

ARP ESSER LEA Maintenance of Equity Summary Report

Fiscal Year 2022

Publication Date: August 31, 2022

Issued by the Vermont Agency of Education pursuant to the American Rescue Plan Act
Section 2004(c)(2)



Background

Maintenance of Equity is a set of [new fiscal equity requirements](#) in ARP ESSER. Specifically, MOEq ensures the following:

- An LEA (called an SU/SD in Vermont) does not disproportionately reduce State and local per-pupil funding in high-poverty schools.
- An SU/SD does not disproportionately reduce the number of full-time-equivalent (FTE) staff per-pupil in high-poverty schools.

On June 8, 2022, the US Department of Education released [final reporting requirements](#) and the Agency of Education (AOE) requested an extension to the July 8, 2022, deadline to ensure that SU/SDs had adequate time to calculate whether their SU/SD had maintained equity in FY 2022. The new deadline for reporting is August 31, 2022 and the AOE is required to post the following information:

- The identity of each SU/SD 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 AOE that it has not implemented an aggregate reduction in combined state and local per-pupil funding.
 - Was granted an exception from the U.S. Department of Education due to an exceptional or uncontrollable circumstance.
- For each SU/SD that is not excepted and does not maintain equity in FY 22, a list of the “high-poverty schools” in the SU/SD.
- A description of how the AOE will ensure that each SU/SD that is not excepted from SU/SD-level maintenance of equity requirements is maintaining equity in its high-poverty schools. This description should include information on:
 - when the AOE will determine SU/SDs are not compliant; and
 - the date that the AOE will require non-compliant SU/SDs to describe what adjustments the SU/SD will make to be in compliance prior to the start of the next school year.

Please note: in FY 22, none of the SU/SDs that completed their ARP ESSER MOEq Report failed to maintain equity. Therefore, the AOE will not have information related to the last two bullets.

Process for collecting and reporting FY 22 SU/SD MOEq data collection

To support these reporting requirements, the AOE created a data collection tool in the Grants Management System (GMS), which opened on July 15, 2022. SU/SDs were required to complete the ARP ESSER Fiscal Year 22 (FY 22) Maintenance of Equity report by August 5, 2022. The AOE provided [training webinars and resources](#), along with weekly office hours and technical assistance calls.

SU/SDs were first asked to determine if they were exempted from MOEq. SU/SDs that had a total student population of less than 1000, consisted of only a single school, or serves all students within each grade span with a single school were exempted (see [Table 2](#)).

SU/SDs that did not meet these exemption requirements were required to test whether they had maintained equity in FY 22. These SU/SDs were first identified their high-poverty schools. Per the U.S. Department of Education, a “high-poverty school” is... “with respect to a school served by an SU/SD, a school that is in the highest quartile of schools served by the SU/SD based on the percentage of economically disadvantaged students in the school.”

SU/SDs were then asked to test their district-wide (at the Supervisory Union or Supervisory District-level) per pupil spending (fiscal equity) and staffing per pupil (staffing equity). They did so by calculating their state and local spending at the SU/SD-level against each of their high-poverty schools. Per the U.S. Department of Education, SU/SDs were directed to use only their state and local funds (eliminating any non-recurring, discretionary grants or appropriations) and could select either their voter-approved budgets or their actual expenditures in FY 21 and FY 22 to determine if there was a reduction in spending or staffing.

If an SU/SD reduced combined State and local per-pupil funding for any high-poverty school between FY 21 and FY 22 by an amount that exceeds the total reduction, if any, of combined State and local per-pupil funding for all schools in the SU/SD then that SU/SD failed to maintain fiscal equity.

If an SU/SD reduced the number of FTE staff per-pupil in any high-poverty school between FY 21 and FY 22 by an amount that exceeds the total reduction, if any, of FTE staff per-pupil in all schools in the SU/SD, then that SU/SD failed to maintain staffing equity.

However, the U.S. Department of Education acknowledges that many SU/SDs face ongoing budgetary, workforce and enrollment impacts due to COVID-19. SU/SDs who failed to maintain fiscal or staffing equity were able to either certify to the AOE that it “...did not and will not implement an aggregate reduction in combined State and local per-pupil funding in FY 2022,” ([Appendix B of the Frequently Asked Questions ARP ESSER Maintenance of Equity Requirements](#)) or request a waiver from the U.S. Department of Education due to exceptional circumstances (some examples of which are provided in [Question 32](#)). A summary of SU/SDs who have certified to the AOE or sought a waiver from the U.S. Department of Education is provided in [Table 3](#).

