

Speaker 1: Welcome, and thank you for joining today's conference LEA Level Maintenance of Equity Reporting Requirements. Before we begin, please ensure you have opened the WebEx chat panel by using the icon at the bottom right corner of your screen. Note that all audio connections are muted to reduce background noise. You may submit written questions throughout the presentation. These will be addressed during the Q and A. To submit a written question, please 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. And with that, I'll turn the conference over to Lakesha McKenzie, team lead over technical assistance. Please go ahead. And don't forget to unmute yourself.

Lakesha McKenzi...: Yes, thank you. Hello everyone, and good afternoon. It is a pleasure to be greeting you all today. Thank you for joining our webinar. Today's webinar is going to be on the LEA Level Maintenance of Equity Reporting Requirements to assist you with your grant implementation. My colleague, Sarah Laven Jones, is going to start the presentation off today. She is also the maintenance of equity policy lead. Without further adieu and with which pleasure, I would like to turn it over to Sarah. Sarah?

Sarah Laven Jon...: Thank you, Lakesha, and good afternoon, and good morning for folks who are joining us in other time zones. I am Sarah Laven Jones. I am the maintenance of equity policy lead. I work in the Office of State and Grantee Relations. I'm also joined by some other colleagues who are going to be assisting today. Chris Barlow, who's a program attorney, as well as Britt young, who is our program leader in the Office of State and Grantee Relations.

Next slide, please. Today, we're going to be discussing the LEA Level Maintenance of Equity Requirements. I'm going to start by providing an overview of those requirements. I'm going to talk through the exception process for LEAs, then I'm going to turn it over to my colleague, Chris, who's going to walk you through what the requirements were and the notice of final requirements that was published in the federal register yesterday. And then we are going to finish it off with some questions from you all. Next slide, please.

As you all are aware, there are two types of maintenance of equity requirements. There are requirements on state educational agencies and there are requirements on local educational agencies. For the purpose of our conversation today, we're going to be focusing on the LEA level maintenance of equity requirements. Under section 2004(c) of the American Rescue Act, LEAs must maintain equity for their high poverty schools in two ways, by ensuring, one, that there's no disproportionate reduction in combined state and local per-pupil funding compared to all schools served by the LEA in that fiscal year and that there's no disproportionate reduction in the number of full-time equivalent staff, or FTE per-pupil compared to all schools served by the LEA in that fiscal year.

These requirements apply to both fiscal years, '22 and 2023. In other words, the school year that we're wrapping up right now and the school year that we'll begin in September. LEAs may choose to evaluate whether they've maintained fiscal and staffing equity by grade span or across the LEA as a whole. A high poverty school, for the purposes of local maintenance of equity, is a school in the highest quartile of schools served by the LEA based on the percentage of economically disadvantaged students in the school. An LEA may determine its high poverty schools on a district wide basis or by grade span. We encourage you to check out frequently asked question number 25 for more information about how an LEA would identify high poverty schools. Next slide, please.

The American Rescue Plan accepts an LEA from the local maintenance of equity requirement for a number of reasons. An LEA can be accepted if it has a total enrollment of less than 1,000 students, if it operates a single school, if the LEA serves all students within each grade span with a single school, or it demonstrates an exceptional or uncontrollable circumstance, such as a predictable change in student enrollment or a precipitous decline in financial resources in the LEA as determined by the secretary. In a moment, I'm going to talk more about the process of seeking an exception and some examples of what might constitute an exceptional or uncontrollable circumstance.

The secretary has determined that, in addition to these exceptions, if an LEA does not have an aggregate reduction in combined state and local per-pupil funding in fiscal year '22 compared to '21 or in fiscal year '23 compared to '22, that LEA has demonstrated an exceptional or uncontrollable circumstance that warrants an exception for maintaining equity for that fiscal year. In a moment, I'm going to also talk about how to seek an exception and what the process looks like for that. Next slide, please.

