



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 8, 2022

Jennifer Botzjorns
Superintendent of Schools
Kingdom East School District
PO Box 129, 64 Campus Lane
Lydon Center, VT 05850

Dear Ms. Botzjorns,

Thank you for submitting to the U.S. Department of Education (Department) your request for an exception to local maintenance of equity requirements under the American Rescue Plan Act of 2021 (ARP) for Kingdom East School District (KESD). Your request is in reference to per-pupil funding in two high-poverty schools within the KESD for fiscal year (FY) 2022.

Section 2004(c)(2) of the ARP 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 particularly high cost services. Each request for an exception requires a case-by-case review by the Department.

On September 26, 2022, the Department received your amended request for an exception to the maintenance of equity requirement because of uncontrollable changes in student enrollment in FYs 2021 and 2022 at two of your high-poverty schools, Miller’s Run School and Newark Street School. According to the materials you provided, these high-poverty schools had reductions in enrollment in FY 2021 but saw subsequent enrollment increases in FY 2022. At Miller’s Run School, enrollment increased from 95 in the 2020-2021 school year to 114 students in the 2021-2022 school year. At Newark Street School, enrollment increased from 63 in the 2020-2021 school year to 78 students in the 2021-2022 school year. Even though KESD increased funding to meet the needs of the growing student population, Miller’s Run School and Newark Street School still experienced a decrease in per-pupil funding because fixed costs remained constant.

After reviewing your request, we concur that the small size and volatility of enrollment at Miller’s Run School and Newark Street School constitute an exceptional or uncontrollable circumstance that prevents KESD from meeting the maintenance of equity requirement in FY 2022. As a result, KESD is excepted from the local maintenance of equity requirements for FY 2022.

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www.ed.gov

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 Vermont State mailbox at: Vermont.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 Daniel French
Secretary of Education
Vermont Department of Education
