

Additional LEA MoEquity Supplemental FAQs

(SOURCE: *USED MoEquity Office Hours*)

LEA Exceptions

For **FY 2022 MOEquity determinations**, the Department recognizes that LEAs may face certain one-time implementation challenges due to the enactment of the ARP Act in March 2021—when LEA budgeting was already underway in many places—and the impact of the pandemic that has resulted in significant ongoing uncertainty about school-level enrollment for the 2021-2022 school year. Therefore, an LEA experiencing these circumstances may demonstrate that it is excepted from the MOEquity requirements for FY 2022 by certifying to the Department 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). (*Updated FAQ 32*)

An LEA that certifies it will not implement an aggregate reduction in combined State and local per-pupil funding in FY 2022 in order to demonstrate an “exceptional or uncontrollable circumstance” must complete the Certification of Exception from Local MOEquity Requirements in Appendix B to the updated FAQs and submit the certification to its SEA. Each SEA should keep on file the Appendix B certifications submitted by LEAs. In the near future, the Department will notify SEAs on how to report this information about exceptions.

Otherwise, each claim of exception will require a case-by-case review by the Department. For example, an “exceptional or uncontrollable circumstance” might include an “exceptional circumstance” such as increased one-time expenditures in the baseline year (school year 2020-2021) due to the pandemic or a very small school where the MOEquity calculations do not result in meaningful information about resource availability, or an “uncontrollable circumstance” such as 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.

An LEA that can demonstrate an exceptional or uncontrollable circumstance should submit a request to its State mailbox [State.oese@ed.gov] and copy the appropriate SEA officials for awareness. (*Updated FAQ 32*)

Must an LEA be consistent in determining MOEquity on a districtwide basis or by grade span for both fiscal and staffing equity in both fiscal years 2022 and 2023?

Each LEA may determine whether to analyze MOEquity by grade span or districtwide. An LEA may alternate between conducting its MOEquity analyses on a districtwide or grade span basis from year to year. An LEA may also decide to use a different unit of analysis for its fiscal equity and staffing tests, if there are truly meaningful differences in how it allocates and distributes resources and staffing.

How should an LEA account for school openings or closures when analyzing MOEquity?

An LEA should not identify a new school as one of its high-poverty or high-need schools because it would have no data with which to complete the MOEquity analysis. An LEA should also exclude schools that are closed from its MOEquity analysis.

Does an exception to the local Maintenance of Equity requirements apply to both the fiscal and staffing analysis?

Yes. If an LEA is excepted from local Maintenance of Equity, the LEA is not required to maintain either fiscal or staffing equity for that year.

How may an SEA or LEA determine enrollment for purposes of calculating per-pupil funding levels?

To determine the per-pupil amount for each fiscal year, an SEA or 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. These data may include, among other data, its prior year enrollment data, an average of multiple prior years' enrollment, or projected enrollment data for the next fiscal year. (*New FAQs 19(a), 27(a)*)

If a student with disabilities requires 1-1 staffing, and the student leaves a protected school, is the LEA required to maintain the increased staffing level for that school?

An LEA may seek an exception for "exceptional or uncontrollable circumstances." An "uncontrollable circumstance" could include 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.

What staff should LEAs account for when defining the staffing ratio requirement? Should an LEA include school site administrators or contracted staff, as well as teachers, when determining staffing equity?

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. 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. (Question 28 Updated FAQs)