



Oregon

Tina Kotek, Governor



OREGON
DEPARTMENT OF
EDUCATION

Oregon achieves . . . together!

Colt Gill

Director of the Department of Education

March 29, 2023

Secretary Cardona

(Sent via OESE@ed.gov email only)

U.S. Department of Education

Lyndon Baines Johnson Department of Education Building

400 Maryland Ave, SW Washington, DC 20202

Re: Oregon Department of Education Waiver Request from Section 2004(a) of the American Rescue Plan Act (ARPA) and Section 317 of the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA)

Dear Secretary Cardona:

The Oregon Department of Education submits this letter and its accompanying attachments to request a waiver of the Maintenance of Effort (MOE) requirements from Section 2004(a) of the American Rescue Plan Act (ARPA) and Section 317 of the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA).

Oregon is proud of its commitment to and ongoing support for students in elementary, secondary, and higher education. As prescribed by the MOE agreement, Oregon did not reduce funding support for K-12 education. Rather, the State of Oregon made a historic investment in public education with the passage of the Student Success Act. The Act infused additional education funding to its base allotment with the purpose of expanding resources, recovering from the pandemic's effects, and fixing systemic inequalities in educational programs for K-12 schools and students. This financial commitment resulted in an overall funding increase for education which exceeded the per-pupil aid appropriations and baseline levels of funding provided during State fiscal years 2017, 2018, and 2019.

Oregon's education funding increase was made possible by the legislative passage of a new tax, earmarked specifically for K-12 education and early learning programs. The new tax, known as the Corporate Activity Tax (CAT), is a 0.57 percent tax applied to taxable Oregon commercial activity above \$1 million. The tax is expected to generate approximately \$1.2 billion a year for Oregon's K-12 education and early learning systems. The funds, distinct and separate from the State's General Fund, are budgeted as Other Funds within the State's budget, and are earmarked solely for education and early learning support.

Despite the increased allotment and expansion of services and supports for schools and students, Oregon is unable to achieve the Maintenance of Effort technical requirements for fiscal years 2022 and 2023. The proportional level of the State's support for elementary and secondary education relative to Oregon's overall spending declined in 2022 and 2023 because of the State's necessary investments in addressing other urgent priorities. These investments required immediate funding, which has naturally decreased the percentage of education spending relative to the overall State budget during these fiscal years. Though the proportional percentage of spending decreased during these fiscal years when compared to the baseline years, total funding on a dollar basis actually increased substantially.

Other budget drivers restricting Oregon's ability to further investments in educational spending included (more detail for these is provided in Appendix E):

1. Ongoing response to the public health emergency stemming from the COVID-19 pandemic.
2. Emergency response, recovery, and restoration efforts as a result of historic wildfire seasons in calendar years 2020 and 2021.
3. An ongoing housing and homelessness crisis exacerbated by the pandemic.
4. Drought conditions impacting much of the state.
5. Federal requirements related to Medicaid enrollment.
6. Oregon's unique kicker law, which requires a refund to taxpayers of income tax collected once certain triggers are met.

Despite the many competing priorities for funding, the state also experienced growth in its General Fund revenues. This growth has allowed the state to make additional investments in education spending for fiscal years 2022 and 2023. Due to necessary expenditures in other areas of the state budget, as listed above, the increase in education investments is less apparent when compared to overall state spending.

Thank you for your consideration of our waiver request. Attached is information providing details and explanation of Oregon's estimated noncompliance with the MOE provisions within ARPA and CRRSA:

- Appendix B is the required MOE Data Submission form
- Appendix C contains the MOE waiver request form
- Appendix D contains the additional submission information required in Appendix B
- Appendix E contains responses to questions asked at the end of Appendix C

Please don't hesitate to contact me, should you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Colt Gill", with a stylized, looping flourish.

