

2009-2010 State Fiscal Stabilization Fund - Education Fund
Legislative Data: Authority PL 111-5 American Recovery and Reinvestment Act of 2009 (ARRA)
Federal Award Number: S394A090047
Award Beginning Date: February 17, 2009
Award Expiration Date: September 30, 2011
Reimbursement Request Deadline: November 15, 2011
DOE Program Managers: Glenn Millican, 804-225-4906 and Karen Lux, 804-371-6877
OMEGA Assistance: 804-371-0993

Payee Code	School Divisions with Accepted Applications at VDOE	ARRA St. Fiscal Stabilization Fund - Education St. Grants Phase 1 - Initial Allocation Project Code: 625320000	ARRA St. Fiscal Stabilization Fund - Education St. Grants Phase 1 - Basic Aid Replacement FY 2010 Project Code: 62532AA00	ARRA St. Fiscal Stabilization Fund - Education St. Grants Phase 1 - Basic Aid Replacement FY 2011 Project Code: 62532BB00
001	Accomack County Public Schools	\$ 1,692,205.25	\$ 990,100.10	\$ 555,546.00
002	Albemarle County Public Schools	\$ 2,450,960.08	\$ 1,532,176.26	\$ 864,009.00
003	Alleghany County Public Schools	\$ 1,270,173.14	\$ 717,396.96	\$ 409,434.00
004	Amelia County Public Schools	\$ 715,061.13	\$ 400,980.14	\$ 229,567.00
005	Amherst County Public Schools	\$ 1,770,258.92	\$ 1,073,152.10	\$ 606,994.00
006	Appomattox County Public Schools	\$ 909,225.60	\$ 550,475.94	\$ 326,993.00
007	Arlington County Public Schools	\$ 2,390,392.84	\$ 1,311,878.59	\$ 743,931.00
008	Augusta County Public Schools	\$ 3,703,051.96	\$ 2,253,014.23	\$ 1,234,346.00
009	Bath County Public Schools	\$ 154,298.78	\$ 51,636.06	\$ 28,656.00
010	Bedford County Public Schools	\$ 3,704,208.03	\$ 2,223,067.86	\$ 1,227,410.00
011	Bland County Public Schools	\$ 442,134.54	\$ 251,298.15	\$ 139,311.00
012	Botetourt County Public Schools	\$ 1,644,826.44	\$ 1,038,776.83	\$ 587,765.00
013	Brunswick County Public Schools	\$ 848,086.79	\$ 516,577.42	\$ 297,278.00
014	Buchanan County Public Schools	\$ 1,307,268.75	\$ 800,430.78	\$ 454,696.00
015	Buckingham County Public Schools	\$ 848,852.90	\$ 516,826.75	\$ 287,187.00
016	Campbell County Public Schools	\$ 3,371,345.18	\$ 2,051,004.27	\$ 1,105,657.00
017	Caroline County Public Schools	\$ 1,392,403.42	\$ 815,790.71	\$ 461,142.00
018	Carroll County Public Schools	\$ 1,597,020.67	\$ 967,688.77	\$ 542,830.00
019	Charles City Public Schools	\$ 341,346.10	\$ 188,538.36	\$ 103,807.00
020	Charlotte County Public Schools	\$ 925,757.40	\$ 594,645.71	\$ 331,147.00
021	Chesterfield County Public Schools	\$ 19,541,208.26	\$ 12,270,305.47	\$ 6,897,556.00
022	Clarke County Public Schools	\$ 523,925.83	\$ 295,632.36	\$ 162,689.00
023	Craig County Public Schools	\$ 335,932.49	\$ 177,505.30	\$ 102,971.00
024	Culpeper County Public Schools	\$ 2,256,280.84	\$ 1,365,517.11	\$ 785,895.00
025	Cumberland County Public Schools	\$ 645,796.30	\$ 370,301.63	\$ 202,200.00

