

Fiscal Year 2023 LEA-Level MOEquity Compliance Description

This document describes TEA’s fiscal year (FY) 2023 approach for ensuring that local educational agencies (LEAs) comply with the LEA-level maintenance of equity (MOEquity) compliance requirement. It describes how TEA:

1. Differentiates between LEAs that are automatically excepted from the requirement and those that are not.
2. Identifies LEAs with reductions in combined state and local per-pupil funding by an amount that exceeds the LEA’s overall per-pupil reduction. By identifying these LEAs in a timely manner, TEA gives them an opportunity to make necessary budget adjustments and thus ensure that high-poverty campuses are protected from funding reductions.

Note: Non-regulatory guidance and FAQs from the US Department of Education (USDE) refer to “schools,” so that term is used in this document. However, LEAs in Texas are more accustomed to “campus,” so that term is used in TEA’s guidance to LEAs about MOEquity.

Identifying Automatically Excepted LEAs

The first step in TEA’s compliance process is to analyze data submitted by LEAs to identify those that are automatically excepted from the LEA-level MOEquity requirement because they meet one or more of the following criteria:

- Have a total enrollment of less than 1,000 students.
- Operate a single school.
- Serve all students within each grade span with a single school.

TEA analyzed data submitted by LEAs on the SC5000 schedule of the 2022–2023 ESSA Consolidated Federal grant application. The SC5000 schedule collects the following data:

- LEA total low-income percentage.
- LEA total enrollment.
- Total campus enrollment.
- School low-income percentage.

TEA identified 825 LEAs that were automatically excepted from the requirement and published a list of those LEAs on its [LEA-level MOEquity webpage](#). LEAs were required to review the list and to contact TEA by email (at compliance@tea.texas.gov) if they believed that TEA’s analysis was incorrect.

LEAs Not Automatically Excepted

TEA’s analysis of the SC5000 schedule identified 387 LEAs that were not automatically excepted from the MOEquity requirement. These LEAs were required to complete a MOEquity Document Submission Plan, a tool created by TEA as an online survey. In the survey, LEAs were instructed to select one of three methods for meeting the MOEquity requirement and to return the survey by Friday, December 9, 2022.

Three Methods for Meeting the MOEquity Requirement

Method #1: LEA Self-Certification of Exception. LEAs that selected this method were directed to an additional page of the survey that replicates the language in Appendix B of USDE’s MOEquity FAQ document. On the additional page, LEAs certified that they did

not and will not implement an aggregate reduction in combined state and local per-pupil funding in FY 2023.

Method #2: Exception Request to USDE. LEAs that selected this method on the survey were shown instructions for requesting an exception for the MOEquity requirement from USDE due to “exceptional or uncontrollable circumstances.” LEAs were instructed to send an email to USDE at texas.oese@ed.gov, and to copy TEA on the email (at compliance@tea.texas.gov).

Method #3: MOEquity Tool. LEAs that selected this method on the survey were shown instructions for demonstrating their compliance with the MOEquity requirement by calculating their equity. Instructions included how to use TEA’s MOEquity Tool, an auto-calculating Excel template that can perform the allowable compliance tests, and described the financial, enrollment, and low-income percentage data to enter in the tool. LEAs were required to submit the MOEquity Tool to TEA by Friday, January 27, 2023.

TEA’s Review

TEA gathered and analyzed all the survey responses, and thoroughly reviewed each MOEquity Tool submitted to ensure that each LEA had successfully demonstrated compliance.

Some LEAs were unable to submit an exception request to USDE or to demonstrate compliance by using the MOEquity Tool. TEA staff continue to work with these LEAs so they can make the necessary budget adjustments that will bring them into compliance. If any LEAs remain noncompliant, TEA will be required to take one or more of the actions permitted by Title 2 of the Code of Federal Regulations §200.339–Remedies for noncompliance.

Training Provided to LEAs

To help LEAs understand the MOEquity requirement, TEA offered online and in-person training to LEAs on the following dates:

- Thursday, September 22, 2022.
- Tuesday, September 27, 2022.
- Tuesday, October 04, 2022.
- Thursday, October 20, 2022.
- Wednesday, November 30, 2022.

Technical Assistance Resources for LEAs

TEA created a [ARP LEA-level MOEquity web page](#) and has published the following resources for LEAs:

- [LEA-level MOEquity Handbook](#).
 - Note: The handbook is updated for FY 2023 LEA-level MOEquity.
- MOEquity Document Submission Plan.
- List of automatically excepted LEAs.
- Information on reporting deadlines.
- [Link to LEA-level MOEquity FAQs](#) (and FAQs related to ESSER grant programs).
- Link to sign up for [email bulletins](#) regarding MOEquity training and other updates.
- [Link to USDE MOEquity FAQ document \(7/26/22 version\)](#).