Colt Gill
Oregon Deputy Superintendent of Public Instruction
Director, Oregon Department of Education

Appendix B: MOE Data Submission

State _____

Data Submission Timelines

	State support for elementary and secondary education	State support for higher education	Overall State spending
FY 2017	Submitted September 1, 2020; May be updated by May 17, 2021		Due May 17, 2021
FY 2018			
FY 2019			
FY 2020	Submitted December 30, 2020; May be updated by May 17, 2021		
FY 2021	Collected by December 30, 2021		
FY 2022	FY 2022 data on appropriated or allocated amounts for State support for elementary and secondary education, State support for higher education, and overall State spending will be collected by December 30, 2021. The Department intends to collect final expenditure data in spring 2023 when data are available.		
FY 2023	FY 2023 data on appropriated or allocated amounts for State support for elementary and secondary education, State support for higher education, and overall State spending will be collected by December 30, 2022. The Department intends to collect final expenditure data in spring 2024 when data are available.		

Data for State support and overall State spending

A State must submit the required information below. Additionally, a State may use this form to update previously submitted MOE data for FYs 2017, 2018, 2019, and 2020.

	State support for elementary and secondary education	State support for higher education	Overall State spending	State support for elementary and secondary education as a proportion of overall State spending	State support for higher education as a proportion of overall State spending
FY 2017	\$	\$	\$	%	%
FY 2018	\$	\$	\$	%	%
FY 2019	\$	\$	\$	%	%
Average FYs 2017-2019				%	%
FY 2020	\$	\$	Not required	Not required	Not required
FY 2021	\$	\$	Not required	Not required	Not required
FY 2022 interim data*	\$	\$	\$	%	%
FY 2022 (final data)	\$	\$	\$	%	%
FY 2023 interim data*	\$	\$	\$	%	%
FY 2023 (final data)	\$	\$	\$	%	%

*Appropriated or allocated

Additional submission requirements: In an attachment, identify and describe the data sources used in determining the levels of —

- (a) State support for elementary and secondary education;
- (b) State support for higher education; and
- (c) Overall State spending.

NOTE: You are only required to submit this information for data categories included in your submission above.

To the best of my knowledge and belief, all of the information in this MOE data submission is true and correct and the failure to submit accurate data may result in liability under the False Claims Act, 31 U.S.C. § 3729 et seq.; OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and 18 USC § 1001, as appropriate, and other enforcement actions.

Governor or Chief State School Officer or Authorized Representative (Typed or Printed Name) Telephone

Signature of Governor or Chief State School Officer or Authorized Representative Date

Public Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0745. Public reporting burden for this collection of information is estimated to average 5.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefit under section 18008 of the Coronavirus Aid, Relief, and Economic Security Act (CARES) Act, Division M, Section 317 of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA) Act, and Section 2004(a) of the American Rescue Plan Act of 2021 (ARP Act) If you have any comments concerning the accuracy of the time estimate, suggestions for improving this individual collection, or if you have comments or concerns regarding the status of your individual form, application or survey, please contact Britt Jung, Office of State and Grantee Relations, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-6450, email: SGR@ed.gov directly.

Appendix C: MOE Waiver Request

This form must be used for the submission of a request for a waiver of the requirements noted below. For assistance, please contact your State mailbox, which is [State]oeese@ed.gov.

State _____

On behalf of my State, I request a waiver of the following State maintenance of effort (MOE) requirements for the following fiscal years:

Please check all that apply:

- ☐ FY 2020 MOE requirement for elementary and secondary education under section 18008 of the CARES Act.
- ☐ FY 2020 MOE requirement for higher education under section 18008 of the CARES Act.
- ☐ FY 2021 MOE requirement for elementary and secondary education under section 18008 of the CARES Act.
- ☐ FY 2021 MOE requirement for higher education under section 18008 of the CARES Act.
- ☐ FY 2022 MOE requirement for elementary and secondary education under section 317(a) of the CRRSA Act and section 2004(a) of the ARP Act.
- ☐ FY 2022 MOE requirement for higher education under section 317(a) of the CRRSA Act and section 2004(a) of the ARP Act.
- ☐ FY 2023 MOE requirement for elementary and secondary education under section 2004(a) of the ARP Act.
- ☐ FY 2023 MOE requirement for higher education under section 2004(a) of the ARP Act.

