Application for Initial Funding under the State Fiscal Stabilization Fund Program

CFDA Numbers: 84.394 (Education Stabilization Fund) and 84.397 (Government Services Fund)

U.S. Department of Education
Washington, D.C. 20202

OMB Number: 1810-0690
Expiration Date: 9/30/2009

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STATE FISCAL STABILIZATION FUND APPLICATION

PART 1: APPLICATION COVER SHEET
(CFDA Nos. 84.394 and 84.397)

Legal Name of Applicant (Office of the Governor): Janice K. Brewer, Governor	Applicant's Mailing Address: Executive Tower, 9th Floor 1700 W. Washington Street Phoenix, AZ 85007
State Contact for the Education Stabilization Fund (CFDA No. 84.394) Name: James Apperson Position and Office: Director, Governor's Office of Economic Recovery Contact's Mailing Address: Executive Tower, STE 500 1700 W. Washington Street Phoenix, AZ 85007 Telephone: 602-542-6402 Fax: 602-542-0868 E-mail address: japperson@az.gov	State Contact for the Government Services Fund (CFDA No. 84.397) *(Enter "same" if the same individual will serve as the contact for both the Education Stabilization Fund and the Government Services Fund.)* Name: Same Position and Office: Contact's Mailing Address: Telephone: Fax: E-mail address:

To the best of my knowledge and belief, all of the information and data in this application are true and correct.

Governor or Authorized Representative of the Governor (Printed Name): Janice K. Brewer	Telephone: 602 542-4331
Signature of Governor or Authorized Representative of the Governor: Janice K. Brewer	Date: 5/21/09

Recommended Statement of Support from the Chief State School Officer *(Optional)*:

The State educational agency will cooperate with the Governor in the implementation of the State Fiscal Stabilization Fund program.

Chief State School Officer (Printed Name): Tom Horne	Telephone: 602 542-5393
Signature of the Chief State School Officer: Tom Horne	Date: 5/21/09

Form Approved OMB Number: 1810-0690; Expiration Date: 9/30/2009

PART 2: EDUCATION REFORM ASSURANCES

The Governor or his/her authorized representative assures the following:

(1) The State will take actions to improve teacher effectiveness and comply with section 1111(b)(8)(C) of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 6311(b)(8)(C)) in order to address inequities in the distribution of highly qualified teachers between high- and low-poverty schools, and to ensure that low-income and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers. (*Achieving Equity in Teacher Distribution Assurance*)

(2) The State will establish a longitudinal data system that includes the elements described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871(e)(2)(D)). (*Improving Collection and Use of Data Assurance*)

(3) The State will –

(3.1) Enhance the quality of the academic assessments it administers pursuant to section 1111(b)(3) of the ESEA (20 U.S.C. 6311(b)(3)) through activities such as those described in section 6112(a) of the ESEA (20 U.S.C. 7301a(a)); (*Improving Assessments Assurance*)

(3.2) Comply with the requirements of paragraphs (3)(C)(ix) and (6) of section 1111(b) of the ESEA (20 U.S.C. 6311(b)) and section 612(a)(16) of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1412(a)(16)) related to the inclusion of children with disabilities and limited English proficient students in State assessments, the development of valid and reliable assessments for those students, and the provision of accommodations that enable their participation in State assessments; (*Inclusion Assurance*) and

(3.3) Take steps to improve State academic content standards and student academic achievement standards consistent with section 6401(e)(1)(A)(ii) of the America COMPETES Act. (*Improving Standards Assurance*)

(4) The State will ensure compliance with the requirements of section 1116(b)(7)(C)(iv) and section 1116(b)(8)(B) of the ESEA with respect to schools identified under these sections. (*Supporting Struggling Schools Assurance*)

Governor or Authorized Representative of the Governor (Printed Name): Janice K. Brewer	
Signature: Janice K. Brewer	Date: 5/21/09

PART 3: INITIAL BASELINE DATA FOR EDUCATION REFORM ASSURANCES

SPECIAL NOTES:

