

Local Educational Agency
(LEA)-Level

Maintenance of Equity
Reporting Requirements

WEBINAR

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Presentation Topics

LEA-Level Maintenance of Equity

1. LEA-Level Requirements
2. Exceptions
3. [Notice of Final Requirements](#): Publishing LEA-Level MOEquity Data
4. Q&A

A copy of the presentation and accompanying slides will be made available on the Department's maintenance of equity [webpage](#).



LEA-Level Maintenance of Equity Requirements

- Under section 2004(c) of the American Rescue Act, LEAs must maintain equity for high-poverty schools by ensuring:
 - There is no disproportionate reduction in combined State and local per-pupil funding compared to all schools served by the LEA in that fiscal year
 - There is no disproportionate reduction in the number of FTE staff per-pupil compared to all schools served by the LEA in that fiscal year
- These requirements apply to fiscal years (FY) 2022 and 2023 (i.e., 2021-2022 and 2022-2023 school years).
- LEAs may choose to evaluate whether they have maintained fiscal and staffing equity by grade span or in the LEA as a whole.
- A “high-poverty school” 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 districtwide basis or by grade span. See [FAQ 25](#)



LEA-Level Maintenance of Equity Exceptions

- The ARP Act excepts an LEA from the local maintenance of equity requirements if the LEA:
 - Has a total enrollment of less than 1,000 students
 - Operates a single school
 - Serves all students within each grade span with a single school
 - Demonstrates an exceptional or uncontrollable circumstance, such as unpredictable changes in student enrollment or a precipitous decline in the financial resources of the LEA, as determined by the Secretary of the U.S. Department of Education
- The Secretary has determined that an LEA that did not have an aggregate reduction in combined State and local per-pupil funding in FY 2022 compared to FY 2021, or in FY 2023 compared to FY 2022, has demonstrated an exceptional or uncontrollable circumstance to warrant an exception from maintaining equity for that fiscal year.



LEA-Level Maintenance of Equity Exceptions for an “Exceptional or Uncontrollable Circumstance”

- An “exceptional or uncontrollable circumstance” might include:
 - increased one-time expenditures in the baseline year (school year 2020-2021) 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 required services that have a particularly high cost.



Submitting a request for an “Exceptional or Uncontrollable Circumstance” to the Department

- If an 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 via the State’s mailbox (i.e., alabama.oese@ed.gov) and copy the appropriate SEA official for awareness.
- The request should provide detailed information on the exceptional or uncontrollable circumstance, including how it prevents the LEA from maintaining equity in its high-poverty schools.
- The Department has approved four FY 2022 LEA exception requests, which are publicly available [here](#).
- **Please submit these requests to the Department by July 8, 2022.**



Additional LEA-Level Maintenance of Equity Exceptions

- An LEA may also be excepted from local maintenance of equity requirements for the 2021-2022 and 2022-2023 school years if the LEA is not facing overall budget reductions. See [FAQ 32](#)
- If an LEA did not have an aggregate reduction in combined State and local per-pupil funding in FY 2022 or FY 2023, then the Department has determined that the LEA has demonstrated an “exceptional or uncontrollable circumstance.”
- To be excepted, the LEA must complete the Certification of Exception of Local Maintenance of Equity Requirements in [Appendix B](#) of the updated FAQs and submit the certification to its SEA.
- **The LEA does not need to submit this form to the Department.**



Requirements for Publishing LEA-Level Maintenance of Equity Data

- On June 8, 2022, the Department published a Notice of Final Requirements in the *Federal Register* that outlined the following requirements for SEAs to publish, on an SEA's website, LEA-level maintenance of equity data for FYs 2022 and 2023:

July 8, 2022 – SEAs publish LEA exceptions, identify high-poverty schools for FY 2022, and describe how the SEA will ensure that each LEA that is not excepted from the LEA-level maintenance of equity requirements is maintaining equity in its high-poverty schools.

