



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE DEPUTY SECRETARY

May 31, 2011

The Honorable John Hickenlooper
136 State Capitol
Denver, CO 80203-1792

Dear Governor Hickenlooper:

I am writing to inform you that the U.S. Department of Education (the Department) has approved Colorado's request for a waiver of the State Fiscal Stabilization Fund (Stabilization) program maintenance-of-effort (MOE) requirement for fiscal year (FY) 2010. This waiver is granted under section 14012(c) of the American Recovery and Reinvestment Act of 2009 (ARRA).

Under the Stabilization program, a State must maintain State support for elementary and secondary education, in each of FYs 2009, 2010, 2011, at least at the level that the State provided in FY 2006. Similarly, a State must maintain State support for public institutions of higher education (IHEs) (not including support for capital projects or for research and development or tuition and fees paid by students), in each of FYs 2009, 2010, and 2011, at least at the level of such support in FY 2006. The ARRA authorizes the Department to waive these MOE requirements if a State demonstrates that it has provided for elementary, secondary, and public higher education, for the fiscal year for which a waiver is sought, a percentage of the total appropriations available to the State that is equal to or greater than the percentage provided for that purpose in the preceding fiscal year.

Colorado has indicated that its level of State support for public IHEs was less in FY 2010 than the respective level of support for FY 2006, thus necessitating a waiver of the FY 2010 MOE requirement. Those levels of support are as follows:

- \$555,289,004 – the level of State support for public IHEs for FY 2006; and
- \$323,956,816 – the level of State support for public IHEs for FY 2010.

We have approved your request for an MOE waiver for FY 2010 after a thorough review of the documentation that the State submitted to the Department on March 22, 2011. To substantiate these data, the State provided information from House/Senate Bills showing the levels of State support for elementary and secondary education and public IHEs. For total revenue data, Colorado submitted March 2011 revenue forecast reconciliation information from both the Office of State Planning and Budgeting (OSP) and the Legislative Council (LC). Implementation and Support Unit (ISU) staff reviewed and discussed the data with the State. Your authorized representative has certified that the data are accurate, valid, and reliable and that, to the best of his knowledge and belief, any subsequent revisions to the data will not affect the State's ability to meet the MOE waiver criterion.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

In support of that request, Colorado submitted the following MOE data:

- \$3,842,912,733 – the aggregate level of State support for elementary, secondary, and public higher education for FY 2010 (the year for which the waiver is sought);
- \$7,163,577,995 – the total appropriations available to the State (for education and other purposes) for FY 2010;
- \$3,948,234,210 – the aggregate level of State support for elementary, secondary, and public higher education for FY 2009 (the preceding fiscal year); and
- \$8,154,170,995 – the total appropriations available to the State (for education and other purposes) for FY 2009.

These data demonstrate that proportion of total State appropriations used to support elementary and secondary education and public IHEs for FY 2010 was 53.65 percent; the comparable proportion for FY 2009 was 48.42 percent. Thus, Colorado did not disproportionately cut support for education from one fiscal year to the next and meets the criterion for an MOE waiver.

If the Department determines through monitoring or an audit that Colorado no longer meets the criterion for a waiver of the FY 2010 MOE requirement, it will take appropriate enforcement actions against the State. Such actions may include, among other things, the recovery of any Stabilization funds previously awarded to the State. We remind you also that the State must continue to meet the MOE requirements for FY 2011 or, if unable to do so, meet the criterion for a waiver of those requirements.

If you have any questions, please contact Jim Butler at (202) 260-9737 or James.Butler@ed.gov.

Sincerely,

//s//

Ann Whalen
Deputy Director, Implementation and Support Unit

Attachment A - FY 2008-09 Office of State Planning and Budgeting (OSP) and Legislative Council (LC) Revenue Forecast Reconciliation

Based on June 2010 Forecasts

(Dollar Amounts in Millions)

	<u>OSP</u>	<u>LC</u>	<u>Difference</u>
1 Beginning Reserve	\$ 283.5	\$ 327.0	\$ (43.5)
2 <i>HUTF Transfer <1></i>	\$ -	\$ (29.0)	\$ 29.0
3 <i>CCF Transfer <2></i>	\$ -	\$ (14.5)	\$ 14.5
4 Reconciled Reserve	\$ 283.5	\$ 283.5	\$ -
5 Gross General Fund Revenue	\$ 6,742.7	\$ 6,742.7	\$ -
8 Net Transfers to/(from) the General Fund	\$ 813.3	\$ 802.0	\$ 11.3
9 <i>Veterans Trust Fund - HB 08-1078 <3></i>	\$ -	\$ 0.6	\$ (0.6)
10 <i>Transfers to the GF - SB 09-264 (FMAP for lines without the "M" Headnote) <4></i>	\$ -	\$ 9.9	\$ (9.9)
11 <i>OASMCF <5></i>	\$ -	\$ 0.8	\$ (0.8)
12 Total General Fund Available for Expenditure	\$ 7,839.5	\$ 7,839.5	\$ -

