



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

OCT - 4 2010

THE ASSISTANT SECRETARY

Ms. Heather Duvall Poole
Louisiana Board of Regents
P.O. Box 3677
Baton Rouge, LA 70821

Dear Ms. Poole:

This letter is in response to your request to the U.S. Department of Education (Department) for a waiver of the maintenance of effort (MOE) requirement under section 137 of the Higher Education Act of 1965, as amended (HEA). As you know, under that section, states are required to meet certain MOE requirements relative to spending for higher education. States that do not meet these requirements may not receive funds under the College Access Challenge Grant (CACG) Program.

Based on the data that Louisiana submitted on July 26, 2010, you were informed on August 19, 2010 of the Department's determination that Louisiana did not experience a precipitous and unforeseen decline in financial resources and, therefore, did not qualify for a waiver of the MOE requirement under the HEA. Louisiana submitted revised data on August 30, 2010 (for FY 2009-10 and the previous five years beginning with FY 2004-05) explaining that the data in the original submission incorrectly included federal funds. Following email correspondence and telephone conversations with Department staff, Louisiana informed the Department that the data provided for FY 2009-10 were not final and subsequently submitted data on September 17, 2010 for FY 2008-09 and the previous 5 years (beginning with fiscal year 03/04). Louisiana informed the Department that the data submitted on September 17, 2010 were the most complete data available. Based on the revised data submitted on September 17, 2010, we have determined that Louisiana meets the MOE requirement under the HEA and does not need a waiver to receive its FY 2010 CACG funds.

Please note that Louisiana must retain all records relating to the MOE requirement and the CACG grants as required by 34 C.F.R §80.42. The Department retains the right to conduct an audit or otherwise review these records in the future.

We have attached the FY 2010 grant award notification (GAN) to this letter. If you have questions regarding content of this letter or the GAN, please contact the CACG Program Manager, Karmon Simms-Coates, at 202-502-7807 or karmon.simms-coates@ed.gov.

Sincerely,

/s/

Eduardo M. Ochoa

Enclosure

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