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**Guidance on
McKinney-Vento Homeless Children and Youth Program Funds
Made Available under the
American Recovery and Reinvestment Act of 2009**



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

April 10, 2009

Purpose of the Guidance

The purpose of this guidance is to provide comprehensive information on McKinney-Vento Homeless Children and Youth funds made available under the American Recovery and Reinvestment Act of 2009 (ARRA). The guidance provides the U.S. Department of Education’s interpretation of various statutory provisions and does not impose any requirements beyond those included in the ARRA, the McKinney-Vento Homeless Assistance Act, and other applicable laws and regulations. In addition, it does not create or confer any rights for or on any person.

The Department will provide additional or updated program guidance as necessary. If you are interested in commenting on this guidance, please send your comments to john.mclaughlin@ed.gov.

Table of Contents

A. INTRODUCTION1

A-1. Does the American Recovery and Reinvestment Act of 2009 (ARRA) provide funds under the McKinney-Vento Homeless Assistance Act? 1

A-2. Must States and LEAs follow the McKinney-Vento statutory and regulatory requirements when spending McKinney-Vento ARRA funds?..... 1

B. ALLOCATION OF MCKINNEY-VENTO ARRA FUNDS TO STATES1

B-1. On what basis will the Department allocate McKinney-Vento ARRA funds? 1

B-2. When will the Department award the McKinney-Vento ARRA funds and the regular FY 2009 McKinney-Vento funds to States?.....2

B-3. To which State agency will the Department award McKinney-Vento ARRA funds?.....2

 Illustration 1: Basic Award Information..... 2

C. FUNDS RESERVED FOR STATE USE2

C-1. May a State retain a portion of its McKinney-Vento ARRA funds for State use?2

 Illustration 2: Reservations of FY 2009 Funds for State Use 3

C-2. What is a “minimally funded State”3

C-3. For what purposes may an SEA use McKinney-Vento funds reserved for State use?3

C-4. How long are FY 2009 McKinney-Vento funds that are reserved for State use available for obligation?4

D. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES4

D-1. How much of its FY 2009 McKinney-Vento allocation must a State allocate to LEAs?4

 Illustration 3: McKinney-Vento Subgrant Allocations5

D-2. What is the deadline by which an SEA must award FY 2009 McKinney-Vento funds to LEAs?5

D-3. What is the process by which an SEA must award FY 2009 McKinney-Vento funds to LEAs?6

D-4. If an SEA chooses to allocate McKinney-Vento ARRA funds to LEAs by formula, may it establish a requirement that an LEA have a minimum number of homeless students to receive a portion of those funds?6

D-5. May an SEA award a portion of its McKinney-Vento ARRA funds to LEAs competitively and the remainder on a formula basis?6

D-6. May an SEA use McKinney-Vento ARRA funds to make a continuation award to an LEA that is implementing a multi-year project funded under a prior McKinney-Vento competition?6

D-7. May an SEA use McKinney-Vento ARRA funds to award a new subgrant to an LEA that competed unsuccessfully in a prior McKinney-Vento competition?6

D-8. May an SEA hold a single competition for both McKinney-Vento ARRA funds and regular FY 2009 McKinney-Vento funds?.....7

E. LOCAL USES OF FUNDS.....7

E-1. For what purposes may an LEA use McKinney-Vento ARRA funds?.....7

E-2. May LEAs use McKinney-Vento ARRA funds to provide services to homeless students who are attending private schools?.....8

E-3. May an LEA reserve a portion of its McKinney-Vento ARRA grant to pay administrative expenses?8

E-4. How long are FY 2009 McKinney-Vento funds that are awarded to LEAs available for obligation?8

F. TRANSPARENCY, ACCOUNTABILITY, REPORTING AND OTHER REQUIREMENTS8

F-1. What are the shared responsibilities of LEAs, SEAs, and the Department for ensuring that all funds under the ARRA are used for authorized purposes and instances of fraud, waste, and abuse are prevented?.....8