An exceptional or uncontrollable circumstance might include an increased one time expenditure in the baseline school year, school year '22, '21, due to the pandemic, a very small school where the maintenance of equity calculations do not result in meaningful information about resource availability, or a significant change in the expenses of a school that no longer serves a student whose educational and support needs require services that have a particularly high cost. Next slide, please.

If the LEA believes it qualifies for an exception due to an exceptional or uncontrollable circumstance, the LEA must submit a written request for exception to the department. And we ask that LEA do that through their state mailbox. And we gave an example here of what that email address is. And we ask that they copy the appropriate state educational agency official to ensure that they're aware of this request.

When submitting this request, we ask that LEAs provide detailed information on the exceptional or uncontrollable circumstance but also include how that circumstance actually prevents the LEA from maintaining equity in its high priority schools. At this point, the department has approved four exception

requests for fiscal year '22, and those four requests are made available on our website. If you're interested in taking a look at those requests specifically, I would invite you to click that link. We ask that LEAs submit these requests to the department by July 8th in order to be on track with the LEA exception reporting requirements that are outlined in the notice of final requirement. Next slide, please.

As I mentioned before, an LEA may also be accepted from local maintenance of equity if for the '21/'22 and/or the '22/'23 school years the LEA's is not facing overall budget reductions. And there's more information on that in our FAQ number 32. What we mean by not facing overall budget reductions is if an LEA did not have an aggregate reduction in combined state and local per-pupil funding in fiscal year '22 or '23, the department has determined that that in and of itself is an exceptional or uncontrollable circumstance. If an LEA is seeking to be accepted for this reason, we ask that they complete the certification of exception, also known as appendix B, which can be located in the frequently asked questions document. And we ask that they submit this certification to the state, not to the department. Next slide, please. I am now going to turn things over to my colleague, Chris Barlow, who's a program attorney, to walk you through the requirements for publishing LEA level maintenance of equity data that were established in the notice a final requirements. Thank you.

Chris Barlow:

Thanks, Sarah. I'm now going to review the requirements that were just published this week. This is new information that finalized some information that we wanted all states to post regarding the LEA level maintenance of equity data. As noted just yesterday in the federal register, the final requirements were posted, and these requirements are for SEAs to publish certain information on a website for fiscal year's '22 and '23. There are a number of different deadlines depending on which fiscal year and which information is requested to be posted.

The first deadline is the one we're going to focus the most today on, and that's the July 8th deadline. By July 8th, we're asking SEAs to publish information on the LEAs that are accepted in the state. We're also asking the SEAs to publish information identifying high poverty schools for fiscal year 2022 and also a description about how it is ensuring that each LEA that is not accepted from the requirement is maintaining equity in its high poverty schools. I'll go into more detail on the next few slides on this particular requirement.

By November 1st, 2022, we're asking for the SEAs to publish the information on LEA exceptions and identifying its high poverty schools for fiscal year 2023. By December of this year, we're asking SEAs to publish data on the LEAs that must comply with the local maintenance of equity requirement for fiscal year '22. And again, that's just going to be the data for those that are not accepted. And then next year, next December, SEAs will have to publish the same data on those LEAs that had to comply with the local maintenance of equity requirement for fiscal year '23. Next slide, please.

Okay, so first let's focus on the July 8th requirement. By July 8th, each SEA must publish on its website. First, we want the SEA to describe the LEAs that are accepted from the local maintenance of equity requirement for fiscal year '22. Enlisting those LEAs, the SEA must identify why the LEAs were accepted by indicating one of the following that Sarah just walked us through. The first batch are the exceptions that are clearly in statute, that the LEA has less than 1,000 students, operates a single school, serves all students within each grade span with a single school.

