

ARP ESSER Maintenance of Equity Requirements for LEAs

Summary and Technical Guide for
Reporting and Calculating MOEq
for Fiscal Year 2022

Definitions and Requirements

US Department of Education Guidance

- [Federal Register :: Final Requirements- American Rescue Plan Act Elementary and Secondary School Emergency Relief Fund](#) (June 9, 2022)
- [MOEq FAQs](#)
- [USED MOEq website](#)
- [USED MOEq webinar](#) and [slide deck](#) (June 9, 2022)

What is Maintenance of Equity (MOEq)?

- MOEq is a set of new fiscal equity requirements in ARP ESSER. Specifically, MOEq ensures the following:
 - An LEA does not disproportionately reduce State and local per-pupil funding in high-poverty schools.
 - An LEA does not disproportionately reduce the number of full-time-equivalent (FTE) staff per-pupil in high-poverty schools.

What MOEq requirements apply to an LEA?

- Under section 2004(c) of the ARP Act, as a condition of receiving ARP ESSER funds, an LEA may not, in each of **FY 2022 or 2023**—
 - Reduce combined State and local per-pupil funding for any high-poverty school (see Question 23) by an amount that exceeds the total reduction, if any, of combined State and local per-pupil funding for all schools in the LEA.
 - Reduce the number of FTE staff per-pupil in any high-poverty school by an amount that exceeds the total reduction, if any, of FTE staff per-pupil in all schools in the LEA.

Updates from USED

June 8, 2022

Reporting Requirements

- **July 8, 2022 (AOE has received an extension of this deadline to August 31, 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**

August 31, 2022, Requirements

- By August 31, 2022, the SEAs must publish:
 - The identity of each LEA excepted from MOEquity requirements for each of the following reasons:
 - Total enrollment of less than 1,000 students.
 - Operates a single school.
 - Serves all students within each grade span with a single school.
 - Has notified the SEA that is has not implemented an aggregate reduction in combined state and local per-pupil funding.
 - Was granted an exception from ED and ED informed the SEA of the exception.
 - For each LEA that is not excepted and does not maintain equity in FY 22, a list of the “high-poverty schools” in the LEA

August 31, 2022 Requirements (cont)

- 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

How will AOE collect local MOEq data?

- The AOE has developed a data collection in GMS.
 - ARP ESSER Maintenance of Equity is located under FY 23 Central Data Collections
 - Can be completed by anyone with ARP ESSER permissions, but **must be submitted by Superintendent**
- Due August 5, 2022

Are any LEAs exempt from the MOEquity requirements?

- Yes. Under section 2004(c)(2) of the ARP Act, an LEA need not maintain equity if the LEA—
 1. Has a total enrollment of less than 1,000 students;
 2. Operates a single school;
 3. Serves all students within **each** grade span with a single school; or
 4. 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 (more information on slides 47 and 48)

****LEAs must still complete the GMS Data Collection, even if they meet one of the above criteria.****

What data does an LEA need to complete the MOEq Data Collection for FY 22?

- Student enrollment data for FY21 and FY22 for the entire LEA and for each school
- Consolidated Federal Programs (CFP) School Ranking data for FY 21 and FY 22 (AOE recommended data set)
- FTE data for FY21 and FY22 for every school in the LEA (see Slides 41-43 for Definitions on Staffing Equity)
- FY21 and FY22 final, voter-approved budgets for the LEA and for each school in the LEA (recommended by AOE)

What does “fiscal year” mean when determining MOEq?

For purposes of determining MOEq, VT LEAs should use the state fiscal year when determining MOEq

	State Fiscal Year (Example)	School Year
FY 2022	July 1, 2021-June 30, 2022	2021- 2022
FY 2023	July 1, 2022-June 30, 2023	2022-2023

Exceptions Page in GMS

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EXCEPTIONS

HIGH POVERTY
SCHOOLS

DISTRICT-WIDE

GRADESPAN

DETERMINATION OF
MOEQ

EXCEPTIONAL
CIRCUMSTANCES

ASSURANCES

SUBMIT

REPORT HISTORY

REPORT PRINT

Exceptions

Under section 2004(c)(2) of the ARP Act, an LEA need not maintain equity if the LEA if any of them can answer "Yes" to any of the following questions.

