

February 2, 2022

Britt Jung
U.S. Department of Education
400 Maryland Ave. SW, Room 3W113
Washington, DC 20202-8240

RE: Priorities, Requirements, Definitions, and Selection Criteria: American Rescue Plan Act Elementary and Secondary School Emergency Relief Fund (Docket ID: [ED-2021-OESE-0116](#))

Dear Britt Jung:

The undersigned organizations welcome the opportunity to respond to the U.S. Department of Education's (ED's) request for comment regarding the proposed data collection for the local Maintenance of Equity provision in the American Rescue Plan Act (ARP). We submit these recommendations as a collaboration of national organizations seeking to advance shared education equity priorities through federal, state, and local policy advocacy.

We commend the Administration's efforts to respond to feedback on implementation of the local Maintenance of Equity (MOEquity) data reporting requirements. We believe the revised requirements represent a balanced set of requirements that will collect the necessary fiscal and staffing data to help implement MOEquity in a way that meets the goals of the local Maintenance of Equity provision and the requirements of the law, while minimizing the burden on state and local education agencies (SEAs and LEAs).

We appreciate that the Department's revised guidance extends FY2022 exceptions into FY2023 for districts that are not making funding cuts, extends the overall reporting timeline for FY2022 and clarifies and extends the FY2023 reporting timeline, and reinforces the importance of school-level spending data as required under section 1111(h)(1)(C)(x) of the Elementary and Secondary Education Act.

We recognize the need to reduce the reporting burden for districts and states. However, we do not believe that data that demonstrates how each LEA met the fiscal and staffing equity requirements will meet transparency objectives that are similar to reporting specific data on spending per student and student-to-staff ratios. We do not support offering states this flexibility. Nonetheless, if ED decides to offer this flexibility, we recommend providing more detailed guidance on the specific questions states should answer in their general explanations of how LEAs met the MOEquity requirements.

To further reduce burden on SEAs, we recommend that the Department build on the guidance provided in section (e) of the proposed requirement and publish an optional reporting template spreadsheet that identifies a preferred file structure that SEAs can use for reporting data on (1) LEAs that are excepted from the local MOEquity requirement; (2) the high-poverty schools that must be protected from funding and staffing cuts in non-excepted LEAs; and (3) the spending and staffing data required in section (c) of the proposed requirement.

Finally, we reiterate our hope that as ED implements MOEquity, it continues to effectively monitor and enforce other key provisions in ESSA to improve resource equity, including ensuring that states are publishing complete and timely school-level spending data on report cards and conducting resource allocation reviews.

We look forward to using the data that states have reported and will report to better understand if high-need school districts experienced funding cuts, and whether high-need school districts and schools have shouldered a disproportionate share of the burden when funding cuts occur. Thank you for your continued focus on ensuring that schools and LEAs serving large proportions of underserved groups of students receive essential resources to meet students' needs as we recover from the pandemic.

Sincerely,

All4Ed
Education Reform Now
The Education Trust
National Center for Learning Disabilities
National Urban League
Teach Plus
UnidosUS