- In completing this portion of the application, please refer to Appendix B – Instructions for Part 3: Initial Baseline Data for Education Reform Assurances.
- The data described in Appendix B for two of the education reform assurances in Part 2 of the application – the Improving Assessments Assurance and the Improving Standards Assurance – are the most current available baseline data for these areas. Thus, the Department is not inviting States to submit additional information with respect to these two assurances.
- The Governor or his/her authorized representative should confirm whether the initial baseline data sources described in Appendix B for the four assurances referenced below – Achieving Equity in Teacher Distribution; Improving Collection and Use of Data; Improving State Academic Content and Student Achievement Standards; and Supporting Struggling Schools – reflect the State's current status with respect to these assurances. A State that confirms the use of these initial baseline data sources does not have to submit additional baseline data with this application. If a State elects not to use the identified data sources for one or more of these four assurances, it must submit other initial baseline data for that assurance.

The Governor or his/her authorized representative confirms that the data sources that are currently available to the Department and described in Appendix B are a reasonable reflection of the current status of the State with respect to the following education reform assurances that he/she provided in Part 2 of the Application *(check only those assurances for which the State accepts the data described in Appendix B):*

X Achieving Equity in Teacher Distribution Assurance.

X Improving Collection and Use of Data Assurance.

X Improving Standards Assurance.

X Supporting Struggling Schools Assurance.

Governor or Authorized Representative of the Governor (Printed Name): Janice K. Brewer	
Signature: Janice K. Brewer	Date: 5/21/09

PART 4, SECTION A: MAINTENANCE-OF-EFFORT (MOE) ASSURANCE

SPECIAL NOTES:

- In completing Part 4 of the application, please refer to Appendix C – Instructions for Part 4: Maintenance of Effort.
- The Governor or his/her authorized representative should check only those MOE requirements that he or she anticipates the State will meet. If the Governor or his/her authorized representative anticipates that the State will be unable to meet one or more of the requirements, he or she must sign the additional waiver assurance in Part 4, Section B.
- For the purpose of determining MOE, State support for public institutions of higher education (IHEs) must not include support for capital projects or for research and development or tuition and fees paid by students.

The Governor or his/her authorized representative assures the following *(check appropriate assurances that apply)*:

X In FY 2009, the State will maintain State support for elementary and secondary education at least at the level of such support in FY 2006.

X In FY 2010, the State will maintain State support for elementary and secondary education at least at the level of such support in FY 2006.

X In FY 2011, the State will maintain State support for elementary and secondary education at least at the level of such support in FY 2006.

X In FY 2009, the State will maintain State support for public IHEs at least at the level of such support in FY 2006.

X In FY 2010, the State will maintain State support for public IHEs at least at the level of such support in FY 2006.

X In FY 2011, the State will maintain State support for public IHEs at least at the level of such support in FY 2006.

---OR---

_____ To the best of his/her knowledge and based on the best available data, the State will be unable to meet any of the above-referenced maintenance-of-effort requirements.

Governor or Authorized Representative of the Governor (Printed Name): Janice K. Brewer	
Signature: Janice K. Brewer	Date: 5/21/09

PART 4, SECTION B: MAINTENANCE-OF-EFFORT WAIVER ASSURANCE

SPECIAL NOTES:

- If a State anticipates that it will be unable to comply with one or more of the Stabilization program MOE requirements referenced in Part 4, Section A of the application, the State must provide the assurance below.
- States that anticipate meeting all of the Stabilization program MOE requirements should not complete the waiver assurance in this section of the application. *See* Appendix C – Instructions for Part 4: Maintenance of Effort. The criterion for a waiver of the MOE requirements is provided in Appendix C.
- The Department will be providing additional guidance to States regarding the process for applying for waivers of the Stabilization program MOE requirements.

The Governor or his/her authorized representative assures the following:

To the best of his/her knowledge and based on the best available data, the State meets or will meet the eligibility criterion for a MOE waiver for each of the Stabilization program MOE requirements that the Governor or his/her authorized representative anticipates the State will be unable to meet.

