

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**

Paperwork 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 1810-0690. The time required to complete this information collection is estimated to average 17 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4537. If you have comments or concerns regarding the status of your individual submission of this form, write directly to: State Fiscal Stabilization Fund Program, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Ave., S.W., Room 3E108, Washington, D.C. 20202-3118

APPLICATION INSTRUCTIONS

GENERAL INSTRUCTIONS

To receive the initial 67 percent of the State's allocation under the State Fiscal Stabilization Fund (Stabilization) program, a Governor must submit to the Department an application that provides the following information:

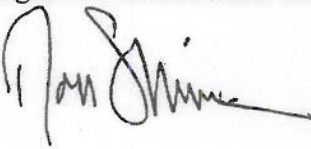
- A completed application cover sheet. *(Part 1 of the Application)*
- Assurances that the State will commit to advancing education reform in four specific areas:
 - (1) Achieving equity in teacher distribution;
 - (2) Improving collection and use of data;
 - (3) Enhancing the quality of standards and assessments; and
 - (4) Supporting struggling schools. *(Part 2 of the Application)*
- Confirmation that the initial baseline data identified in Appendix B of the application is acceptable for purposes of demonstrating the State's current status in each of the four education reform areas for which the State provides assurances, or submission of alternative initial baseline data. *(Part 3 of the Application)*
- The following maintenance-of-effort (MOE) information:
 - (1) An assurance that the State will comply with the Stabilization program MOE requirements;
 - (2) If applicable, an assurance that the State meets or will meet the eligibility criterion for a waiver of those requirements; and
 - (3) MOE baseline data. *(Part 4 of the Application)*
- A description of how the State intends to use the funds allocated under:
 - (1) The Education Stabilization Fund – CFDA No. 84.394; and
 - (2) The Government Services Fund – CFDA No. 84.397. *(Part 5 of the Application)*
- Accountability, transparency, and reporting assurances. *(Part 6 of the Application)*
- Other assurances and certifications. *(Part 7 of the Application)*

APPENDICES TO THE APPLICATION

- Appendix A – State Allocation Data
- Appendix B – Instructions for Part 3: Initial Baseline Data for Education Reform Assurances
- Appendix C – Instructions for Part 4: Maintenance of Effort
- Appendix D – Instructions for Part 5: State Uses of Funds
- Appendix E – Application Checklist and Submission Information

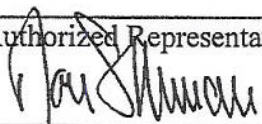
STATE FISCAL STABILIZATION FUND APPLICATION

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

<p>Legal Name of Applicant (Office of the Governor): August William Ritter, Jr.</p>	<p>Applicant's Mailing Address: 200 E Colfax Denver, CO 80203</p>	
<p>State Contact for the Education Stabilization Fund (CFDA No. 84.394)</p> <p>Name: Don Elliman</p> <p>Position and Office: Office of Economic Development & International Trade, Office of Economic Recovery</p> <p>Contact's Mailing Address: 1625 Broadway, Suite 2700 Denver, CO 80202</p> <p>Telephone: 303-892-3842 Fax: 303-866-2003 E-mail address: don.elliman@state.co.us</p>	<p>State Contact for the Government Services Fund (CFDA No. 84.397)</p> <p><i>(Enter "same" if the same individual will serve as the contact for both the Education Stabilization Fund and the Government Services Fund.)</i></p> <p>Name: SAME</p> <p>Position and Office:</p> <p>Contact's Mailing Address:</p> <p>Telephone</p> <p>Fax:</p> <p>E-mail address:</p>	
<p>To the best of my knowledge and belief, all of the information and data in this application are true and correct.</p>		
<p>Governor or Authorized Representative of the Governor (Printed Name): Don Elliman</p>	<p>Telephone: 303-892-3842</p>	
<p>Signature of Governor or Authorized Representative of the Governor: </p>	<p>Date: 6/8/09</p>	

