



How do ARP ESSER maintenance of effort and maintenance of equity requirements differ?

The [American Rescue Plan Act](#) includes maintenance of effort and maintenance of equity requirements for state and local educational agencies, but how do the requirements differ?

"Both requirements are intended to help ensure that states and LEAs do not use ARP ESSER funds to reduce state and local financial support for education, which would have the effect of mitigating or even eliminating the purpose of the ARP ESSER program, which is to provide the extra, supplemental funding needed to maintain teaching and learning during and after the pandemic; safely reopen schools and maintain operations for full-time, in-person instruction as soon as possible; and address the effects of lost instructional time on students' social, emotional, mental health, and academic needs," according to *Frequently Asked Questions: American Rescue Plan Elementary and Secondary School Emergency Relief (ESSER) Program Maintenance of Equity (MOEquity) Requirements*, [121 LRP 18569](#) (EDU 06/09/21).

The maintenance of effort requirement says that states in receipt of ARP ESSER funds must maintain overall support for elementary and secondary education in FY 2022 and 2023 at the same proportional level of support averaged over FY 2017, 2018, and 2019. Unlike maintenance of effort under Title I, Part A, the ARP Act maintenance of effort requirements apply only to state funding levels and are determined based on maintaining a proportionate level of funding rather than a dollar-per-dollar comparison. The U.S. Education secretary can waive ARP Act maintenance of effort requirements. ARP Act Section 2004(a).

The maintenance of equity requirements say states and LEAs should not disproportionately reduce funding levels for high-need districts and schools. There are three components for maintenance of equity:

1. State maintenance of equity for high-need LEAs: This requirement says states in receipt of ARP ESSER funds can't reduce per-pupil funding for "any high-need local educational agency in the state by an amount that exceeds the overall per-pupil reduction in state funds" across all LEAs in FY 2022 or FY 2023. ARP Act Section 2004(b)(1).

2. State maintenance of equity for highest-poverty LEAs: This requirement says states in receipt of ARP ESSER funds can't reduce per-pupil funding for highest poverty LEAs below the per-pupil level of funding provided to the LEA in FY 2019. ARP Act Section 2004(b)(2).

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3. Local maintenance of equity for high-poverty schools: This requirement says LEAs in receipt of ARP ESSER funds cannot reduce per-pupil funding or per-pupil full-time equivalent staff in high-poverty schools by an amount that exceeds the total per-pupil amount of reduction for all students in the district in FY 2022 or 2023. ARP Act Section 2004(c)(1). However, this requirement does not apply to LEAs that serve fewer than 1,000 students, LEAs with only one school or one school per grade span, and LEAs that experienced a precipitous decline in students or funding. ARPA Section 2004(c)(2).

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