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026	Dickenson County Public Schools	\$	1,099,514.72	\$	705,987.48	\$	396,227.00
027	Dinwiddie County Public Schools	\$	1,891,395.12	\$	1,177,942.81	\$	678,593.00
028	Essex County Public Schools	\$	572,152.54	\$	332,771.46	\$	187,141.00
029	Fairfax County Public Schools	\$	24,122,592.32	\$	13,927,843.79	\$	7,919,250.00
030	Fauquier County Public Schools	\$	2,009,174.16	\$	1,177,217.37	\$	670,220.00
031	Floyd County Public Schools	\$	789,811.88	\$	485,173.18	\$	273,155.00
032	Fluvanna County Public Schools	\$	1,238,634.03	\$	773,776.69	\$	447,019.00
033	Franklin County Public Schools	\$	2,303,847.31	\$	1,439,909.36	\$	799,371.00
034	Frederick County Public Schools	\$	4,025,491.30	\$	2,467,582.82	\$	1,405,265.00
035	Giles County Public Schools	\$	1,061,307.80	\$	622,939.07	\$	350,934.00
036	Gloucester County Public Schools	\$	2,004,626.52	\$	1,275,731.67	\$	708,996.00
037	Goochland County Public Schools	\$	334,605.98	\$	162,203.77	\$	92,826.00
038	Grayson County Public Schools	\$	845,413.98	\$	542,883.89	\$	287,904.00
039	Greene County Public Schools	\$	1,039,568.12	\$	605,840.10	\$	372,688.00
040	Greensville County Public Schools	\$	1,239,765.13	\$	672,326.38	\$	374,133.00
041	Halifax County Public Schools	\$	2,316,273.92	\$	1,416,357.70	\$	789,023.00
042	Hanover County Public Schools	\$	5,591,803.54	\$	3,489,383.48	\$	1,926,365.00
043	Henrico County Public Schools	\$	14,074,603.92	\$	8,964,762.96	\$	5,088,030.00
044	Henry County Public Schools	\$	2,922,494.62	\$	1,729,030.55	\$	963,246.00
045	Highland County Public Schools	\$	162,940.42	\$	35,259.65	\$	20,016.00
046	Isle of Wight Public Schools	\$	1,824,025.78	\$	1,081,739.69	\$	614,379.00
048	King George County Public Schools	\$	1,319,037.70	\$	841,646.43	\$	455,613.00
049	King and Queen County Public Schools	\$	325,257.62	\$	161,348.06	\$	85,122.00
050	King William County Public Schools	\$	829,684.46	\$	499,776.53	\$	285,172.00
051	Lancaster County Public Schools	\$	229,704.61	\$	93,745.62	\$	51,521.00
052	Lee County Public Schools	\$	1,600,292.59	\$	1,038,297.05	\$	583,305.00
053	Loudoun County Public Schools	\$	11,765,126.07	\$	6,712,927.04	\$	4,004,016.00
054	Louisa County Public Schools	\$	1,175,367.30	\$	657,721.27	\$	367,395.00
055	Lunenburg County Public Schools	\$	739,836.87	\$	418,757.57	\$	227,011.00
056	Madison County Public Schools	\$	550,804.53	\$	321,472.09	\$	175,239.00
057	Mathews County Public Schools	\$	379,596.92	\$	196,772.15	\$	109,537.00

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058	Mecklenburg County Public Schools	\$	1,773,993.10	\$	1,108,219.97	\$	609,948.00
059	Middlesex County Public Schools	\$	283,555.83	\$	129,889.93	\$	68,536.00
060	Montgomery County Public Schools	\$	3,221,940.08	\$	1,940,708.78	\$	1,083,706.00
062	Nelson County Public Schools	\$	493,458.43	\$	274,781.19	\$	144,293.00
063	New Kent County Public Schools	\$	898,596.35	\$	548,384.64	\$	315,616.00
065	Northampton County Public Schools	\$	480,891.51	\$	264,314.57	\$	163,653.00
066	Northumberland County Public Schools	\$	277,869.34	\$	123,900.11	\$	68,266.00
067	Nottoway County Public Schools	\$	951,885.47	\$	567,347.63	\$	317,638.00
068	Orange County Public Schools	\$	1,606,155.55	\$	970,670.72	\$	526,026.00
069	Page County Public Schools	\$	1,281,991.15	\$	781,154.35	\$	438,034.00
070	Patrick County Public Schools	\$	1,087,353.24	\$	630,162.79	\$	352,061.00
071	Pittsylvania County Public Schools	\$	3,587,347.46	\$	2,238,636.40	\$	1,250,364.00
072	Powhatan County Public Schools	\$	1,456,280.45	\$	894,112.00	\$	509,267.00
073	Prince Edward County Public Schools	\$	1,006,491.62	\$	570,853.10	\$	322,500.00
074	Prince George County Public Schools	\$	2,512,070.48	\$	1,585,242.78	\$	921,302.00
075	Prince William County Public Schools	\$	24,567,459.92	\$	14,678,035.91	\$	8,626,209.00
077	Pulaski County Public Schools	\$	1,810,013.57	\$	1,071,757.29	\$	596,606.00
078	Rappahannock County Public Schools	\$	177,631.81	\$	62,638.90	\$	35,970.00
079	Richmond County Public Schools	\$	495,071.59	\$	273,108.80	\$	154,369.00
080	Roanoke County Public Schools	\$	4,959,155.21	\$	3,009,271.36	\$	1,636,005.00
081	Rockbridge County Public Schools	\$	773,572.76	\$	427,984.66	\$	232,180.00
082	Rockingham County Public Schools	\$	4,020,411.68	\$	2,393,841.90	\$	1,328,232.00
083	Russell County Public Schools	\$	1,695,268.00	\$	1,079,986.08	\$	592,472.00
084	Scott County Public Schools	\$	1,635,910.20	\$	1,080,658.82	\$	608,171.00
085	Shenandoah County Public Schools	\$	1,944,084.25	\$	1,176,761.19	\$	649,641.00
086	Smyth County Public Schools	\$	2,071,817.67	\$	1,276,425.48	\$	717,261.00
087	Southampton County Public Schools	\$	1,119,221.17	\$	697,269.26	\$	398,024.00
088	Spotsylvania County Public Schools	\$	8,019,143.94	\$	4,915,960.23	\$	2,713,456.00
089	Stafford County Public Schools	\$	8,975,043.35	\$	5,524,497.31	\$	3,216,468.00
090	Surry County Public Schools	\$	253,515.39	\$	114,702.53	\$	61,871.00
091	Sussex County Public Schools	\$	528,181.66	\$	318,126.89	\$	175,771.00