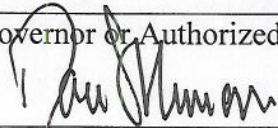
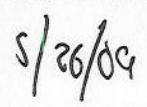
STATE FISCAL STABILIZATION FUND APPLICATION

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

<p>Legal Name of Applicant (Office of the Governor): Don Elliman</p>	<p>Applicant's Mailing Address: 1625 Broadway, Suite 2700 Denver, CO 80202</p>
<p>State Contact for the Education Stabilization Fund (CFDA No. 84.394)</p> <p>Name: Don Elliman</p> <p>Position and Office: Executive Director Office of Economic Development & International Trade, Office of Colorado Economic Recovery</p> <p>Contact's Mailing Address: 1625 Broadway, Suite 2700 Denver, CO 80202</p> <p>Telephone: 303-892-3482 Fax: 303-892-3848 E-mail address: don.elliman@state.co.us</p>	<p>State Contact for the Government Services Fund (CFDA No. 84.397) <i>(Enter "same" if the same individual will serve as the contact for both the Education Stabilization Fund and the Government Services Fund.)</i></p> <p>Name: SAME</p> <p>Position and Office:</p> <p>Contact's Mailing Address:</p> <p>Telephone: Fax: E-mail address:</p>
<p>To the best of my knowledge and belief, all of the information and data in this application are true and correct.</p>	
<p>Governor or Authorized Representative of the Governor (Printed Name): Don Elliman</p>	<p>Telephone: 303-892-3842</p>
<p>Signature of Governor or Authorized Representative of the Governor: </p>	<p>Date: 6/4/09</p>

STATE FISCAL STABILIZATION FUND APPLICATION

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

<p>Legal Name of Applicant (Office of the Governor): Don Elliman</p>	<p>Applicant's Mailing Address: 1625 Broadway, Suite 2700 Denver, CO 80202</p>
<p>State Contact for the Education Stabilization Fund (CFDA No. 84.394)</p> <p>Name: Don Elliman</p> <p>Position and Office: Executive Director Office of Economic Development & International Trade, Office of Colorado Economic Recovery</p> <p>Contact's Mailing Address: 1625 Broadway, Suite 2700 Denver, CO 80202</p> <p>Telephone: 303-892-3482 Fax: 303-892-3848 E-mail address: don.elliman@state.co.us</p>	<p>State Contact for the Government Services Fund (CFDA No. 84.397)</p> <p><i>(Enter "same" if the same individual will serve as the contact for both the Education Stabilization Fund and the Government Services Fund.)</i></p> <p>Name: SAME</p> <p>Position and Office:</p> <p>Contact's Mailing Address:</p> <p>Telephone: Fax: E-mail address:</p>
<p>To the best of my knowledge and belief, all of the information and data in this application are true and correct.</p>	
<p>Governor or Authorized Representative of the Governor (Printed Name): Don Elliman</p>	<p>Telephone: 303-892-3842</p>
<p>Signature of Governor or Authorized Representative of the Governor: </p>	<p>Date: 5/26/09 </p>

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

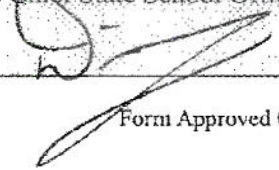
The State educational agency will cooperate with the Governor in the implementation of the State Fiscal Stabilization Fund program.

Chief State School Officer (Printed Name):

Dwight Jones

Telephone:

Signature of the Chief State School Officer:



Date:

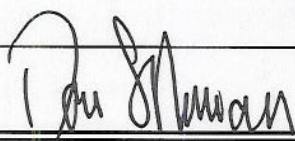
5/28/09

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):	
Don Elliman	
Signature:	Date:
	5/26/09

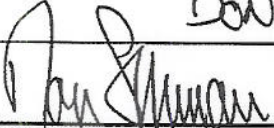
PART 3: INITIAL BASELINE DATA FOR EDUCATION REFORM ASSURANCES

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*):

- Achieving Equity in Teacher Distribution Assurance.
- Improving Collection and Use of Data Assurance.
- Improving Standards Assurance.
- Supporting Struggling Schools Assurance.

