Maintenance of Equity (MOEquity) Exception Guidance for Local Education Agencies and Exempt LEAs

Updated: September 5, 2023

Section 2004 of the American Rescue Plan Act of 2021 (ARP Act) includes new maintenance of equity (MOEquity) provisions that are a condition to receive funds under the Elementary and Secondary School Emergency Relief (ESSER) Program. This new federal fiscal requirement applies to all state educational agencies (SEAs) and local educational agencies (LEAs) that receive funding under ARP ESSER. LEAs receiving ARP ESSER funds must meet two MOEquity requirements, respectively called "fiscal equity" and "staffing equity", for FY22 (school year 2021–22) and FY23 (school year 2022–23) unless otherwise excepted.

Each LEA must maintain equity for each "high-poverty school" as a condition of receiving ARP ESSER funds. Under ARP § 2004(c), for each school identified by the LEA as a high-poverty school, the LEA may not, in FY22 or FY23—

1. Reduce per-pupil funding (from combined State and local funding) by an amount that exceeds the total reduction, if any, in LEA per-pupil funding for all schools served by the LEA in such fiscal year; or
2. Reduce the number of FTE staff per-pupil by an amount that exceeds the total reduction, if any, in FTE staff per-pupil in all schools served by the LEA in such fiscal year.

As described in ARP § 2004(c)(2), LEA MOEquity shall not apply to an LEA that meets at least 1 of the following criteria:

1. Has a total enrollment of fewer than 1,000 students;
2. Operates a single school;
3. Serves all students within each grade span with a single school;
4. Are not experiencing an overall budget decrease and experiencing an "exceptional or uncontrollable" circumstance *(as determined by the Secretary of Education);*
5. Demonstrates another exceptional or uncontrollable circumstance (*determined on a case-by-case basis by the USED).**

LEAs that meet any of these characteristics for exception are exempt from both the fiscal equity test and staffing equity test.

LEAs That Meet Exception Criteria 1-3

LEAs that meet exception criteria 1-3 above are automatically exempted from MOEquity requirements for calculating fiscal or staffing equity and are not required to submit documentation to the SEA or the United State Department of Education (USDE) to claim the exception.

However, the Utah State Board of Education (USBE) advises LEAs that are automatically exempted from MOEquity requirements to maintain documentation supporting their exception claims in case it is requested during an audit or monitoring review.

LEAs That Meet Exception Criteria 4

LEAs that are not experiencing an overall budget decrease are considered to be experiencing an "exceptional or uncontrollable" circumstance as determined by the Secretary of Education.

Upon gathering further information from SEAs and LEAs, the USDE understands that many localities are still facing fluctuating school enrollments and uncertain revenue collection as a result of the pandemic, particularly tax levies or other local resources that were established well in advance of the 2022-23 school year. Given such challenges due to the pandemic, the USDE has determined that these circumstances continue to be an example of "exceptional or uncontrollable circumstances" that justify a limited exception to the local MOEquity requirements for the 2022–23 school year in instances in which the LEA is not experiencing aggregate reduction in combined State and local per pupil funding in FY 2023.

An LEA may self-certify its exception from MOEquity if it is not experiencing an overall budget decrease and is experiencing an "exceptional or uncontrollable" circumstance. An LEA may demonstrate that it is exempted from the LEA MOEquity requirements for FY22 by certifying that it did not and will not implement an aggregate reduction in combined state and local per-pupil funding in FY22 (that is, the LEA is not facing overall budget reductions).

LEAs that qualify for this exemption received notification from the USBE and are required to submit the self-certification, Attachment B form to:

Neil Stevens
neil.stevens@schools.utah.gov

LEAs That Meet Exception Criteria 5

Qualification for U.S. Department of Education Exception Based on "Exceptional or Uncontrollable Circumstances".

The U.S. Department of Education (ED) anticipates very few "exceptional or uncontrollable circumstances" that would prevent an LEA from maintaining equity. As a result, each claim of exception will require case-by- case review by ED. Demonstrating "an exceptional or uncontrollable circumstance," is defined in guidance as:

- Unpredictable changes in student enrollment,
- A precipitous decline in the financial resources of the lea, or
- One-time exemption for increased fy22 (school year 2021-22) budget.