F-2. How will the Department ensure “transparency” in the implementation of the McKinney-Vento ARRA activities by SEAs and LEAs9

F-3. What information is a State required to include in its quarterly reports under the ARRA?9

F-4. How must an SEA or LEA account for McKinney-Vento ARRA funds?9

F-5. Does the receipt of McKinney-Vento funds require recipients to comply with Federal civil rights laws?9

G. ADDITIONAL INFORMATION10

G-1. Whom do I contact if I have additional questions about the McKinney-Vento program? 10

A. Introduction

A-1. Does the American Recovery and Reinvestment Act of 2009 (ARRA) provide funds under the McKinney-Vento Homeless Assistance Act?

Yes. The ARRA provides \$70 million in fiscal year (FY) 2009 funds under the McKinney-Vento Education for Homeless Children and Youth program, which is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 et seq. (McKinney-Vento Act). (For purposes of this guidance, these funds are referred to as “McKinney-Vento ARRA funds.”) The McKinney-Vento ARRA funds are a one-time source of funds that supplement the McKinney-Vento funds made available under the regular FY 2009 appropriation. These additional resources will assist States and local educational agencies (LEAs) in addressing the educational and related needs of some of the most vulnerable members of our society – homeless children and youth – during a time of economic crisis in the United States.

A-2. Must States and LEAs follow the McKinney-Vento statutory and regulatory requirements when spending McKinney-Vento ARRA funds?

McKinney-Vento ARRA funds must be used for activities authorized under Title VII-B of the McKinney-Vento Act and are subject to the same statutory and regulatory requirements as McKinney-Vento funds made available through the regular FY 2009 appropriation, except for specific requirements concerning subgrant procedures (*see, e.g.*, Questions D-2 and D-3) and accountability and reporting (*see* Questions F-3 and F-4).

States and LEAs must separately track, account for, and report on the use of McKinney-Vento ARRA funds (*see* Questions F-3 and F-4). Therefore, the U.S. Department of Education (Department) has created a unique Catalog of Federal Domestic Assistance (CFDA) number for these funds (CFDA No. 84.387A). (*See* Illustration 1.)

B. Allocation of McKinney-Vento ARRA funds to States

B-1. On what basis will the Department allocate McKinney-Vento ARRA funds?

Of the \$70 million in McKinney-Vento ARRA funds, the Department will award a total of 0.1 percent to the Outlying Areas (the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) and transfer 1 percent to the Department of the Interior’s Bureau of Indian Education (BIE) for programs for homeless Indian students served by schools funded by the BIE. 42 U.S.C. 11432(c)(2).

The Department will allocate the remaining amount to States based on the number of homeless students identified by each State during the 2007-2008 school year relative to the number of such children identified nationally during that school year. (The term “State” includes each of the fifty States, the District of Columbia, and Puerto Rico.) Appendix A provides data on the

McKinney-Vento allocations that the Department will award under both the ARRA and the regular FY 2009 appropriation.

B-2. When will the Department award the McKinney-Vento ARRA funds and the regular FY 2009 McKinney-Vento funds to States?

The Department will award the McKinney-Vento ARRA funds on April 10, 2009 and the regular FY 2009 McKinney-Vento funds on July 1, 2009.

B-3. To which State agency will the Department award McKinney-Vento ARRA funds?

The Department will award McKinney-Vento ARRA funds to State educational agencies (SEAs).

Illustration 1: Basic Award Information

Funding Source	CFDA No.	Amount Appropriated	Date of Award
ARRA (McKinney-Vento ARRA funds)	84.387A	\$70,000,000	April 10, 2009
Regular FY 2009 Appropriation (regular McKinney- Vento funds)	84.196A	\$65,427,000	July 1, 2009

C. Funds Reserved for State Use

C-1. May a State retain a portion of its McKinney-Vento ARRA funds for State use?