Governor or Authorized Representative of the Governor (Printed Name):	
DON ELLIMAN	
Signature: 	Date: 6/4/09

**Assurance may be incomplete. Please contact Matt Gianneschi of the Governor’s Office at 303-866-5800 for more information on this assurance*

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

SPECIAL NOTES:

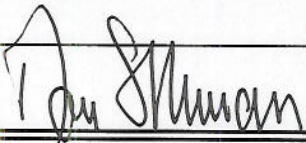
- In completing Part 4 of the application, please refer to Appendix C – Instructions for Part 4: Maintenance of Effort.
- The Governor or his/her authorized representative should check only those MOE requirements that he or she anticipates the State will meet. If the Governor or his/her authorized representative 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*):

- 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.
- 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.
- 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.
- In FY 2009, the State will maintain State support for public IHEs at least at the level of such support in FY 2006.
- In FY 2010, the State will maintain State support for public IHEs at least at the level of such support in FY 2006.
- 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):	
Don Elliman	
Signature: 	Date: 5/26/09

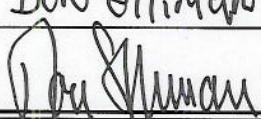
PART 4, SECTION B: MAINTENANCE-OF-EFFORT WAIVER ASSURANCE

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):	
DON ELLIMAN	
Signature:	Date:
	5/20/09

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	<u>\$2,870,089,261</u>
FY 2009*	<u>\$3,392,945,206</u>
FY 2010*	<u>\$3,544,227,330</u>
FY 2011*	<u>\$3,787,975,972</u>

(* 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	<u>\$555,289,004</u>
FY 2009*	<u>\$555,289,004</u>
FY 2010*	<u>\$555,289,004</u>
FY 2011*	<u>\$555,289,004</u>

(* 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	\$ <u>3,152,710,777</u>
(b) Level of State support for public IHEs in FY 2008	\$ <u>652,927,495</u>
(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	\$ 3,344,126,475 (prior enacted) \$ <u>3,392,945,206 (actual enacted)</u>
(d) Level of State support for public IHEs in FY 2009	\$ 705,965,059 (prior enacted) \$ <u>555,289,004 (actual enacted)</u>
(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	\$ 3,696,288,785 (obligation) \$ <u>3,544,227,330 (actual enacted)</u>
(f) Level of State support for public IHEs in FY 2010	\$ <u>555,289,004 (actual enacted)</u>

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.

Page updated on June 2, 2009 – Governor’s representative initial and date:

Handwritten signature and date: JMS 6/4/09

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 | <u>\$0</u> |
| (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 | <u>\$150,676,055</u> |

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	<u>\$152,061,455</u>
(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	<u>\$150,676,055</u>
(e) Amount of funds, if any, remaining after restoring State support for elementary, secondary, and postsecondary education in FY 2009 and FY 2010	<u>\$168,464,832</u>

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	
Elementary and secondary education (excluding modernization, renovation, or repair of public school facilities) to prepare for Race to the Top and race to the Top education programs	6.9%
Public IHEs (excluding modernization, renovation, or repair of IHEs) for the College Opportunity Fund Private Stipends in FY 2008-09 and higher education planning	0.4%
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) Avoiding reductions to government services such as health care, social safety net purposes and public services	50.6%
Undetermined	42.1%
TOTAL	100%

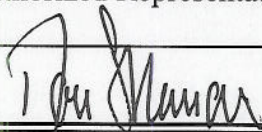
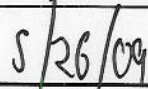
Page updated on June 8, 2009 – Governor's representative initial and date:

*DMG
6/8/09*

**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)

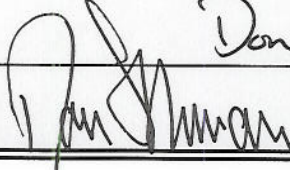
Governor or Authorized Representative of the Governor (Printed Name):	
Signature: 	Date: 

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):	
Don Ellman	
Signature:	Date:
	8/26/09

