



THE SECRETARY OF EDUCATION

WASHINGTON, DC 20202

May 16, 2022

Peter Pitts
Chief Financial Officer
Kingsville Independent School District
P.O. Box 871
Kingsville, TX 78364

Dear Mr. Pitts:

Thank you for submitting to the U.S. Department of Education (the Department) your request for an exception to the requirement that Kingsville Independent School District (ISD) maintain equity in one of its high-poverty schools in fiscal year (FY) 2022.

As you know, section 2004(c)(2) of the American Rescue Plan Act of 2021 specifies 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.

According to the materials you provided, you request an exception to maintaining equity because Kingsville ISD has experienced an LEA-wide reconfiguration of schools that led to uncontrollable changes in student enrollment in FY 2022 compared to FY 2021. Specifically, Kingsville closed two elementary schools: a pre-K-4 school and a 5-6 school. It distributed students from the pre-K-4 school to three remaining elementary schools, added a 5th grade to each remaining elementary school, and added a 6th grade to the 7-8 grade school. As a result, at one of Kingsville ISD’s high-poverty schools, Harrel Elementary School, enrollment increased by 40 percent because of the addition of 5th grade as well as a significant increase in pre-K through 4th grade enrollment. Even though Kingsville ISD increased the number of full-time equivalent staff to meet the needs of the growing student population, Harrel Elementary School still experienced a decrease in per-pupil funding because fixed costs required for school operations stayed the same.

After reviewing your request, we concur that these events constitute an exceptional or uncontrollable circumstance that prevents Kingsville ISD from meeting the maintenance of equity requirement in FY 2022 with respect to Harrel Elementary School. As a result, Kingsville ISD 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 Texas state mailbox at: Texas.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 Mike Morath
Commissioner of Education
Texas Education Agency
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