



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

October 30, 2023

The Honorable John Bel Edwards
Governor of Louisiana
State Capitol
P. O. 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 Edwards and Superintendent Brumley:

I am writing in response to the April 21, 2023, request from the Louisiana Department of Education to the U.S. Department of Education (Department) for a waiver of the maintenance of effort (MOE) requirements in section 317(a) of the Coronavirus Response and Relief Appropriations Act, 2021 (CRRSA Act) and section 2004(a)(1) of the American Rescue Plan Act of 2021 (ARP Act). As a condition of receiving CRRSA Act and ARP Act pandemic relief funds under the Education Stabilization Fund, Louisiana assured it would maintain effort for both elementary and secondary education and higher education in each of fiscal years (FYs) 2022 and 2023.

More specifically, for FY 2022, section 317(a) of the CRRSA Act requires a State that receives Elementary and Secondary School Emergency Relief funds (ESSER II), Governor's Emergency Education Relief funds (GEER II), and funds for the Emergency Assistance to Non-Public Schools (EANS) program to: 1) maintain State support for 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) maintain State support for 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. This MOE requirement also applies to ARP ESSER funds, and 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 317(a) of the CRRSA Act and section 2004(a)(1) of the ARP Act with

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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.

respect to State support for elementary and secondary education to relieve fiscal burdens incurred by the State for FY 2022.

As indicated in the Department's Frequently Asked Questions document, the Department's approach to MOE waiver requests is rooted in consideration of the impact on students. In reviewing Louisiana's request for a waiver, the Department considered all information and data included, as well as the totality of the circumstances. Based on the information submitted, the Department determined that, consistent with the Department's interest in a State's commitment to education spending, Louisiana made increased investments in elementary and secondary education in FY 2022. Specifically, Louisiana increased State support for elementary and secondary education overall and on a per-pupil basis in FY 2022 compared to the baseline years.

Despite these facts, based on Louisiana's submission, the State failed to meet MOE requirements because elementary and secondary education spending, as a percentage of the overall State budget, decreased by approximately 1.78 percentage points (\$236.9 million) in FY 2022, compared with the baseline years. Louisiana represented that the decrease in proportional education spending was driven by decreases in student enrollment of approximately 12,000 students compared to pre-pandemic levels. Importantly, Louisiana reinvested the \$40 million in savings generated by enrollment decline into early childhood education. Louisiana also noted that the decrease in proportional education spending was influenced by a mandated \$400 million payment to the U.S. Treasury for the State's \$1.1 billion debt on the Hurricane and Storm Damage Risk Reduction System constructed following Hurricanes Katrina and Rita.

Considering the totality of the circumstances, including the State's ongoing commitment to support elementary and secondary education through the additional \$148.4 million in FY 2023 for teacher pay raises, as well as the State's demonstration of fiscal burdens incurred in responding to the coronavirus pandemic, the Department approves your request for waiver of the aforementioned MOE requirements for FY 2022.

This waiver for FY 2022 MOE requirements is distinct from any determination the Department may make concerning Louisiana's compliance with maintenance of equity requirements for FY 2022 under the ARP Act (§ 2004(b)). Based on data provided by the State, Louisiana has not yet complied with the maintenance of equity requirements in FY 2022 for at least one local educational agency (LEA). Louisiana must make supplemental payments to any high-need or highest-poverty LEAs that experienced disproportionate per-pupil funding in FY 2022. Please advise the Department when this additional payment is made.

Thank you for your ongoing commitment to education. If you have any questions, please contact the Louisiana State Mailbox at: Louisiana.OESE@ed.gov.

Sincerely,

Laura Jimenez

Laura Jimenez
Director, Office of State and Grantee Relations