

OFFICE OF THE GOVERNOR

BOB RILEY  
GOVERNOR



STATE CAPITOL  
MONTGOMERY, ALABAMA 36130

(334) 242-7100  
FAX: (334) 242-0937

## STATE OF ALABAMA

January 21, 2010

Dr. Joseph C. Conaty  
Director, Academic Improvement and Teacher Quality Programs  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, S.W., Room 3E314  
Washington, D.C. 20202

Dear Dr. Conaty:

Enclosed please find Alabama's amended application for initial funding under the State Fiscal Stabilization Program. This revision reflects actual end-of-year calculations for Alabama's FY 2009 state support for elementary and secondary education as well as state support for Alabama's public institutions of higher education. Additionally, please see Attachment A for a detailed narrative of the fiscal year support changes, and Attachment B for a spreadsheet summarizing changes to fiscal year support.

You will see from the revised numbers that Alabama continued to fund its elementary and secondary education as well as its public institutions of higher education in FY 2009 at levels of state support greater than FY 2006

However, with downturns in state revenues, Alabama's state support for public institutions of higher education in FY 2010 still does not appear to hold as strong as FY 2009. It is due to this anticipated continuation of reduced revenues that Alabama has already requested a waiver of its Maintenance of Effort requirement in FY 2010. All required documents are attached.

If additional information is required, please do not hesitate to contact my office. Alabama remains committed to meeting and maintaining all assurances made in this application and in the waiver request.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Riley".

Bob Riley  
Governor

# 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**

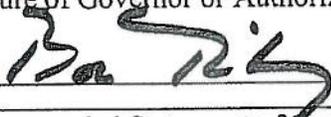
**OMB Number: 1810-0690  
Expiration Date: 9/30/2009**

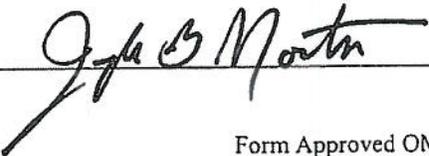
## **Paperwork Burden Statement**

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

**STATE FISCAL STABILIZATION FUND APPLICATION**

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

|  |   |
|--|---|
| Legal Name of Applicant (Office of the Governor):<br>Office of the Governor  | Applicant's Mailing Address:<br>State Capitol<br>600 Dexter Avenue<br>Montgomery, Alabama 36130-3024  |
| State Contact for the Education Stabilization Fund (CFDA No. 84.394)<br><br>Name: Bill Newton<br><br>Position and Office: Acting Finance Director<br><br>Contact's Mailing Address:<br>State Capitol<br>600 Dexter Avenue, Suite N-105<br>Montgomery, Alabama 36130<br>Telephone: (334) 242-7160<br>Fax: (334) 353-3300<br>E-mail address: Bill.Newton@finance.alabama.gov | State Contact for the Government Services Fund (CFDA No. 84.397)<br><i>(Enter "same" if the same individual will serve as the contact for both the Education Stabilization Fund and the Government Services Fund.)</i><br>Name: same<br><br>Position and Office:<br><br>Contact's Mailing Address:<br><br><br><br>Telephone:<br>Fax:<br>E-mail address: |
| 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):<br>Governor Bob Riley  | Telephone:<br>(334) 242-7160  |
| Signature of Governor or Authorized Representative of the Governor:<br>   | Date:<br><b>2-5-10</b>  |

|   |                              |
|---|------------------------------|
| Recommended Statement of Support from the Chief State School Officer <i>(Optional)</i> :<br><br>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):<br>Joseph B. Morton  | Telephone:<br>(334) 242-9700 |
| Signature of the Chief State School Officer:<br>   | Date:<br><b>2/5/10</b>       |

## 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):<br>Governor Bob Riley    |               |
| Signature:  | Date: 6-12-09 |

