



THE SECRETARY OF EDUCATION

WASHINGTON, DC 20202

February 1, 2022

Jeff Martello  
Chief Operating Officer & Director of Finance  
Woodford County Public Schools  
330 Pisgah Pike  
Versailles, KY 40383

Dear Mr. Martello:

Thank you for submitting to the U.S. Department of Education (the Department) your request for an exception to the requirement that Woodford County Public Schools maintain equity in its high-poverty schools in fiscal year (FY) 2022. Please note that if Woodford County Public Schools did not have an aggregate reduction in combined State and local per-pupil funding in FY 2022, Woodford County Public Schools has demonstrated an exceptional or uncontrollable circumstance which renders this request unnecessary, as detailed in Question 32 of [Frequently Asked Questions, American Rescue Plan Elementary and Secondary School Emergency Relief Program, Maintenance of Equity Requirements](#), December 29, 2021.

As you know, section 2004(c)(2) of the American Rescue Plan Act outlines that a local educational agency (LEA) need not maintain equity if the LEA “demonstrates an exceptional or uncontrollable circumstance, such as unpredictable changes in student enrollment or a precipitous decline in the financial resources of [the LEA], as determined by the Secretary.” An “exceptional or uncontrollable circumstance” might include increased one-time expenditures in the baseline year (school year 2020-2021) due to the pandemic, a very small school where the maintenance of equity calculations do not result in meaningful information about resource availability, or a significant change in the expenses of a school that no longer serves a student whose educational and support needs required services that have a particularly high cost. Each request for an exception requires a case-by-case review by the Department.

On December 16, 2021, the Department received your request for an exception to the maintenance of equity requirement for your high-poverty schools in FY 2022. According to the materials you provided, you request an exception because there was an unpredictable change in student enrollment in Woodford Middle School. After reviewing your request, we concur that the staffing changes at Woodford Middle School, the only middle school in the LEA, that resulted in decreased per-pupil spending is an uncontrollable circumstance.

In the case of Simmons Elementary School, you also request an exception because of a precipitous decline in financial resources. After reviewing this request, we consider the flooding of the school gym at Simmons to be an uncontrollable circumstance. Furthermore, the expenditure related to this flood appears to be a one-time expenditure that would be excluded from maintenance of equity calculations. (See [Frequently Asked Questions, American Rescue Plan Elementary and Secondary School Emergency Relief Program, Maintenance of Equity Requirements](#), December 29, 2021, Question 26). Accordingly, Woodford County Public Schools is excepted from the local maintenance of equity requirements for FY 2022.

Thank you again for reaching out to the Department and for your ongoing commitment to maintaining equity. If you have any questions, please contact the Kentucky state mailbox at: [Kentucky.OESE@ed.gov](mailto:Kentucky.OESE@ed.gov).

Sincerely,

*Laura Jimenez*

Laura Jimenez  
Director, Office of State and Grantee Relations  
Office of Elementary and Secondary Education  
United States Department of Education

CC: The Honorable Jason Glass  
Commissioner of Education  
Kentucky Department of Education  
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