



THE SECRETARY OF EDUCATION

WASHINGTON, DC 20202

February 1, 2022

Laura Timberlake
Director of Federal Programs
Floyd County Schools
600 Riverside Parkway
Rome, GA 30161

Dear Ms. Timberlake:

Thank you for submitting to the U.S. Department of Education (the Department) your request for an exception to the requirement that Floyd County Schools (FCS) maintain equity in its high-poverty schools in fiscal year (FY) 2022. Please note that if FCS did not have an aggregate reduction in combined State and local per-pupil funding in FY2022, FCS has demonstrated an exceptional or uncontrollable circumstance which renders this request unnecessary, as detailed in Question 32 of [Frequently Asked Questions, American Rescue Plan Elementary and Secondary School Emergency Relief Program, Maintenance of Equity Requirements](#), December 29, 2021.

As you know, section 2004(c)(2) of the American Rescue Plan Act 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 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 1, 2021, the Department received your request for an exception to the maintenance of equity requirement for your high-poverty schools in FY 2022 and FY 2023. According to the materials you provided, you request an exception because FCS is experiencing a multi-year decline in enrollment that has led to the closure and consolidation of schools in 2022. After reviewing your request, we concur that these events constitute an exceptional circumstance that prevents FCS from meeting the maintenance of equity requirement in FY 2022. As a result, FCS is excepted from the local maintenance of equity requirements in FY 2022. If FCS is unable to maintain equity in its high-poverty schools in FY 2023, we ask that you follow up with the Department to request an exception when updated data becomes available.

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 Georgia state mailbox at: Georgia.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 Richard Woods
Superintendent of Education
Georgia Department of Education
205 Jessie Hill Jr. Drive, S.E.
Atlanta, GA 30334