Governor or Authorized Representative of the Governor (Printed Name): Janice K. Brewer	
Signature: Janice K. Brewer	Date: 5/21/09

PART 4, SECTION C: MAINTENANCE-OF-EFFORT BASELINE DATA

SPECIAL NOTES:

- A State has some flexibility in determining the "levels of State support" for MOE purposes. For example, for the purpose of the elementary and secondary education MOE requirements, a State may use the level of support that the State provides through its primary elementary and secondary funding formulae, or it may use other relevant data. *See* Appendix C – Instructions for Part 4: Maintenance of Effort.

1. **Levels of State support for elementary and secondary education** *(the amounts may reflect the levels of State support on either an aggregate basis or a per-student basis):*

FY 2006	$ 3,463,982,300
FY 2009*	$ 3,976,080,400
FY 2010*	$ 3,926,080,400
FY 2011*	$ N/A

(* Provide data to the extent that data are currently available.)

2. **Levels of State support for public institutions of higher education** *(enter amounts for each year)*:

FY 2006	$ 987,239,500
FY 2009*	$ 1,040,924,100
FY 2010*	$ 987,424,100
FY 2011*	$ N/A

(* Provide data to the extent that data are currently available.)

3. **Additional Submission Requirements**: In an attachment to the application –

(a) Identify and describe the data sources used in determining the levels of State support for elementary and secondary education; - and –
(b) Identify and describe the data sources used in determining the levels of State support for public IHEs.

PART 5, SECTION A: STATE USES OF THE EDUCATION STABILIZATION FUND

SPECIAL NOTES:

- Section A of Part 5 requests data on the Education Stabilization Fund (CFDA No. 84.394). In completing this portion of the application, please refer to Appendix D – Instructions for Part 5: State Uses of Funds.
- At a later date, the Department will collect data on the levels of State support for elementary, secondary, and postsecondary education in FY 2011.
- These data may differ from the data in the levels of support for maintenance-of-effort purposes. *See* instructions in Appendix D.
- The term "postsecondary education" refers to public IHEs.

1. Levels of State Support for Elementary, Secondary, and Postsecondary Education

Provide the following data on the levels of State support for elementary, secondary, and postsecondary education:

(a) Level of State support for elementary and secondary education in FY 2008 provided through the State's primary elementary and secondary education funding formulae	$ 4,134,295,900
(b) Level of State support for public IHEs in FY 2008	$ 1,240,879,200
(c) Level of State support for elementary and secondary education in FY 2009 provided through the State's primary elementary and secondary education funding formulae	$ 4,226,080,400
(d) Level of State support for public IHEs in FY 2009	$ 1,058,069,900
(e) Level of State support for elementary and secondary education in FY 2010 provided through the State's primary elementary and secondary education funding formulae	$ 3,926,080,400
(f) Level of State support for public IHEs in FY 2010	$ 1,004,569,900

Additional Information: Did the State, prior to October 1, 2008, approve formula increases to support elementary and secondary education in FY 2010 or 2011, or to phase in State equity and adequacy adjustments?*

☐ Yes ☒ No

* *See* Appendix D Worksheets for further guidance on how such increases affect a State's "use of funds" calculations.

2. State's Primary Education Funding Formulae

Additional Submission Requirement: In an attachment to the application, identify and describe each of the State's primary elementary and secondary education funding formulae that were used in determining the calculations provided above for the levels of State support for elementary and secondary education.

3. Data on State Support for Postsecondary Education

Additional Submission Requirement: In an attachment to the application, identify and describe the specific State data sources that were used in determining the calculations provided above for the levels of State support for public IHEs.

4. Restoration Amounts

Based on the Worksheets included in Appendix D, calculate and provide the amount of Education Stabilization funds that the State will use to restore the levels of State support for elementary, secondary, and postsecondary education in FYs 2009 and 2010. As explained in the Instructions in Appendix D, a State must determine the amount of funds needed to restore fully the levels of State support for elementary, secondary, and postsecondary education in FY 2009 before determining the amount of funds available to restore the levels of such support in FY 2010.