Data for State support and overall State spending

A State must resubmit the baseline data for FYs 2017, 2018, and 2019 (baseline years) as part of this MOE waiver request. If these baseline data differ from a State's previously submitted data, please provide a description of the reason for the change. Additionally, a State must submit MOE data for the years in which it is requesting this waiver.

	State support for elementary and secondary education	State support for higher education	Overall State spending *	State support for elementary and secondary education as a proportion of overall State spending	State support for higher education as a proportion of overall State spending
FY 2017	\$	\$	\$	%	%
FY 2018	\$	\$	\$	%	%
FY 2019	\$	\$	\$	%	%
Average FYs 2017-2019				%	%
FY 2020	\$	\$	\$	Not Required	Not Required
FY 2021	\$	\$	\$	Not Required	Not Required
FY 2022	\$	\$	\$	%	%
FY 2023	\$	\$	\$	%	%

*For overall State spending, a State may request a waiver based on final allocations or appropriations. For more information, see FAQ 10.

Additional submission requirements

In an attachment, please provide:

1. A description of the extent to which the State experienced fiscal burdens in preventing, preparing for, and responding to the coronavirus and an explanation of how those fiscal burdens affected the State's ability to maintain fiscal effort (e.g., the status of and any changes to the State's rainy day fund, whether the State experienced a decline in revenues, or an increase in other emergency expenses resulting from the pandemic, such as expenses related to health care, unemployment insurance, or support for small businesses); and
2. Documentation and data supporting the description of the State's fiscal burdens (e.g., revenue data, appropriation tables, unemployment statistics, etc.) including any State action that impacted State revenue (e.g., tax increases or decreases).
3. In addition, in its waiver request, a State should submit information on the relevant factors listed below to support its request. The Secretary may ask States for additional information after States submit the MOE waiver request form.

In determining whether to grant a State an MOE waiver, the Secretary may consider factors such as:

Has the State increased support for education?

The Department understands that it is possible that a State has maintained or increased overall funding for education and the proportion of the State budget for education has still declined because of increases in other areas of the budget (e.g., public health). In these cases, the Secretary may consider:

- Has total State funding for K-12 education and for higher education (calculated separately) increased from the prior fiscal year?
- Has total State funding for K-12 education and for higher education (calculated separately) increased over time (e.g., since baseline years)?
- Has per-pupil State funding for K-12 education and for higher education (calculated separately) increased from the prior fiscal year?
- Has per-pupil State funding for K-12 education and for higher education (calculated separately) increased over time (e.g., since baseline years)?
- Has the State appropriated an increase in State funding for K-12 education and for higher education for future fiscal years?

Are there exceptional circumstances that caused the State to be unable to maintain support for education?

If a State's support for education declined, the Secretary may consider:

- Are there specific severe effects of the COVID-19 pandemic on the State's economy that necessitated reductions in support for elementary and secondary education and for higher education?
- What steps did the State take to avoid and/or minimize such reductions?
- Did the State use Coronavirus State and Local Fiscal Recovery Funds awarded by the U.S. Department of the Treasury under section 9901 of the ARP Act to support elementary and secondary education and higher education?
- How did reductions in support for elementary and secondary education and for higher education compare to other budget categories?
- Did the State take steps that reduced or will it take steps to proactively reduce its financial resources in a way that impacted or will impact its ability to meet MOE requirements (e.g., tax changes (and in what context), additional contributions to rainy day funds)? If so, what was the impact of the reduction (e.g., to what extent were its resources reduced or will its resources be reduced)?

Has the State used or will it use ESSER, GEER, or Higher Education Emergency Relief (HEER) funding to replace State funding for education?

It is important for the Department to understand the State's use of pandemic-related Federal funds when reviewing a request for a waiver. The Secretary may therefore consider:

- Will all unallocated ESSER or GEER funds relevant to the waiver be used to provide net new resources to K-12 schools and to higher education and not be used to replace existing State commitments to K-12 education and to higher education?
- Will all unallocated HEER funds be used to provide net new resources to higher education and not be used to replace existing State commitments to higher education?
- Has the State previously used any ESSER, GEER, or HEER funds to replace State funding for education?