Attachments to Application for Initial Funding under the State Fiscal Stabilization Fund Program - COLORADO

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

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;

FY 2005-06

Senate Bill 05-209:	\$2,820,869,410
Senate Bill 05-200:	\$16,419,753
Senate Bill 07-239*:	\$0
House Bill 06-1215:	\$32,800,098
House Bill 06-1385*:	\$0
Total FY 2005-06 Appropriation:	\$2,870,089,261

**Bills had a net zero state share impact as both refinanced state funding sources only.*

FY 2007-08

Senate Bill 07-239:	\$3,302,698,838
Senate Bill 07-199:	(\$36,382,063)
House Bill 07-1024:	\$12,000
House Bill 08-1375:	(\$113,617,998)
Senate Bill 09-259*:	\$0
Total FY 2007-08 Appropriation:	\$3,152,710,777

**Bill had a net zero state share impact as it refinanced state funding sources only.*

FY 2008-09

House Bill 08-1375:	\$3,344,126,475
House Bill 08-1388:	\$48,565,932
Senate Bill 08-218*:	\$0
Senate Bill 08-1335*:	\$0
House Bill 08-1021:	\$252,799
Senate Bill 09-185*:	\$0
Senate Bill 09-260*:	\$0
Senate Bill 09-259*:	\$0
Current FY 2008-09 Appropriation:	\$3,392,945,206

**Bills had a net zero state share impact as all refinanced state funding sources only.*

FY 2009-10

Senate Bill 09-259:	\$3,696,288,785
Senate Bill 09-260*:	\$0
Current FY 2009-10 Appropriation:	\$3,696,288,785
Less ARRA Federal Funds:	(\$152,061,455)
Current FY 2009-10 Appropriation without ARRA Federal Funds:	\$3,544,227,330

**Bill has a net zero state share impact as it refinanced state funding sources only.*

FY 2010-11

To be determined as no legislation has been passed that appropriates funds in this fiscal year. Current forecasts assume State share will equal \$3,805,764,749 based on: 1) anticipated pupil count increases; 2) formulaic increases for inflation (estimated at 1%) and required 1% statutory increase; and 3) changes in assessed property values, mill levies and specific ownership taxes that all contribute to the local share of total K-12 education financing. Of the estimated State share above, Colorado anticipates utilizing \$17,788,777 of ARRA federal funds to meet this need.

Attachments to Application for Initial Funding under the State Fiscal Stabilization Fund Program - COLORADO

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

Please see response to “Part 5, Section A, 3 *Data on State Support for Postsecondary Education*”. This response identifies the data utilized in determining the levels of State support for public IHEs.

Attachments to Application for Initial Funding under the State Fiscal Stabilization Fund Program - COLORADO

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

2. State's Primary Education Funding Formulae

Colorado has a funding formulae that was enacted prior to July 1, 2008. Colorado defines the funding formulae in terms of the total funding requirements as well as the basis for the per pupil funding which makes up part of the total funding level.

Section 17 of Article IX of the Colorado Constitution requires annual inflationary increases in the base per pupil funding. For FY 2008-09, FY 2009-10, and FY 2010-11 this provision requires that the K-12 school finance base per pupil funding (and the K-12 categorical programs <1>) increase by *at least the rate of inflation plus one percent*. <2>

In addition to the required annual inflationary increases noted above, the Colorado Constitution also requires a state General Fund annual of *no less than 5.0 percent* on K-12 school finance unless personal income is less than a specified amount. <3>

Colorado's K-12 school finance laws also address school district variation through "adjustment factors" which are applied to the base per pupil funding rate described above. These adjustment factors were enacted prior to July 1, 2008. These adjustment factors include the following: (1) a cost-of-living factor which recognizes differences in the cost-of-living among districts and provides greater per pupil funding for higher cost districts; (2) a size factor which recognizes economies of scale experienced by larger school districts and provides greater per pupil funding for districts with low enrollment; and (3) an at-risk factor which provides additional funding for districts serving students who may be at risk of failing or dropping out of school.