The second exception, as noted, was whether the LEA was accepted by the department because of an exceptional or uncontrollable circumstances. These are these facts specific exceptions that LEAs are sending to the department for review and notifying its SEA. And then the third group are the appendix B exceptions that Sarah just noted. These are the groups of LEAs that did not have an aggregate reduction in combined state and local per-pupil funding, and those LEAs are signing appendix B and sending it to the state. The state has to essentially identify here are the LEAs that are accepted and which reason why they are accepted. We're asking after you publish this information for you to share the link of where it is published with your program officer via your state mailbox. And there's an example below. Next slide, please.

Also on July 8th, we're asking each SEA to publish the identity of each high poverty schools just for those LEAs that are not accepted from the local maintenance of equity requirements in fiscal year '22. The first list is going to be all your LEAs that are accepted, and then for those LEAs that are not accepted, the first item is identify your high poverty schools.

The next item that's due by July 8th to be public is a description of how the SEA will ensure that each LEA that is not accepted from the local requirements is maintaining equity in its high poverty schools. This description should include information on the SEA's process and when it will determine LEAs that are not complying with it and the date that the SEA will require non-compliant LEAs to describe what adjustments they'll make in order to be into compliance prior to the next start of the next school year, a description of the efforts that SEAs are taking in order to address the fact that the LEA was not in compliance in that year. Again, after publication, we're asking you to share the link with your program officer on where this information is available. Next slide, please.

When reviewing the comments that we received from the proposed requirements, we heard from a few states that it would be helpful to have an optional template or an example of how this data may be displayed on your website. On this slide, it shows how a state could demonstrate, or the LEAs accepted in its state. We're asking for the NCESID to be there, you could have the LEA name, and then you could indicate which exception applies. This is just one way that a state might choose to demonstrate this data. This is not the required way to demonstrate the data, but we wanted to share one example.

Again, a reminder that if all LEAs are accepted from the local maintenance of effort requirement in fiscal year '22... Equity requirement. Excuse me, I work on both. The SEA does not need to report its high poverty schools. We have heard from a number of states that after doing these exceptions, there are very few LEAs that must actually comply, and perhaps in some states where appendix B applies to all LEAs in the state, maybe no LEA has to do local maintenance of equity requirements for fiscal year '22. In that case, the SEA does not need to report on the high poverty schools because all LEAs are accepted. Next slide, please.

This slide reviews the data and information that we're asking SEAs to publish by December of this year. Closer to that deadline we'll remind you and go into more detail, but essentially for the LEAs that must comply with the local maintenance of equity requirement for fiscal year '22, the SEA will publish information demonstrating compliance. You'll see items one and two are about the per-pupil amount of funding and the comparative amounts to demonstrate maintenance of equity compliance. And items three and four are the per-pupil FTE numbers, making those publicly available to demonstrate whether the LEA maintained equity. And then item five is a clear indication of based on this data, the LEAs in the state that were required to maintain equity did maintain equity, or a statement that this data actually demonstrates that they did not maintain equity. Again, if the LEAs are accepted from the local maintenance of equity requirements, you do not need to report this information. An SEA must update this information to include relevant fiscal year 2023 data by December 31st, 2023. This requirement will exist in December '22 for fiscal year '22 and in December '23 for fiscal year '23. Next slide, please.

In the federal register notice, we encourage you to review our responses to comments and the later sections after the data and information collection requirements. In that notice, we indicate that, for the purpose of demonstrating compliance with the local maintenance of equity requirements, an LEA may use allocations or budget data or per-pupil expenditure data from title one part A report cards. We heard from a number of LEAs in states that it would be helpful to be able to demonstrate compliance using this existing data.

In deciding whether or not to use the per pupil expenditure data, an LEA may review its prior year per-pupil expenditure data in order to inform its approach to monitoring and assess the likelihood that there could be a maintenance of equity violation. We acknowledge that if an LEA is using pre-pupil expenditures, it will not know whether they did maintain equity until after a school year ends and thus would not be able to remedy the violation in the school year that the violation occurred. If the LEA does not maintain equity and cannot make adjustments in that year, then the adjustments may be made in the next year to ensure that the high poverty schools in that LEA are treated equitable. Next slide, please. Oh, and now I'm passing off to Sarah for some announcements.

