



Maintenance of Equity (MOEquity) Exception Guidance for Local Education Agencies, Exempt LEAs, and High-Poverty Schools

Updated: October 31, 2022

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 FY23 (school year 2022-23)

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 |
|------------------------------|--|
| Alpine 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 |
| Beaver District | Are not experiencing an overall budget decrease |
| Box Elder District | Are not experiencing an overall budget decrease |
| Cache District | Are not experiencing an overall budget decrease |
| Carbon District | Are not experiencing an overall budget decrease |
| Daggett District | Total enrollment of less than 1,000 students, Are not experiencing an overall budget decrease |
| Davis District | Are not experiencing an overall budget decrease |
| Duchesne District | Are not experiencing an overall budget decrease |
| Emery District | Are not experiencing an overall budget decrease |
| Granite District | Are not experiencing an overall budget decrease |
| Iron District | Are not experiencing an overall budget decrease |
| Jordan District | Are not experiencing an overall budget decrease |
| Juab District | Are not experiencing an overall budget decrease |
| Odyssey Charter School | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span |
| Rockwell Charter High School | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span |
| Kane District | Are not experiencing an overall budget decrease |
| Millard District | Are not experiencing an overall budget decrease |
| Morgan District | Are not experiencing an overall budget decrease |
| Nebo District | Are not experiencing an overall budget decrease |
| North Sanpete District | Are not experiencing an overall budget decrease |
| Piute District | Total enrollment of less than 1,000 students, Are not experiencing an overall budget decrease |
| Rich District | Total enrollment of less than 1,000 students, Are not experiencing an overall budget decrease |
| San Juan District | Are not experiencing an overall budget decrease |

| LEA Name | Exceptions |
|-----------------------------|---|
| C.S Lewis Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span |
| Endeavor Hall | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span |
| Dixie Montessori Academy | Total enrollment of less than 1,000 students, Operate a single school, 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 |
| Maria Montessori | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span |
| Sevier District | Are not experiencing an overall budget decrease |
| South Sanpete District | Are not experiencing an overall budget decrease |
| South Summit District | Are not experiencing an overall budget decrease |
| Tintic District | Total enrollment of less than 1,000 students, Are not experiencing an overall budget decrease |
| Tooele District | Are not experiencing an overall budget decrease |
| Uintah District | Are not experiencing an overall budget decrease |
| Bonneville Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span |
| Wasatch District | Are not experiencing an overall budget decrease |
| Washington District | Are not experiencing an overall budget decrease |
| Gateway Preparatory Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span |
| 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 |
| Summit Academy High School | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Salt Lake District | Are not experiencing an overall budget decrease |
| Ogden 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, Are not experiencing an overall budget decrease |
| Logan City District | Are not experiencing an overall budget decrease |
| Murray District | Are not experiencing an overall budget decrease |
| Canyons District | Are not experiencing an overall budget decrease |

| LEA Name | Exceptions |
|---|---|
| Ogden Preparatory 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 |
| Walden School Of Liberal Arts | Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Academy For Math Engineering & Science (AMES) | 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, 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 |
| Tuacahn High 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 |
| John Hancock Charter School | Total enrollment of less than 1,000 students, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Timpanogos Academy | 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, Are not experiencing an overall budget decrease |
| Utah County Academy of Science (UCAS) | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Renaissance Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Guadalupe School | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span |
| Quest Academy | Operate a single school, 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, Operate a single school, 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, Operate a single school, Have only one school per grade span |

| LEA Name | Exceptions |
|---|---|
| Vanguard Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Athlos Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Advantage Arts | Total enrollment of less than 1,000 students, Operate a single school, 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, Operate a single school, Have only one school per grade span |
| Lincoln Academy | Total enrollment of less than 1,000 students, Operate a single school, 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, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Channing Hall | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span |
| Karl G Maeser Preparatory Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Mountainville Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span |
| Vista at Entrada | Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Utah Connections Academy | Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Esperanza Elementary School | Total enrollment of less than 1,000 students, Operate a single school, 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 |
| The Center for Creativity, Innovation & Discovery | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |

