



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 31, 2023

Jennifer Botzojorns
Superintendent of Schools
Kingdom East School District
P.O. Box 129, 64 Campus Lane
Lyndon Center, VT 05850

Dear Ms. Botzojorns:

Thank you for submitting to the U.S. Department of Education (the Department) Kingdom East School District's request for an exception to the local maintenance of equity requirements under the American Rescue Plan Act of 2021 (ARP Act)

Section 2004(c)(2) of the ARP Act specifies that a local educational agency (LEA) may be excepted from maintenance of equity requirements 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." Examples of an "exceptional or uncontrollable circumstance" include increased one-time expenditures in the baseline year (school year 2020-2021) due to the pandemic, a very small school where 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 14, 2022, the Department received your request for an exception to the maintenance of equity requirement for one of your high-poverty schools in FY 2023 – Miller's Run School. According to the materials you provided, Miller's Run School has experienced unpredictable changes in enrollment, from 95 students in FY 2021 to 114 students in FY 2022 and 136 students in FY 2023.

After reviewing your request, we concur that the small size and volatility of enrollment at Millers' Run School constitutes an exceptional or uncontrollable circumstance that prevents Kingdom East School District from meeting the maintenance of equity requirement for Miller's Run School in FY 2023. As a result, Kingdom East School District may exclude Miller's Run School from the local maintenance of equity requirements for FY 2023.

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 M. French
Secretary of Education
Vermont Agency of Education