

Office of the Governor

June 29, 2009

The Honorable Arne Duncan
Secretary of the United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Duncan,

The State of Wyoming is pleased to provide this cover letter in support of the State's application for the State Fiscal Stabilization Funds of the American Recovery and Reinvestment Act of 2009. Wyoming is committed to using these funds to save and create jobs, support student achievement, and enhance public safety.

While Wyoming has not yet endured the severe economic downturns common to many other states, we are facing forecasts of significantly lower revenues which could impact the state's education funding model in the FY 2011-12 biennium. As a result, the State proposes to distribute Education Stabilization Fund monies during the 2011 fiscal year--which begins in July of 2010--when they will most be needed to address a severe reduction in ad valorem tax revenues. Government Service Fund monies would be committed sooner, for projects described below.

Education Stabilization Fund

As the state's maintenance of effort figures demonstrate, Wyoming has committed significantly increased funding toward education at all levels since the baseline year of 2006. Remarkable progress has been made toward improving salaries for educators and providing enhanced resources at all levels of education, while dozens of new or remodeled facilities were provided for schools, community colleges and the University of Wyoming. The landmark Hathaway scholarship program has been fully endowed, and its funds constitutionally protected. These

The Honorable Arne Duncan
June 29, 2009
Page 2

strong steps forward now confront estimates that our minerals-based state assessed valuation could decline by 50% from calendar 2008 to calendar 2009. Dramatically reduced tax revenues will be reflected going forward. The Education Stabilization Fund, if used in a timely and strategic manner in FY 2011, can help the State mitigate potentially serious shortfalls which could affect the progress made in recent years. Please note that the distribution for elementary and secondary education will be 90% of the Education Stabilization Fund, while Institutions of Higher Education will receive 10% of the fund, based on a determination by the Governor.

Government Services Fund

The State of Wyoming proposes to dedicate the entire allocation from the Government Services Fund toward public safety, and would seek to commit funds for projects in short order once the application has been accepted by the Secretary. In particular, the State would seek to address a longstanding issue relating to the detention of juveniles who are often held in adult jails or other inadequate, unsafe facilities. The State proposes to construct, expand and/or renovate eight regional juvenile detention facilities. A small portion of the Government Services Fund may be directed toward Regional Drug Enforcement Teams affected by budget reductions.

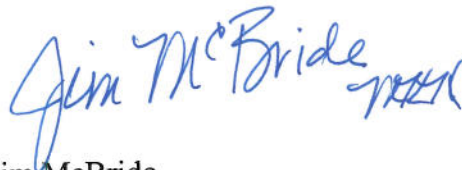
Your approval of this application will help Wyoming continue its effort to improve our state's education systems, as well as addressing longstanding issues relating to juvenile justice.

Thank you for your leadership. We look forward to working with you.

Sincerely,



Dave Freudenthal
Governor



Jim McBride
Superintendent of Public Instruction

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)

AMENDMENTS
CB

Legal Name of Applicant (Office of the Governor): State of Wyoming Office of Governor Dave Freudenthal	Applicant's Mailing Address: State Capitol, 200 West 24 th Street Cheyenne, WY 82002-0010
State Contact for the Education Stabilization Fund (CFDA No. 84.394) Name: Jim McBride, Ed.D. Position and Office: Wyoming Superintendant of Public Instruction Wyoming Department of Education Contact's Mailing Address: 2300 Capitol Avenue Hathaway Building, 2 nd Floor Cheyenne, WY 82002-0050 Telephone: (307) 777-7675 Fax: (307) 777-6234 E-mail address: supt@educ.state.wy.us	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> Name: Chris Boswell Position and Office: Chief of Staff Office of Governor Dave Freudenthal Contact's Mailing Address: State Capitol, 200 West 24 th Street Cheyenne, WY 82002-0010 Telephone: (307) 777-7434 Fax: (307) 632-3909 E-mail address: CBOSWE@state.wy.us

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): <i>FOR</i> Dave Freudenthal CHRISTOPHER O. BOSWELL	Telephone: (307) 777-7434
Signature of Governor or Authorized Representative of the Governor: 	Date: 7-7-2009

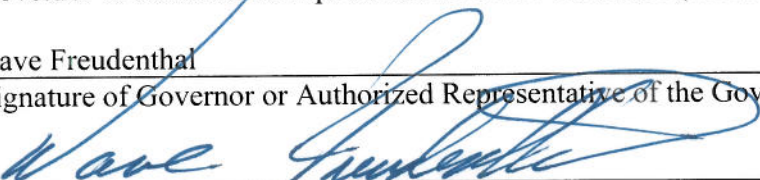
Recommended Statement of Support from the Chief State School Officer (Optional):


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): Jim McBride, Ed.D.	Telephone: (307) 777-7675
Signature of the Chief State School Officer:	Date:

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):</p> <p>State of Wyoming Office of Governor Dave Freudenthal</p>	<p>Applicant's Mailing Address:</p> <p>State Capitol, 200 West 24th Street Cheyenne, WY 82002-0010</p>
<p>State Contact for the Education Stabilization Fund (CFDA No. 84.394)</p> <p>Name: Jim McBride, Ed.D.</p> <p>Position and Office: Wyoming Superintendant of Public Instruction Wyoming Department of Education</p> <p>Contact's Mailing Address: 2300 Capitol Avenue Hathaway Building, 2nd Floor Cheyenne, WY 82002-0050</p> <p>Telephone: (307) 777-7675 Fax: (307) 777-6234 E-mail address: supt@educ.state.wy.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: Chris Boswell</p> <p>Position and Office: Chief of Staff Office of Governor Dave Freudenthal</p> <p>Contact's Mailing Address: State Capitol, 200 West 24th Street Cheyenne, WY 82002-0010</p> <p>Telephone: (307) 777-7434 Fax: (307) 632-3909 E-mail address: CBOSWE@state.wy.us</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):</p> <p>Dave Freudenthal</p>	<p>Telephone:</p> <p>(307) 777-7434</p>
<p>Signature of Governor or Authorized Representative of the Governor:</p> 	<p>Date:</p> <p>6/26/09</p>

<p>Recommended Statement of Support from the Chief State School Officer <i>(Optional)</i>:</p>	
<p>The State educational agency will cooperate with the Governor in the implementation of the State Fiscal Stabilization Fund program.</p>	
<p>Chief State School Officer (Printed Name):</p> <p>Jim McBride, Ed.D.</p>	<p>Telephone:</p> <p>(307) 777-7675</p>
<p>Signature of the Chief State School Officer:</p> 	<p>Date:</p> <p>6.26.2009</p>

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): Dave Freudenthal	
Signature: 	Date: 6/26/09

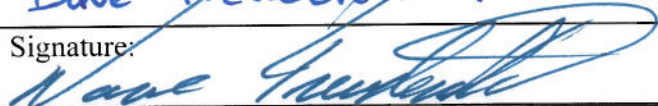
PART 3: INITIAL BASELINE DATA FOR EDUCATION REFORM ASSURANCES

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):	
Dave Freudenthal	
Signature:	Date:
	6/26/09

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*):

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.

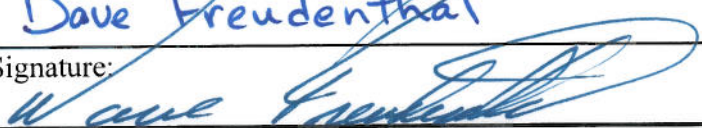
In FY 2009, the State will maintain State support for public IHEs at least at the level of such support in FY 2006.

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): Dave Freudenthal	
Signature: 	Date: 6/26/09

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):	
Signature:	Date:

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>837,436,062</u>	<i>CB</i>
FY 2009*	\$ <u>1,357,122,684</u>	<i>CB</i>
FY 2010*	\$ <u>1,433,153,192</u>	<i>CB</i>
FY 2011*	\$ <u>1,260,839,234</u>	<i>CB</i>

(* 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>245,955,173</u>
FY 2009*	\$ <u>338,868,605</u>
FY 2010*	\$ <u>330,455,514</u>
FY 2011*	\$ <u>330,455,514</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 -

See Attachment I and Attachment III

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

See Attachment I and Attachment III

Christy O. Zoull
7-7-2009

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>1,308,255,843</u> |
| (b) Level of State support for public IHEs in FY 2008 | \$ <u>311,156,739</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 | \$ <u>1,357,122,684</u> |
| (d) Level of State support for public IHEs in FY 2009 | \$ <u>338,868,605</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 | \$ <u>1,433,153,192</u> |
| (f) Level of State support for public IHEs in FY 2010 | \$ <u>330,455,514</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.

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. See Attachment II

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. See Attachment II

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 \$ 0
- (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 \$ 0

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	\$ 0	
(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	\$ 8,413,091	CB
(e) Amount of funds, if any, remaining after restoring State support for elementary, secondary, and postsecondary education in FY 2009 and FY 2010	\$ 59,207,106	CB

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.

