



**#009-22**

**Commonwealth of Virginia  
Virginia Department of Education  
Superintendent's Memo #009-22**

**DATE:** January 14, 2022  
**TO:** Division Superintendents  
**FROM:** Rosa S. Atkins, Ed.D., Acting Superintendent of Public Instruction  
**SUBJECT:** **U.S. Department of Education Issues Revised Guidance on ARP ESSER Maintenance of Equity Requirements**

On December 29, 2021, the U.S. Department of Education (USED) issued [updated guidance on the Maintenance of Equity requirements](#) in the American Rescue Plan (ARP) Act Elementary and Secondary School Emergency Relief (ESSER) III program. The guidance permits school divisions that do not have an aggregate reduction in combined state and local per-pupil funding in FY 2023 to receive an exception from the ARP ESSER Maintenance of Equity requirements. Previous guidance indicated that this exception, which was offered for FY 2022, would not be permitted for FY 2023.

The Maintenance of Equity reporting requirements and timeline have not yet been finalized by USED. Once they are established, the Office of Federal Pandemic Relief programs will share information about the process to receive an exception from the Maintenance of Equity requirements for FY 2023. Technical support will be provided to school divisions that do not qualify for the exception. Additional exceptions for exceptional or unusual circumstances may be requested from the U.S. Department of Education.

## For more information

Questions about the ARP ESSER Maintenance of Equity requirements should be directed to [VDOEfederalrelief@doe.virginia.gov](mailto:VDOEfederalrelief@doe.virginia.gov).

RSA/LS