



Local Educational Agency (LEA) Local Maintenance of Equity Exception Process

What LEAs are excepted from maintenance of equity?

Under section 2004(c)(2) of the ARP Act, an LEA is excepted from the local maintenance of equity requirements 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. Please see [FAQ 32](#) for additional information on this exception, including unique circumstances for the 2021-2022 school year that may apply to your LEAs.

If an LEA has an exception from maintaining equity, it does not need to identify high-poverty schools. However, a State must report State-level maintenance of equity data for all LEAs, even those that are excepted from local maintenance of equity requirements.

How to submit an LEA exception request? (Scenarios A, B, or C)

- A) An LEA that falls under the first three exceptions (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) is automatically excepted from local maintenance of equity requirements. The LEA does not need to submit a Certification of Exception from Local Maintenance of Equity Requirements; however, the LEA should maintain documentation that the LEA is excepted from the local maintenance of equity requirements. This documentation should be shared with the SEA for further monitoring and auditing purposes.
- B) If an LEA **did not** have an aggregate reduction in combined State and local per-pupil funding in FY2022, then the LEA has demonstrated an “exceptional or uncontrollable circumstance” and should complete the Certification of Exception from 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 U.S. Department of Education (Department). Each SEA should keep the Appendix B certifications submitted by LEAs on file. LEA certifications may be requested by the Department for monitoring and auditing purposes.

- C) If an LEA cannot demonstrate an exception through scenarios A or B above but believes it otherwise qualifies for an exception due to an “exceptional or uncontrollable circumstance,” the LEA must submit a request for exception to the Department via the State’s mailbox (*i.e.*, Alabama.oese@ed.gov) and copy the appropriate SEA officials for awareness. This request should provide detailed information on the exceptional or uncontrollable circumstance and how it prevents the LEA from maintaining equity. See FAQ 32 for more details and examples of exceptional or uncontrollable circumstances. Each claim of exception will require a case-by-case review by the Department. Once the claim has been reviewed, the Department will advise the LEA whether the exception request has been approved and copy appropriate SEA officials.