Sarah Laven Jon...: Thanks, Chris. Before we move to the question and answer section, just wanted to bring a couple things to folks' attention. As you all know, states began

submitting baseline and initial data for the state level maintenance of equity requirements in fiscal year '22 last July. For fiscal year '23 data, the department is going to keep the same timeline. Again, this is for state level maintenance of equity reporting. States will be required to submit baseline and initial fiscal year '23 data for the state level maintenance of equity requirements by July 29th. To the extent that that fiscal year '23 funding data is not available, an SEA can provide projected data or request an extension to provide the data that's not currently available by October 14th, 2022.

I also wanted to bring to folks attention that we have been doing some fabulous website remodeling for your viewing ease. One of the things that we've done is to try and streamline deadlines and important announcements. The Office of State and Grantee Relations has developed a deadlines and announcements page, which is available in this link here, and that includes the deadlines related to maintenance of equity reporting that we've discussed today. We also of course have a page that is dedicated to maintenance of equity where you can find all of our frequently asked questions, information about the notice of final requirements. All things maintenance of equity is living in that link there. And we also have a document that just walks through the local maintenance of equity exception process. I understand that states are getting questions from LEAs about how that process works, and so we encourage you to share that document with LEAs because it's just targeted specifically on the exception and process as opposed to the FAQs, which goes over the entirety of maintenance of equity.

All right, with that if you could take up me to the next slide and I will begin to answer some questions here. Thanks to folks for actively participating and sending in your questions. First and foremost, I just want to let everyone know that a copy of the PowerPoint presentation, a recording, as well as the slides will be made available on the maintenance of equity webpage, so you will have a copy of that for later. We just need a couple days to turn it around and then you should see it up there on the website.

We have received a couple questions about extension, so thank you for asking about that. The process of seeking an extension to the reporting deadlines that were outlined in the notice of final requirement is the same for states and districts, we just ask that states reach out via their state mailbox, which is, again, the name of the state .oese@ed.gov. And when you're asking for an extension, if you can just give us a little bit of context about the timeframe that's needed and why, and specifically provide a date by which we can anticipate your data.

Christina asked, "How will this publication..." And I'm assuming she means the publication of data related to LEA level maintenance of equity, "differ from what's already published on the US Department of Education's website for each state. What's currently on our website is the state level maintenance of equity data. The idea is that states will publish LEA level maintenance of equity data on their own website so that stakeholders, families, people who are interested in

this information will have access to it on the state site. And we at the department will also update our webpage to provide the links that states are sending. Eventually, the LEA level data will also end up on the department's website. Just looking through here to our next question.

Chris Barlow: I can answer one in the meantime, Sarah.

Sarah Laven Jon...: Thank you.

Chris Barlow: We had a question about the LEA exceptions and the statutory exceptions regarding less than 1,000 students or serving a single grade span. Those are ours, so as long as an LEA meets one of those statutory exceptions, then it is accepted from the local maintenance of equity requirements. It is not required to meet each of those exceptions. So long as one of those exceptions on the slide applies, that LEA does not need to maintain local equity for that year.

Sarah Laven Jon...: Thanks, Chris. Peter asked, "The department establishes the following requirements for this program. We may apply these requirements in any year in which the program is in effect. Can you clarify what this means? Does it mean that ed intends to extend the maintenance of equity requirements beyond '22 and '23?" Thank you for that question. No, the American Rescue Plan maintenance of equity requirement only applies to fiscal years '22 and '23.

Jumping down here, I see a question from Ann Butterworth: "What should we do if we submitted an LEA exception request to our state mailbox in January and have not heard back?" First of all, I apologize for that. If you can just resubmit or chat me privately and just let me know what state you're coming from so I can take a look out for that. Let's do that, and I'll make sure that we can get you a response.

