

[00:02] - A. Seils

Welcome, everyone. Thank you for attending today's Webinar. My name is Allison Seils. I am acting as a liaison with the New Hampshire Department of Education Division of Learner Support. I'm coordinating local District Maintenance of Equity Requirements as mandated for the State of New Hampshire on behalf of the US Department of Education, my colleague Mark Manganiello, as well as Acting Administrator, Aaron Fuchs, and the Division of Learner Support Director McKenzie Snow, join me in leading today's session.

[00:45] - A. Seils

This webinar is being recorded and each attendee will be muted by default. In the event that you happen to have questions, I ask that you please utilize the chat feature within Zoom and we will be reviewing each individual question received at the end of today's session. In the event that you ask questions that we do not know the answers to, I will be forwarding those questions along to the US Department of Education for further clarification and will be sharing their responses as received. In addition, each of you will be receiving a copy of this recording along with a copy of the PowerPoint slides within the coming days.

[01:36] - A. Seils

I would like to discuss the purpose of today's webinar. Today, we are going to define what the maintenance of equity requirements provision is and how it influences each qualifying district; we will be going step-by-step through what information you will need to send back to us in remaining compliant with this new provision.

[02:11] - A. Seils

First of all, what is maintenance of equity? Maintenance of Equity, also known as MOEq, is a new set of equity requirements that have been released by the US Department of Education in regards to ARP ESSER. Therefore, this was a new provision that was outlined following the Declaration of Emergency, which we all were impacted by during March of 2020. And in measuring Equity, the Department really wants to ensure that districts through receipt of ARP ESSER funding for the 22 and 23 fiscal years are not disproportionately reducing their state and local per pupil funding in those high poverty schools and also that the districts are not disproportionately, reducing the number of full time equivalent staff per pupil in those high poverty classified schools across their district.

[03:33] - A. Seils

All districts that are receiving ARP ESSER funds are obligated to follow the District maintenance of Equity provision during fiscal years 22 and 23.

[03:49] - A. Seils

Under Maintenance of Equity, as I mentioned, per pupil funding from state and local sources and staffing levels for those high poverty classified schools may not be decreased by an amount that exceeds district wide reductions in per pupil funding and staffing levels for all of those schools that are served by the district. Those high poverty schools are the 25% of schools that are serving students taken via Free and Reduced Meals that are reported and certified by each District where we measure the highest percentage of economically disadvantaged students in the District.

[04:41] - A. Seils

The way that we track maintenance of equity is that under the American Rescue Plan or "ARP" requirements, we have to designate at least 90% of ARP ESSER funds.

[\[05:00\]](#) - A. Seils

These funds are distributed to the District based on their relative share of Title I funding in 2020. So this is something I want to touch upon a little further because in measuring each districts MOEq compliance criteria; we will be looking at fiscal Year 20 baseline data on behalf of 21 that includes enrollment for each school within the district, as well as each district's free and reduced lunch program enrollment. When reviewing the numbers that you guys certify that are actually pulled in through our statistical software, this means by tracking maintenance of equity across each district is that districts will need to track their ARP ESSER funds by school for fiscal years 22 and 23.

[\[06:08\]](#) - A. Seils

So today the focus of our Webinar will be covering the fiscal Year 22 obligations and maintaining equity compliance. FY23 as such will also need to be revisited during the time of us reviewing those numbers, which will be fed into FY23's analysis. Therefore, we are going to have to go through this process again, unfortunately.

[\[06:39\]](#) - A. Seils

There are ways that districts can be exempted from MOEq reporting compliance, and those ways are number one, they have fewer than 1000 students, or maybe they consist of a single school or they serve only one school per grade span. So unfortunately, no one that was contacted to attend today's webinar has been deemed exempt from the first of the three criteria that we have just outlined. You will see that there is a forth compliance measure for exemption, and that is that the district demonstrates an exceptional or uncontrollable circumstance as determined by the US Secretary of Education.

[\[07:41\]](#) - A. Seils

And I do want to talk a little bit more about this fourth criterion because it concerns a potential exemption that would be at the discretion of the US Secretary of Education and determining whether or not a potential waiver to comply due to exemption may be advantageous for your District.

[\[08:07\]](#) - A. Seils

So I will say that there has been very little guidance received by the U.S. Ed in quantifying what constitutes an uncontrollable or exceptional circumstance. Secretary Cardona did issue in the Memorandum on August 6, which I have included within the Excel workbook that was recently sent to each of you following the commissioner's invitation for this webinar today. If you guys open up the Excel workbook and look at the Request for Information tab, you'll see that there is an embedded file representing this memo that you can access, which we have included a screenshot of here to give you guys an idea of what some of the things Secretary Cardona would anticipate being exceptional or uncontrollable when considering these waiver requests.

