



**#169-21**

**Commonwealth of Virginia**  
**Virginia Department of Education**  
Superintendent's Memo #169-21

DATE: June 25, 2021  
TO: Division Superintendents  
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction  
SUBJECT: U.S. Department of Education Guidance on ESSER III Maintenance of Equity

On June 9, 2021, the U.S. Department of Education released [guidance on the Maintenance of Equity requirements in the American Rescue Plan \(ARP\) Act Elementary and Secondary School Emergency Relief \(ESSER\) program](#). Under section 2004(c) of the ARP Act, as a condition of receiving ARP ESSER funds, a local educational agency (LEA) may not, in each of Fiscal Year (FY) 2022 or 2023:

- Reduce combined state and local per-pupil funding for any high-poverty school by an amount that exceeds the total reduction, if any, of combined state and local per-pupil funding for all schools in the LEA; or
- Reduce the number of full-time-equivalent (FTE) staff per-pupil in any high-poverty school by an amount that exceeds the total reduction, if any, of FTE staff per-pupil in all schools in the LEA.

Questions 22 through 32 of the guidance pertain to the LEA calculation of the Maintenance of Equity requirements.

**For more information**

In July 2021, the Virginia Department of Education will provide an overview of the guidance for school division staff. Information on joining the webinar will be provided to school

divisions via Superintendent's Email. Questions should be directed to [VDOEfederalrelief@doe.virginia.gov](mailto:VDOEfederalrelief@doe.virginia.gov).

JFL/LS