LEAs must document the intention to apply to USDE for an exception by completing the Attachment A form and providing an explanation on LEA letterhead. The USDE will request the LEA's financial data from the USBE as part of the process for reviewing the exception request.

An LEA that chooses to apply to ED for an exception must follow these steps:

1. Notify Neil Stevens, Fiscal Monitoring Team Lead, of the LEA's intent to apply for the exception by submitting Appendix A via email to neil.stevens@schools.utah.gov.
2. Email a letter documenting the LEA's "exceptional or uncontrollable circumstances" to ED at Utah.OESE@ed.gov, copying neil.stevens@schools.utah.gov.

Utah Local Education Agencies Exempt from MOEquity

Based on available data, the USBE generated the following list of LEAs that meet at least one of exception criteria 1-4 listed above.

LEA Name	Exceptions
Academy For Math Engineering & Science (AMES)	Total enrollment of less than 1,000 students, Have only one school per grade span
Advantage Arts	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Alpine District	Are not experiencing an overall budget decrease
American Academy of Innovation	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
American Leadership Academy	Have only one school per grade span, Are not experiencing an overall budget decrease
American Preparatory Academy	Are not experiencing an overall budget decrease
Ascent Academies	Are not experiencing an overall budget decrease
Athenian eAcademy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Athlos Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Bear River	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Beaver District	Are not experiencing an overall budget decrease
Beehive Science & Technology Academy (BSTA)	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Bonneville Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Box Elder District	Are not experiencing an overall budget decrease
Bridge Elementary	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Cache District	Are not experiencing an overall budget decrease
Canyon Grove (Quail Run Primary School)	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease

Canyon Rim Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Canyons District	Are not experiencing an overall budget decrease
Carbon District	Are not experiencing an overall budget decrease
Channing Hall	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
City Academy	Total enrollment of less than 1,000 students, Have only one school per grade span
Cs Lewis Academy	Operate a single school, Have only one school per grade span
Daggett District	Total enrollment of less than 1,000 students, Are not experiencing an overall budget decrease
Davinci Academy	Have only one school per grade span, Are not experiencing an overall budget decrease
Davis District	Are not experiencing an overall budget decrease
Dixie Montessori Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Dual Immersion Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Duchesne District	Are not experiencing an overall budget decrease
Early Light Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
East Hollywood High	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Edith Bowen Laboratory School	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Emery District	Are not experiencing an overall budget decrease
Endeavor Hall	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Entheos Academy	Are not experiencing an overall budget decrease
Esperanza Elementary School	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Excelsior Academy	Total enrollment of less than 1,000 students, Have only one school per grade span
Fast Forward High	Total enrollment of less than 1,000 students, Have only one school per grade span

Franklin Discovery Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Freedom Academy	Operate a single school
Garfield District	Are not experiencing an overall budget decrease
Gateway Preparatory Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
George Washington Academy	Have only one school per grade span, Are not experiencing an overall budget decrease
Good Foundation Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Grand District	Have only one school per grade span, Are not experiencing an overall budget decrease
Granite District	Are not experiencing an overall budget decrease
Greenwood	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Guadalupe School	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Hawthorn Academy	Are not experiencing an overall budget decrease
HighMark Charter School	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Ignite Entrepreneurship	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Intech Collegiate High School	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Iron District	Are not experiencing an overall budget decrease
Itineris Early College High	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Jefferson (Oquirrh Mountain)	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
John Hancock Charter School	Total enrollment of less than 1,000 students, Have only one school per grade span
Jordan District	Are not experiencing an overall budget decrease
Juab District	Are not experiencing an overall budget decrease
Kane District	Are not experiencing an overall budget decrease

Karl G Maeser Preparatory Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Lakeview Academy	Have only one school per grade span, Are not experiencing an overall budget decrease
Leadership Academy of Utah	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Leadership Learning Academy	Total enrollment of less than 1,000 students, Are not experiencing an overall budget decrease
Legacy Preparatory Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Lincoln Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Logan City District	Are not experiencing an overall budget decrease
Lumen Scholar Institute (MyOptions)	Operate a single school, Have only one school per grade span
Mana Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Maria Montessori	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Merit College Preparatory Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Millard District	Are not experiencing an overall budget decrease
Moab Community School	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Monticello Academy	Are not experiencing an overall budget decrease
Morgan District	Are not experiencing an overall budget decrease
Mountain Heights Academy	Operate a single school, Have only one school per grade span
Mountain Sunrise	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Mountain West Montessori Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Mountainville Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Murray District	Are not experiencing an overall budget decrease