SPECIAL NOTES:

- At a later date, the Department will collect data on the amount of funds, if any, that remain available to (1) restore the levels of State support for elementary, secondary, and postsecondary education in FY 2011, and (2) award subgrants to local educational agencies (LEAs) based on their proportionate shares of funding under Part A of Title I of the ESEA.
- The calculations for these data must be based on the State's total Education Stabilization Fund allocation as reflected in Appendix A and not on the State's initial Education Stabilization Fund award.
- Although the State must follow the Instructions in Appendix D, in order to determine the amount of funds that LEAs and IHEs will receive under the program (i.e., the "restoration amounts"), the Governor has discretion in determining when to release these funds to LEAs and IHEs.

(a) Amount of the State's total Education Stabilization Fund allocation to be used to restore the level of State support for elementary and secondary education in FY 2009 $ 250,000,000

(b) Amount of the State's total Education Stabilization Fund allocation to be used to restore the level of State support for public IHEs in FY 2009 $ 182,809,300

Restoration Amounts (continued)

(c) Amount of the State's total Education Stabilization Fund allocation to be used to restore the level of State support for elementary and secondary education in FY 2010 $ 223,234,181

(d) Amount of the State's total Education Stabilization Fund allocation to be used to restore the level of State support for public IHEs in FY 2010 $ 175,825,850

(e) Amount of funds, if any, remaining after restoring State support for elementary, secondary, and postsecondary education in FY 2009 and FY 2010 $ 0

5. Process for Awarding Funds to Public IHEs

Additional Submission Requirement: In an attachment to the application, describe the process that the State will use to determine the amount of funding that individual public IHEs will receive from the funds that the State sets aside to restore the levels of State support for these institutions.

PART 5, SECTION B: STATE USES OF THE GOVERNMENT SERVICES FUND

SPECIAL NOTES:

- Section B of Part 5 requests data on the Government Services Fund (CFDA No. 84.397).
- In this section, provide preliminary estimates of the percentage of the Government Services Fund that the State intends to spend under various broad categories (to the extent such estimates are available). The total percentages in the chart should equal 100 percent.
- To the extent such estimates are available, the estimated percentages must be based on the State's total Government Services Fund allocation and not on the State's initial Government Services Fund award.

Uses of the Government Services Fund

Category	**Estimated Percentage of Funds to Be Used**
Public Safety	0%
Elementary and secondary education (excluding modernization, renovation, or repair of public school facilities)	0%
Public IHEs (excluding modernization, renovation, or repair of IHEs)	0%
Modernization, renovation, or repair of public school facilities	0%
Modernization, renovation, or repair of IHEs	0%
Medicaid	0%
Public assistance	0%
Transportation	0%
Other (please describe)	100%
Undetermined	0%
TOTAL	100%

PART 6: ACCOUNTABILITY, TRANSPARENCY, AND REPORTING ASSURANCES

The Governor or his/her authorized representative assures that the State will comply with all of the accountability, transparency, and reporting requirements that apply to the Stabilization program, including the following:

- For each year of the program, the State will submit a report to the Secretary, at such time and in such manner as the Secretary may require, that describes:
    - the uses of funds within the State;
    - how the State distributed the funds it received;
    - the number of jobs that the Governor estimates were saved or created with the funds;
    - tax increases that the Governor estimates were averted because of the funds;
    - the State's progress in reducing inequities in the distribution of highly qualified teachers, implementing a State longitudinal data system, and developing and implementing valid and reliable assessments for limited English proficient students and children with disabilities;
    - the tuition and fee increases for in-State students imposed by public IHEs and a description of any actions taken by the State to limit the increases;
    - the extent to which public IHEs maintained, increased, or decreased enrollment of in-State students, including those students eligible for Pell Grants or other need-based financial aid; and
    - a description of each modernization, renovation or repair project funded, including the amounts awarded and project costs. (ARRA Division A, Section 14008)