To the best of my knowledge and belief, all of the information in this MOE data submission are true and correct and the failure to submit accurate data may result in liability under the False Claims Act, 31 U.S.C. § 3729 et seq.; OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and 18 USC § 1001, as appropriate, and other enforcement actions.

Governor or Chief State School Officer or Authorized Representative (Typed or Printed Name)	Telephone
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Signature of Governor or Chief State School Officer or Authorized Representative	Date
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Public Burden Statement

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Appendix D

Additional submission information as required in Appendix B

Identify and describe the data sources used in determining the levels of —

(a) State support for elementary and secondary education;

(b) State support for higher education; and

This response combines the response to both (a) and (b).

The data sources for K-12 and higher education funding come from the Annual Comprehensive Financial Report (ACFR) and the Legislatively Adopted Budget (LAB).

(c) Overall State spending.

Overall state expenditures for actuals were obtained from the state's Annual Comprehensive Financial Report (ACFR) produced by the Statewide Accounting and Reporting Services unit within the Chief Financial Office of the Department of Administrative Services. Totals were obtained from the Required Supplementary Information section of the ACFR, which contains statewide total expenditures by fund type for the relevant fiscal years of the fiscal effort demonstration. Total state expenditures includes General Fund, Lottery Funds and only Other Funds that are earmarked specifically for education.

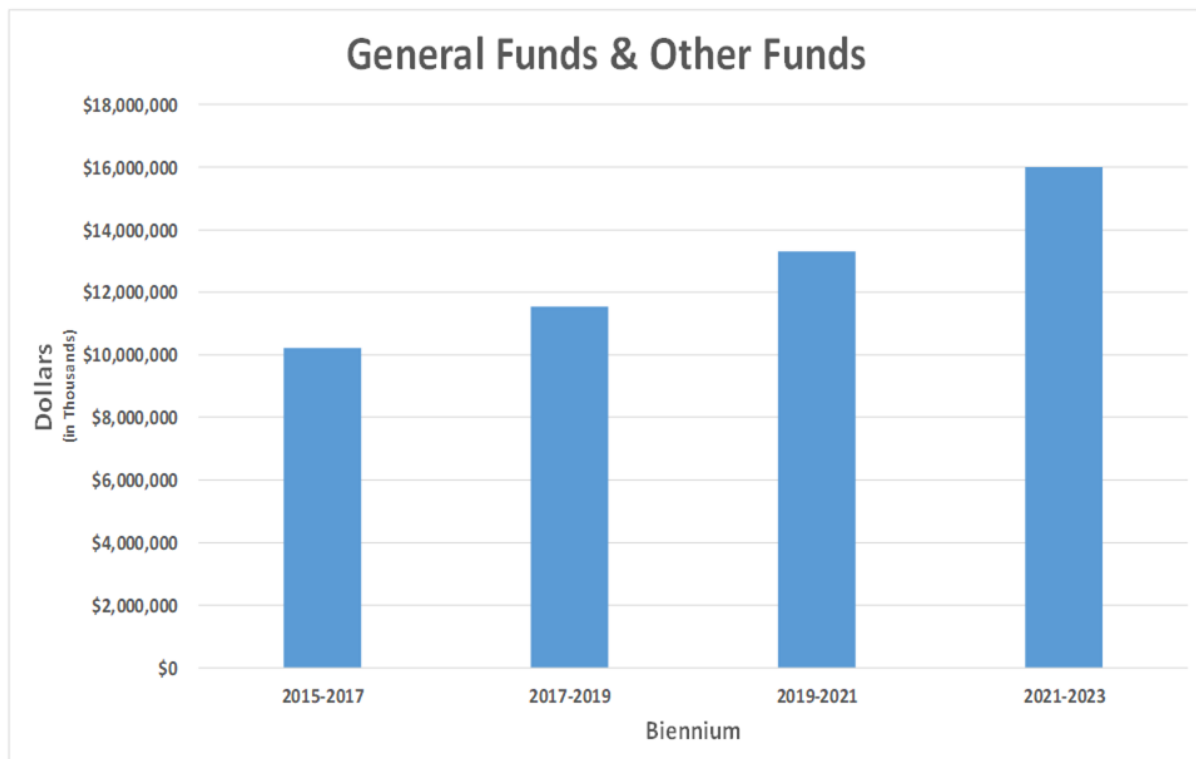
The state did dedicate Federal COVID SLFR dollars, primarily to Higher Education, and those dollars were included in the fiscal effort calculation.

