



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 6, 2025

The Honorable Ron DeSantis
Governor of Florida
State Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

The Honorable Manny Diaz, Jr.
Commissioner
Florida Department of Education
Turlington Building, Suite 1514
325 West Gaines St.
Tallahassee, FL 32399

Dear Governor DeSantis and Commissioner Diaz:

I am writing in response to the Florida Department of Education's May 28, 2024, request to the U.S. Department of Education (Department) for a waiver of the fiscal year (FY) 2023 maintenance of effort (MOE) requirements under the American Rescue Plan Act of 2021 (ARP Act).

As a condition of receiving Elementary and Secondary School Emergency Relief (ESSER) funds under the ARP Act, Florida assured it would maintain effort, as defined in the ARP Act, for both elementary and secondary education and higher education in FYs 2022 and 2023. More specifically, for each FY, section 2004(a)(1) of the ARP Act requires a State that receives ARP ESSER funds to maintain State support for: 1) elementary and secondary education at least at the proportional level of the State's support for elementary and secondary education relative to the State's overall spending, averaged over FYs 2017, 2018, and 2019; and 2) higher education at least at the proportional level of the State's support for higher education relative to the State's overall spending, averaged over FYs 2017, 2018, and 2019. Section 2004(a)(2) of the ARP Act allows the Department to grant a waiver of the MOE requirements "for the purpose of relieving fiscal burdens incurred by States in preventing, preparing for, and responding to the coronavirus."

Under the authority of section 2004(a)(2) of the ARP Act, I am approving Florida's request to waive the MOE requirements in section 2004(a)(1) of the ARP Act with respect to State support for higher education to relieve fiscal burdens incurred by the State for FY 2023. This determination is based on the totality of the circumstances, including review of Florida's waiver request and the fiscal burden the State incurred in responding to the COVID-19 pandemic; the Department's application of the statutory requirements; the Department's approach to MOE waiver requests as noted in the [Frequently Asked Questions document](#); and consideration of the impact on students.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Based on the information submitted, Florida failed to meet the FY 2023 MOE requirement for higher education by 1.63 percentage points (a \$787.4 million shortfall). Florida noted that the decrease in proportional higher education spending was due to an increase in overall State spending on hurricane disaster recovery needs, Medicaid programs, transportation and infrastructure projects, and environmental projects.

In determining whether to grant a State an MOE waiver, we may consider multiple factors such as increased State support for education. Florida submitted data showing it increased overall support for higher education from an average of \$4,563,527,258 in the baseline years to \$5,502,048,353 in FY 2023. Florida also increased FY 2023 per-pupil spending for higher education by 16.6 percent, or \$2,066 per student, compared to the baseline. Finally, Florida demonstrated a commitment to State support for higher education beyond FY 2023 by appropriating an additional \$988 million in higher education funding in FY 2024, as noted in the State's [waiver request](#). This increase in higher education funding is larger than Florida's shortfall for FY 2023 as calculated under the ARP Act MOE requirement.

Thank you for your ongoing commitment to education. If you have any questions, please contact Florida's State mailbox at Florida.OESE@ed.gov.

Sincerely,

Laura Jimenez

Laura Jimenez
Director, Office of State and Grantee Relations