Does your LEA have a total enrollment of less than 1,000 students? Yes No

Enrollment total for FY22:

Does your LEA operate a single school? Yes No

Does your LEA serve all students within each grade span with a single school? Yes No

SAVE PAGE

At what point in a fiscal year does an SEA or LEA determine whether it maintained equity?

- Each SEA and LEA must officially determine whether it maintained equity once it has final appropriated and allocated amounts that are available for current expenditures for each LEA or school, respectively, for the applicable fiscal year. (See [FAQ Questions 17 and 26.](#))

Demonstrating LEA-Level MOEq

- For the purpose of demonstrating compliance with the MOEq requirements, the AOE recommends that an LEA use:
 - allocations or budget data → in this case, the AOE recommends using voter-approved budgets

* Please Note: an LEA may choose to use actual expenditure, rather than budget data to calculate MOEq. The US Department of ED 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.

Identifying High-Poverty Schools: Technical Guidance

What is a high-poverty school?

- A “high-poverty school” is, with respect to a school served by an LEA, a school that is 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. See [FAQ 25](#)

What measures must be used to determine whether a school is high-poverty?

- AOE recommends that LEAs use their FY 21 and FY 22 Consolidated Federal Programs (CFP) Targeting and Ranking data when calculating their high-poverty schools
- Under ESEA Section 1113(a)(5), LEAs must select one of five measures of poverty to determine relative percentages of children from low-income families residing in their attendance areas. Those five measures are:
 1. Census counts of children from families below the poverty level (this is the same data used by the federal government to allocate Title I funds to districts).
 2. Counts of children eligible for free and reduced-price school meals.
 3. Counts of children whose families receive assistance under the federal welfare program Temporary Assistance for Needy Families.
 4. Counts of children eligible for Medicaid.
 5. A combination of two or more of these data sources

How does an LEA identify its high-poverty schools?

- An LEA determines its high-poverty schools using the following procedures. An LEA may elect, consistent with the statute and as shown in the following examples, to make the determination on a **districtwide basis** or by **grade span**. (See sections 2004(c)(1)(A) and (c)(2)(C) of the ARP Act.)
- In deciding which option to use to identify its high-poverty schools, an LEA might consider factors such as the total number of high-poverty students impacted, relative concentrations of poverty in schools that would be identified compared to those that would not, and whether using grade spans would capture high schools if they would not otherwise be captured.
- An LEA may choose grade span to account for varying per-pupil allocations or FTEs per-pupil by grade span (e.g., elementary schools vs high schools) that aggregate (district-wide) per-pupil allocations or FTEs across all schools might not reflect.

Identifying high-poverty schools: Step 1

- Rank each school in the LEA by its percentage of economically disadvantaged students, from highest percentage to lowest percentage, in each fiscal year. An LEA may rank its schools within the LEA as a whole or within each grade span — e.g., K-5, 6-8, 9-12.
- See Slide 24 for an example of how an LEA might rank all schools in the LEA as a whole and Slide 26 for an example of how an LEA might rank its schools by grade span.

Identifying high-poverty schools: Step 2

- Divide the total number of schools in the LEA by 4 to determine the number of schools in the highest quartile. If the result of the division is not a whole number, always round up to the nearest whole number (e.g., in Slide 24 table, 9 schools divided by 4 equals 2.25 schools, so 2.25 is rounded up to 3 schools). This is the number of schools the LEA must identify as high-poverty schools.

