



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

May 10, 2024

The Honorable Chris Sununu
Governor of New Hampshire
State House
107 North Main Street
Concord, NH 03301

The Honorable Frank Edelblut
Education Commissioner
New Hampshire Department of Education
25 Hall Street
Concord, NH 03301

Dear Governor Sununu and Commissioner Edelblut:

I am writing in response to the New Hampshire Department of Education's March 15, 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, New Hampshire assured it would maintain effort, as defined in the ARP Act, for both elementary and secondary education and higher education in each of 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 New Hampshire'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 in FY 2023. This determination is based on the totality of the circumstances, including review of New Hampshire's waiver request and the fiscal burden the State incurred in responding to the COVID-19 pandemic; the Department's application of the statutory

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requirements; the Department’s approach to MOE waiver requests as noted in the Frequently Asked Questions document;¹ and consideration of the impact on students.

Based on the information submitted, New Hampshire failed to meet the FY 2023 MOE requirement for elementary and secondary education by 4.7 percentage points (a \$121 million shortfall). New Hampshire noted that the decrease in proportional education spending was due to increases in overall State spending on services to address addiction, child protection, and mental health. The State also increased the reimbursement rate for Medicaid program providers.

In determining whether to grant a State an MOE waiver, we may consider factors such as increased State support for education. New Hampshire submitted data showing it increased overall support for elementary and secondary education from an average of \$958,600,000 in the baseline years to \$1,002,797,000 in FY 2023. New Hampshire also increased per-pupil spending in FY 2023 compared to the baseline for elementary and secondary education by 11 percent, or \$589 per student. Finally, New Hampshire demonstrated a commitment to State support for elementary and secondary education beyond FY 2023 including a \$525 million increase in the State’s operating budget for elementary and secondary education in FY 2024 compared to FY 2023.² This increase is larger than New Hampshire’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 the New Hampshire State mailbox at NewHampshire.OESE@ed.gov.

Sincerely,

Laura Jimenez

Laura Jimenez
Director, Office of State and Grantee Relations

¹ https://oese.ed.gov/files/2022/09/8.15.22-Update_MOE-Chart-with-waiver-FAQs-Rounding-and-Appendices-Updated1.pdf

² https://www.gencourt.state.nh.us/lba/budget/operating_budgets/2024-2025/House_Finance/HB%201%20Chapter%20Law%20Combined.pdf