- <1> The Legislative Council included this \$29.0 transfer in line 13 ("Funds in Prior Year Excess Reserve to HUTF) of the "Expenditures" section of their Forecast, whereas OSPB incorporated this prior year transfer into line 1 ("Beginning Reserve") of the "Revenue" section of their Forecast.
- <2> The Legislative Council included \$14.5 of the Capital Construction Fund transfer in line 17 ("Transfers to Capital Construction") of the "Expenditures" section of their Forecast, whereas OSPB incorporated this into line 1 ("Beginning Reserve") of the "Revenue" section of their Forecast.
- <3> In 2003, \$2,280,900 was transferred from the Veteran's Trust fund to the General Fund. In FY 2009 (HB08-1078) the General Fund paid back \$2,917,300 to the Veteran's Trust Fund (\$2,280,900 principal + \$636,400 interest). The Legislative Council included the \$636,400 interest in line 4 ("Transfers to Other Funds") of the "Funds Available" section of their Forecast, whereas OSPB included this interest in line 19 ("Reversions and Accounting Adjustments") of the "Expenditures" section of their Forecast.
- <4> The Legislative Council included additional \$9.9 million of additional FMAP revenue earned in SB 09-264 in line 10 ("Adjustments to Appropriations") of the "Expenditures" section of their Forecast, whereas OSPB included it in line 5 ("Net Transfers to/(from) the General Fund") of the "Revenue" section of their Forecast.
- <5> The Legislative Council included the \$0.8 transfer to OASMCF in line 6 ("Sales Taxes to Older Coloradans Fund and OASMCF") of the "Funds Available" section of their forecast, whereas OSPB included this transfer in line 11 ("Rebates and Expenditures") of the "Expenditures" section of their forecast.

FY 2009-10 Office of State Planning and Budgeting (OSPB) and Legislative Council (LC) Revenue Forecast Reconciliation
Based on March 2011 Forecasts
(Dollar Amounts in Millions)

	<u>OSPB</u>	<u>LC</u>	<u>Difference</u>
1 Beginning Reserve	\$ 443.3	\$ 443.3	\$ -
2 Gross General Fund Revenue	\$ 6,457.7	\$ 6,457.7	\$ -
3 Net Transfers to/(from) the General Fund	\$ (47.6)	\$ (36.9)	\$ (10.7)
4 <i>HB 08-1108 Sales Taxes to Older Coloradans Fund <1></i>	\$ -	\$ (8.0)	\$ 8.0
5 <i>SB 09-264 ARRA FMAP Increase <2></i>	\$ -	\$ (2.7)	\$ 2.7
6 Reconciled Net Transfers	\$ (47.6)	\$ (47.6)	\$ 0.0
7 Sales Taxes to Older Coloradans Fund & OASMCF	\$ -	\$ (10.9)	\$ 10.9
<i>HB 08-1108 Sales Taxes to Older Coloradans Fund <1></i>	\$ -	\$ 8.0	\$ (8.0)
<i>OASMCF <3></i>	\$ -	\$ 2.9	\$ (2.9)
8 Total General Fund Available for Expenditure*	\$ 6,853.5	\$ 6,853.5	\$ -

- <1> The OSPB included the Sales Taxes to Older Coloradans Fund transfer in line 3 of their Forecast - "Net Transfers to/(from) the General Fund." The Legislative Council included this transfer in line 6 of the Revenue section of their Forecast - "Sales Taxes to Older Coloradans Fund and OASMCF."
- <2> The OSPB included \$0.1 million of the ARRA FMAP increase in line 3 of their Forecast - "Net Transfers to/(from) the General Fund." The remaining \$2.7 million enhanced match is included as a negative expenditure in line 17 ("Enhanced Medicaid Match") of the Expenditures section of the OSPB Forecast. The Legislative Council included the entire \$2.8 enhanced match in line 5 of their Forecast - "Transfers from Other Funds."
- <3> The OSPB included the \$2.9 million OASMCF transfer in line 12 of the Expenditures section of their Revenue Forecast ("Rebates and Expenditures"). The Legislative Council included this \$2.9 transfer in line 6 of the Revenue section of their Forecast - "Sales Taxes to Older Coloradans Fund and OASMCF."

**Request for a Waiver of the Maintenance-of-Effort (MOE)
Requirements Governing the State Fiscal Stabilization Fund Program**

The State of **COLORADO** requests a waiver of the following Stabilization program MOE requirements (check applicable lines):

 n/a The FY 2009 elementary and secondary education MOE requirement.

 n/a The FY 2009 public IHE MOE requirement.

 n/a The FY 2010 elementary and secondary education MOE requirement.

 X The FY 2010 public IHE MOE requirement.

 n/a The FY 2011 elementary and secondary education MOE requirement.

 n/a The FY 2011 public IHE MOE requirement.