Identifying high-poverty schools: Step 3

- Identify the highest-poverty quartile of schools (the number of schools identified in step 2) in the LEA as high-poverty schools.
- If the LEA ranks by grade span, an LEA may first select the high-poverty school in rank order from each grade span. LEAs may determine their grade span and may use the same grade spans as for Title I Comparability. (See Slide 26)
 - If they select the grade span option, LEAs must ensure that their highest quartile for each grade span is captured. For example, if an LEA has 9 schools, then 3 schools must be identified as highest poverty.

Identifying high-poverty schools (District-wide):

Identifying high-poverty schools in an LEA as a whole (in a sample LEA with nine schools)

School	Percentage of Economically Disadvantaged Students	Grade Span	High-Poverty School?
School A	80%	Elementary	Yes
School B	75%	Elementary	Yes
School C	65%	Elementary	Yes
School G	60%	Middle	No
School I	40%	High	No
School D	35%	Elementary	No
School E	25%	Elementary	No
School H	25%	Middle	No
School F	15%	Elementary	No

High Poverty (District-Wide Option)

OVERVIEW	CONTACT INFORMATION	EXCEPTIONS	HIGH POVERTY SCHOOLS	DISTRICT-WIDE	GRADES PAN	DETERMINATION OF MOEQ	EXCEPTIONAL CIRCUMSTANCES	ASSURANCES	SUBMIT	REPORT HISTORY	REPORT PRINT
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High Poverty Schools

A "high-poverty school" is, with respect to a school served by an LEA, a school that is in the highest quartile of schools served by the LEA based on the percentage of economically disadvantaged students in the school.

Please refer to the [link TBD](#) for instructions on how to determine which of your schools are high-poverty schools.

Please Note: An LEA must decide if it will determine its high-poverty schools on a district-wide basis or by grade span. Once it makes that determination, it will use the **same approach** to determine fiscal and staffing equity in subsequent pages in this data collection.

Which method did the LEA use to determine its high-poverty schools (See sections 2004(c)(1)(A) and (c)(2)(C) of the ARP Act)?

District-wide basis
 Grade span

Please list your high-poverty schools below and provide their total enrollment in FY21 and FY22.

Name of School:	Happy Valley Elementary
Total Enrollment FY21:	500
Total Enrollment FY22:	501
Name of School:	Bob's School of Best Burgers
Total Enrollment FY21:	365
Total Enrollment FY22:	348
Name of School:	Roger and Hammerstein's Pirate King Academy
Total Enrollment FY21:	13
Total Enrollment FY22:	12

ADD ANOTHER SCHOOL

SAVE PAGE

Identifying high-poverty schools (Grade Span):

Identifying high-poverty schools by grade span in an LEA

School	Percentage of Economically Disadvantaged Students	Elementary Grade Span	Middle Grade Span	High School Grade Span	High-Poverty School
School A	80%	X			Yes
School B	75%	X			No
School C	65%	X			No
School D	35%	X			No
School E	25%	X			No
School F	15%	X			No
School G	60%		X		Yes
School H	25%		X		No
School I	40%			X	Yes

High Poverty Schools (Grade Span Option)

Which method did the LEA use to determine its high-poverty schools (See sections 2004(c)(1)(A) and (c)(2)(C) of the ARP Act)?

- District-wide basis
- Grade span

Please list your high poverty schools in **each** of their grade spans. An LEA may make its own grade span determination (for example, they may wish to follow the same determinations as those they use for Title I comparability), but must ensure that a quarter of their total number of schools is represented (see [Summary and Technical guidance, slides 18-23](#)).

If your LEA only has one school that serves a particular grade span, that school automatically becomes the high-poverty school for that grade span.

If your LEA does not have a school that serves one of the grade spans, then the AOE recommends that the LEA use the district-wide approach instead of the grade span approach when making your MOEq determination.