[\[09:15\]](#) - A. Seils

He cites a handful of examples of an exceptional or uncontrollable circumstance, one being that there's a significant change in the expenses of the school that no longer serves the students whose support needs required services that have a particularly high cost.

[\[09:38\]](#) - A. Seils

The Department, though, does otherwise anticipate very few exceptional or uncontrollable circumstances

that would prevent districts from maintaining equity. We do know that each claim of exception will require a case-by-case review by the Department.

[\[10:00\]](#) - A. Seils

Regardless of whether a district presents a future exception request to us that we then pass along to the US Ed, the information that is being presented to each of you today and as such as being requested from each of you will still need to be provided to the New Hampshire Department of Education by October . 5th. What exactly does your district need to do in order to ensure that you are maintaining compliance with maintenance of equity? As I mentioned, each qualifying District has received an Excel file and that outlines instructions on the MOEq requirements as well as three options that should be considered by each district at the school level in identifying its high poverty schools.

[\[11:06\]](#) - A. Seils

We have created the Excel information that was recently submitted to you all in an attempt to really simplify this process as much as possible and to make it less burdensome for each of you.

[\[11:24\]](#) - A. Seils

This new provision is, as such, newly incorporated. We have never at the State level seen it before. The districts have never measured equity, and in the past, under ARP ESSER requirements, maintenance of equity does differ from maintenance of effort, in that it's taking further steps in categorizing high poverty across the districts in response to this state of emergency that we have faced and ensuring that districts are not reducing funding or staffing levels for those high poverty deemed schools within their District. That is why we are seeing this new provision, but in the process of it, we have not really received templates from the Department of Education.

[\[12:27\]](#) - A. Seils

There's been much in terms of regulation and compliance and questions that have been asked posed to the Department, which is part of the reason why we are seeing, such as a quick turnaround in terms of when this stuff is being requested of you guys.

[\[12:47\]](#) - A. Seils

We have rolled this out as quickly as possible given the time frame that we have been allotted by us. Therefore, I do apologize for the seemingly quick turnaround here on when we need this back from you guys, but we have aided you and trying to create these tools that have not been created in the past and an attempt to release some of that burden. You are going to be completing the identification tool, which is also known as the Excel File, and it will be consisting of three options that you'll need to consider for each school within your District in identifying your high poverty schools.

[\[13:42\]](#) - A. Seils

We're going to talk a little bit more about those options and what each of them incorporate, exactly.

[\[13:51\]](#) - A. Seils

Before I go through the options that you guys have to identify your high poverty schools, I want to talk a little bit about the situation you might see year over year when you're looking at 2021 data and seeing that there are decreases in enrollment in comparison to 2020 and how that feeds into to what we're going to be covering today. You guys might want to consider looking at your year over year enrollment fluctuations when you do identify your highest poverty schools, especially if your schools have been flat funded year over year.

[\[14:40\]](#) - A. Seils

So if your schools have declining enrollments, you will probably as a District, have an easier time maintaining that maintenance of equity compliance since we're measuring compliance based off of per pupil basis. If you flat fund your schools and you select the district with increasing enrollment, it would maybe appear as though your District is cutting funding for those schools in that situation. This is again, because we're measuring equity on a per pupil basis, and because that per pupil data will be such a major part of measuring the Mo EQ requirements.

[\[15:42\]](#) - A. Seils

We want to really highlight and take a look at those schools that do have decreases in enrollment year over year so that we can make sure that we are in compliance with this new provision, which otherwise would be more difficult to do if we're selecting high poverty schools based on increasing enrollments year over year.

[\[16:07\]](#) - A. Seils

There are a couple of things that you guys are being asked to do by October 5th. As I mentioned, you each received recently an Excel workbook that is chalked full of some good information, and we're going to walk through that next. But, keep in mind what we're going to need back from you by October 5th will be your completed LEA or District Identification form, which basically just tells us who is going to be your District rep for MOEq compliance and who completed the information that is being sent back to us and for what District.

[\[16:57\]](#) - A. Seils

It's pretty simple. Then you will be selecting from one of three high poverty options in terms of tracking the LEA's MOEq compliance.

[\[17:08\]](#) - A. Seils

You don't need to complete all three of the options provided, you only need to select from one, and we're going to talk about each of those options in more detail shortly. But, the information you send back to us on October 5th is going to feed into part number two of our Maintenance of Equity tracking. So unfortunately, after going through this and then sending the information back to us, we are not quite out of the woods yet. There will be another webinar, which delves into part two of Maintenance of Equity compliance.