Under the McKinney-Vento Act, a State may reserve for State use an amount that is no more than (a) 25 percent of its *total* McKinney-Vento allocation for a given fiscal year, unless the State is a “minimally funded State” (*see* Question C-2); and (b) 50 percent of its *total* allocation for a given year if the State is a “minimally funded State.” 42 U.S.C. 11432(e)(1). In light of the ARRA requirement that States award McKinney-Vento ARRA funds to LEAs within 120 days of receipt of those funds (*see* Question D-2), a State may reserve FY 2009 McKinney-Vento funds for State use only as follows:

- **A State that is *not* a minimally funded State** – A State that is not a minimally funded State may not reserve any portion of its McKinney-Vento ARRA funds for State use. However, such a State may reserve for State use from its regular

FY 2009 McKinney-Vento allocation an amount that is no more than 25 percent of its total FY 2009 McKinney-Vento allocation (i.e., 25 percent of the sum of its McKinney-Vento ARRA allocation and its regular FY 2009 allocation).

- **A minimally funded State** – A minimally funded State may reserve for State use up to \$6,682 of its McKinney-Vento ARRA allocation and all of its regular FY 2009 McKinney-Vento allocation.¹

Illustration 2: Reservations of FY 2009 Funds for State Use

	McKinney-Vento ARRA funds that may be reserved for State use	Regular FY 2009 McKinney-Vento funds that may be reserved for State use
General Rule (for States that are NOT minimally funded States)	➤ None	➤ An amount no more than 25 percent of the State’s total McKinney-Vento allocation
Minimally funded States	➤ No more than \$6,682	➤ An amount up to the amount of the State’s regular FY 2009 McKinney-Vento allocation

C-2. What is a “minimally funded State”?

For purposes of determining FY 2009 State-level reservations, a “minimally funded State” is a State that will receive a total FY 2009 McKinney-Vento allocation that equals 0.25 percent of the total amount of McKinney-Vento funds (McKinney-Vento ARRA funds and regular McKinney-Vento funds) appropriated for FY 2009. 42 U.S.C. 11432(c)(1)(A).

The minimally funded States for FY 2009 are the District of Columbia, Hawaii, Montana, North Dakota, Rhode Island, South Dakota, Vermont, and Wyoming.²

C-3. For what purposes may an SEA use McKinney-Vento funds reserved for State use?

An SEA may use McKinney-Vento ARRA funds reserved for State use, as well as regular FY 2009 McKinney-Vento funds reserved for State use, to support the various activities and services

¹ As Appendix A indicates, a minimally funded State receives a total of \$338,568 in FY 2009 McKinney-Vento funding (\$175,966 of McKinney-Vento ARRA funds and \$162,602 of regular FY 2009 McKinney-Vento funds). The amount of its regular FY 2009 allocation (\$162,602) is \$6,682 less than the total amount that the State may reserve for State use (50 percent of \$338,568, which is \$169,284). Therefore, a minimally funded State may reserve up to \$6,682 of its McKinney-Vento ARRA allocation and all of its regular FY 2009 McKinney-Vento allocation for State use.

² The list of minimally funded States and the amounts referenced in Question C-1 and Illustration 2 are based on the assumption that all States will receive both McKinney-Vento ARRA funds and regular FY 2009 McKinney-Vento funds. If that changes, the Department will provide updated information on minimally funded States.

conducted by the State's Office of Coordinator for Education of Homeless Children and Youth. (For detailed information on State uses of funds, *see* section 722(f) of the McKinney-Vento Act (42 U.S.C. 11432(f)) and Part D of the Department's previously issued guidance on the McKinney-Vento program, which is available at <http://www.ed.gov/programs/homeless/guidance.doc>.) The State may conduct these activities directly or through grants or contracts. 42 U.S.C. 11432(e)(2).

C-4. How long are FY 2009 McKinney-Vento funds that are reserved for State use available for obligation?

The FY 2009 McKinney-Vento funds (either McKinney-Vento ARRA funds or regular FY 2009 McKinney-Vento funds) that are reserved for State use are available for obligation through September 30, 2011. A chart indicating when an obligation occurs for various types of activities is provided in the Education Department General Administrative Regulations (EDGAR) at 34 C.F.R. 76.707.