Appendix E

Requirements from USED for waiver letter (from Appendix C):

1. A description of the extent to which the State experienced fiscal burdens in preventing, preparing for, and responding to the coronavirus and an explanation of how those fiscal burdens affected the State's ability to maintain fiscal effort (e.g., the status of and any changes to the State's rainy day fund, whether the State experienced a decline in revenues, or an increase in other emergency expenses resulting from the pandemic, such as expenses related to health care, unemployment insurance, or support for small businesses)

In 2019, the State of Oregon made an historic investment in public education with the passage of the Student Success Act. The legislation established a Fund for Student Success to expand K-12 and early learning investments, greatly increasing the State's financial commitment in education. The investments were made possible by the legislative passage of a new tax, earmarked specifically for K-12 education and early learning programs. The new tax, known as the Corporate Activity Tax (CAT) is a .57 percent tax applied to taxable Oregon commercial activity above \$1 million. The tax is expected to generate approximately \$1.2 billion a year for Oregon's K-12 education and early learning systems. The funds are distinct and separate from the State's General Fund, are budgeted as Other Funds within the State's budget, and are earmarked solely for education and early learning support.



The added investments from the Student Success Act greatly increased overall education spending, but the increases show up in both the numerator and denominator of the proportional calculation. This calculation methodology does not grow the overall percentage of education spending at a rate that is sufficient to account for necessary growth in other areas of the budget to deal with other ongoing and emerging priorities in Oregon. The list below provides information about some, but not all, of the other budget drivers the state has had to address in recent years.

1. The worldwide COVID-19 pandemic resulting in unprecedented service demands in Oregon for a variety of areas including health care, human services, mental and behavioral health, housing and workforce. As the public health emergency comes to a close, resources for certain aspects from this work will begin to diminish.
2. Historic wildfire disasters occurred in the fall of 2020 and summer of 2021, drastically impacting communities throughout the state and elevating service needs in restoration and cleanup, forest management, housing, and providing wrap-around services to citizens and communities impacted. Oregon has shown a commitment to focusing on restoration efforts to try and help reduce the number and severity of fires in the state.
3. A housing and homelessness crisis across the state also impacts Oregonians and requires investments. Per the U.S. Department of Housing and Urban Development the states homeless population has grown by 22.5 percent since 2020. This increase has caused the state to invest in solutions to provide immediate temporary relief, as well as look for long term solutions to the housing crisis.
4. The state continues to experience a long-term drought, resulting in needed relief in areas throughout the state, providing assistance to communities, farmers, residents, and looking for long term solutions to this ongoing problem.
5. Since March 2020, states have provided continuous enrollment in Medicaid in exchange for enhanced Medicaid match rate. Oregon's Medicaid population has increased considerably from about 1 million to nearly 1.5 million between March 2020 and March 2023. Medicaid caseload increases caused an associated increase in General Fund needed to support the increase in enrollees. The federal requirement to provide continuous coverage to all enrollees will expire starting April 2023. The state has developed a plan to begin the process of redetermining eligibility for all members.
6. Oregon's unique "Two Percent Kicker" law requires the state to refund excess revenue to taxpayers when actual General Fund revenue exceeds the biennial close of session forecast by more than two percent. Oregon's Personal Income Tax kicker is driven by forecast assumptions and can serve to limit overall state budget growth and potential opportunities to increase education investments. This can greatly impact the state's ability to invest resources above and beyond what has been planned, according to the forecast. The latest economic forecast shows a historic kicker rebate to be paid out as tax credits in 2024 in the amount of \$3.9 billion. Since the Kicker function is codified in the Oregon

Constitution, kicker funds are not accessible for state agencies, legislators or the Governor for investment, even in times of crisis or great need. This revenue restriction that is unique to Oregon, limits the state’s ability to increase the education budget when revenues exceed the forecast.