[\[17:53\]](#) - A. Seils

And basically we take the information you send back to us across district and we send,

[\[18:00\]](#) - A. Seils

We analyze it, and we then determine the next piece, which is requiring of this piece to be completed first. Unfortunately, I did include a copy of the Exception Request Form within the files I provided to you, but we can't really go through completing that form just yet until we have data available through Part two's analysis, which we haven't done yet. FYI, that form was just included for reference purposes, but we won't know whether or not districts will be within a position of requesting exemption until we move through the next step on behalf of 2022.

[\[18:57\]](#) - A. Seils

So we will have to go through this whole entire process again for 2023. But right now we are only

focusing on 2022, then later on down the line,

[\[19:10\]](#) - A. Seils

We'll cover this again. It's not so much applicable now, but just keep in mind that if we get through more of the tracking process where we have all of our numbers and our data for 2022 on enrollments and free reduced lunch programs, and how the districts are utilizing this funding. If at that point later on in the future, the districts do require a potential exemption from MOEq, it is encouraged that they will provide a brief justification as to why to us, so that if we are asked further why each District has requested exemption that we can act as a liaison on your behalf and providing those details to us.

[00:20:08.580](#) - A. Seils

It's not a requirement, just something to keep in the back of your mind as we work through this process, and whether or not you may be at a later point needing to request a waiver for MOEq compliance

00:20:25.280 - A. Seils

With that, I would like to go ahead and share with you a copy of the Excel file that I have recently emailed out to each of you. This workbook has actually been tailored for each qualifying District. We had just over 30 districts that came back in terms of meeting one of the three the first of the three exemption criteria. You guys each were non-exempt from MOEq compliance tracking. So we knew based off of those first of the three extension criteria, who would then therefore be required to comply.

00:21:15.210 - A. Seils

Out of, I think, 166, six districts we had just over 30 that were non-exempted from MOEq compliance. The first thing that you guys will want to work through as you're reviewing the Excel file is access the Maintenance of Equity instructions, which is basically what we're covering today. But if you need further clarification on this first part and why we're asking for the info and what we need you to do, you can reference these first two tabs and orange, which will give you a good overview of the regulation tracking and what it is that's being required through this new provision.

[\[22:03\]](#) - A. Seils

So we're going to talk about these options in blue here soon. But first, though, I want to identify the LEA identification form just to show you guys what exactly that is.

[\[22:17\]](#) - A. Seils

Like I said earlier, it's easy. We're just asking for the name of the person who is completing this information back to us and the district number and the email address of the person that's completing the MOEq request outlined here. I do have some next steps identified. I do have more information on the exemption process, which we're not going to be able to do just yet, but just for your reference purposes only. Then, this is a copy of the Exception Request form for you guys to consider as we work through more of 2022.

[\[23:04\]](#) - A. Seils

Like I said, we can't get this back to the Department of Education just yet because we will not have had the applicable data needed to really confirm request for exemptions be submitted. So more to come just

FYI for now, and I did actually include some useful information here for you guys, which the first of the hyperlink to the most recently asked questions regarding MOEq compliance, the requirements by State, the requirements by District, and then also Secretary Cardona's memo which was released on August 6, is available through this Exception tab.

[\[23:53\]](#) - A. Seils

I want to discuss now the methodology behind each of the high poverty options that schools should consider when designating classifying their high poverty schools. Each of you have received your school districts High Poverty Lea tool, which in this example we are going to be looking at Keene.

[\[24:25\]](#) - A. Seils

So Keene has six schools within its District. And what this number here in cell K8 is representing is the number of schools that Keene must identify as high poverty. Now, through an effort to really simplify this process for you, we have already done that for each of you across all three options. Now, Keene has two schools to report upon, right?

[\[24:58\]](#) - A. Seils

Well, where did that number come from? This number actually is representing 25% of the school districts total number of schools, which will need to be classified as high poverty. So it's basically a quartile percentage of the number of schools and we round up. You would take six times 25%, or six divided by four, and you get 1.5 schools, which is rounded up to 2. This is how we are determining per regulation, how many schools each qualifying district must select and making those high poverty designations.

[\[25:46\]](#) - A. Seils

Option 1 allows the districts to select their highest poverty school based off highest poverty percentage. And here we're looking at schools within the District that are within the highest quartile of schools that represent the highest percentage of economic disadvantaged students in the school. If you are choosing Option 1, districts do not need to make any changes to the information selected here. Basically, we're saying we have six schools, our two highest poverty percentage schools as designated by enrollment and as in our F&R counts for 2020, are these two that are listed and they both happen to be K to 6 in Keene's case.