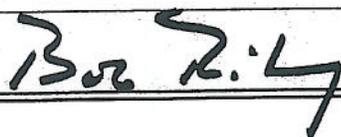
**PART 3: INITIAL BASELINE DATA FOR EDUCATION REFORM ASSURANCES**

**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):<br>Governor Bob Riley       |                  |
| Signature:<br> | Date:<br>6-12-09 |

**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*):

- X   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.
- X   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.
- X   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.
- X   In FY 2009, the State will maintain State support for public IHEs at least at the level of such support in FY 2006.
- CSM*  
*10-26-09*   X   In FY 2010, the State will maintain State support for public IHEs at least at the level of such support in FY 2006.
- X   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):<br>Governor Bob Riley |                      |
| Signature: <i>Bob Riley</i>   | Date: <i>6-12-09</i> |

*Casslyn S. Middleton*

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.

|  |              |
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| Governor or Authorized Representative of the Governor (Printed Name):                          |              |
| Governor Bob Riley   |              |
| Signature:  | Date: 2-5-10 |

**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>3,330,427,191</u> |               |     |          |
| FY 2009* | \$ <u>3,673,574,155</u> | 3,592,836,261 | com | 10-26-09 |
|          |                         | 3,592,853,037 | com | 1-20-10  |
| FY 2010* | \$ <u>3,657,784,748</u> | 3,383,450,891 | com | 10-26-09 |
|          |                         | 3,383,727,066 | com | 1-20-10  |
| FY 2011* | \$ <u>n/a</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>1,310,430,089</u> |               |         |          |
| FY 2009* | \$ <u>1,449,190,003</u> | 1,417,339,672 | com     | 10-26-09 |
|          |                         | 1,417,339,674 | 1-20-10 |          |
| FY 2010* | \$ <u>1,408,824,254</u> | 1,303,162,432 | com     | 10-26-09 |
| FY 2011* | \$ <u>n/a</u>           |               |         |          |

(\* Provide data to the extent that data are currently available.)

**3. Additional Submission Requirements:** In an attachment to the application –

- Identify and describe the data sources used in determining the levels of State support for elementary and secondary education; - and -
- Identify and describe the data sources used in determining the levels of State support for public IHEs.

Carolyn S. Middleton  
 Carolyn S. Middleton 1-20-10

**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>4,150,060,642</u>   |
| (b) Level of State support for public IHEs in FY 2008   | \$ <u>1,764,512,468</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 | <del>\$ 3,673,574,155</del> 3,592,836,261<br><u>3,592,853,037</u> |
| (d) Level of State support for public IHEs in FY 2009   | <del>\$ 1,449,190,003</del> 1,417,339,674<br><u>1,417,339,674</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 | <del>\$ 3,657,784,748</del> 3,383,450,891<br><u>3,383,727,066</u> |
| (f) Level of State support for public IHEs in FY 2010   | <del>\$ 1,408,824,254</del> 1,303,162,432<br><u>1,303,162,432</u> |

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*cam 10-26-09*

**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.

*Carolyn S. Middleton*  
*Carolyn S. Middleton 1-20-10*

## 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

$\$ 358,868,782 - 388,151,189$  CAM 10-26-09  
 $367,427,276$  1-20-10 CAM

(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

$\$ 237,487,089 - 208,205,278$  CAM  
 $228,928,595$  CAM 10-26-09  
CAM 1-20-10

01810338.1

Governor:

Carolyn S. Middleton  
Carolyn S. Middleton 1-20-10

**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 \$ 0
- (e) Amount of funds, if any, remaining after restoring State support for elementary, secondary, and postsecondary education in FY 2009 and FY 2010 \$ 0

**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.

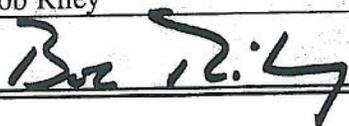
**Uses of the Government Services Fund**

| <b>Category</b>   | <b>Estimated Percentage of Funds to Be Used</b> |
|---|---|
| Public Safety   | 89.4%   |
| 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  | 10.6% <i>cm</i>                                 |
| <b>TOTAL</b>  | <b>100.0%</b>                                   |