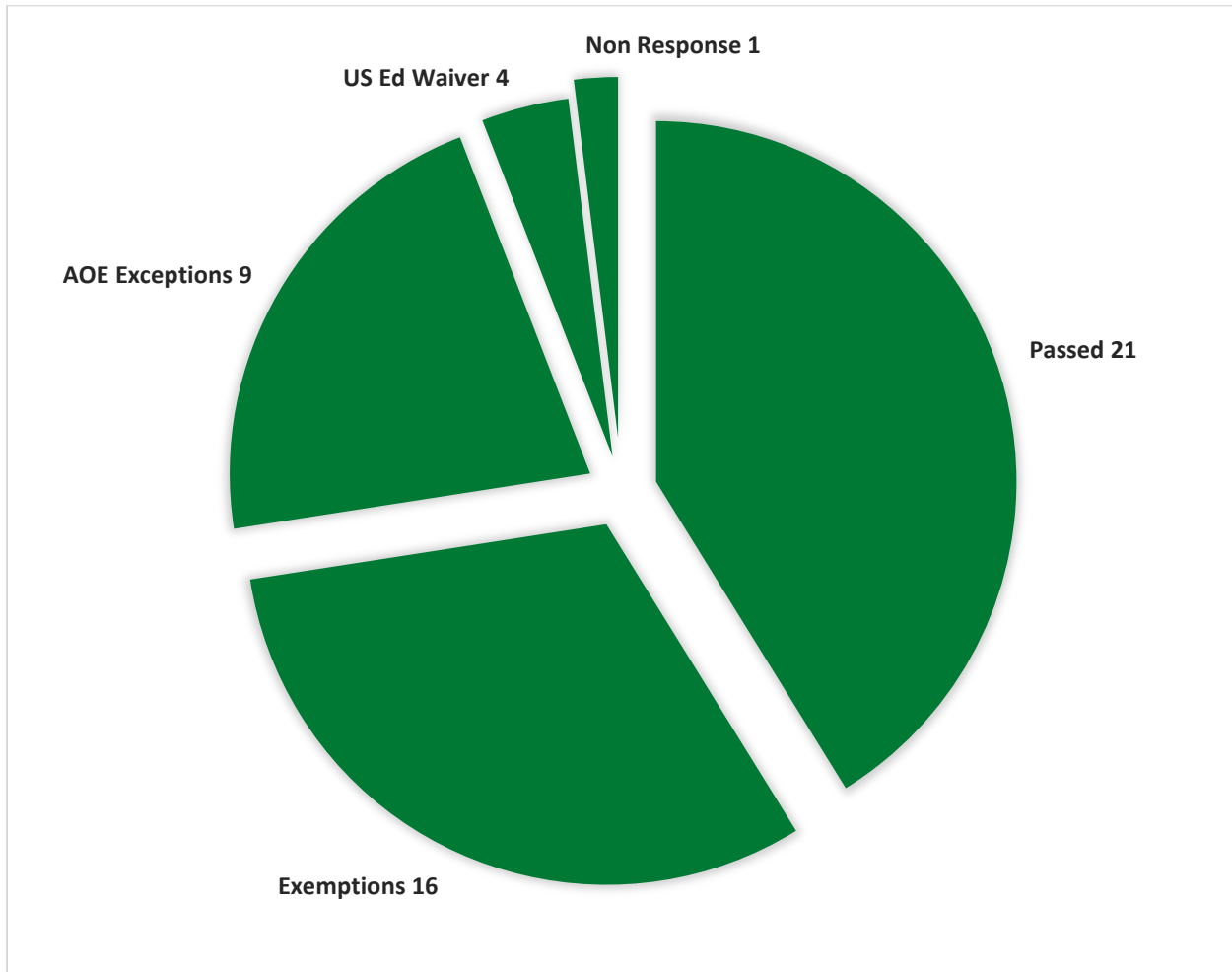
Summary

By August 31, all but one SU/SD submitted their ARP ESSER FY 22 Maintenance of Equity report in GMS. [Graph 1](#) provides a summary of the results of the report. SU/SDs that qualified for an exemption, and the reason for the exemption, are listed in [Table 2](#). SU/SDs that failed to maintain equity in FY 22, but have either certified to the AOE that, “... they did not and will not implement an aggregate reduction in combined State and local per-pupil funding in FY 2022,”

or will seek a waiver for an exceptional circumstance from the U.S. Department of Education are listed in [Table 3](#).