Additional information on Colorado's primary and secondary funding formulae is available to the Federal Department of Education upon request.

NOTES:

<1> Categorical programs are designed to serve particular groups of students or student needs (e.g., transportation).

<2> For FY 2008-09, Colorado is required to increase base per pupil funding by at least \$162 or 3.2 percent (uses the actual inflation rate of 2.2 percent in calendar year 2007 and adds the 1.0 percent factor to get to the 3.2 percent).

<3> This 5.0 percent MOE does not apply in any state fiscal year in which personal income growth less than 4.5 percent between the two previous calendar years.

Attachments to Application for Initial Funding under the State Fiscal Stabilization Fund Program - COLORADO

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

3. Data on State Support for Postsecondary Education

The data sources utilized in determining calculations provided for the levels of State support for public IHEs were bills that had appropriations to the individual postsecondary education institutions in the relevant fiscal years. Total State support for public IHEs was determined by summarizing the funding levels described in these bills by fiscal year¹. A table describing these funding levels by IHE can be found at the end of the attachments for Part 5.

FY 2005-06

Senate Bill 05-209
Senate Bill 05-518
House Bill 06-1370
House Bill 06-1385

FY 2007-08

House Bill 07-1256
House Bill 08-1286
House Bill 08-1375

FY 2008-09

House Bill 08-1375²
Senate Bill 08-079
Senate Bill 08-166
Senate Bill 09-259

FY 2009-10

Senate Bill 09-259

FY 2010-11

To be determined as no legislation has been passed that appropriates funds in this fiscal year.

¹ This information is available online at <http://www.leg.state.co.us/>

² Original FY 2008-09 State funding for public IHEs.

Attachments to Application for Initial Funding under the State Fiscal Stabilization Fund Program - COLORADO

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

5. Process for Awarding Funds to Public IHEs

The Institutions of Higher Education (IHEs) in Colorado experienced funding cuts from their original FY 2008-09 state funding levels to their final FY 2005-06 state funding levels in both FY 2008-09 and FY 2009-10. This level of state funding for IHEs is also anticipated in FY 2010-11, in order to meet the Maintenance-of-Effort requirements of the SFSF.

In all three of the fiscal years (FY 2008-09, FY 2009-10, & FY 2010-11), the state will maintain state support at FY 2005-06 levels and backfill funding levels to the original FY 2008-09 level with the Education Stabilization Funds. In other words, the state will backfill state funding cuts to the IHEs original FY 2008-09 state funding level.

A table illustrating this can be found on the following page.

Attachments to Application for Initial Funding under the State Fiscal Stabilization Fund Program - COLORADO

Table illustrating State data sources that were used in determining the calculations provided for the level of State support for public IHEs.