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092	Tazewell County Public Schools	\$	2,691,353.33	\$	1,671,062.06	\$	908,796.00
093	Warren County Public Schools	\$	1,695,978.17	\$	978,505.33	\$	539,751.00
094	Washington County Public Schools	\$	2,548,793.37	\$	1,532,028.38	\$	859,768.00
095	Westmoreland County Public Schools	\$	506,138.98	\$	305,143.37	\$	162,005.00
096	Wise County Public Schools	\$	2,823,624.92	\$	1,688,624.39	\$	945,488.00
097	Wythe County Public Schools	\$	1,624,711.10	\$	970,968.10	\$	533,492.00
098	York County Public Schools	\$	4,169,407.03	\$	2,590,777.00	\$	1,450,778.00
101	Alexandria City Public Schools	\$	1,497,089.59	\$	802,009.75	\$	458,188.00
102	Bristol City Public Schools	\$	840,647.69	\$	450,833.00	\$	250,782.00
103	Buena Vista City Public Schools	\$	552,688.84	\$	310,695.69	\$	172,109.00
104	Charlottesville City Public Schools	\$	852,179.92	\$	462,635.32	\$	250,910.00
106	Colonial Heights City Public Schools	\$	907,344.74	\$	510,134.87	\$	279,713.00
107	Covington City Public Schools	\$	381,924.54	\$	192,949.78	\$	106,068.00
108	Danville City Public Schools	\$	2,535,614.41	\$	1,497,306.00	\$	817,584.00
109	Falls Church City Public Schools	\$	323,020.38	\$	139,878.32	\$	78,607.00
110	Fredericksburg City Public Schools	\$	390,464.61	\$	185,029.57	\$	117,724.00
111	Galax City Public Schools	\$	581,060.17	\$	310,617.91	\$	174,487.00
112	Hampton City Public Schools	\$	8,136,617.40	\$	4,941,915.15	\$	2,710,343.00
113	Harrisonburg City Public Schools	\$	1,384,142.25	\$	779,787.86	\$	461,912.00
114	Hopewell City Public Schools	\$	1,643,173.69	\$	996,527.92	\$	571,388.00
115	Lynchburg City Public Schools	\$	2,892,747.72	\$	1,644,400.79	\$	899,601.00
116	Martinsville City Public Schools	\$	1,074,488.48	\$	535,079.86	\$	297,240.00
117	Newport News City Public Schools	\$	11,138,099.66	\$	6,563,611.53	\$	3,621,217.00
118	Norfolk City Public Schools	\$	12,125,091.42	\$	7,076,012.70	\$	3,860,040.00
119	Norton City Public Schools	\$	365,249.85	\$	179,368.61	\$	104,834.00
120	Petersburg City Public Schools	\$	1,886,390.38	\$	1,089,961.37	\$	570,019.00
121	Portsmouth City Public Schools	\$	5,870,282.33	\$	3,545,225.81	\$	1,950,884.00
122	Radford City Public Schools	\$	614,898.49	\$	346,738.84	\$	193,788.00
123	Richmond City Public Schools	\$	6,534,328.60	\$	3,795,154.72	\$	1,994,626.00
124	Roanoke City Public Schools	\$	4,378,625.29	\$	2,524,602.26	\$	1,366,452.00

