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UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

SEP 14 2010

Mr. Jim Rex
State Superintendent of Education
South Carolina Department of Education
1006 Rutledge Building
1429 Senate Street
Columbia, South Carolina 29201

Dear Mr. Rex:

The Education Jobs Fund (Ed Jobs) program, which was enacted into law on August 10, 2010, provides financial assistance to local educational agencies (LEAs) to enable them to recall or rehire former employees, retain existing employees, and hire new employees to provide early childhood, elementary, or secondary educational and related services. The Ed Jobs statute (Public Law No. 111-226) gave the Governor of each State an opportunity to apply for the State's Ed Jobs allocation by September 9, 2010.

The U.S. Department of Education (Department) did not receive an approvable application from South Carolina prior to the application deadline. Thus, we cannot award Ed Jobs funds to South Carolina at this time. However, we remain committed to making these funds available to the schools and students in your State. The Department may award Ed Jobs funds to the South Carolina Department of Education (SCDE) under the alternative distribution method authorized in section 101(8) of Public Law 111-226, upon receipt of an approvable application from the SCDE.

Accompanying this letter is the application by which SCDE may apply for Ed Jobs funding. Also enclosed are the August 13, 2010 initial program guidance and supplemental guidance on the applicability of the Ed Jobs program to charter schools. The requirements that apply to Governors generally apply to State education agencies (SEAs) that administer the Ed Jobs program.

SCDE may retain up to 2 percent of the State's allocation for administrative costs associated with the program. Any funds not reserved for State administration must be awarded to LEAs either through South Carolina's primary elementary and secondary education funding formula(e) or on the basis of the LEAs' relative shares of funding under Part A of Title I. To facilitate local planning, I strongly urge you to make publicly available, as soon as possible, the amount of Ed Jobs funds that each LEA will receive.

Before the Department may award Ed Jobs funds to the SCDE under the alternative distribution method, the Department must determine that it is likely that the State will meet the maintenance of effort (MOE) requirements. An approvable SCDE application must include the Governor's

assurance that the State will meet the MOE requirements or, in lieu of such an assurance, data and substantiating documentation demonstrating that the State is likely to meet those requirements.

After conversations with your State, we understand that the Governor was unable to make the required MOE assurance based on South Carolina's current levels of State support for elementary and secondary education and for public institutions of higher education. If WDE does not provide the signed Governor's assurance, it must provide the MOE data and substantiating documentation as specified in the Department's September 2010 guidance entitled "State Maintenance-of-Effort Submission Under the Education Jobs Fund Program" when submitting its application. The Department is available to provide technical assistance to South Carolina in order to assist your State in analyzing all available MOE options. If you have any questions or concerns regarding the statutory MOE requirements, please contact Jim Butler at james.butler@ed.gov or 202-260-9737.

Sincerely,

Thelma Meléndez de Santa Ana, Ph.D.

Enclosures

cc: Governor Mark Sanford