



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 2, 2024

Jacque Schmidt
Director of Special Education Designee
Summit Academy
1225 East 13200 South
Draper, UT 84020

Dear Director Schmidt:

Thank you for submitting to the U.S. Department of Education (Department) Summit Academy's request for an exception to local maintenance of equity requirements under the American Rescue Plan Act of 2021 (ARP Act) in FY 2022.

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 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 March 15, 2024, you requested an exception to the maintenance of equity requirement for one of your high-poverty schools: Summit Academy Bluffdale. According to the materials you provided, Summit Academy Bluffdale experienced a decline in per-pupil funding from the 2020-2021 school year to the 2021-2022 school year because the LEA moved a cohort of six special education students and their teachers to a different school within the LEA to better meet the students' educational needs. This resulted in a significant change in the expenses at the Bluffdale campus because it no longer served a group of students that have educational and support needs that require particularly high-cost services. After reviewing your request, we concur that the change in student population at Summit Academy Bluffdale constitutes a circumstance that meets the criteria for an exception to the maintenance of equity requirement in FY 2022. As a result, Summit Academy Bluffdale 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 Utah State mailbox at: Utah.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 Sydnee Dickson
Superintendent of Public Instruction
Utah State Board of Education