



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 8, 2022

Penny Chamberlin
Superintendent of Schools
Orleans Central Supervisory Union
461 Waterman Road
Royalton, VT 05068

Dear Ms. Chamberlin,

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 Orleans Central Supervisory Union (OCSU). Your request is in reference to per-pupil funding in two high-poverty schools within the OCSU for 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, 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 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, Orleans Elementary School and Albany Community School. According to the materials you provided, these high-poverty schools had reductions in enrollment in FY 2021 because of the COVID-19 pandemic and saw subsequent enrollment increases in FY 2022. At Orleans Elementary School, enrollment increased from 118 in the 2020-2021 school year to 124 students in the 2021-2022 school year. At Albany Community School, enrollment increased from 93 in the 2020-2021 school year to 111 students in the 2021-2022 school year. Even though OCSU increased funding to meet the needs of the growing student population, Orleans Elementary School and Albany Community 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 Orleans Elementary School and Albany Community School constitutes an exceptional or uncontrollable circumstance that prevents OCSU from meeting the maintenance of equity

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

requirement in FY 2022. As a result, OCSU 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 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