Stabilization funds will be appropriated to the University of Wyoming and the state's community colleges based on FY 2009-2010 biennial appropriation ratios. **Stabilization funds will be provided directly to the University of Wyoming in FY 2011. Stabilization funds for community colleges will be provided to the Wyoming Community College Commission in FY 2011.** The Commission will distribute the funds to each community college based on the formula for distribution of state funds adopted by the commission. CB

Clinton O. Zoull
7-7-2009

**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	100%
Elementary and secondary education (excluding modernization, renovation, or repair of public school facilities)	
Public IHEs (excluding modernization, renovation, or repair of IHEs)	
Modernization, renovation, or repair of public school facilities	
Modernization, renovation, or repair of IHEs	
Medicaid	
Public assistance	
Transportation	
Other (please describe)	
Undetermined	
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): <i>Dave Freudenthal</i>	
Signature: <i>Dave Freudenthal</i>	Date: <i>6/26/09</i>

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): <i>Dave Freudenthal</i>	
Signature: <i>Dave Freudenthal</i>	Date: <i>6/26/09</i>

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

3. Additional Submission Requirements

(a) The data sources used in determining the levels of State support for elementary and secondary education are as follows:

For years prior to FY 2010, Wyoming School Foundation Program funding history was used to determine the levels of State support for elementary and secondary education. The foundation program amount is tied per Wyoming Statute 21-13-309 to the Wyoming Resource Block Grant Funding Model (Wyoming Funding Model).

For FY 2010, preliminary data was used to determine the levels of State support. The figure, based on the Wyoming Resource Block Grant Funding Model, includes adjustments made in the 2009 Legislative session, and further adjustments made to the FY 2010 budget by the governor in June of 2009.

For FY 2011, the level of State support was maintained at the FY 2010 figure as a reasonable estimate based on School Foundation Program revenue and expenditure forecasts for the FY 2011-2012 biennium.

(b) The data sources used in determining the levels of State support for public IHEs are as follows:

For years prior to FY 2010, actual payment data from the State accounting system was used to determine the levels of state support; excluding capital projects, tuition and fees, and directed research. *CB*

For FY 2010, appropriation data from the biennial budget was used to determine levels of State support. The figure also reflects the Governor's FY 2010 budget reductions, and excludes capital projects, tuition and fees, and directed research. *CB*

FY 2011, the level of State support was maintained at the 2010 figure as a reasonable estimate.

The MOE baseline for public IHEs excludes capital outlays (see Attachment III). *CB*


7-7-2009

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

2. State's Primary Education Funding Formulae

Per Wyoming Statute 21-13-309, the Wyoming School Foundation Program provides an assured level of funding to every Wyoming public school district. This level of funding is determined by a cost-based model based on the individual enrollments (average daily membership) and characteristics of each school district. The average daily membership used for each school is the greater of the three-year average or prior year. The funding is a block-grant and can be spent by a school district based on local needs and priorities. Resources are generated at the school level (based on school prototypes) up to the district level. Once a district's school and district level resources are determined, they are adjusted by the district's regional cost-of-living adjustment and staff member education, experience, and responsibility levels as compared to the statewide averages. Other components having a significant impact on a district's level of funding include reimbursable costs for special education, pupil transportation, special tuition, and qualifying teacher extra pay costs. Also included in the levels of support for elementary and secondary education, per Wyoming statute, is state funding for capital construction and major maintenance.

3. Data on State Support for Postsecondary Education

The public IHE funding is appropriated to the University of Wyoming and the Wyoming Community Colleges through a biennial budget process. Funds are appropriated by the State Legislature. The University of Wyoming has a stand-alone accounting system and draws down reimbursement from the state accounting system periodically and provides an annual A-133 audit. The Community Colleges are funded by the state through the Community College Commission and their expenses are run directly through the state accounting system.

Data for FY 2006 through 2009 was taken directly from the state accounting system for the University of Wyoming and the Community College Commission. Data for FY 2010 was taken from the appropriated funds for the 2009/2010 biennial budget. For 2010, the proportion of the biennial budget was revised to reflect budget reductions imposed by the governor. Capital projects, tuition and fees are excluded from the amounts.

ATTACHMENT III

Calculation of Restoration Amounts for SFSF

	FY 2008	FY 2009	FY 2010	FY 2011	Restorations FY 2011	
K-12	\$ 1,308,255,743	\$ 1,357,122,684	\$ 1,433,153,192	\$ 1,260,839,234	\$ 96,283,451	88%
IHEs (excludes outlay)	\$ 311,156,739	\$ 338,868,605	\$ 330,455,514	\$ 330,455,514	\$ 59,207,106	12%
					\$ 8,413,091	100%
					\$ 8,413,091	
					\$ 67,620,197	

Calculation of MOE

	FY 2006	FY 2009	FY 2010	FY 2011	Amount above MOE	FY 2010	FY 2011
K-12	\$ 837,436,062	\$ 1,357,122,684	\$ 1,433,153,192	\$ 1,260,839,234	\$ 519,686,622	\$ 595,717,130	\$ 423,403,172
IHEs (excludes outlay)	\$ 245,955,173	\$ 338,868,605	\$ 330,455,514	\$ 330,455,514	\$ 92,913,432	\$ 84,500,341	\$ 84,500,341

Stephen P. Bould
7-7-2009