



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 31, 2023

Dave Barker
Superintendent
Fremont County School District #1
863 Sweetwater
Lander, WY 82520

Dear Mr. Barker:

Thank you for submitting to the U.S. Department of Education (the Department) Fremont County School District #1's request for an exception to local maintenance of equity requirements under the American Rescue Plan Act of 2021 (ARP Act) for Pathfinder High School 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 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.

According to the materials provided on November 22, 2022, Fremont County School District #1 is a small LEA that includes six schools; four schools serve a unique grade span (PreK-3, K-5, 4-5, and 6-8) with different funding and staffing needs, and two schools serve grades 9-12. Of the two high schools, Pathfinder High School has 50 students and Lander Valley High School has nearly 600 students. You note that enrollment at Pathfinder increased to 50 students in the 2022-2023 school year from 49 in the 2021-2022 school year and 38 in the 2020-2021 school year, and that small changes in enrollment at Pathfinder can dramatically change per-pupil funding.

After reviewing your request, we concur that the small size and volatility of enrollment at Pathfinder constitutes an exceptional or uncontrollable circumstance that prevents Fremont County School District #1 from meeting the maintenance of equity requirement at Pathfinder in FY 2023. The volatility of student enrollment at Pathfinder and significant difference in size of each high school mean that comparisons between the two do not result in meaningful information about resource availability when evaluating whether equity was maintained. As a

result, Fremont County School District #1 is excepted 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 Wyoming state mailbox at: Wyoming.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 Megan Degenfelder
Superintendent of Public Instruction
Wyoming Department of Education