- The State will cooperate with any Comptroller General evaluation of the uses of funds and the impact of funding on the progress made toward closing achievement gaps. (ARRA Division A, Section 14009)

- If the State uses funds for any infrastructure investment, the State will certify that the investment received the full review and vetting required by law and that the chief executive accepts responsibility that the investment is an appropriate use of taxpayer funds. This certification will include a description of the investment, the estimated total cost, and the amount of covered funds to be used. The certification will be posted on the State's website and linked to www.Recovery.gov. A State or local agency may not use funds under the ARRA for infrastructure investment funding unless this certification is made and posted. (ARRA Division A, Section 1511)

- The State will submit reports, within 10 days after the end of each calendar quarter, that contain the information required under section 1512(c) of the ARRA in accordance with any guidance issued by Office of Management and Budget or the Department. (ARRA Division A, Section 1512(c))

- The State will cooperate with any Inspector General examination of records under the program. (ARRA Division A, Section 1515)

Governor or Authorized Representative of the Governor (Printed Name): Janice K. Brewer	
Signature: Janice K. Brewer	Date: 5/21/09

PART 7: OTHER ASSURANCES AND CERTIFICATIONS

The Governor or his/her authorized representative assures or certifies the following:

- The State will comply with all applicable assurances in OMB Standard Forms 424B and D (Assurances for Non-Construction and Construction Programs), including the assurances relating to the legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood hazards; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and the general agreement to comply with all applicable Federal laws, executive orders and regulations.

- With respect to the certification regarding lobbying in Department Form 80-0013, no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; the State will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 C.F.R. Part 82, Appendix B); and the State will require the full certification, as set forth in 34 C.F.R. Part 82, Appendix A, in the award documents for all subawards at all tiers.

- The State will comply with all of the operational and administrative provisions in Title XV and XIV of the ARRA, including Buy American Requirements (ARRA Division A, Section 1605), Wage Rate Requirements (ARRA Division A, Section 1606), and any applicable environmental impact requirements of the National Environmental Policy Act of 1970 (NEPA), as amended, (42 U.S.C. 4371 et seq.) (ARRA Division A, Section 1609). In using ARRA funds for infrastructure investment recipients will comply with the requirement regarding Preferences for Quick Start Activities (ARRA Division A, Section 1602).

- Any LEA receiving funding under this program will have on file with the State a set of assurances that meets the requirements of section 442 of the General Education Provisions Act (GEPA) (20 U.S.C. 1232e).

- To the extent applicable, an LEA will include in its local application a description of how the LEA will comply with the requirements of section 427 of GEPA (20 U.S.C. 1228a). The description must include information on the steps the LEA proposes to take to permit students, teachers, and other program beneficiaries to overcome barriers (including barriers based on gender, race, color, national origin, disability, and age) that impede access to, or participation in, the program.

- The State and other entities will comply with the following provisions of Education Department General Administrative Regulations (EDGAR), as applicable: 34 CFR Part 74 -- Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations; 34 CFR Part 76 -- State-Administered Programs, including the construction requirements in section 75.600 through 75.617 that are incorporated by reference in section 76.600; 34 CFR Part 77 -- Definitions that Apply to Department Regulations; 34 CFR Part 80 -- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, including the procurement provisions; 34 CFR Part 81 -- General Education Provisions Act—Enforcement; 34 CFR Part 82 -- New Restrictions on Lobbying; 34 CFR Part 85 -- Governmentwide Debarment and Suspension (Nonprocurement).

Governor or Authorized Representative of the Governor (Printed Name): Janice K. Brewer	
Signature: Janice K. Brewer	Date: 5/21/09

APPENDIX A
Part 4. Section C (3)

3. Additional Submission Requirements
   a) Identify and describe the data sources used in determining the levels of State support for elementary and secondary education; - and -

   b) Identify and describe the data sources used in determining the levels of State support for public IHEs.

a. & b. Data sources to identify the levels of State support for elementary and secondary education and higher education.

