



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

July 29, 2024

The Honorable Brad Little
Governor of Idaho
State Capitol
P.O. Box 83720
Boise, ID 83720

The Honorable Debbie Critchfield
Superintendent of Public Instruction
Idaho State Board of Education
650 W. State Street
Boise, ID 83702

Dear Governor Little and Superintendent Critchfield:

I am writing in response to the Idaho Department of Education's May 10, 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, Idaho 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 Idaho'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 Idaho'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.

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
<http://www.ed.gov/>

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, Idaho failed to meet the FY 2023 MOE requirement for higher education by 0.64 percentage points (a \$9.7 million shortfall). Idaho noted that the decrease in proportional higher education spending was due to an increase in overall State spending on broadband connectivity improvements, public health services, water supply and sewage treatment plant upgrades, and transportation and infrastructure projects to support the influx of new residents from neighboring States during the COVID-19 pandemic.

In determining whether to grant a State an MOE waiver, we may consider multiple factors such as increased State support for education. Idaho submitted data showing it increased overall support for higher education from an average of \$345,377,533 in the baseline years to \$421,227,500 in FY 2023. Idaho also increased FY 2023 per-pupil spending for higher education by 20 percent, or \$1,402 per student, compared to the baseline. Finally, Idaho demonstrated a commitment to State support for higher education beyond FY 2023 by appropriating an increase of \$32 million in higher education funding in FY 2024, as noted in the [State's waiver request](#). This increase in higher education appropriations is larger than Idaho'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 Idaho's State mailbox at Idaho.OESE@ed.gov.

Sincerely,

Laura Jimenez

Laura Jimenez

Director, Office of State and Grantee Relations