D. Subgrants to Local Educational Agencies

D-1. How much of its FY 2009 McKinney-Vento allocation must a State allocate to LEAs?

The amount of FY 2009 McKinney-Vento funds that a State must allocate to LEAs is as follows:

- **A State that is *not* a minimally-funded State** must award to LEAs 75 percent of its total FY 2009 McKinney-Vento allocation, including all of its McKinney-Vento ARRA allocation.

To meet this requirement, a State that is not a minimally funded State must award to LEAs –

- (1) All of its McKinney-Vento ARRA funds; and
 - (2) From its regular FY 2009 McKinney-Vento allocation, at least the amount that is obtained by subtracting the amount of the State's McKinney-Vento ARRA allocation from an amount equal to 75 percent of the State's total FY 2009 McKinney-Vento allocation.
- **A minimally funded State** must award to LEAs 50 percent of its total FY 2009 McKinney-Vento allocation, including all but \$6,682 of its McKinney-Vento ARRA funds.

To meet this requirement, a minimally funded State –

- (1) Must award to LEAs at least \$169,284 of its McKinney-Vento ARRA allocation to LEAs (i.e., the amount of its McKinney-Vento ARRA allocation less the \$6,682 of that allocation that may be reserved for State use (*see* Question C-1 and Illustration 2); and
- (2) May reserve up to the entire amount of its regular FY 2009 McKinney-Vento allocation for State use, and allocate any remaining funds to LEAs.

Illustration 3: McKinney-Vento Subgrant Allocations

	McKinney-Vento ARRA funds that a State must award to LEAs	Regular FY 2009 McKinney-Vento funds that a State must award to LEAs
General Rule (for States that are NOT minimally funded States)	➤ Entire McKinney-Vento ARRA allocation	➤ At least the amount that is obtained by subtracting the amount of the State's McKinney-Vento ARRA allocation from an amount equal to 75 percent of the State's total FY 2009 McKinney-Vento allocation
Minimally funded States	➤ At least \$169,284	➤ None

D-2. What is the deadline by which an SEA must award FY 2009 McKinney-Vento funds to LEAs?

Under the ARRA, an SEA must award the McKinney-Vento ARRA funds to LEAs within 120 days of receiving its McKinney-Vento ARRA allocation from the Department. The Department awarded each State its McKinney-Vento ARRA allocation on April 10, 2009. Therefore, an SEA must award McKinney-Vento ARRA subgrants to LEAs by August 8, 2009.

This statutory subgrant deadline does not apply to the regular FY 2009 McKinney-Vento funds that the Department will allocate to States on July 1, 2009. However, the SEA should award these funds in a timely manner so that an LEA may address the immediate needs of its homeless students.

D-3. What is the process by which an SEA must award FY 2009 McKinney-Vento funds to LEAs?

The ARRA requires an SEA to award McKinney-Vento ARRA funds to LEAs in one of two ways:

- On a competitive basis *or*
- According to a formula based on the number of homeless students identified by the LEAs in the State.

In contrast, an SEA must use all McKinney-Vento funds made available under the regular FY 2009 appropriation to award subgrants to LEAs competitively or to make continuation awards to LEAs that previously received competitive subgrants. An SEA may not award the regular FY 2009 McKinney-Vento funds to LEAs on a formula basis. 42 U.S.C. 11422(c).

D-4. If an SEA chooses to allocate McKinney-Vento ARRA funds to LEAs by formula, may it establish a requirement that an LEA have a minimum number of homeless students to receive a portion of those funds?

Yes. In order to help ensure that each McKinney-Vento ARRA subgrant that an SEA awards by formula is of sufficient size to be effective, an SEA may require an LEA to have a minimum number of identified homeless students to receive a McKinney-Vento ARRA subgrant.