1. Fiscal Year 2008 Appropriations Report; pp84,160,163-168, 395, Joint Legislative Budget Committee. This is the annual appropriations report published subsequent to the enactment of the state budget. The report reconciles individual agency budget items with statewide adjustments such as state employee pay increases, health insurance adjustments, and other legislative adjustments that are part of the appropriations bills. This report also contains actual expenditures for fiscal year 2006.
2. Fiscal Year 2010 Baseline Book; pp182-187, Joint Legislative Budget Committee. This publication contains actual expenditures for fiscal year 2008 and updated expenditure projections for fiscal year 2009.
3. *Internal Working Documents,* Governor's Office of Strategic Planning and Budgeting. These documents record the Governor's budget development.

APPENDIX B
Part 5, Section A (2), (3)

2. State's Primary Education Funding Formulae

Two formulae known as Basic State Aid and Additional State Aid were used.

Funding through the Basic State Aid formula provides state equalization funding to school districts. Districts receive a formula amount each year based on property tax base, transportation requirements, student counts, and various adjustments based on the student populations within the districts and other state and local level modifications. Charter schools also receive aid although with some formula modifications.

Additional State Aid funding provides districts added monies pursuant to certain statutory and constitutional property tax assessment rules.

3. Data on State Support for Postsecondary Education

a) Fiscal Year 2008 Appropriations Report; pp84,160,163-168, Joint Legislative Budget Committee. This is the annual appropriations report published subsequent to the enactment of the state budget. The report reconciles individual agency budget items with statewide adjustments such as state employee pay increases, health insurance adjustments, and other legislative adjustments that are part of the appropriations bills. This report also contains actual expenditures for fiscal year 2006.
b) Fiscal Year 2010 Baseline Book; pp182-187, Joint Legislative Budget Committee. This publication contains actual expenditures for fiscal year 2008 and updated expenditure projections for fiscal year 2009.
c) *Internal Working Documents,* Governor's Office of Strategic Planning and Budgeting. These documents record the Governor's budget development.

APPENDIX C
Part 5, Section A (5)

5. Process for Awarding Funds to Public IHE's

The Governor's Office will evaluate the anticipated uses of funds using the following preliminary criteria:

1. Accountability, Transparency, and Reporting
   The Governor's Office will be working with IHE's to ensure effective and rigorous mechanisms exist at each institution to measure and ensure compliance with ARRA accountability, transparency, and reporting requirements for all monies including Stabilization Fund dollars.

2. Limit Tuition and Fee Increases
   IHE's will use stabilization funds, as coordinated by the Office of the Governor, to mitigate tuition and fee increases. Institutions will be required to provide detailed analysis of tuition and fee increases that were avoided through the use of Stabilization Fund dollars.

3. Prevent Personnel Reductions
   Each institution will be expected to use the funds, where practicable, to prevent reductions in personnel that would disrupt or degrade academic functionality and quality of instruction.

4. Drive Higher Education Reform
   Coordinated by the Governor's Office, IHE's will be expected to use funds to drive fundamental reform in the State's higher education system. New methods of delivering higher education and improving accessibility among the State's rural communities will be considered. Frameworks for more effectively providing postsecondary education in a rapid-growth environment are also critical given the State's high-growth population and expanding demand for baccalaureate opportunities.

5. Mitigate the Effects of One-time Funding
   Institutions will expend funds as coordinated by the Governor's Office in such manner as to mitigate the impact of the anticipated reduction in such funding availability in two years.

6. Create Jobs
   The overarching goal of higher education reform in the State is to create a highly educated, globally competitive workforce. Stabilization funds will be used to retain highly skilled faculty and facilitate innovative reforms, program enhancements, and facility repair and modernization needed to produce a more efficient, effective higher education system.

APPENDIX C1
Part 5, Section B

State Uses of the Government Services Fund
Allocation to Other Services

Uses
Education Reform
Health Care and Children's Programs
Public Safety
Innovation, Technology, and Economic Development

The Governor will assign allocations to these categories at later dates as necessary.