**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](http://www.Recovery.gov). A State or local agency may not use funds under the ARRA for infrastructure investment funding unless this certification is made and posted. (ARRA Division A, Section 1511)
- 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)

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| Governor or Authorized Representative of the Governor (Printed Name):<br>Governor Bob Riley    |               |
| Signature:  | Date: 6-12-09 |

## 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):<br>Governor Bob Riley  |               |
| Signature:  | Date: 6-12-05 |

## ADDITIONAL SUBMISSION REQUIREMENTS

### Page 6, Part 4, Section C

#### 4. 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 –

Unlike other states which typically fund education appropriations from their General Fund, Alabama has a separate trust fund solely dedicated for funding education. Appropriations from the Education Trust Fund for local boards of education through the Foundation Program (statutory funding formula to provide a minimum school term) were used to determine levels of state support for elementary and secondary education. The appropriation excludes funding for research/development & capital expenditures when determining the levels of state support.

Revenues credited to the ETF are used for the support, maintenance and development of public education in Alabama, debt service and capital improvements relating to educational facilities, and other functions related to educating the state's citizens.

Programs and agencies supported by the ETF include K-12 education, public library services, performing and fine arts, various scholarship programs, the state's education regulatory departments, and two- and four-year colleges and universities. Ten major tax sources are allocated to the ETF, the largest of which are the individual and corporate income taxes, sales tax, utility tax, and use tax. ).

A further breakdown of these formulas can be found in "A Guide to State Allocation Calculations 2008-2009" created by the State Department of Education Administrative and Financial Services Division. The allocation guide may be provided if additional information is requested.

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

Appropriations from the Education Trust Fund for public two- and four-year colleges and universities were used to determine support for public IHEs. The appropriation excludes funding for research/development & capital expenditures when determining support for public IHEs.

### Page 8, Part 5, Section A

#### 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. CAM

**Appropriations from the Education Trust Fund for local boards of education through the Foundation Program (statutory funding formula to provide a minimum school term) were used to determine levels of state support for elementary and secondary education. (Unlike other states funding education appropriations from their General Fund, Alabama has a separate trust fund for funding education). A further breakdown of these formulas can be found in "A Guide to State Allocation Calculations 2008-2009" created by the State Department of Education Administrative and Financial Services Division. The allocation guide may be provided if additional information is requested.**

### **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. CAM

**Appropriations from the Education Trust Fund for the operations and maintenance of public two-year colleges, excluding appropriations to the central board, and appropriations from the Education Trust Fund to public four-year universities were used to determine levels of state support for public IHEs.**

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### **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. CAM

**Planned funding for public individual IHEs from Fiscal Stabilization funds for Education will be based upon the individual IHE's FY 2009 shortfall as a percentage of the total shortfall.**

**The recovery funds for IHEs will be distributed in the same manner the education trust fund is distributed. The funds will be received and placed in a separate account apart from other ETF monies.**

## ATTACHMENT A

### Alabama's Revised Stabilization Application

On June 12, 2009, Alabama submitted its initial application for State Fiscal Stabilization Funds. Unlike most other states, Alabama's fiscal year does not end until September 30, 2009. Alabama also has two separate budgets, the General Appropriations Budget and the Education Trust Fund budget. The Education Trust Fund budget is constitutionally prohibited from distributing any funds to any entity that does not provide an educational function or purpose.

Prior to the original submission of the application for SFSF funds, December 16, 2008, Governor Riley announced 9% proration (or across-the-board budget cuts) for all appropriations funded from the Education Trust Fund. So at the time of initial submission, all Education appropriations were prorated by 9%. Proration in Alabama is required whenever projected revenues are insufficient to fully fund all education appropriations for the year. Proration is basically an across-the-board cut for all appropriations covered from that revenue source. Alabama is constitutionally required to maintain a balanced budget and cannot end any year in a deficit.

