



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 29, 2024

The Honorable Angélica Infante-Green  
Commissioner  
Rhode Island Department of Elementary and Secondary Education  
255 Westminster St.  
Providence, RI 02903

Dear Commissioner Infante-Green:

The U.S. Department of Education (Department) received your written plan for a reasonable level of tolerance when calculating whether the Rhode Island Department of Elementary and Secondary Education (RIDE) has met State maintenance of equity requirements in fiscal year (FY) 2023 under the American Rescue Plan Act of 2021 (ARP Act). This written plan applies only to a subset of Rhode Island's local educational agencies (LEAs).

The ARP Act State maintenance of equity requirements help ensure that State funding supports LEAs with high concentrations of poverty and students who have been subject to longstanding opportunity gaps in our education system and experienced the greatest impact from the COVID-19 pandemic. These requirements are vital for ensuring that States maintain funding to address the impact of the pandemic on students' education, and for protecting students in high-need and highest-poverty LEAs from disproportionate cuts if reductions in State effort do occur.

The Department determined that it is consistent with the State maintenance of equity requirements to allow a State educational agency (SEA) to calculate whether it has maintained funding equity with respect to its very small high-need and highest-poverty LEAs within a reasonable "tolerance level." The Department's determination is based on the possibility of significant volatility in the calculated per-pupil funding amounts for very small LEAs caused by small changes in student enrollment, which may be unrelated to whether an SEA has achieved the intent of the requirements. (See *Frequently Asked Questions, American Rescue Plan Elementary and Secondary School Emergency Relief Program, Maintenance of Equity Requirements*, July 26, 2022, Question 21(a).)

RIDE's proposal considers LEAs with memberships of fewer than 600 students and that receive formula funding based upon the characteristics of various sending LEAs to be small. Under this proposed threshold, Rhode Island has 27 such LEAs. RIDE asserts that calculated per-pupil funding amounts for these small LEAs are significantly affected by small changes in attendance rates and students' educational needs. This makes the annual per-pupil funding amounts in Rhode Island's small districts an imperfect indicator of whether the SEA has achieved the intent of maintaining equity in funding across LEAs. For its 27 small districts, RIDE proposes to implement a tolerance of up to a 17 percent decline in per-pupil funding. For FY 2023, applying this tolerance would impact five small districts that served 0.89 percent of Rhode Island's students.

After reviewing RIDE's tolerance proposal and accompanying data, the unique circumstances in the State, and our further State-specific analysis, we have determined that this approach includes a reasonable level of tolerance when calculating whether Rhode Island has maintained equity for small LEAs in FY 2023 and is consistent with RIDE's FY 2022 tolerance request.

Based on data provided by RIDE, Rhode Island will need to make an additional payment to one LEA that experienced disproportionate reductions in per-pupil funding in FY 2023. Please advise the Department when this additional payment has been made.

We appreciate your diligence in developing this proposal. If you have any questions, please contact your program officer at: [RhodeIsland.OESE@ed.gov](mailto:RhodeIsland.OESE@ed.gov).

Sincerely,

*Laura Jimenez*

Laura Jimenez  
Director, Office of State and Grantee Relations