Name of School:

Grade Span Served:

Total Enrollment FY21:

Total Enrollment FY22:

Name of School:

Grade Span Served:

Total Enrollment FY21:

Total Enrollment FY22:

Name of School:

Grade Span Served:

Total Enrollment FY21:

Total Enrollment FY22:

[ADD ANOTHER SCHOOL](#)

Note on MOEq for districts with only one school serving a grade span

- Example: your LEA has only one high-school
 - That school is automatically your high-poverty school for that grade span
 - That grade span automatically passes the MOEq fiscal and staffing equity test for that grade span (you will compare that school to itself)
 - *you may still fail the MOEq test in other grade spans

Determination of Fiscal Equity

Which funding sources must an LEA include when determining its per-pupil funding for the purposes of maintaining fiscal equity?

- When determining whether it maintained fiscal equity, an LEA includes all sources of State and local funds the LEA has available for current expenditures for free public education. (See section 8101(12) of the ESEA.)
- Current expenditures *do not include* dedicated funds for capital outlays and debt service.
- Moreover, local fiscal MOEq considers the use of local and State funding sources only. Therefore, an LEA *may not include* Federal funds or support from private donors, such as charitable contributions that corporations or individuals make to elementary and secondary education.
- The LEA must use consistent funding sources from year to year and document its sources of data.

What enrollment data may an LEA rely on when determining its per-pupil amount of funding for high poverty schools?

- To determine the per-pupil amount for each fiscal year, an LEA may use the most appropriate available enrollment data for the applicable fiscal year, which could be the same enrollment data it relied on to distribute or allocate funds for the applicable fiscal year.
 - For the purposes of this report, the AOE recommends that the LEA use its [DC-6 enrollment data](#). Please Note: LEAs should not include their preK enrollment.

How does an LEA determine whether it maintained fiscal equity for its high-poverty schools?

District-wide Determination

Examples	Per-pupil Reduction in State and Local Funds across All Schools in the LEA	High-poverty School 1 Per-pupil Reduction	High-poverty School 2 Per-pupil Reduction	High-poverty School 3 Per-pupil Reduction
Example 1	\$0	FY21 Per-Pupil Amount: \$23,000 FY22 Per-Pupil Amount: \$23,000 Per-Pupil Reduction: \$0	FY21 Per-Pupil Amount: \$24,050 FY22 Per-Pupil Amount: \$24,000 Per-Pupil Reduction: \$50	FY21 Per-Pupil Amount: \$25,050 FY22 Per-Pupil Amount: \$25,000 Per-Pupil Reduction: \$50
Example 2	\$50	FY21 Per-Pupil Amount: \$25,150 FY22 Per-Pupil Amount: \$25,000 Per-Pupil Reduction: \$150	FY21 Per-Pupil Amount: \$26,150 FY22 Per-Pupil Amount: \$26,050 Per-Pupil Reduction: \$100	FY21 Per-Pupil Amount: \$27,150 FY22 Per-Pupil Amount: \$27,100 Per-Pupil Reduction: \$50
Example 3	\$100	FY21 Per-Pupil Amount: \$20,000 FY22 Per-Pupil Amount: \$19,900 Per-Pupil Reduction: \$100	FY21 Per-Pupil Amount: \$19,000 FY22 Per-Pupil Amount: \$18,900 Per-Pupil Reduction: \$100	FY21 Per-Pupil Amount: \$22,000 FY22 Per-Pupil Amount: \$21,925 Per-Pupil Reduction: \$75

- Determine the per-pupil reduction of State and local funding, if any, for FY 2022 in the LEA as a whole:
 - State and local per-pupil amount for FY 2022
 - State and local per-pupil amount for FY 2021
 - State and local per-pupil reduction in State and local funds, if any, for FY 2022
- Determine the per-pupil reduction of State and local funding, if any, for FY 2022 for each high-poverty school in the LEA.
 - High-poverty school per-pupil amount for FY 2022
 - High-poverty school per-pupil amount for FY 2021
 - High-poverty school per-pupil reduction in State and local funds, if any, for FY 2022
- Compare the per-pupil reduction, if any, for each high-poverty school (step 2c above) with the per-pupil reduction in State and local funds to all schools in the LEA (step 1c above). If any high-poverty school receives a reduction in the per-pupil amount of State and local funds that is greater than the amount in step 1c, the LEA has not maintained fiscal equity under section 2004(c)(1)(A) of the ARP Act for FY 2022 with respect to that high-poverty school.