D-5. May an SEA award a portion of its McKinney-Vento ARRA funds to LEAs competitively and the remainder on a formula basis?

Yes. An SEA may award a portion of its McKinney-Vento ARRA subgrants competitively and the remainder by formula.

D-6. May an SEA use McKinney-Vento ARRA funds to make a continuation award to an LEA that is implementing a multi-year project funded under a prior McKinney-Vento competition?

Yes. An SEA may use McKinney-Vento ARRA funds to make continuation awards to an LEA that is implementing a multi-year project funded under a prior McKinney-Vento competition if the LEA's current budget period expires prior to the 120-day deadline by which the SEA must allocate McKinney-Vento ARRA funds. In making continuation awards, an SEA must consider whether the LEA is making substantial progress toward meeting the objectives of its previously approved local application.

D-7. May an SEA use McKinney-Vento ARRA funds to award a new subgrant to an LEA that competed unsuccessfully in a prior McKinney-Vento competition?

If an LEA submitted an application of sufficient quality under a prior competition but did not receive an award because of the limited availability of McKinney-Vento funds, the SEA may award McKinney-Vento ARRA funds to that LEA on the basis of its previously submitted application.

D-8. May an SEA hold a single competition for both McKinney-Vento ARRA funds and regular FY 2009 McKinney-Vento funds?

Yes. An SEA may conduct a single competition to award both McKinney-Vento ARRA funds and regular FY 2009 McKinney-Vento funds. However, in establishing procedures and rules for awarding FY 2009 McKinney-Vento funds, the SEA should take into consideration the special accountability and reporting requirements that apply to the McKinney-Vento ARRA funds. *See* Section F of this guidance.

E. Local Uses of Funds

E-1. For what purposes may an LEA use McKinney-Vento ARRA funds?

An LEA may use McKinney-Vento ARRA funds to assist homeless children and youth in enrolling, attending, and succeeding in school. In particular, the funds may support any of the activities authorized under section 723(d) of the McKinney-Vento Act (42 U.S.C. 11433(d)), including the following:

- (1) Supplemental educational services, such as tutoring and other academic enrichment programs;
- (2) Expedited evaluations for various educational services;
- (3) Professional development activities for educators and pupil services personnel working with homeless students;
- (4) Health referral services;
- (5) Defraying the excess cost of transportation in order to enable students to attend the school of origin;
- (6) Early childhood education programs for pre-school-aged homeless children;
- (7) Services and assistance to attract, engage, and retain homeless children and youth and unaccompanied youth in public school programs;
- (8) Before- and after-school, mentoring, and summer programs with educational activities;
- (9) Payment of fees and costs associated with tracking, obtaining, and transferring records of homeless children and youth;
- (10) Education and training for parents of homeless children and youth about rights and resources;
- (11) Development of coordination between schools and agencies providing services;
- (12) Provision of pupil services (including violence prevention counseling) and referrals for such services;
- (13) Activities to address needs that may arise from domestic violence;
- (14) Adaptation of space and purchase of supplies for non-school facilities to provide services listed above;
- (15) Provision of school supplies, including those to be distributed at shelters or other appropriate locations; and
- (16) Other extraordinary or emergency assistance needed to enable homeless students to attend school.

Additional information on allowable LEA uses of funds is provided in Part L of the Department's previously issued guidance on the McKinney-Vento program at <http://www.ed.gov/programs/homeless/guidance.doc>.

E-2. May LEAs use McKinney-Vento ARRA funds to provide services to homeless students who are attending private schools?

No. An LEA must use the funds in accordance with the requirements of section 723 of the McKinney-Vento Act. 42 U.S.C. 11433. Students in private schools do not receive services under the McKinney-Vento Act.

E-3. May an LEA reserve a portion of its McKinney-Vento ARRA grant to pay administrative expenses?

Yes. An LEA may reserve that portion of its McKinney-Vento ARRA funding that is reasonable and necessary to administer the program effectively.

E-4. How long are FY 2009 McKinney-Vento funds that are awarded to LEAs available for obligation?