Chris Barlow: Sarah, we've had a few questions from a couple of folks about if an LEA does not maintain equity in one year, what does it mean? What are the implications for adjustments in the next year? And I would say this is a situation where we want to gather the information first and then it'll be based on... We would expect that there would be adjustments made to be in compliance in the next year. There is also a requirement for that LEA to maintain equity in fiscal year '23, so this will be lots of facts and different situations going on, and so I think as those situations occur, we are happy to work with SEAs and have discussions about what things look like and targeted conversations.

Sarah Laven Jon...: Thanks, Chris. I'm just going to give folks a couple more minutes to add questions into the chat here. I see a question from Luke Bori: "Is there a chance that the maintenance of equity requirement or something similar will become embedded in other legislation?" I would say talk to your member of Congress about that.

Chris Barlow: I see we have another question about the responsibility of states to have to monitor on the appendix fee. I would say that we generally just encourage states to use its normal and routine monitoring and oversight practices that it would for such similar type federal grant programs. Whatever your practices are regarding that, we would just encourage you to use that fold it into your monitoring and oversight.

Sarah Laven Jon...: Just want to say very quickly, Ann, I saw your message and I will be on the lookout for that, so thank you. Chris, Linda asked, "If all LEAs are accepted from the local maintenance equity reporting requirements, does the SEA still need to publish a description of how they will ensure that LEAs meet the maintenance of equity requirements?" Linda, I think that it would be helpful to publish a description that explains that all LEAs are accepted just to make sure that for stakeholders and families they understand that that is the dynamic that's taking place. I think that could substitute for that description.

Chris Barlow: I agree. And I think just providing clarity of the efforts the state's making regarding ensuring compliance with it. In this instance, the fact that for fiscal year '22, the state is aware that nobody... that all LAES are accepted, that that's the action. In fiscal year '23, things may look different.

Sarah Laven Jon...: Just going to pause for a second and give folks more time to put questions in the chat. Thanks, everybody. Sorry, I'm seeing again the question that if all LEAs are accepted, does the state still need to publish a description of how they will ensure that LEAs are meeting the maintenance of equity requirements? And what Chris and I had described is we will still ask that the state provides a description, but the description should explain why all LEAs are accepted and that because they are accepted, the state doesn't have to report on local maintenance equity data.

I see a question from Danielle that their LEA has been attempting to work with the SEA and haven't been successful in asking if we can share a list of SEA reps. I don't know that we have a list of reps for all states, but if you can reach out to your state mailbox directly and re-explain your question, and just if you could chat me privately and let me know what state you're coming from, then I'll take a look out for that and make sure you're connected with the right person.

Chris Barlow: And I'll also note that we seem to have gotten a couple of questions that are state specific detailed, and as usual with this cases, we'll do a follow up given the specific state circumstances in helping respond to that. Just want to acknowledge that we did receive a couple of questions that probably have some state specific context.

Sarah Laven Jon...: Sorry guys, just taking a moment here to see what we've missed. All right, it looks like we have a question from James: "How should an SEA indicate that an LEA is new for fiscal year '22?" I'm assuming that this is a school district that did not exist last school year. And James notes that there's no basis for comparison in fiscal year '22 to do a maintenance of equity comparison. Thanks for bringing

that up. If there is no basis for comparison, in other words, if a school is new for the first time in fiscal year '22... Excuse me. If a school district is new for the first time in fiscal year '22, the state should not select that school district as one of their high need, high poverty schools for fiscal year '22. However, if in fiscal year '23 they fall within the list of high poverty schools and now there is a basis to compare between '23 and '22, the state should obviously select the school for '23. But in the case of a new school district, or also for an LEA that has a new school, if there's no basis for comparison because that school or that district didn't exist in the previous year, then the state or the LEA should just not select either that LEA or that building as one of their either high poverty schools or highest poverty, high need LEAs.