District-wide Fiscal/Staffing Equity (District-wide): Step 1

OVERVIEW	CONTACT INFORMATION	EXCEPTIONS	HIGH POVERTY SCHOOLS	DISTRICT-WIDE	GRADESPAN	DETERMINATION OF MOEQ	EXCEPTIONAL CIRCUMSTANCES	ASSURANCES	SUBMIT	REPORT HISTORY	REPORT PRINT
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District-Wide

Under section 2004(c) of the ARP Act, as a condition of receiving ARP ESSER funds, an LEA may not, in each of FY2022 or 2023, reduce combined state and local per-pupil funding or FTE staff for any high-poverty school by an amount that exceeds the total reduction, if any, of combined state and local per-pupil funding or FTE staff for all schools in the LEA.

In this section, you will use your FY21 and FY22 final, voter-approved budgets and FTE staffing levels to compare per pupil spending and FTE staff across your schools. Please refer to the instructions on calculating fiscal and staffing equity.

Determining Fiscal and Staffing Equity - District-Wide Basis

Step 1: What were the per-pupil reduction of state and local funding and FTE staff, if any, for FY2022 in the LEA as a whole?

	FY22	FY21	Reduction, if any
State and local per-pupil amount	\$ 1,000.00	\$ 1,005.00	\$ 5.00
Districtwide FTE per-pupil	564.3	563.9	0

District-wide Fiscal/Staffing Equity (District-wide): Step 2

Determining Fiscal and Staffing Equity - District-Wide Basis

Step 1: What were the per-pupil reduction of state and local funding and FTE staff, if any, for FY2022 in the LEA as a whole?

	FY22	FY21	Reduction, if any
State and local per-pupil amount	\$ 1,000.00	\$ 1,005.00	\$ 5.00
Districtwide FTE per-pupil	564.3	563.9	0

Step 2: What was the per-pupil reduction of state and local funding and FTE staff, if any, for FY2022 for each high-poverty school listed on the High Poverty Schools page?

School Name	State and local per-pupil amount			Districtwide FTE per-pupil		
	FY22	FY21	Reduction, if any	FY22	FY21	Reduction, if any
Umbrella Academy	\$ 555.00	\$ 222.00	\$ 0.00	222	555	333 FAIL
Big Jimmy's Pizza Pie Academy	\$ 1,001.00	\$ 1,003.00	\$ 2.00	226	225	0
Timmy Chalamet's Academy of Performing Arts	\$ 1,500.00	\$ 1,508.00	\$ 8.00 FAIL	15	17	2 FAIL
	\$	\$	\$ 0.00			0

District-wide Fiscal/Staffing Equity (District-wide): Step 3

Step 2: What was the per-pupil reduction of state and local funding and FTE staff, if any, for FY2022 for each high-poverty school listed on the High Poverty Schools page?

School Name	Districtwide per pupil funding			Districtwide FTE per-pupil		
	FY22	FY21	Reduction, if any	FY22	FY21	Reduction, if any
Umbrella Academy	\$ 555.00	\$ 222.00	\$ 0.00	222	222	0
Big Jimmy's Pizza Pie Academy	\$ 1,001.00	\$ 1,003.00	\$ 2.00	226	225	0
Timmy Chalamet's Academy of Performing Arts	\$ 1,500.00	\$ 1,500.00	\$ 0.00	15	15	0
Another School	\$ 2,500.00	\$ 2,000.00	\$ 0.00	6	6	0

Step 3: Compare the per-pupil reduction, if any, for each high-poverty school with the per-pupil reduction in state and local funds and FTE staff for all schools in the LEA (step 1 above).

