

## **Description of how Idaho will ensure non-excepted LEAs satisfy MOEquity**

Each LEA must maintain equity for each “high-poverty school” as a condition of receiving ARP ESSER funds. Under section 2004(c) of the ARP Act, for each school identified by the LEA as a high-poverty school, the LEA may not, in FY 2022 or 2023—

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.

The intent of this requirement is to ensure that LEAs serving a large share of students from low-income backgrounds do not experience a disproportionate reduction in funding in school years 2021-2022 and 2022-2023.

### **Methods of documenting compliance:**

#### No Aggregate Reduction

An LEA may demonstrate that it is excepted from the MOEquity requirements for FY 2023 by certifying it did not and will not implement an aggregate reduction in combined State and local per-pupil funding in FY 2023 (i.e. is not facing overall budget reductions) by completing Appendix B *American Rescue Plan LEA Certification of Exception from Local Maintenance of Equity Requirements* and submitting this form to Aaron Kennedy at [akennedy@sde.idaho.gov](mailto:akennedy@sde.idaho.gov) by February 24, 2023.

#### Aggregate Reduction

If an LEA does have a reduction in combined State and local per-pupil funding in FY 2023, but feels like it still qualifies for an exception, the LEA may apply for a waiver to the U.S. Department of Education (USED) at [Idaho.oese@ed.gov](mailto:Idaho.oese@ed.gov) and copy Aaron Kennedy at [akennedy@sde.idaho.gov](mailto:akennedy@sde.idaho.gov) for awareness. The waiver must describe the exceptional or uncontrollable circumstance that prevented the LEA from maintaining equity. USED will request the LEA’s financial data from the SDE as part of the process for reviewing the exception



request. After hearing from USED that the waiver is approved, no further action is required of the LEA. If USED does not approve the LEA's waiver, then the SDE will do the following:

1. Notify the LEA when they are out of compliance, or potentially out of compliance
2. Review with the LEA the requirements for compliance, as well as how to work with USED to possibly be granted an exception, if they did not already qualify