



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

September 3, 2024

The Honorable Jeff Landry  
Governor of Louisiana  
Office of the Governor  
PO Box 94004  
Baton Rouge, LA 70804

The Honorable Cade Brumley  
State Superintendent of Education  
Louisiana Department of Education  
1201 North Third Street  
Baton Rouge, LA 70802

Dear Governor Landry and Superintendent Brumley:

I am writing in response to the Louisiana Department of Education's May 16, 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 Emergency Relief (ESSER) funds under the ARP Act, Louisiana 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 Louisiana's request to waive the MOE requirements in section 2004(a)(1) of the ARP Act with respect to State support for elementary and secondary 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 Louisiana's waiver request and the fiscal burden the State incurred in responding to the COVID-

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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;<sup>1</sup> and consideration of the impact on students.

Based on the information submitted, Louisiana failed to meet the FY 2023 MOE requirement for elementary and secondary education by 2.5 percentage points (a \$387.5 million shortfall). Louisiana noted the decrease in proportional education spending was due to pandemic-related enrollment declines, which reduced the amount of funding available through the Minimum Foundation Program (MFP), the State’s primary education funding formula. Louisiana also noted the effects of the pandemic necessitated additional increases in overall State spending for Medicaid, other health services, and correctional system services.

In determining whether to grant a State an MOE waiver, we may consider factors such as increased State support for education. Louisiana submitted data showing it increased overall support for elementary and secondary education by \$301 million, from an average of \$3,698,539,656 in the baseline years to \$3,999,555,976 in FY 2023. Louisiana also increased FY 2023 per-pupil spending for elementary and secondary education by four percent, or \$201 per student, compared to the baseline years. Finally, Louisiana increased State aid for elementary and secondary education in FY 2024 by \$224 million. This included increased stipends for certificated and support staff, a Differentiated Compensation Program to provide funding for educator recruitment and retention efforts, an apprenticeship program for students, and supplemental funding for the MFP.

Thank you for your ongoing commitment to education. If you have any questions, please contact Louisiana’s State mailbox at [Louisiana.OESE@ed.gov](mailto:Louisiana.OESE@ed.gov).

Sincerely,

*Laura Jimenez*

Laura Jimenez  
Director, Office of State and Grantee Relations

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<sup>1</sup> [https://oese.ed.gov/files/2022/09/8.15.22-Update\\_MOE-Chart-with-waiver-FAQs-Rounding-and-Appendices-Updated1.pdf](https://oese.ed.gov/files/2022/09/8.15.22-Update_MOE-Chart-with-waiver-FAQs-Rounding-and-Appendices-Updated1.pdf)