Casey asked, "Can you clarify the very small enrollment LEA procedure. If an LEA has very small enrollment such that enrollment changes, cause them to decrease per people amount year over year, does that require an exception request?" Chris, do you want to take that one? I guess the first thing I would say, Casey, is that I would encourage that district to see if they fall under one of the exceptions because of their size if they have less than 1,000 students, if they serve all students within the same grade span. If that's not the case, I would then encourage the LEA to look at whether there has been aggregate reductions in per-pupil funding in this school year compared to last school year. If there has not, then the school district can sign appendix B and be accepted.

If you've gone through those two tests, the third test would be to seek an exception with the department. We would ask that the school district describe what the exceptional or uncontrollable circumstance is. In this example that you provide,. It sounds like you're saying the fact that enrollment is so small that that's impacting decreases in per-pupil amounts year over year. But what's important is to include in the description why the circumstance you described, in other words small enrollment, is actually leading to disproportionate decreases in your high poverty schools. Because when we talk about maintenance of equity, what we're focusing on are disproportionate decreases in high poverty schools, so it's important to make that connection for us when you're submitting an exception request to the department.

Chris Barlow: Yeah, the only thing I'd add is on that note there was a slide that Sarah went through that gave examples of the types of things the department has accepted. And then on our website, we've posted the ones that we've already approved, so it might be worth looking at the ones that are the descriptions that are out there. We tried to provide those as a model. But the more information you can give us the better.

Sarah Laven Jon...: Okay, we had a question from Phyllis: "Does an Excel file meet the machine readable and accessible requirement?" Generally, yes, if the Excel file meets the accessibility requirements per the built in accessibility checker in Excel. We would ask you to use that.

Chris Barlow: We've also gotten one question about being uncertain who their state contact is, LEAs who their state contact is that works on this issue. We've had lots of emails and conversations with different state persons, so if you're uncertain about that you can email your state mailbox and we'll let you know who the person is that we've been coordinating with.

Sarah Laven Jon...: There was a piggyback question off of the example where a school district closed. It looks like Luke is just clarifying how would you document that? I guess this could apply to both state level maintenance of equity or LEA level maintenance of equity, but if you can just indicate somewhere in the Excel document this school was not selected even though it falls within the high poverty category because there's no basis for comparison, that would be fine.

Chris Barlow: Yeah. I agree that just whatever your routine practice is to document, it's good to just make a note to file if it's a list of here are LEAs that closed, and so we couldn't do a comparison. Or if you're an LEA, here are the schools so that we couldn't compare; just a note to file indicating that.

Sarah Laven Jon...: Lots of great questions, folks. I just wanted to let everybody know we've been talking a lot about the state mailboxes, which is something I know that state educational agencies are far too familiar with, but if we have any LEAs that are joining us, we're going to go ahead and put in the chat just a reminder of what that email is so that folks know where to direct their questions.

It looks like questions are slowing down. I'm happy to give folks a couple more time to add in questions. Ann noted that she was unable to open the approved exceptions on the website and asked if we could share the link in the chat. Ann, those documents, those links are to an actual document, so let me just huddle up with our web team folks and make sure that those links work.

And Julia, thank you for noting that the website says June 30th. The correct day is July 8th. We wanted to make sure that we gave states and LEAs 30 days following publication in the federal register. And so since it published yesterday, that puts us to July 8th, so thank you for clarifying that.

All right, well it seems like questions have slowed down. I just want to thank everybody for joining us, for actively participating and raising questions. We appreciate and understand that this requirement is going to require coordination between states and LEAs. And to the extent that we can be helpful with that, we ask you to continue to reach out, and so we can continue to support you with this. But we just appreciate all your time and efforts and your ongoing commitment to maintaining equity with these provisions. Thank you.

Speaker 1: Ladies and gentlemen, thank you for joining today's conference, and thank you for using Event Services. Your conference has ended and you may disconnect.