Navigator Pointe Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Nebo District	Are not experiencing an overall budget decrease
No Ut Acad For Math Engineering & Science (NUAMES)	Are not experiencing an overall budget decrease
Noah Webster Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
North Davis Preparatory Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
North Sanpete District	Are not experiencing an overall budget decrease
North Star Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
North Summit District	Have only one school per grade span, Are not experiencing an overall budget decrease
Odyssey Charter School	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Ogden City District	Are not experiencing an overall budget decrease
Ogden Preparatory Academy	Operate a single school, Have only one school per grade span
Open Classroom	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Pacific Heritage Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Paradigm High School	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Park City District	Are not experiencing an overall budget decrease
Pinnacle Canyon Academy	Total enrollment of less than 1,000 students, Have only one school per grade span
Piute District	Total enrollment of less than 1,000 students, Are not experiencing an overall budget decrease
Promontory School For Expeditionary Learning	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Providence Hall	Have only one school per grade span, Are not experiencing an overall budget decrease
Provo District	Are not experiencing an overall budget decrease
Quest Academy	Have only one school per grade span, Are not experiencing an overall budget decrease

Ranches Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Reagan Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
REAL Salt Lake Academy High School	Total enrollment of less than 1,000 students, Operate a single school
Renaissance Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Rich District	
Rockwell Charter High School	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Roots Charter High School	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Salt Lake Arts Academy	Total enrollment of less than 1,000 students, Have only one school per grade span
Salt Lake Center For Science Education	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Salt Lake District	Are not experiencing an overall budget decrease
Salt Lake School For The Performing Arts	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
San Juan District	Are not experiencing an overall budget decrease
Scholar Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Sevier District	Are not experiencing an overall budget decrease
Soldier Hollow Charter School	Total enrollment of less than 1,000 students, Have only one school per grade span
South Sanpete District	Are not experiencing an overall budget decrease
South Summit District	Are not experiencing an overall budget decrease
Spectrum Academy	Are not experiencing an overall budget decrease
St George Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Success Academy	Total enrollment of less than 1,000 students, Are not experiencing an overall budget decrease
Summit Academy	Are not experiencing an overall budget decrease

Summit Academy High School	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Syracuse Arts Academy	Are not experiencing an overall budget decrease
Terra Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
The Center for Creativity, Innovation & Discovery	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Thomas Edison (North + South)	Operate a single school
Timpanogos Academy	Total enrollment of less than 1,000 students, Have only one school per grade span
Tintic District	Total enrollment of less than 1,000 students, Operate a single school
Tooele District	Are not experiencing an overall budget decrease
Treeside Charter School	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Uintah District	Are not experiencing an overall budget decrease
Uintah River High	Total enrollment of less than 1,000 students, Have only one school per grade span
Utah Arts Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Utah Career Path High School	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Utah Connections Academy	Have only one school per grade span, Are not experiencing an overall budget decrease
Utah County Academy Of Science (UCAS)	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Utah International School	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Utah Military Academy	Total enrollment of less than 1,000 students, Are not experiencing an overall budget decrease
Utah Virtual Academy	Operate a single school
Valley Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Vanguard Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease

Venture Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Vista at Entrada	Have only one school per grade span, Are not experiencing an overall budget decrease
Voyage Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Walden School Of Liberal Arts	Total enrollment of less than 1,000 students, Have only one school per grade span
Wallace Stegner Academy	Are not experiencing an overall budget decrease
Wasatch District	Are not experiencing an overall budget decrease
Wasatch Peak Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Wasatch Waldorf Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Washington District	Are not experiencing an overall budget decrease
Wayne District	Total enrollment of less than 1,000 students, Are not experiencing an overall budget decrease
Weber District	Are not experiencing an overall budget decrease
Weber State University Charter Academy	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Weilenmann School of Discovery	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease
Winter Sports School	Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease