



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 31, 2023

Kyle Thurman  
Federal Programs Director  
Rice Consolidated ISD  
P.O. Box 338  
Altair, TX 77412

Dear Mr. Thurman:

Thank you for submitting to the U.S. Department of Education (the Department) Rice Consolidated ISD's request for an exception to local maintenance of equity requirements under the American Rescue Plan Act of 2021 (ARP Act) in fiscal year (FY) 2023.

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 November 18, 2022, the Department received your request for an exception to the maintenance of equity requirement for FY 2023 for one of your high-poverty schools – Rice Challenge Academy. According to the materials you provided, Rice Challenge Academy experiences frequent, unpredictable changes in enrollment, including up to 30 percent changes in enrollment over the course of a single semester. Moreover, the school has three, distinct semester programs, each with a unique cohort of students, making it difficult for the school to accurately account for its total enrollment in the fall semester.

After reviewing your request, we concur that the small size and volatility of enrollment at Rice Challenge Academy constitutes an exceptional or uncontrollable circumstance that prevents Rice Consolidated ISD from meeting the maintenance of equity requirement for Rice Challenge Academy in FY 2023. As a result, Rice Consolidated ISD may exclude Rice Challenge Academy 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 Texas state mailbox at: [Texas.OESE@ed.gov](mailto: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