscal year 2022.</p> <p>Available online at: https://omb.alaska.gov/ombfiles/25_budget/PDFs/HB268_FY24_&_FY25_Veto_Summary_6-28-24.pdf</p> | <p>Jun. 28, 2024</p> |