If any high-poverty school in any grade span receives a reduction in the per-pupil amount of state and local funds or FTE staff (Step 2) that is greater than the amount in step 1, the LEA has not maintained fiscal or staff equity under section 2004(c)(1)(A) of the ARP Act for FY2022 with respect to that high-poverty school.

Conclusion: The data you have entered has resulted in a determination that the LEA **did not** fail to maintain fiscal or staff equity for at least one of its high-poverty schools in FY22.

SAVE PAGE

How does an LEA determine whether it maintained fiscal equity for its high-poverty schools?

Grade Span Determination

1. Determine the per-pupil reduction of State and local funding, if any, for FY 2022 in each grade span of the LEA:
 - **State and local per-pupil amount for FY 2022**
 - **State and local per-pupil amount for FY 2021**
 - **State and local per-pupil reduction in State and local funds, if any, for FY 2022**
2. Determine the per-pupil reduction of State and local funding, if any, for FY 2022 for each high-poverty school in the respective grade span of the LEA.
 - **High-poverty school per-pupil amount for FY 2022**
 - **High-poverty school per-pupil amount for FY 2021**
 - **High-poverty school per-pupil reduction in State and local funds, if any, for FY 2022**
3. Compare the per-pupil reduction, if any, for each high-poverty school (step 2c above) with the per-pupil reduction in State and local funds for all schools in that grade span (step 1c above). If any high-poverty school in any grade span receives a reduction in the per-pupil amount of State and local funds that is greater than the amount in step 1c for that grade span, the LEA has not maintained fiscal equity under section 2004(c)(1)(A) of the ARP Act for FY 2022 with respect to that high-poverty school.

District-wide Fiscal/Staffing Equity

Grade Span: Steps 1 and 2

First Gradespan:

Step 1: What was the per-pupil reduction of state and local funding and FTE staff, if any, for FY2022 in this gradespan of the entire LEA?

First Gradespan	FY22	FY21	Reduction, if any
Districtwide per pupil funding \$	<input type="text" value="100.00"/>	<input type="text" value="106.00"/>	<input type="text" value="\$ 6.00"/>
Districtwide FTE per pupil	<input type="text" value="100"/>	<input type="text" value="99"/>	<input type="text" value="0"/>

Step 2: What was the per-pupil reduction of state and local funding and FTE staff, if any, for FY2022 for each high-poverty school in this gradespan listed on the High Poverty Schools page?

First Gradespan	Districtwide per pupil funding			Districtwide FTE per-pupil			
	School Name	FY22	FY21	Reduction, if any	FY22	FY21	Reduction, if any
	Umbrella Academy	<input type="text" value="\$ 456.00"/>	<input type="text" value="\$ 457.00"/>	<input type="text" value="\$ 1.00"/>	<input type="text" value="23"/>	<input type="text" value="42"/>	<input type="text" value="19"/>
							FAIL

District-wide Fiscal/Staffing Equity (Grade Span: Step 3)

Step 2: What was the per-pupil reduction of state and local funding and FTE staff, if any, for FY2022 for each high-poverty school in this gradespan listed on the High Poverty Schools page?

Third Gradespan	Per Pupil Funding			FTE Per Pupil			
	School Name	FY22	FY21	Reduction, if any	FY22	FY21	Reduction, if any
	Big Gregor's Meatball Sub memorial High School	\$ 221.00	\$ 222.00	\$ 1.00	95	96	1 FAIL

Step 3: Compare the per-pupil reduction, if any, for each high-poverty school with the per-pupil reduction in state and local funds and FTE staff for all schools in the gradespan (step 1 above).

