



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 23, 2024

Corrina Guardipee-Hall  
Director Superintendent of Schools  
Browning Public Schools  
129 1<sup>st</sup> Ave SE  
Browning, MT 59417

Dear Superintendent Guardipee-Hall:

Thank you for submitting to the U.S. Department of Education (Department) Browning Public Schools' request for an exception to local maintenance of equity requirements under the American Rescue Plan Act of 2021 (ARP Act) in FY 2023.

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 2021-2022) 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 due to that school no longer serving a student with high-cost educational and support needs. Each request for an exception to the ARP Act requirement involves a case-by-case review by the Department.

According to the materials provided on April 7, 2024, you requested an exception to the maintenance of equity requirement for one of your high-poverty schools: Glendale Elementary. According to the materials you provided, Glendale Elementary experienced a decline in full time equivalent (FTE) staff per students in FY 2023 because even though enrollment stayed static at 15 students, the school lost one teacher from FY 2022 to FY 2023. The district was unable to rehire an additional FTE staff at Glendale Elementary because Montana state regulations restrict a district from receiving State funding for additional staff until an elementary school exceeds 25 students<sup>1</sup>. After reviewing your request, we concur that the very small size of Glendale Elementary constitutes a circumstance that meets the criteria for an exception to the maintenance of equity requirement in FY 2023. As a result, Glendale Elementary is excepted from the local maintenance of equity requirements for FY 2023.

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<sup>1</sup> See, Class Size: Elementary, Admin. R. M. 10.55.712,  
<https://rules.mt.gov/gateway/RuleNo.asp?RN=10%2E55%2E712>.

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 Montana State mailbox at: [Montana.OESE@ed.gov](mailto:Montana.OESE@ed.gov).

Sincerely,

*Laura Jimenez*

Laura Jimenez  
Director, Office of State and Grantee Relations

CC: The Honorable Elsie Arntzen  
Superintendent of Public Instruction  
Montana Office of Public Instruction