



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

July 7, 2022

Dave Barker, Ed.D.
Superintendent
Fremont County School District #1
863 Sweetwater Street
Lander, WY 82520

Dear Dr. Barker,

Thank you for submitting to the U.S. Department of Education (the Department) your request for an exception to the requirement that Fremont County School District #1 maintain equity in its two high-poverty schools in fiscal years (FYs) 2022 and 2023.

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, for example, 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 April 12, 2022, the Department received your request for an exception to the maintenance of equity requirement for your high-poverty schools in FYs 2022 and 2023. You note that Pathfinder High School is always a high-poverty school but the other high-poverty school fluctuates from year to year; in FY 2022 it is Lander Middle School whereas in FY 2021 it was Baldwin Creek Elementary School, a grades 4-5 school. According to the materials you provided, Fremont County School District #1 is a small LEA that includes six schools with the following grade span configurations; PreK–3, K–5, 4–5, 6–8, and 9–12. Four schools serve a unique grade span with different funding and staffing needs; two schools serve grades 9-12. Of the two high schools, Pathfinder High School has 49 students and Lander Valley High School has nearly 600 students. Moreover, you note that enrollment at Pathfinder increased from 38 in the 2020-2021 school year to 49 students in the 2021-2022 school year and that small changes in enrollment at Pathfinder can dramatically change per-pupil funding.

After reviewing your request, we concur that the small size and volatility of enrollment at Pathfinder constitutes an exceptional or uncontrollable circumstance that prevents Fremont County School District #1 from meeting the maintenance of equity requirement in FY 2022. This

volatility of student enrollment at Pathfinder and the significant difference in the size of each high school mean that comparisons between the two schools serving grades 9-12 do not result in meaningful information about resource availability when evaluating whether equity was maintained. With respect to Lander Middle School, it is the only school that serves grades 6-8; thus, there are no other schools in that grade span with which to compare Lander's per-pupil funding and full-time equivalent staffing. As a result, Fremont County School District #1 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 Wyoming state mailbox at: Wyoming.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 Brian Schroeder
Superintendent of Public Instruction
Wyoming Department of Education