If any high-poverty school in any grade span receives a reduction in the per-pupil amount of state and local funds or FTE staff (Step 2) that is greater than the amount in step 1 for that gradespan, the LEA has not maintained fiscal or staff equity under section 2004(c)(1)(A) of the ARP Act for FY2022 with respect to that high-poverty school.

Conclusion: The data you have entered has resulted in a determination that the LEA **did** fail to maintain fiscal or staffing equity for at least one of its high-poverty schools in FY22.

SAVE PAGE

Maintenance of Staffing Equity

How does an LEA determine which FTEs to include when determining whether the LEA maintained staffing equity?

- Under section 2004(c)(1)(B) of the ARP Act, an LEA must maintain staffing equity in any high-poverty school. Each LEA must include all paid staff, both instructional and non-instructional when determining whether it maintained staffing equity on an FTE basis. This would include all employees and those hired by contract who perform school-level services.
- LEAs may refer to the [ESSER APR Accounting Guide](#) (pages 7-10) for FTE staffing data, but;
 - LEAs will also need to include contracted staff using Obj/Funct codes 300 and 500 for school level services. The AOE recommends that LEAs pick a point in time and be consistent across years.

How does an LEA determine which FTEs to include when determining whether the LEA maintained staffing equity (cont)?

- An LEA includes staff who split their time between more than one school building in the LEA. For example, if a districtwide literacy coach supports teachers in two different schools, the LEA must include the proportional FTE for each school.
- In addition to the required MOEq determination for staffing in GMS, USED states that, “An LEA is also encouraged to consider equity in terms of its overall staffing budget, which may include considering the qualifications and level of experience of staff in its high-poverty schools compared to other schools” ([FAQ 28](#))

Must an LEA account for changes in staffing or enrollment during the school year?

- An LEA determines whether it maintains staffing equity **once both enrollment data and staffing decisions are final** for a specific school year.
- Once an LEA has determined whether it has maintained staffing equity for each of its high-poverty schools, if there are unpredictable changes in student enrollment or personnel assignments later in the school year, the LEA does not have to redetermine staffing equity. LEAs should make every effort to ensure staffing equity is maintained throughout the school year.

How does an LEA determine whether it maintained staffing equity for its high-poverty schools?

District-wide determination

- Determine the per-pupil reduction in FTEs, if any, for FY 2022 in the LEA as a whole:
 - Districtwide FTE per-pupil for FY 2022
 - Districtwide FTE per-pupil for FY 2021
 - Districtwide per-pupil FTE reduction, if any, for FY 2022
- Determine the per-pupil reduction of FTEs for each high-poverty school for FY 2022.
 - High-poverty school FTE per-pupil for FY 2022
 - High-poverty school FTE per-pupil for FY 2021
 - High-poverty school FTE per-pupil reduction, if any, for FY 2022
- Compare the per-pupil FTE reduction, if any, for each high-poverty school (step 2c above) with the per-pupil FTE reduction across all schools in the LEA (step 1c above). If any high-poverty school has a per-pupil FTE reduction (step 2c) that is greater than the per-pupil FTE reduction across the LEA (step 1c), then the LEA has not maintained staffing equity under section 2004(c)(1)(B) of the ARP Act for FY 2022.

Examples	Per-pupil FTE Reduction across All Schools in the LEA	High-poverty School 1 Per-pupil FTE Reduction	High-poverty School 2 Per-pupil FTE Reduction	High-poverty School 3 Per-pupil FTE Reduction
Example 1	0	FY21 FTEs Per-Pupil: .50 FY22 FTEs Per-Pupil: .50 Per-Pupil Reduction: 0	FY21 FTEs Per-Pupil: .075 FY22 FTEs Per-Pupil: .050 Per-Pupil Reduction: .025	FY21 FTEs Per-Pupil: .050 FY22 FTEs Per-Pupil: .040 Per-Pupil Reduction: .01
Example 2	.05	FY21 FTEs Per-Pupil: .075 FY22 FTEs Per-Pupil: .015 Per-Pupil Reduction: .06	FY21 FTEs Per-Pupil: .15 FY22 FTEs Per-Pupil: .05 Per-Pupil Reduction: .10	FY21 FTEs Per-Pupil: .05 FY22 FTEs Per-Pupil: .045 Per-Pupil Reduction: .005
Example 3	.05	FY21 FTEs Per-Pupil: .30 FY22 FTEs Per-Pupil: .25 Per-Pupil Reduction: .05	FY21 FTEs Per-Pupil: .40 FY22 FTEs Per-Pupil: .36 Per-Pupil Reduction: .04	FY21 FTEs Per-Pupil: .20 FY22 FTEs Per-Pupil: .16 Per-Pupil Reduction: .04