The FY 2009 McKinney-Vento funds (either McKinney-Vento ARRA funds or regular FY 2009 McKinney-Vento funds) that are awarded to LEAs are available for obligation through September 30, 2011. A chart indicating when an obligation occurs for various types of activities is provided in the Education Department General Administrative Regulations (EDGAR) at 34 C.F.R. 76.707.

F. Transparency, Accountability, Reporting and Other Requirements

F-1. What are the shared responsibilities of LEAs, SEAs, and the Department for ensuring that all funds under the ARRA are used for authorized purposes and instances of fraud, waste, and abuse are prevented?

All ARRA funds, including McKinney-Vento ARRA funds, must be spent with an unprecedented level of transparency and accountability. Accordingly, recipients of ARRA funds must maintain accurate, complete, and reliable documentation of all ARRA expenditures. The law contains very stringent reporting requirements and requires that detailed information on the uses of funds be available publicly on www.recovery.gov.

States have important oversight responsibilities and must monitor grant- and subgrant-supported activities to ensure compliance with all applicable Federal requirements. If a grantee or subgrantee fails to comply with requirements governing the funds, the Department may, consistent with applicable administrative procedures, take one or more enforcement actions, including withholding or suspending, in whole or part, funds awarded under the program, or recovering misspent funds following an audit.

The ARRA establishes the Recovery Act Accountability and Transparency Board, which is responsible for coordinating and conducting oversight of spending under the ARRA to prevent fraud, waste, and abuse. The Department's Office of Inspector General (OIG) will be conducting comprehensive audits of ARRA implementation activities. In addition, Department program offices will closely monitor these activities.

Any instances of potential fraud, waste, and abuse should be promptly reported to the OIG hotline at 1-800-MIS-USED or oig.hotline@ed.gov. Moreover, recipients are reminded that significant new "whistleblower" protections are provided under section 1553 of the ARRA.

In the coming weeks, the Department will provide additional information on how to prevent instances of fraud, waste, and abuse.

F-2. How will the Department ensure "transparency" in the implementation of the McKinney-Vento ARRA activities by SEAs and LEAs?

As part of the process of ensuring transparency, the Department will keep the public fully apprised of all activities that occur throughout the State's implementation of the ARRA with respect to McKinney-Vento ARRA funds. For example, detailed information concerning how States and LEAs use their McKinney-Vento ARRA funds will be available in the quarterly reports required under section 1512 of the ARRA and posted at www.recovery.gov. (See Question F-3.)

F-3. What special reporting requirements apply as a result of a State's receipt of McKinney-Vento ARRA funds?

A State receiving McKinney-Vento ARRA funds is required to submit to the Department quarterly reports containing the information required under section 1512(c) of the ARRA. The Department is currently developing a common reporting form that will describe for States a streamlined quarterly process for reporting on the use of the McKinney-Vento ARRA funds and other ARRA funds awarded by the Department. Additionally, OMB is expected to issue government-wide guidance on the ARRA reporting requirements and procedures.

F-4. How must an SEA or LEA account for McKinney-Vento ARRA funds?

Because there are separate reporting requirements with respect to McKinney-Vento ARRA funds, the uses of these funds must be accounted for separately from an SEA's or LEA's regular McKinney-Vento funds. The Department has assigned a new Catalog of Federal Domestic Assistance Number (CFDA No. 84.387A) to the McKinney-Vento ARRA funds in order to facilitate separate accounting for the funds.

F-5. Does the receipt of McKinney-Vento funds require recipients to comply with Federal civil rights laws?

Yes. The receipt of any Federal funds obligates recipients to comply with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age.

For additional information on civil rights obligations applicable to Federal funds, *see* <http://www.ed.gov/policy/gen/leg/recovery/notices/civil-rights.html>.

G. Additional Information

G-1. Whom do I contact if I have additional questions about the McKinney-Vento program?