	Funding for Colorado Public Institutions of Higher Education by Fiscal Year and by Institution							
	FY 2005-06 <1>	FY 2006-07 <2>	FY 2007-08 <3>	Original State Funding FY 2008-09 <4>	FY 2008-09 <5>		FY 2009-10 <6>	
	General Fund from the College Opportunity Fund	General Fund from the College Opportunity Fund	General Fund from the College Opportunity Fund	General Fund from the College Opportunity Fund	General Fund from the College Opportunity Fund	State Fiscal Stabilization Funds	General Fund from the College Opportunity Fund	State Fiscal Stabilization Funds
Institutions of Higher Education								
Adams State College	\$ 12,149,322	\$ 12,562,412	\$ 13,624,080	\$ 14,608,449	\$ 12,149,322	\$ 2,459,127	\$ 12,149,322	\$ 2,459,127
Mesa State College	\$ 19,888,392	\$ 20,632,636	\$ 22,376,340	\$ 24,005,607	\$ 19,888,392	\$ 4,117,215	\$ 19,888,392	\$ 4,117,215
Metropolitan State College of Denver	\$ 39,778,568	\$ 41,165,915	\$ 44,644,910	\$ 49,713,412	\$ 39,778,568	\$ 9,934,844	\$ 39,778,568	\$ 9,934,844
Western State College	\$ 9,892,147	\$ 10,470,780	\$ 11,355,691	\$ 12,173,017	\$ 9,892,147	\$ 2,280,870	\$ 9,892,147	\$ 2,280,870
Colorado State University System	\$ 113,620,028	\$ 123,364,193	\$ 133,789,929	\$ 146,891,512	\$ 113,620,028	\$ 33,271,484	\$ 113,620,028	\$ 33,271,484
Fort Lewis College	\$ 8,757,822	\$ 10,745,793	\$ 11,653,935	\$ 12,736,330	\$ 8,757,822	\$ 3,978,508	\$ 8,757,822	\$ 3,978,508
University of Colorado System	\$ 159,103,982	\$ 179,791,878	\$ 194,986,340	\$ 209,099,449	\$ 159,103,982	\$ 49,995,467	\$ 159,103,982	\$ 49,995,467
Colorado School of Mines	\$ 18,793,625	\$ 20,043,357	\$ 21,737,271	\$ 23,237,386	\$ 18,793,625	\$ 4,443,761	\$ 18,793,625	\$ 4,443,761
University of Northern Colorado	\$ 35,176,878	\$ 37,949,011	\$ 41,156,170	\$ 44,086,311	\$ 35,176,878	\$ 8,909,433	\$ 35,176,878	\$ 8,909,433
Community College System	\$ 117,020,778	\$ 121,998,555	\$ 132,329,692	\$ 142,320,783	\$ 117,020,778	\$ 25,300,005	\$ 117,020,778	\$ 25,300,005
Local District Junior Colleges	\$ 12,601,934	\$ 13,668,051	\$ 14,823,001	\$ 15,890,257	\$ 12,601,934	\$ 3,288,323	\$ 12,601,934	\$ 3,288,323
Area Vocational Schools	\$ 8,505,528	\$ 9,635,602	\$ 10,450,136	\$ 11,202,546	\$ 8,505,528	\$ 2,697,018	\$ 8,505,528	\$ 2,697,018
Sub-totals by General Fund and State Fiscal Stabilization Funds	\$ 555,289,004	\$ 602,028,183	\$ 652,927,495	\$ 705,965,059	\$ 555,289,004	\$ 150,676,055	\$ 555,289,004	\$ 150,676,055
TOTAL by Fiscal Year	\$555,289,004	\$602,028,183	\$652,927,495	\$705,965,059	\$705,965,059	\$705,965,059	\$705,965,059	\$705,965,059
<1> FY 2005-06 Source: S.B. 05-209, S.B. 05-518, H.B. 06-1370, & H.B. 06-1385								
<2> FY 2006-07 Source: H.B. 06-1385 & S.B. 07-164								
<3> FY 2007-08 Source: H.B. 07-1256, H.B. 08-1286, & H.B. 08-1375								
<4> FY 2008-09 Source: <i>Original State Funding Level</i> - H.B. 08-1375								
<5> FY 2008-09 Source: H.B. 08-1375, S.B. 08-79, & S.B. 08-166, & S.B. 09-259								
<6> FY 2009-10 Source: S.B. 09-259								

STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol Building
Denver, Colorado 80203
(303) 866 - 2471
(303) 866 - 2003 fax



Bill Ritter, Jr.
Governor

MEMORANDUM

TO: The Honorable Arne Duncan
Secretary of Education

FROM: Matt Gianneschi, Ph.D.
Senior Policy Analyst for Education to Governor Bill Ritter, Jr.

CC: Dwight Jones, Commissioner of Education, Colorado; David Skaggs, Executive
Director, Colorado Department of Higher Education

DATE: May 28, 2009

RE: **Addendum to Part 3 of the Colorado State Fiscal Stabilization Fund Application**

Pursuant to the directions in the Special Notes section in Part 3 of the State Fiscal Stabilization Fund application, I write on behalf of Governor Bill Ritter, Jr. and Commissioner of Education Dwight Jones to confirm that, in all but one case, the information provided for Colorado related to the baseline data appearing in Appendix B of the SFSF application are accurate. The sole exception concerns item 3-3, "improving state academic content and student achievement standards." The following provides clarifying information related to item 3-3.