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126	Staunton City Public Schools	\$	868,713.44	\$	503,888.25	\$	272,556.00
127	Suffolk City Public Schools	\$	4,902,205.95	\$	3,079,074.09	\$	1,717,577.00
128	Virginia Beach City Public Schools	\$	22,122,237.98	\$	13,695,072.03	\$	7,528,270.00
130	Waynesboro City Public Schools	\$	1,115,597.17	\$	608,727.23	\$	333,914.00
131	Williamsburg/James City County Public Schools	\$	2,514,170.00	\$	1,512,664.03	\$	889,370.00
132	Winchester City Public Schools	\$	1,021,127.06	\$	542,430.60	\$	302,138.00
135	Franklin City Public Schools	\$	537,603.20	\$	277,003.53	\$	151,987.00
136	Chesapeake City Public Schools	\$	13,749,950.58	\$	8,530,280.45	\$	4,788,606.00
137	Lexington City Public Schools	\$	264,772.16	\$	123,163.04	\$	69,901.00
139	Salem City Public Schools	\$	1,366,008.49	\$	778,034.95	\$	435,246.00
142	Poquoson City Public Schools	\$	919,021.58	\$	516,134.84	\$	282,478.00
143	Manassas City Public Schools	\$	2,115,193.73	\$	1,209,537.69	\$	696,643.00
144	Manassas Park City Public Schools	\$	960,566.71	\$	572,007.39	\$	339,134.00
202	Colonial Beach Town Public Schools	\$	257,131.64	\$	131,656.58	\$	76,976.00
207	West Point Town Public Schools	\$	375,351.42	\$	205,240.89	\$	116,278.00

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**Part I. General Assurances
(20 U.S.C. 1232e)**

The above referenced LEA assures:

- (1) the local educational agency will administer each program covered by the application in accordance with all applicable statutes, regulations, program plans, and applications;
- (2) the control of funds provided to the local educational agency under each program, and title to property acquired with those funds, will be in a public agency and that a public agency will administer those funds and property;
- (3) the local educational agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to that agency under each program;
- (4) the local educational agency will make reports to the State agency or board and to the Secretary as may reasonably be necessary to enable the State agency or board and the Secretary to perform their duties and that the local educational agency will maintain such records, including the records required under section 1232f of this title, and provide access to those records, as the State agency or board or the Secretary deem necessary to perform their duties;
- (5) the local educational agency will provide reasonable opportunities for the participation by teachers, parents, and other interested agencies, organizations, and individuals in the planning for and operation of each program;
- (6) any application, evaluation, periodic program plan or report relating to each program will be made readily available to parents and other members of the general public;

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**Part I. General Assurances
(20 U.S.C. 1232e) (continued)**

(7) that in the case of any project involving construction -

- (A) the project is not inconsistent with overall State plans for the construction of school facilities, and
- (B) in developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed by the Secretary under section 794 of title 29 in order to ensure that facilities constructed with the use of Federal funds are accessible to and usable by individuals with disabilities;

(8) the local educational agency has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects; and

(9) none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.

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Part II. SFSF Education Reform Assurances

The above referenced LEA assures that it will work with the State to advance the education reform areas identified in the state SFSF application, assured by the Governor and shown below and available at the following link: <http://www.recovery.gov>

(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—

(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)

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PART III: Accountability, Transparency and Reporting Assurances

The above referenced LEA will comply with all of the accountability, transparency, and reporting requirements that apply to the program, which the Governor has already assured, including the following:

(1) For each year of the program, the LEA will submit a report to the State, at such time and in such manner as the Governor and/or the Virginia Department of Education (VDOE) may require, to comply with requirements from the US Secretary of Education, that describes:

- A. the uses of funds within the State;
- B. how the State distributed the funds it received;
- C. the number of jobs that the Governor estimates were saved or created with the funds;
- D. tax increases that the Governor estimates were averted because of the funds;
- E. 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;
- F. a description of each new construction, modernization, renovation or repair project funded, including the amounts awarded and project costs.
(ARRA Division A, Section 14008)

(2) The LEA will provide the assistance necessary for the State to submit reports within 10 days after the end of each calendar quarter, beginning the quarter ending September 30, 2009, 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)). See OMB guidance at: http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21.pdf

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

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PART III: Accountability, Transparency and Reporting Assurances (continued)

(4) If the LEA uses funds for any infrastructure investment, the LEA 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 Web site and linked to <http://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)

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

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PART IV: Other Assurances

The above referenced LEA assures that:

(1) The LEA 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.