[\[26:50\]](#) - A. Seils

So we would under Option 1, need you to just say yes, I agree or no, I don't. Another thing that these option forms do include is your District information for 2021. And what this is, as I was mentioning earlier, is when we're comparing year over year fluctuations in terms of enrollment and free and reduced lunch programs. We want to see that there are declining enrollments here over a year. In Column S, if you are seeing a negative percentage represented that is indicative of a declining enrollment.

[\[27:37\]](#) - A. Seils

This is something that before the District designates, Yes, I agree with you, or No, I don't through column K so that you might want to be aware of because in this case, under option one or two, highest poverty schools are both declining by school selected. So we know in saying yes, we agree that the higher poverty schools selected should be considered when tracking maintenance of equity compliance that you guys are probably going to be able to in the case of Keene here maintained compliance with this regulation because we do see decreasing enrollments.

[\[28:26\]](#) - A. Seils

Now, if we saw increasing enrollments here over year, it's still not going to change the fact that our two highest poverty schools are, in fact, these two under this option.

[\[28:38\]](#) - A. Seils

But it's just something to be aware of. That when you are going through the tracking of maintaining this compliance, that you are not decreasing funding and you are not decreasing staff levels for these high poverty designation schools. Otherwise, you will be out of compliance with the MOEq tracking requirements. So this is option one. It is by far the simplest option and the simplest way to track your maintenance of equity and to identify the schools under this method.

[\[29:17\]](#) - A. Seils

Options 2A and 2B are a little more complex. So really, if you are choosing Option 1, all you need to do is say, okay, I have two schools in this situation. They are based off highest percentage of poverty, and we are going to say yes. You would just select yes or no and send your Option 1 form along with your LEA identification form back to us by Oct 5th. Options 2A and 2B are a little more involved. And these options are, I will say, more so representative of a larger District that might have a little more flexibility in the number of schools that it has to identify as high poverty.

[\[30:10\]](#) - A. Seils

These options may want to be ones that are considered for those districts that have more than two, maybe five or six different required schools that it has to flag as high poverty. I am not saying that districts with one to three schools still cannot utilize either of these two options here, but it will make more sense as we go through it as to why we would probably want a larger number of schools for classification purposes and choosing which option 2A or 2B to follow.

[\[30:51\]](#) - A. Seils

Again, I'm going to defer now to the ranking examples tab because I think that looking at this information here for us will make a little more sense. Option 2 across the board, is looking at identifying poverty levels based off of grade span ranking. And we in this example, are using 20 schools within the sample District, and of those 20, we know that in maintaining the quartile of high poverty classification, we actually have to select five schools using our example.

[\[31:38\]](#) - A. Seils

What we're going to do is we're first going to look across each grade span. We know we have five spots left. We look at the highest elementary poverty percentage, which in this grouping here, we know that our first highest elementary poverty percentage comes in at school C at 87.5%. So we selected one for elementary. We're then going to select one for middle school, which in this case our highest middle school will be selected using the greatest percentage.

[\[32:23\]](#) - A. Seils

So that takes care of our second selection. Our third selection will be at the high school level, which will be 2%. Next, we have two additional schools because we have five schools required as classifying as high poverty. Those two additional schools are where we need to make our determination which using Option 2A, we are going to be identifying the next highest poverty schools overall. So we've already selected the three to suffice the per grade span.

[\[33:07\]](#) - A. Seils

We will then select two using the highest poverty percentage across grade. In this case, we started out high.

[\[33:20\]](#) - A. Seils

We work down to our lowest high poverty percentage using the grade span methodology at a high school at 62.5. Now, when we start with elementary, we see within that grouping for elementary, we actually have our next highest poverty percentages at 83%, 33% and 80%. We are going to because we need to select 5 schools across grade span ranking, choose the remaining 2 schools. We're now going to suffice the next level high poverty percentage by grade. All three highest poverty schools will be in this example, elementary. So this is why I was saying earlier that districts that have only one or two different schools to classify as high poverty might struggle in utilizing the grade span methodology because they simply don't have enough required schools to classify across their District.