Per 2004(c)(2) of the ARP Act all of the SU/SDs that completed their ARP ESSER Maintenance of Equity report as of August 31, 2022, have maintained equity in FY 22.

Graph 1: Summary of FY 22 SU/SD MOEq Reporting



Data Table 1: Summary of FY 22 MOEq Reporting

Reporting Result	Number of SU/SDs
Passed	21
Exemptions	16
AOE Certifications	9
US Ed Waivers	4
Non Response	1

Exemptions

Under section 2004(c)(2) of the ARP Act, an SU/SD need not maintain equity if the SU/SD:

- Has a total enrollment of less than 1,000 students;
- Operates a single school; or
- Serves all students within each grade span with a single school

Table 2: Summary of SU/SD exemptions

ORG ID	SU/SD	Reason for Exemption
S035	Orleans Southwest SU	Enrollment of less than 1000 students
S046	Windham Central SU	Enrollment of less than 1000 students
S063	Two Rivers SU	Enrollment of less than 1000 students
U052	Mill River Unified Union School District	Enrollment of less than 1000 students
S024	Grand Isle	Enrollment of less than 1000 students
U059	Orange Southwest UUSD	Enrollment of less than 1000 students
U054	Addison Northwest	Enrollment of less than 1000 students
T179	St. Johnsbury SD	Enrollment of less than 1000 students
S047	Windham Northeast SU	Enrollment of less than 1000 students
S019	Essex North exception	Enrollment of less than 1000 students
U146	Rivendell Interstate School District	Enrollment of less than 1000 students
S049	Windham Southwest	Enrollment of less than 1000 students
T145	Norwich SD	Operates a single school, Enrollment of less than 1000 students
T249	Winooski SD	Operates a single school, Enrollment of less than 1000 students
T126	Milton SD	Serves all students within each grade span at a single school
T193	Springfield SD	Serves all students within each grade span at a single school

Exceptional Circumstances or AOE Certifications

Under section 2004(c)(2) of the ARP Act, the U.S. Department of Education does regard an SU/SD as failing to maintain equity if the SU/SD demonstrates an exceptional or uncontrollable circumstance, such as unpredictable changes in student enrollment or a precipitous decline in the financial resources of the SU/SD as determined by the Secretary. All Vermont SU/SDs that had a reduction in staffing or spending that was greater in one or more high-poverty schools has either submitted a certification to the AOE or for a waiver to the U.S. Department of Education.

Of the four SU/SDs that submitted a waiver to the U.S. Department of Education, all four identified that fluctuations in enrollment due to COVID-19 at very small schools (less than 200 students), "...where the MOEquity calculations do not result in meaningful information about resource availability" were the cause of a reduction in either per pupil spending or staffing per pupil between FY 21 and FY 22.

Table 3: Summary of SU/SDs with U.S. Department of Education Exceptional Circumstances waiver requests or AOE Certifications

ORG ID	SU/SD	Reason for Exemption
U071	Montpelier Roxbury School District	AOE Certifications / US Ed Exceptional Circumstances
U060	Harwood Unified Union School District	AOE Certifications / US Ed Exceptional Circumstances
S022	Franklin West SU	AOE Certifications / US Ed Exceptional Circumstances
S006	Bennington Rutland	AOE Certifications / US Ed Exceptional Circumstances
U062	Slate Valley Modified UUSD	AOE Certifications / US Ed Exceptional Circumstances
T050	Colchester SD	AOE Certifications / US Ed Exceptional Circumstances
S051	Windsor Central	AOE Certifications / US Ed Exceptional Circumstances
S031	North Country SU	AOE Certifications / US Ed Exceptional Circumstances

T037	Burlington SD	AOE Certifications / US Ed Exceptional Circumstances
U092	Washington Central UUSD	US Department of Education Waiver
S009	Caledonia Central SU	US Department of Education Waiver
S030	White River Valley	US Department of Education Waiver
U064	Kingdom East UUSD	US Department of Education Waiver

Future Required Reporting by the Agency of Education and SU/SDs

- November 1, 2022 – The AOE must publish SU/SD exemptions and identify high-poverty schools for fiscal year 2023
- December 31, 2022 – The AOE must publish applicable SU/SD high-poverty school data for FY 2022 [Please note: the AOE will likely not have reporting requirements because only SU/SDs that fail to maintain equity are required to report this data to the AOE for FY 22]
- Spring-Summer 2023 – SU/SDs will submit the ARP ESSER FY 23 Maintenance of Equity report to the AOE.
- December 31, 2023 – The AOE must publish applicable SU/SD high-poverty school data for FY 2023