

## 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:

(a) 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.

(b) 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.

(c) Wholly or partly suspend or terminate the Federal award.

(d) 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).

(e) 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.