Requirement: A State must provide baseline data that demonstrate its current status regarding "taking 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."

Source Data: The Department will use Achieve's 2009 report "Closing the Expectations Gap" to establish this initial baseline. The report, based on a survey of states, provides information on state efforts to align standards, graduation requirements, assessments, and accountability systems with college and career expectations.

Concern: Information in Achieve's 2009 report "Closing the Expectations Gap" indicates that in 2006 Colorado had one of five possible policies in place related to accountability and reporting systems that promote college and career readiness. Further, the report indicated that Colorado had the same number of possible policies in place in 2009.

Clarification: As a result of the previously mentioned concern, we believe that the 2009 Achieve report may not fully reflect a number of policies enacted in Colorado since 2006. They are as follows:

- **Senate Bill 08-212** otherwise known as the “Preschool to Postsecondary Alignment Act”

This bill calls for the state to (a) define postsecondary and workforce readiness, 21st century skills, and school readiness; (b) revise P-13 standards and assessments so they incorporate 21st century skills, are internationally competitive, and reflect postsecondary and workforce readiness; (c) require all high schools to adopt pathways that lead to postsecondary and workforce readiness and create postsecondary and workforce ready endorsements for high school diplomas; and (d) revise higher education admission requirements as necessary to incorporate the use of newly created standards and assessments that reflect college and workforce readiness.

- **House Bills 08-1364 and HB 09-1285** otherwise known as the “Interdepartmental Data Protocol” and the “Government Data Sharing Advisory Board...for Creation of a Statewide Comprehensive P-20 Education Data System,” respectively.

These call for the state to (a) create protocols that permit all state agencies that collect unit-level records to share such data; and (b) create a state-level interdepartmental data sharing advisory board to enact an aligned longitudinal education data system.

- **House Bill 07-1048** otherwise known as the “Longitudinal Analysis of Assessment Act”

This bill calls for the state to (a) create a single model for longitudinal growth; and (b) make longitudinal growth the cornerstone of the Colorado system of educational accountability.

- **House Bill 09-1065** otherwise known as the “Teacher Identifier Act”

This bill calls for the state to create a comprehensive data system that links school and district information, student outcomes, and postsecondary education and licensure information with educators.

- **House Bill 09-1319** otherwise known as the “Concurrent Enrollment Act”

This bill calls for the state to (a) make remedial courses available to high school students who need it, (b) expands postsecondary opportunities to all secondary level K-12 students, (d) creates a statewide “5th year” dual degree option, and (e) creates cross-system data sharing practices and public reporting mechanisms for concurrent enrollment programs.

- **Senate Bill 09-163** otherwise known as the “Accountability Alignment Act”

This calls for the state to: (a) harmonize conflicting accountability measures into a single system; and (b) create a category of “turnaround” for schools that persistently struggle.

- In addition, on September 16, 2006 the Department of Higher Education and the Department of Education in Colorado entered into an interagency agreement regarding the collaborative use of student data. This agreement requires all public institutions of higher education to collect and retain unique K-12 student identification numbers, thus enabling cross-department data interoperability. All public institutions of higher education will be in compliance with this policy in fall 2009.
- In April 2008, the U.S. Department of Education granted approval for Colorado to add “The Colorado Growth Model” to its process for calculating adequate yearly progress.

Finally, since 2000, the Colorado Department of Higher Education has compiled data regarding recent high school graduates’ performance on basic skills assessments at the postsecondary level. This is known as the “Remedial Report.” This report presents information that is aggregated at the school and district level and is transmitted to the Colorado Commission on Higher Education, the Colorado State Board of Education, the Colorado General Assembly, and all school districts throughout the state. This policy appears to be incorrectly reported on page 24 of Achieve’s 2009 report “Closing the Expectations Gap.” In addition, the Department of Higher Education collects information on students’ completion of courses required for admission into the state’s postsecondary system.