Despite the many competing priorities for funding, the state also experienced growth in its General Fund revenues. This growth has allowed the state to make additional investments in education spending for fiscal years 2022 and 2023. Due to necessary expenditures in other areas of the state budget, as listed above, the visibility in the increase of education investments during this time does not result in meeting the requirements of the MOE.

In addition to expected growth over the next several biennia in the General Fund, the state also makes deposits into an Education Stability Fund (ESF). This fund was established constitutionally in 2002 and is funded with 18 percent of the net proceeds from the Oregon Lottery. The fund is capped at 5 percent of the amount accrued in General Fund revenues during the prior biennium. These funds can be used by the Legislature if there is an economic downturn that meets certain criteria. Per the March 2023 Oregon Economic and Revenue Forecast it is estimated the ESF will have a balance of \$708 million by the end of the current biennium. Though the state cannot use these funds at any time for education expenses they demonstrate Oregon’s commitment to being able to maintain educational funding levels.

2. Documentation and data supporting the description of the State’s fiscal burdens (e.g., revenue data, appropriation tables, unemployment statistics, etc.) including any State action that impacted State revenue (e.g., tax increases or decreases).

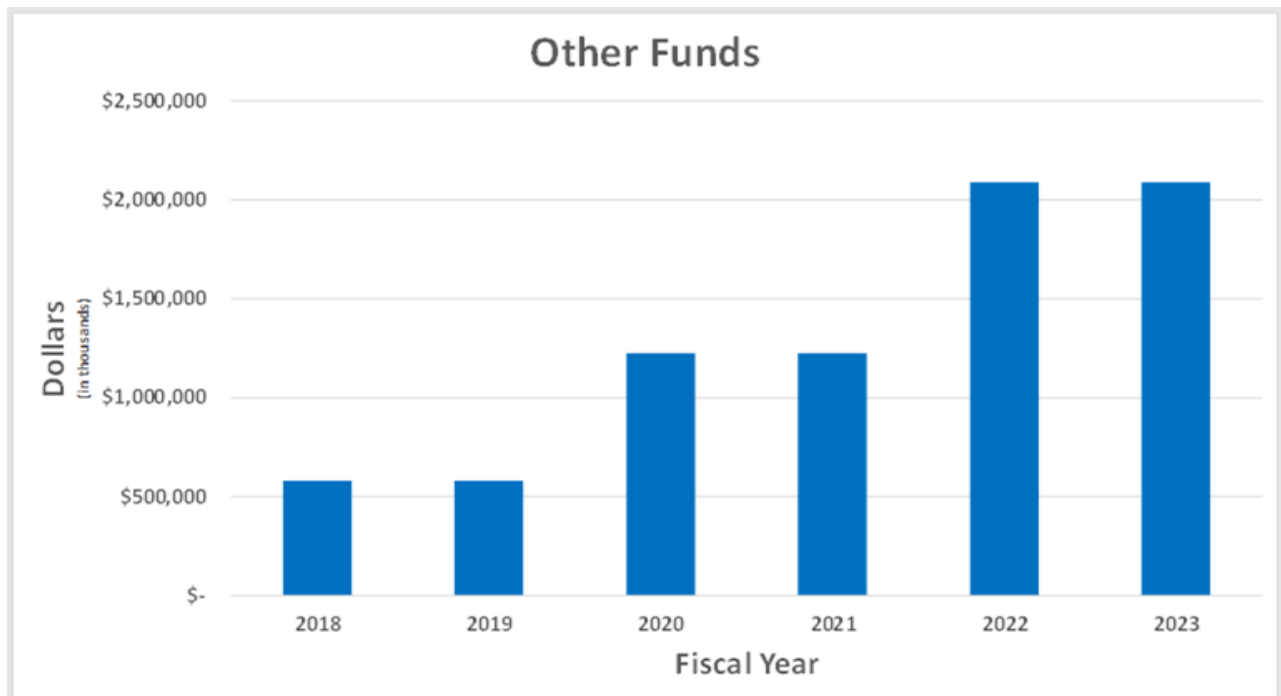
The table below breaks down the three main investment shifts in the state General Fund. As you can see while there was a significant investment increase in education between the baseline years and 2022-23, the relative percentage of overall support decreased significantly due to increased support in other critical areas of state government.