Since the original submission of Alabama's initial SFSF application, revenues in the Education Trust Fund continued to worsen. Additional proration of 2% was announced on July 24, 2009, resulting in a total reduction of 11% of all appropriations funded from the Education Trust Fund. Alabama was able to maintain that 11% reduction and end the year with a zero cash balance in the Education Trust Fund.

Continuing to remain cautious, on September 29, 2009, Governor Riley announced proration in the Education Trust Fund again of 7.5% for FY 2010, before the fiscal year began. We continue to monitor the education revenue sources daily in order to advise the Governor on the need for additional proration or the possibility of a reduction in proration for FY 2010.

Therefore, we are making the following changes to our SFSF Phase I application:

- Part 4, Section C. 1. FY 2009 Changed from 3,592,836,261 to 3,592,853,037;  
FY 2010 Changed from 3,383,450,891 to 3,383,727,066
- 2. FY 2009 Changed from 1,417,339,672 to 1,417,339,674
- Part 5, Section A, 1 (c) Changed from 3,592,836,261 to 3,592,853,037;
- 1 (d) Changed from 1,417,339,672 to 1,417,339,674
- 1 (e) Changed from 3,383,450,891 to 3,383,727,066
- 4 (a) Changed from 388,151,189 to 367,427,276
- 4 (b) Changed from 208,205,278 to 228,928,595

We also are making the corresponding changes to Alabama's Request for Waiver of the MOE requirements for FY 2010:

- Item 2 FY 2010 State support Changed 4,686,613,323 to 4,686,889,498
- FY 2010 Revenues – Changed 6,838,125,816 to 6,811,277,992
- FY 2009 State Support – Changed 5,010,175,933 to 5,010,192,711

## ATTACHMENT B

### Stabilization Funding For Alabama

|                                     | FY 2009            |                   | FY 2010            |                   | TOTAL       |
|-------------------------------------|--------------------|-------------------|--------------------|-------------------|-------------|
|                                     | Shortfall for K-12 | Shortfall for IHE | Shortfall for K-12 | Shortfall for IHE |             |
| Original Application                | 358,868,782        | 237,487,089       | 0                  | 0                 | 596,355,871 |
| Revised Application - December 2009 | 388,151,189        | 208,205,278       | 0                  | 0                 | 596,356,467 |
| Revised Application - January 2010  | 367,427,276        | 228,928,595       | 0                  | 0                 | 596,355,871 |

#### State of Alabama Maintenance of Effort

|             | Original Application | Revised Application- December 2009 | Revised Application- January 2010 |                    |
|-------------|----------------------|------------------------------------|-----------------------------------|--------------------|
| <b>K-12</b> | 3,330,427,191        | 3,330,427,191                      | 3,330,427,191                     |                    |
| FY 2006     | 3,673,574,155        | 3,594,836,261                      | 3,592,853,037                     | FY 2009 => FY 2006 |
| FY 2009     | 3,657,784,748        | 3,383,450,891                      | 3,383,727,066                     | FY 2010 => FY 2006 |
| FY 2010     | 0                    | 0                                  | 0                                 |                    |
| FY 2011     | 0                    | 0                                  | 0                                 |                    |

#### Higher Education

#### State of Alabama Maintenance of Effort

|         | Original Application | Revised Application- December 2009 | Revised Application- January 2010 |                    |
|---------|----------------------|------------------------------------|-----------------------------------|--------------------|
| FY 2006 | 1,310,430,089        | 1,310,430,089                      | 1,310,430,089                     |                    |
| FY 2009 | 1,449,190,003        | 1,417,339,672                      | 1,417,339,674                     | FY 2009 => FY 2006 |
| FY 2010 | 1,408,824,254        | 1,303,162,432                      | 1,303,162,432                     | FY 2010 => FY 2006 |
| FY 2011 | 0                    | 0                                  | 0                                 |                    |

Requesting Waiver for this MOE requirement