November 1, 2022 – SEAs publish LEA exceptions and identify high-poverty schools for FY 2023

December 31, 2022 – SEAs publish applicable LEA high-poverty school data for FY 2022

December 31, 2023 – SEAs publish applicable LEA high-poverty school data for FY 2023



Requirements for Publishing LEA-Level Maintenance of Equity Data

By **July 8, 2022**, each SEA must publish on its website:

- 1) LEAs that are excepted from the local maintenance of equity requirements in FY 2022 (i.e., the 2021-2022 school year). SEAs must identify why LEAs were excepted by indicating one of the following exceptions:
 - Has less than 1,000 students, operates a single school, serves all students within each grade span with a single school
 - Was excepted by ED because of an “exceptional or uncontrollable circumstance”
 - Did not have an aggregate reduction in combined State and local per-pupil funding in FY 2022 (i.e., signed Appendix B)

After publication, please share the link with your program officer via the State mailbox (i.e., alabama.oese@ed.gov).



Requirements for Publishing LEA-Level Maintenance of Equity Data

By **July 8, 2022**, each SEA must publish on its website:

- 2) The identity of each “high-poverty school” in LEAs that are not excepted from the local maintenance of equity requirements in FY 2022
- 3) A description of how the SEA will ensure that each LEA that is not excepted from LEA-level maintenance of equity requirements is maintaining equity in its high-poverty schools. This description should include information on:
 - when the SEA will determine LEAs are not compliant and
 - the date that the SEA will require non-compliant LEAs to describe what adjustments the LEA will make to be in compliance prior to the start of the next school year.

After publication, please share the link with your program officer via the State mailbox (i.e., alabama.oese@ed.gov).



Publishing Data on LEA Exceptions

Optional Template

NCES LEA ID	LEA Name	Total enrollment of less than 1,000 students	Operates a single school	Serves all students within each grade span with a single school	Signed LEA Certification (Appendix B)	Excepted by ED because of an exceptional or uncontrollable circumstance
1	Example A	X		X		
2	Example B				X	
3	Example C					X
4	Example D				X	
5	Example E		X			
6	Example F	X	X	X		
7	Example G				X	
8	Example H	X				

If all LEAs are excepted from the local maintenance of equity requirements in FY 2022, the SEA does not need to report “high-poverty schools”



Requirements for Publishing LEA-Level Maintenance of Equity Data

By **December 31, 2022**, each SEA must publish:

- 1) The per-pupil amount of funding for each high-poverty school in the LEA in FYs 2021 and 2022
- 2) The per-pupil amount of funding in the aggregate for all schools in the LEA, on a districtwide basis or by grade span, in FYs 2021 and 2022
- 3) The per-pupil number of full-time-equivalent (FTE) staff for each high-poverty school in the LEA in FYs 2021 and 2022
- 4) The per-pupil number of FTE staff in the aggregate for all schools in the LEA, on a districtwide basis or by grade span, in FYs 2021 and 2022
- 5) Whether the LEA did not maintain equity for any high-poverty school in FY 2022

If LEAs are excepted from the local maintenance of equity requirements in FY 2022, the SEA does not need to report this information.

An SEA must update this information to include relevant FY 2023 data by December 31, 2023.



Demonstrating LEA-Level Maintenance of Equity

- For the purpose of demonstrating compliance with the maintenance of equity requirements, an LEA may use:
 - allocations or budget data, or
 - per-pupil expenditure data from Title I, Part A report cards
- In 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.
- The Department acknowledges that LEAs using per-pupil expenditures will not know whether they maintained equity until after the school year ends and, thus, will not be able to remedy a maintenance of equity violation for that school year.
- If an LEA does not maintain equity and cannot make adjustments in that year, the LEA may make adjustments to funding and FTE staffing in the next year to ensure that high-poverty schools in the LEA are treated equitably.



Maintenance of Equity Announcements and Resources

- SEAs will be required to submit baseline and initial FY 2023 data by July 29, 2022. To the extent that FY 2023 funding data are not available, an SEA may provide projected data or request an extension to provide the data that are not currently available by October 14, 2022.
- A list of deadlines related to MOEquity and other grants managed by the Office of State and Grantee Relations is available [here](#)
- The Department's maintenance of equity webpage is available [here](#)
- Maintenance of Equity [FAQs](#)
- More information regarding the local maintenance of equity exception process can be found [here](#)

QUESTIONS



Thank You