(2) 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.

(3) The LEA 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).

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

2009-2010 State Fiscal Stabilization Fund - Education Fund
Legislative Data: Authority PL 111-5 American Recovery and Reinvestment Act of 2009 (ARRA)
Federal Award Number: S394A090047
Award Beginning Date: February 17, 2009
Award Expiration Date: September 30, 2011
Reimbursement Request Deadline: November 15, 2011
DOE Program Managers: Glenn Millican, 804-225-4906 and Karen Lux, 804-371-6877
OMEGA Assistance: 804-371-0993

PART IV: Other Assurances (continued)

(5) 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.

(6) The LEA 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—Government wide Debarment and Suspension (Nonprocurement).

(7) The LEA will comply with United States Office of Management and Budget (OMB) Circulars, including, but not limited to: OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments; OMB Circular A-102, Grants and Cooperative Agreements With State and Local Governments; and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations.

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PART V: Key Requirements

TITLE XIV--STATE FISCAL STABILIZATION FUND, SEC. 14002. STATE USES OF FUNDS (excerpt from the American Recovery and Reinvestment Act of 2009)

(a) Education Fund-

(1) IN GENERAL- For each fiscal year, the Governor shall use 81.8 percent of the State's allocation under section 14001(d) for the support of elementary, secondary, and postsecondary education and, as applicable, early childhood education programs and services.

(2) RESTORING STATE SUPPORT FOR EDUCATION-

(A) IN GENERAL- The Governor shall first use the funds described in paragraph (1)--

- (i) to provide the amount of funds, through the State's primary elementary and secondary funding formulae, that is needed--
- (I) to restore, in each of fiscal years 2009, 2010, and 2011, the level of State support provided through such formulae to the greater of the fiscal year 2008 or fiscal year 2009 level; and
- (II) where applicable, to allow existing State formulae increases to support elementary and secondary education for fiscal years 2010 and 2011 to be implemented and allow funding for phasing in State equity and adequacy adjustments, if such increases were enacted pursuant to State law prior to October 1, 2008.
- (ii) to provide, in each of fiscal years 2009, 2010, and 2011, the amount of funds to public institutions of higher education in the State that is needed to restore State support for such institutions (excluding tuition and fees paid by students) to the greater of the fiscal year 2008 or fiscal year 2009 level.

(B) SHORTFALL- If the Governor determines that the amount of funds available under paragraph (1) is insufficient to support, in each of fiscal years 2009, 2010, and 2011, public elementary, secondary, and higher education at the levels described in clauses (i) and (ii) of subparagraph (A), the Governor shall allocate those funds between those clauses in proportion to the relative shortfall in State support for the education sectors described in those clauses.

(C) FISCAL YEAR- For purposes of this paragraph, the term `fiscal year' shall have the meaning given such term under State law.

(3) SUBGRANTS TO IMPROVE BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES- After carrying out paragraph (2), the Governor shall use any funds remaining under paragraph (1) to provide local educational agencies in the State with subgrants based on their relative shares of funding under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent year for which data are available.

Notes: (1) Subrecipients have agreed to adhere to the assurances listed within this document.
(2) Each subaward is uniquely identified in OMEGA via combined use of payee code, project code, and federal award number.

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SEC. 14003. USES OF FUNDS BY LOCAL EDUCATIONAL AGENCIES.

(a) In General- A local educational agency that receives funds under this title may use the funds for any activity authorized by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) ('ESEA'), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) ('IDEA'), the Adult and Family Literacy Act (20 U.S.C. 1400 et seq.), or the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) ('the Perkins Act') or for modernization, renovation, or repair of public school facilities, including modernization, renovation, and repairs that are consistent with a recognized green building rating system.

(b) PROHIBITION- A local educational agency may not use funds received under this title for--

- (1) payment of maintenance costs;
- (2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;
- (3) purchase or upgrade of vehicles; or
- (4) improvement of stand-alone facilities whose purpose is not the education of children, including central office administration or operations or logistical support facilities.

(c) RULE OF CONSTRUCTION- Nothing in this section shall allow a local educational agency to engage in school modernization, renovation, or repair that is inconsistent with State law.

NOTE:

Each recipient and subrecipient awarded funds made available under the ARRA must promptly refer to the ED's Office of Inspector General any credible evidence that a principal officer, employee, agent, contractor, subrecipient, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds. Information about the Office of Inspector General Hotline is available at: <http://www.ed.gov/about/offices/list/oig/hotline.html>