Investment Area	GF (millions)		Investments
COVID-19/Behavioral Health	\$ 368.80		
		\$ 79.70	Housing, Residential Treatment, and Workforce Capacity
		\$ 52.00	Aid and Assist Services Capacity
		\$ 86.30	Access to Inpatient and Outpatient Services
		\$ 70.20	Ballot Measure 110 Implementation

		\$ 23.30	Children and Youth with Specialized Needs
		\$ 57.30	Transformation and System Alignment
Investment Area	GF (millions)		Investments
Wildfires	\$ 374.80		
		\$ 100.00	Housing Development, Construction, Infrastructure, Rebuilding, Down Payment Assistance, Loans and Services
		\$ 181.84	Implementing Statewide Comprehensive Strategy to Promote Wildfire Risk Reduction, Response and Recovery (SB 762 (2021))
		\$ 92.90	Other Grants and Investments
Housing/ Homelessness	\$ 716.10		
		\$ 374.70	Homelessness Prevention
		\$ 266.40	Affordable Housing Infrastructure
		\$ 10.00	Affordable Rental Housing Emergency Board Allocation
		\$ 65.00	Augment Homeownership Opportunities
Water/Drought	\$ 182.10		
		\$ 53.20	Water Infrastructure
		\$ 9.60	Water Resource Planning
		\$ 14.20	Agency Capacity for Water Investments and Programs
		\$ 105.10	2021 Second Special Session Drought Relief Package
Medicaid	\$ 860.50		
		\$ 740.50	Medicaid caseload increase due to temporary continuous eligibility provisions

		\$ 120.00	Medicaid Redetermination Process and Bridge Health Coverage Related to Continuous Eligibility Provisions
Total Investments	\$ 2,502.30		

The table below shows how Other Funds have increased in the Department of Education over time. While it's difficult to articulate given the change in the MOE definition, significant investments have been made to continually improve funding for Education in Oregon.



3. In addition, in its waiver request, a State should submit information on the **relevant factors listed below** to support its request. The Secretary may ask States for additional information after States submit the MOE waiver request form.

In determining whether to grant a State an MOE waiver, the Secretary may consider factors such as:

Has the State increased support for education?

The Department understands that it is possible that a State has maintained or increased overall funding for education and the proportion of the State budget for education has still declined because of increases in other areas of the budget (e.g., public health). In these cases, the Secretary may consider:

- Has total State funding for K-12 education and for higher education (calculated separately) increased from the prior fiscal year?*
- Has total State funding for K-12 education and for higher education (calculated separately) increased over time (e.g., since baseline years)?*
- Has per-pupil State funding for K-12 education and for higher education (calculated separately) increased from the prior fiscal year?*
- Has per-pupil State funding for K-12 education and for higher education (calculated separately) increased over time (e.g., since baseline years)?*

There was an increase when comparing the overall spending for the 3-year average of FY17, FY18, and FY19 compared to FY22 of 31.7%. There is a year over year increase of 4% when comparing FY22 and FY23.

There was also an increase in per pupil spending for K-12 and higher education compared with the prior fiscal year and the baseline year. Please see the chart below as reference to all questions in this section.