| LEA Name | Exceptions |
|---|---|
| Beehive Science & Technology Academy (BSTA) | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span |
| Entheos Academy | Are not experiencing an overall budget decrease |
| Spectrum Academy | Are not experiencing an overall budget decrease |
| Venture Academy | Total enrollment of less than 1,000 students, Operate a single school, 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, Operate a single school, Have only one school per grade span |
| East Hollywood High | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span |
| Bear River | Total enrollment of less than 1,000 students, Operate a single school, 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 |
| Roots Charter High School | Total enrollment of less than 1,000 students, Operate a single school, 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, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Bridge Elementary | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Wasatch Peak Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Lakeview Academy | Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Syracuse Arts Academy | Are not experiencing an overall budget decrease |
| Dual Immersion Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Salt Lake Center for Science Education | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |

| LEA Name | Exceptions |
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| Mana Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Athenian eAcademy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Mountain Sunrise | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span |
| North Star Academy | Total enrollment of less than 1,000 students, Operate a single school, 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 |
| Legacy Preparatory Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| George Washington Academy | Operate a single school, 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, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Utah Virtual Academy | Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Northern Utah Academy for Math Engineering & Science (NUAMES) | Are not experiencing an overall budget decrease |
| Thomas Edison (North + South) | Are not experiencing an overall budget decrease |
| Canyon Grove (Quail Run Primary School) | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| HighMark Charter School | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Garfield District | Are not experiencing an overall budget decrease |
| Voyage Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |

| LEA Name | Exceptions |
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| Mountain West Montessori Academy | Total enrollment of less than 1,000 students, Operate a single school, 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, Operate a single school, 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 |
| Ignite Entrepreneurship | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Noah Webster Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Early Light Academy | Total enrollment of less than 1,000 students, Operate a single school, 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, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Promontory School for Expeditionary Learning | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Scholar Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Franklin Discovery Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Reagan Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Salt Lake School for The Performing Arts | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Excelsior Academy | Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |

| LEA Name | Exceptions |
|--|---|
| Weber State University Charter Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Greenwood | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Wallace Stegner Academy | Operate a single school |
| Treeside Charter School | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| American Leadership Academy | Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Open Classroom | Total enrollment of less than 1,000 students, Operate a single school, 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, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Hawthorn Academy | Are not experiencing an overall budget decrease |
| Park City District | Are not experiencing an overall budget decrease |
| Good Foundation Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span |
| Valley Academy | Total enrollment of less than 1,000 students, Operate a single school, 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, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Terra Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| American Academy of Innovation | Total enrollment of less than 1,000 students, Operate a single school, 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, Are not experiencing an overall budget decrease |

| LEA Name | Exceptions |
|-------------------------------------|---|
| Navigator Pointe Academy | Total enrollment of less than 1,000 students, Operate a single school, 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, Operate a single school, 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 |
| Mountain Heights Academy | Total enrollment of less than 1,000 students, Operate a single school, 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, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Lumen Scholar Institute (MyOptions) | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| St George Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Ranches Academy | Total enrollment of less than 1,000 students, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Davinci Academy | Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Summit Academy | Are not experiencing an overall budget decrease |
| Itineris Early College High | Total enrollment of less than 1,000 students, Operate a single school, 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, Operate a single school, Have only one school per grade span, Are not experiencing an overall budget decrease |
| Moab Community School | Total enrollment of less than 1,000 students, Operate a single school, 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 |

Utah Local Education Agency High-Poverty Schools

High-poverty schools are an LEA's 25% of schools with the highest number of low-income students, which can be calculated on a districtwide or grade-span basis (e.g., elementary, middle, and high school). High-poverty schools are determined by ranking all schools in the LEA based on the percentage of economically disadvantaged students (highest to lowest), and then identifying the top 25 percent of schools based on school poverty data that are reported to the USBE in October, either:

- The number of children eligible for free or reduced-price lunches, or
- The number of children in families receiving assistance under the Temporary Assistance for Needy Families (TANF) program.

Please note there is no specific poverty rate that qualifies a school as a "high-poverty" school. Instead, identification as a high-poverty school for MOEquity purposes depends on a school's relative poverty compared to other schools in the LEA.

To view a list high-poverty schools in each LEA please visit:

<https://oese.ed.gov/offices/education-stabilization-fund/elementary-secondary-school-emergency-relief-fund/maintenance-of-equity/>