[\[34:29\]](#) - A. Seils

I mean, this was really the two to the options might really be better for those larger districts that do have more than three schools to identify as high poverty. Another thing that you guys might run into is a potential question is, well, I have K through 4 as one of my grade spans. I have 5-6 as another grade, and then I have 7-8 and 9-12 as additional grade spans within my District. But if your highest poverty schools are coming in, you know, within that kind of elementary grouping, that would maybe be indicative of 1-4, and you have the next highest level at 1-5, for instance, you can still utilize the 1-5 under the elementary classification, which is what we have done.

[\[35:30\]](#) - A. Seils

Now, taking that form back into real time.

[\[35:33\]](#) - A. Seils

Also using Keene again, they have two schools. So really, we might want to stick with Option 1. I'm not telling you guys to do that, but it's something that we might want to do, since we simply don't have three different grade spans to cover here. But if we were to use grade span Option 2A what we would do is we would default to the highest poverty percentage to know who in fact had to be covered, which this is going to be mandatory with Wheelock Elementary because they are highest poverty percentage school at 63.1 poverty.

[\[36:10\]](#) - A. Seils

But now we have another grade span that we have to consider when assigning our poverty percentages, and that is going to in this example, be grades 6-8. So we've selected our highest poverty percentage for 6-8 within this rankings for you. If you choose to use this particular option, again, all you're going to do is select yes or no that you want the school you're selecting to be considered under your high poverty designation. So again, I do want to remind you, as I did for option one before you make those high poverty classification, I would recommend that you please reference the 2020 and 2021 data off to the right, which confirms your declining or increasing enrollments year over year.

[\[37:10\]](#) - A. Seils

In this case, the high poverty schools that we've selected have declining enrollment.

[\[37:17\]](#) - A. Seils

Both of them do. If choosing this measure, Keene would maybe find it easier to maintain that

maintenance of equity compliance for 2022. Now we're going to get into Option 2B, which is very similar to 2A. It focuses on grade span rankings across each District, but instead of them taking the highest poverty schools overall across the District for those remaining after the three have been classified from elementary, middle, and high, what we're then doing is any remaining schools that we still have left to categorize are done so by identifying the next highest poverty schools by grade span.

[\[38:09\]](#) - A. Seils

Here, we know that these three schools that are highlighted are the highest poverty percentage schools across each grade span, right, at 87.5 for elementary, at 73 point 33% for middle and at 62.5% for high school. Now we have two more required schools in this scenario that need to be identified. So if we were using the continued grade span methodology 2B option, we would then select one of our elementary, who is the next in line following the 87.5, and then we could choose one other great span, like in this case, it's our next in line, highest poverty percentage middle school for consideration and sufficing these requirements.

[\[39:06\]](#) - A. Seils

You may then to also be thinking, well, you selected a middle school that has is the next in line high poverty, but then couldn't they then have chosen a high school instead? Yes, they could have under this situation.

[\[39:27\]](#) - A. Seils

But you can see that the high school had 62.5% at the highest level poverty recorded. Now the most high poverty next in line from the first selected had 66% vs. 67%. If we were really weighing the option of percentage across grade, you would probably want to take the highest poverty percentage school within that particular grade span to maintain compliance so that you're not taking a lower poverty percentage school and putting them before one that has a higher poverty. Again, using Keene as our example, what we've done is we know our highest poverty percentage school is Wheelock Elementary school covering spans K-5. Wheelock would absolutely need to be included across either option because they are the highest poverty.

[\[40:39\]](#) - A. Seils

But in this case where we differ from two A is we incorporated a middle school at 36.5% to our 2A option, which came in overall ranking at number three poverty district wide. But we decided for this one that we wanted to classify using the grade span methodology at high school instead. In this case, the differences between the two schools are really not that vast in terms of poverty percentage. And maybe there is a reason why Keene would want to identify it's high school as high poverty in measuring its grade span compliance options. So again, we're going to just double check that the two schools that have been pre-selected do have decreasing enrollments year over year.

[\[41:42\]](#) - A. Seils

In this case, the high school does, and also the elementary school does as well. So if choosing 2B, Keene is going to have an easier time in maintaining equity compliance with these two schools with decreasing enrollment. I have now gone through every option. I've covered the LEA identification form. We have walked through the request for exception, which will be provided back to us at a much later time throughout the compliance process.

[\[42:21\]](#) - A. Seils

We do not need your exception request by October 5th. We don't have the information available right

now to really confirm that your eligibility for exemption would be potentially allowable. So this is just for FYI purposes. The only things we need back you are the LEA identification and one of your three confirmations regarding options 1, 2A, or 2B. With that, I am going to go ahead and allow for some questions and we will answer them to the best of our ability.

[\[43:04\]](#) - A. Seils

So thanks again for all of your time today and we will now switch gears to open the floor for questions. Thank you.