FY22 & FY23 American Rescue Plan Maintenance of Equity

1. **Must an LEA meet both MOEquity requirements?**
   - Yes. An LEA receiving ARP ESSER funds must maintain fiscal and staffing equity.

2. **How will the SEA ensure that each LEA that is not excepted from LEA-level maintenance of equity requirements is maintaining equity in its high-poverty schools?** When GaDOE determines LEAs are not compliant by October 29, 2021 (FY22) and November 1, 2022 (FY23) the SEA will:
   - Review and align with the Code of Federal Regulation § 200.339 Remedies for noncompliance, as applicable.
   - If a non-Federal entity fails to comply with the U.S. Constitution, Federal statutes, regulations or the terms and conditions of a Federal award, the Federal awarding agency or pass-through entity may impose additional conditions, as described in § 200.208. If the Federal awarding agency or pass-through entity determines that non-compliance cannot be remedied by imposing additional conditions, the Federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:
     - Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.
     - Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
     - Wholly or partly suspend or terminate the Federal award.
     - Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency).
     - Withhold further Federal awards for the project or program.

3. **GaDOE will require non-compliant LEAs to describe what adjustments the LEA will make to comply prior to the start of the next school year.**
   - LEAs will need to adjust to comply with requirements before the start of the next school year.