	2017 Actuals	2018 Actuals	2019 Actuals	3-yr avg. Actuals	2022 LAB	2023 LAB	
K-12 Education:	3,731,123,136	4,230,683,554	4,230,683,554	4,064,163,415	5,269,781,887	5,455,781,887	
Higher Education:	744,421,572	903,799,033	797,370,807	815,197,137	1,157,316,373	1,166,549,790	
	4,475,544,708	5,134,482,587	5,028,054,361	4,879,360,552	6,427,098,260	6,622,331,676	
K-12 Enrollment:	578,947	580,684	581,730	580,454	553,012	552,380	
K-12 per-pupil rate:	6,445	7,286	7,273	7,001	9,529	9,877	
Higher Ed Enrollment:	82,018	81,520	78,325	80,621	78,172	78,547	
Higher Ed per-pupil rate:	9,076	11,087	10,180	10,114	14,805	14,852	
Total Enrollment:	660,965	662,204	660,055	661,075	631,184	630,927	
Total Per-pupil rate:	6,771	7,754	7,618	7,381	10,183	10,496	
\$ variance 3-yr avg:					1,547,737,707	1,742,971,124	
% variance 3-yr avg:					31.7%	35.7%	
						195,233,416.67	\$ FY22 to FY23
						4.0%	% FY22 to FY23

- Has the State appropriated an increase in State funding for K-12 education and for higher education for future fiscal years?*

The State passed the Student Success Act in 2019 utilizing the Corporate Activity Tax (CAT) tax as the revenue source. The funds first reached LEAs in 2021. In the 2021-23 State Budget, there was slight “roll up” increase in the SSA budget and a \$400 million increase to the State School

Fund from current service level (CSL), which is \$9.5billion. Oregon is in the middle of our 2023 legislative session which will set spending amounts for 23-25. While the Governor and the Legislative Co-Chairs of the Ways and Means budget committee have proposed a nearly \$600 million increase in State funding for education, the outcome of the legislative process won't be known until the end of June.

Are there exceptional circumstances that caused the State to be unable to maintain support for education?

No, support for education increased.

If a State's support for education declined, the Secretary may consider:

The State of Oregon's support for education did not decline.

•*Are there specific severe effects of the COVID-19 pandemic on the State's economy that necessitated reductions in support for elementary and secondary education and for higher education?*

Not applicable, the State of Oregon's support for education did not decline.

•*What steps did the State take to avoid and/or minimize such reductions?*

Not applicable, the State of Oregon's support for education did not decline.

•*Did the State use Coronavirus State and Local Fiscal Recovery Funds awarded by the U.S. Department of the Treasury under section 9901 of the ARP Act to support elementary and secondary education and higher education?*

Not applicable, the State of Oregon's support for education did not decline.

•*How did reductions in support for elementary and secondary education and for higher education compare to other budget categories?*

Not applicable, the State of Oregon's support for education did not decline.

•*Did the State take steps that reduced or will it take steps to proactively reduce its financial resources in a way that impacted or will impact its ability to meet MOE requirements (e.g., tax changes (and in what context), additional contributions to rainy day funds)? If so, what was the impact of the reduction (e.g., to what extent were its resources reduced or will its resources be reduced)?*

Not applicable, the State of Oregon's support for education did not decline.

Has the State used or will it use ESSER, GEER, or Higher Education Emergency Relief (HEER) funding to replace State funding for education?

The State of Oregon did not and will not use pandemic-related federal funds to replace State funding for education.

It is important for the Department to understand the State's use of pandemic-related Federal funds when reviewing a request for a waiver. The Secretary may therefore consider:

•Will all unallocated ESSER or GEER funds relevant to the waiver be used to provide net new resources to K-12 schools and to higher education and not be used to replace existing State commitments to K-12 education and to higher education?

Not applicable, the State of Oregon did not and will not use pandemic-related federal funds to replace State funding for education.

•Will all unallocated HEER funds be used to provide net new resources to higher education and not be used to replace existing State commitments to higher education?

Not applicable, the State of Oregon did not and will not use pandemic-related federal funds to replace State funding for education.

•Has the State previously used any ESSER, GEER, or HEER funds to replace State funding for education?

Not applicable, the State of Oregon did not and will not use pandemic-related federal funds to replace State funding for education.