



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 8, 2024

TO: Governors
Chief State School Officers

FROM: Adam Schott
Deputy Assistant Secretary for Policy and Programs
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

SUBJECT: Update on FY 2023 Maintenance of Effort Provisions

Thank you for your ongoing work on the Maintenance of Effort (MOE) provisions under the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act) and the American Rescue Plan Act of 2021 (ARP Act). These requirements are vital for ensuring that States sustain investments in elementary, secondary, and higher education to support a strong, equitable educational recovery. As we work to implement the second and final year of these requirements, I wanted to provide a few updates.

As of January 8, 2024, all States have demonstrated compliance with CRRSA Act and ARP Act MOE requirements for fiscal year (FY) 2022. For the FY 2023 requirement, based on interim data provided by States:

- **33 States** are on track to demonstrate MOE for elementary and secondary education;
- **41 States** are on track to demonstrate MOE for higher education; and
- **30 States** are on track to demonstrate MOE for both elementary and secondary education and higher education.

States' MOE data can be found on the Department of Education's (Department's) [ESF Transparency Portal](#). **As a reminder, final FY 2023 MOE data is due March 15, 2024.** The [MOE Appendix B Template](#) is available for States' internal use to prepare the FY 2023 data submission.

In limited cases, the Department may consider whether State-specific circumstances justify a waiver of MOE requirements for the purpose of relieving fiscal burdens incurred by States in preventing, preparing for, and responding to COVID-19. State waiver requests and related Department communications are available on the [MOE webpage](#). **States intending to seek a waiver of FY 2023 MOE requirements that have not already done so should submit a detailed waiver request by March 15, 2024. The request must include final FY 2023 expenditure data as outlined in the Department's August 2022 [guidance](#).** The request may include information on steps the State has taken or will take to address any FY 2023 MOE

shortfall with additional State appropriations. Likewise, **States that have already submitted a FY 2023 MOE waiver should submit updated information to their State mailbox by March 15, 2024.** This information should include final FY 2023 MOE expenditure data and any updates regarding State actions to address the FY 2023 MOE shortfall with additional State appropriations.

Thank you for your continued efforts to implement these provisions with well-coordinated, multi-year actions among governors, State appropriators, and State educational agencies. Please reach out to your State program officer [*State name.oese@ed.gov*] with any questions or needs as we head into the new year.

CC: National Governors Association
Council of Chief State School Officers
National Conference of State Legislatures