



Opportunity Through Education

Brian Schroeder – *Superintendent of Public Instruction*  
Chad Auer – *Deputy Superintendent of Public Instruction*

Wyoming Department of Education  
122 W. 25th St., Ste. E200  
Cheyenne, WY 82002  
307-777-7675

## MEMORANDUM NO. 2022–129

**TO:** School District Superintendents  
District Business Managers  
District Federal Grant Managers

**FROM:** Shelley Hamel, Chief Academic Officer

**DATE:** November 14, 2022

**SUBJECT:** FY 2023 Local Maintenance of Equity Reporting

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# FY 2023 LOCAL MAINTENANCE OF EQUITY REPORTING

As a provision of receiving the American Rescue Plan Act, Elementary and Secondary School Emergency Relief (ARP ESSER) funds local education agencies (LEAs) are required to maintain fiscal equity. This ARP ESSER requirement is referred to as Maintenance of Equity (MOEquity) and is required for school years 2021-22 and 2022-23. LEAs reported the status of MOEquity for SY 2021-22 in March 2022. LEAs are now required to report to the Wyoming Department of Education (WDE) on its MOEquity for SY 2022-23 (FY 2023). This is due to the WDE by November 23, 2022.

There are three different ways that LEAs can show they are compliant with this requirement:

Option 1: Not all LEAs are required to calculate MOEquity and are “automatically” exempt from this requirement under certain circumstances. Under section 2004(c)(2) of the ARP Act, an LEA is exempted 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; or
3. Serves all students within each grade span with a single school.

Option 2: If an LEA **did not** have an aggregate reduction in combined State and local per-pupil funding in FY2023, then the LEA has demonstrated an “exceptional or uncontrollable circumstance” and should complete the Certification of Exception from Local Maintenance of Equity Requirements

for SY 2022-23 (FY2023) located [here](#) and submit the certification to Shelley Hamel at [shelley.hamel@wyo.gov](mailto:shelley.hamel@wyo.gov). The LEA does not need to submit this form to the U.S. Department of Education (USED). The WDE will keep the Appendix B certifications submitted by LEAs on file. LEA certifications may be requested by USED for monitoring and auditing purposes.

Option 3: One final exception option is available for LEAs in certain situations. Also described in section 2004(c)(2) of the ARP Act, an LEA is exempt from the local MOEquity requirements if the LEA 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 U.S. Secretary of Education.

If an LEA believes it otherwise qualifies for an exception due to an “exceptional or uncontrollable circumstance,” the LEA must submit a request for an exception to USED via the state’s mailbox (i.e., [Wyoming.oese@ed.gov](mailto:Wyoming.oese@ed.gov)) and copy Shelley Hamel at [shelley.hamel@wyo.gov](mailto:shelley.hamel@wyo.gov) for awareness. This request should provide detailed information on the exceptional or uncontrollable circumstance and how it prevents the LEA from maintaining equity. Each claim of exception will require a case-by-case review by USED. Once the claim has been reviewed, USED will advise the LEA whether the exception request has been approved and copy appropriate WDE officials.

If an LEA does not qualify for a Maintenance of Equity exception, the process outlined in USED’s MOEquity FAQ must be used to identify its high-poverty schools using the best available Free and Reduced Price Lunch eligibility data. The equity calculations outlined in FAQ 27 and FAQ 30 must be completed for high-poverty schools for FY2023.

Each LEA should confirm its circumstance for meeting MOEquity requirements to the WDE through this [google form](#) no later than November 23, 2022.

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*For more information, contact Shelley Hamel, Chief Academic Officer, at 307-777-2058 or [shelley.hamel@wyo.gov](mailto:shelley.hamel@wyo.gov).*