If you have additional questions about the McKinney-Vento program, please contact John McLaughlin, the Department's program specialist for the McKinney-Vento Homeless Children and Youth program, at 202-401-0962 or at john.mclaughlin@ed.gov.

APPENDIX A

HOMELESS EDUCATION ALLOCATION UNDER FY 2009 APPROPRIATION AND ARRA

	CFDA # 84.196A HOMELESS FY 2009 APPROPRIATION ONLY (PRELIM)	CFDA # 84.387A ARRA AMOUNT ONLY	HOMELESS ARRA AMOUNT + FY 2009 APPROPRIATION AMOUNT
US TOTAL	65,427,000	70,000,000	135,427,000
ALABAMA	996,972	1,078,910	2,075,882
ALASKA	208,312	225,433	433,745
ARIZONA	1,495,320	1,618,216	3,113,536
ARKANSAS	595,601	644,553	1,240,154
CALIFORNIA	12,748,250	13,795,989	26,544,239
COLORADO	854,579	924,815	1,779,394
CONNECTICUT	311,117	336,688	647,805
DELAWARE	174,929	189,306	364,235
DIST. COLUMBIA *	162,602	175,966	338,568
FLORIDA	2,887,078	3,124,358	6,011,436
GEORGIA	1,730,950	1,873,212	3,604,162
HAWAII *	162,602	175,966	338,568
IDAHO	196,080	212,196	408,276
ILLINOIS	2,385,511	2,581,569	4,967,080
INDIANA	886,441	959,295	1,845,736
IOWA	409,939	443,632	853,571
KANSAS	425,463	460,431	885,894
KENTUCKY	1,219,674	1,319,915	2,539,589
LOUISIANA	1,806,123	1,954,563	3,760,686
MAINE	172,541	186,722	359,263
MARYLAND	781,185	845,389	1,626,574
MASSACHUSETTS	1,033,537	1,118,480	2,152,017
MICHIGAN	2,181,408	2,360,691	4,542,099
MINNESOTA	639,434	691,988	1,331,422
MISSISSIPPI	828,296	896,372	1,724,668
MISSOURI	974,316	1,054,392	2,028,708
MONTANA *	162,602	175,966	338,568
NEBRASKA	210,759	228,080	438,839
NEVADA	483,524	523,263	1,006,787
NEW HAMPSHIRE	175,858	190,310	366,168
NEW JERSEY	839,578	908,581	1,748,159
NEW MEXICO	506,671	548,313	1,054,984
NEW YORK	5,670,111	6,136,119	11,806,230
NORTH CAROLINA	1,503,446	1,627,010	3,130,456
NORTH DAKOTA *	162,602	175,966	338,568
OHIO	1,768,469	1,913,813	3,682,282
OKLAHOMA	726,375	786,074	1,512,449
OREGON	951,906	1,030,141	1,982,047
PENNSYLVANIA	1,732,139	1,874,497	3,606,636
RHODE ISLAND *	162,602	175,966	338,568
SOUTH CAROLINA	755,250	817,322	1,572,572
SOUTH DAKOTA *	162,602	175,966	338,568
TENNESSEE	934,363	1,011,156	1,945,519
TEXAS	5,126,306	5,547,622	10,673,928
UTAH	618,217	669,027	1,287,244
VERMONT *	162,602	175,966	338,568
VIRGINIA	1,016,850	1,100,421	2,117,271
WASHINGTON	1,199,480	1,298,061	2,497,541
WEST VIRGINIA	314,496	340,343	654,839
WISCONSIN	835,613	904,290	1,739,903
WYOMING *	162,602	175,966	338,568
PUERTO RICO	1,359,020	1,470,714	2,829,734
BIE	654,270	700,000	1,354,270
AMERICAN SAMOA	16,605	17,766	34,371
GUAM	20,477	21,907	42,384
NORTHERN MARIANAS	6,032	6,453	12,485
VIRGIN ISLANDS	22,313	23,874	46,187
EVAL. & DISSEMINATION	735,000	0	735,000

* Minimally funded States