How does an LEA determine whether it maintained staffing equity for its high-poverty schools?

Grade Span determination

1. Determine the per-pupil reduction in FTEs, if any, for FY 2022 in each grade span served by the LEA:
 - **Districtwide FTE per-pupil for FY 2022**
 - **Districtwide FTE per-pupil for FY 2021**
 - **Districtwide per-pupil FTE reduction, if any, for FY 2022**
2. Determine the per-pupil FTE reduction, if any, for FY 2022 for each high-poverty school in the LEA.
 - **High-poverty school FTE per-pupil for FY 2022**
 - **High-poverty school FTE per-pupil for FY 2021**
 - **High-poverty school FTE per-pupil reduction, if any, for FY 2022**
3. Compare the per-pupil FTE reduction, if any, for each high-poverty school (step 2c above) for that grade span with the per-pupil FTE reduction across that grade span (step 1c above). If any high-poverty school in any grade span has a per-pupil FTE reduction (step 2c) that is greater than the per-pupil FTE reduction for that grade span (step 1c), the LEA has not maintained staffing equity for that grade span under section 2004(c)(1)(A) of the ARP Act for FY 2022.

Determination of MOEq

What happens if an LEA does not meet MOEq?

- An LEA must meet **both** fiscal **and** staffing MOEq in FY 22 and FY 23.
- If an LEA does not meet MOEq, they may meet the criteria for an exceptional circumstance waiver.
- If they do not meet these criteria, USED has stated that “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.”

Exceptional Circumstances

1. An LEA may demonstrate that it is excepted from the MOEquity requirements for FY 2022 by certifying that it did not and will not implement an aggregate reduction in combined State and local per-pupil funding in FY 2022 (i.e., is not facing overall budget reductions) (see [Appendix B in FAQs](#)) → submit to AOE for certification.
2. Submit request for exceptional or uncontrollable circumstance to USED. Some examples include ([FAQ 32](#)):
 1. A very small school where the MOEquity calculations do not result in meaningful information about resource availability
 2. Increased one-time expenditures in the baseline year (FY 21) due to the pandemic
 3. 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

How can SEAs and LEAs ensure transparency about MOEquity?

Each LEA should consider making publicly available data and information such as:

1. Which schools are identified as high-poverty schools in the LEA and demographic information for each such school compared to the entire LEA;
2. The per-pupil amount of funding for each high-poverty school in the LEA in FYs 2021, 2022 and 2023;
3. The per-pupil amount of funding in the aggregate for all schools in the LEA in FYs 2021, 2022 and 2023;
4. The per-pupil number of FTEs for each high-poverty school in the LEA in FYs 2021, 2022 and 2023;
5. The per-pupil number of FTEs in the aggregate for all schools in the LEA in FYs 2021, 2022 and 2023; and
6. Whether the LEA did not maintain equity for any high-poverty school in FY 2022 or 2023.

Next Steps/Resources

- AOE will hold [weekly office hours](#) on Thursdays 10-11 through August 4.
 - LEAs are encourage to bring questions and work in real time as they complete this data collection.
- Please direct all MOEq questions to Jill Briggs Campbell to ensure timely and coordinated responses.
- Thank you for your partnership!

Questions?