



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 22, 2023

The Honorable Richard Woods
State Superintendent
Georgia Department of Education
205 Jesse Hill, Jr. Drive, SE
Atlanta, GA 30334

Dear Superintendent Woods:

The American Rescue Plan Act of 2021 (ARP Act) includes requirements to safeguard the highest need local educational agencies (LEAs) from experiencing a disproportionate reduction in State funding in fiscal years (FYs) 2022 and 2023 (i.e., school years 2021-2022 and 2022-2023) and to ensure that LEAs serving the greatest numbers of students from low-income backgrounds do not experience a decrease in State funding below their FY 2019 levels. The Secretary does not have authority to waive these requirements.

To support implementation of these maintenance of equity requirements, the U.S. Department of Education (Department) has conducted technical assistance calls with States since summer 2022, including multiple calls with the Georgia Department of Education (GaDOE). In these discussions, we worked with GaDOE officials to assist the State in categorizing various funds provided to LEAs in the maintenance of equity data submission and in evaluating a small LEA tolerance proposal¹ as described in our guidance.²

Based on final FY 2022 data provided by the State, Georgia has not yet demonstrated compliance with the FY 2022 maintenance of equity requirements for 38 high-need LEAs; please see Table 1, below. One way that Georgia may resolve the identified compliance issues for FY 2022 is by making supplemental payments to these high-need LEAs equal to the amount of the State funding reductions considered “disproportionate” under the maintenance of equity requirement.

Table 1. Amount of State funding reductions considered disproportionate under maintenance of equity requirement	
LEA	FY 2022 Maintenance of Equity Shortfall
Richmond County – 721	\$ 28,101
Appling County – 601	\$ 55,522

¹ <https://oese.ed.gov/files/2023/07/GA-Small-LEA-Tolerance-Response-Final.pdf>

² https://oese.ed.gov/files/2023/01/2023-01-23-Update_22-0471-moequity-FAQs_Final-Version.pdf

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
<http://www.ed.gov/>

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Table 1. Amount of State funding reductions considered disproportionate under maintenance of equity requirement	
Peach County – 711	\$ 63,087
Lincoln County – 690	\$ 69,426
Jasper County – 679	\$ 146,624
Charlton County – 624	\$ 152,000
McIntosh County – 698	\$ 159,820
Rabun County – 719	\$ 162,786
Walker County – 746	\$ 168,483
Cook County – 637	\$ 171,513
Evans County – 654	\$ 188,320
Habersham County – 668	\$ 195,576
Fannin County – 655	\$ 258,970
Calhoun City – 765	\$ 285,408
Chickamauga City – 769	\$ 292,182
Grady County – 665	\$ 303,912
Greene County – 666	\$ 315,210
Mitchell County – 701	\$ 368,328
Lanier County – 686	\$ 379,960
Gilmer County – 661	\$ 388,377
Marion County – 696	\$ 418,106
Decatur County – 643	\$ 425,390
Crisp County – 640	\$ 456,720
Early County – 649	\$ 505,818
Chattooga County – 627	\$ 516,168
Franklin County – 659	\$ 538,846
Banks County – 606	\$ 625,050
Meriwether County - 699	\$ 934,150
Oglethorpe County – 709	\$ 1,014,360
Madison County – 695	\$ 1,561,608
Spalding County – 726	\$ 1,574,672
Sumter County – 729	\$ 1,903,650
Hall County – 669	\$ 2,166,345
Foothills – 7820613	\$ 2,175,920
Bibb County – 611	\$ 3,282,296
Coastal Plains – 7820618	\$ 4,201,516
DeKalb County – 644	\$ 6,147,132
Georgia Cyber Academy – 7820120	\$ 9,647,217

Please note that these figures are based on the data and information available to the Department through its monitoring and may not reflect the full scope of compliance issues in Georgia.

Within 30 calendar days of the date of this letter, GaDOE must submit a plan to the Department demonstrating that it is actively working to resolve its maintenance of equity compliance issues for FY 2022. This plan should clarify the extent to which the State is planning to make supplemental payments to the LEAs listed above; please include information regarding how and when any supplemental payments will be made and provide any additional data, as applicable. If GaDOE does not provide a timely response, the Department may take appropriate enforcement actions, such as adding specific conditions to a State's ARP ESSER award,³ designating a State as a high-risk grantee,⁴ and potential recovery of ARP ESSER funds.⁵

Thank you for your work to implement the maintenance of equity requirements. If you have any questions or require assistance, please contact the Department via your State mailbox:

Georgia.OESE@ed.gov.

Sincerely,



Adam Schott

Deputy Assistant Secretary for Policy and Programs
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

CC: The Honorable Brian Kemp
Governor of Georgia
206 Washington Street
Suite 203, State Capitol
Atlanta, GA 30334

³ See 2 C.F.R. § 200.206(c) and 200.208.

⁴ See 2 C.F.R. § 3474.10 and 2 C.F.R. 200.208.

⁵ Section 452 of the General Education Provisions Act, 20 U.S.C. 1234a.