In support of this request, the State provides the following data:

1. For waivers of a FY 2009 MOE requirement:

 n/a The aggregate level of State support for elementary, secondary, and public higher education for FY 2009.

 n/a The total revenues available to the State (for education and other purposes) for FY 2009.

 n/a The aggregate level of State support for elementary, secondary, and public higher education for FY 2008.

 n/a The total revenues available to the State (for education and other purposes) for FY 2008.

2. For waivers of a FY 2010 MOE requirement¹:

\$3,842,912,733 The aggregate level of State support for elementary, secondary, and public higher education for FY 2010.

\$7,163,577,995 The total revenues available to the State (for education and other purposes) for FY 2010.

\$3,948,234,210 The aggregate level of State support for elementary, secondary, and public higher education for FY 2009.

\$8,154,170,995 The total revenues available to the State (for education and other purposes) for FY 2009.

3. For waivers of a FY 2011 MOE requirement:

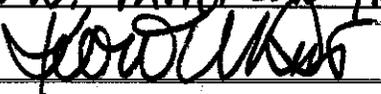
n/a The aggregate level of State support for elementary, secondary, and public higher education for FY 2011.

n/a The total revenues available to the State (for education and other purposes) for FY 2011.

n/a The aggregate level of State support for elementary, secondary, and public higher education for FY 2010.

n/a The total revenues available to the State (for education and other purposes) for FY 2010.

I assure that the State of **COLORADO** has available for inspection documentation that demonstrates that these data are accurate, valid, and reliable.

Governor or Authorized Representative of the Governor (Printed Name):	
KEVIN N. PATTERSON, DEPUTY CHIEF OF STAFF	
Signature: 	Date: 3-22-11

¹ Source information for the Waiver calculation provided here is provided in the "Maintenance-of-Effort Form – Attachment A" in the following pages.

Maintenance-of-Effort (MOE) Waiver Form – Attachment A

The following calculations are intended to provide detailed information as to the calculations included on Page 2 of the Maintenance-of-Effort Waiver Form. There are four sections to the attachment, including the:

- Waiver Calculation Summary;
- Available State Revenue Calculation;
- State Support – Elementary and secondary education Calculation; and
- State Support – Higher Education Calculation.

Waiver Calculation Summary

The Waiver Calculation Summary compiles the information from the other three calculations provided in this Attachment A. The figures described in this section at those that are utilized in the calculation for the waiver for the FY 2009-10 public IHE MOE requirement in the Maintenance-of-Effort Form.

Waiver Calculation Summary		
Component	FY 2008-09	Source
State Support for Institutions of Higher Education (IHE)	\$ 555,289,004	Based on the FY 2008-09 State Support - Higher Education Calculation
State Support for Elementary and Secondary Education (K-12)	\$ 3,392,945,206	Based on the FY 2008-09 State Support - Elementary and Secondary Calculation
Total State Support for IHE and K-12	\$ 3,948,234,210	
Total Available State Revenue	\$ 8,154,170,995	Based on the FY 2008-09 Available State Revenue Calculation
Percent of Available State Revenues to Support IHE + K-12	48.4%	Percentage Calculation = \$3,948,234,210 / \$8,154,170,995
Component	FY 2009-10	Source
State Support for Institutions of Higher Education (IHE)	\$ 323,956,816	Based on the FY 2009-10 State Support - Higher Education Calculation
State Support for Elementary and Secondary Education (K-12)	\$ 3,518,955,917	Based on the FY 2009-10 State Support - Elementary and Secondary Calculation
Total State Support for IHE and K-12	\$ 3,842,912,733	
Total Available State Revenue	\$ 7,163,577,995	Based on the FY 2009-10 Available State Revenue Calculation
Percent of Available State Revenues to Support IHE + K-12	53.6%	Percentage Calculation = \$3,842,912,733 / \$7,163,577,995

Available State Revenue Calculation -

Available State Revenue Calculation				
FY 2008-09 <1>				
	FY 08-09	Description	Part	Methodology
	\$ 7,839,500,000	OSPB June 2010 Revenue Forecast - FY 2008-09 Column (actual) Line No. 6 - Total General Fund Available for Expenditure <1>	A	n/a
	\$ (148,200,000)	OSPB June 2010 Revenue Forecast - FY 2008-09 Column (actual) Line No. 24 - General Fund Statutory Reserve <1>	B	n/a
	\$ 7,691,300,000	FY 2008-09 (actual) Total General Fund Available for Expenditure (less Statutory Reserve)	C	C = A + B
Other State Support for elementary and secondary education (Total Program)	\$ 100,647,783	State Public School Fund	Source: FY 2008-09 State Support - Elementary and Secondary Education Calculation (Total Program only)	
	\$ 362,223,212	State Education Fund		
\$ 8,154,170,995 FY 2008-09 TOTAL Revenue Available for Expenditures				
FY 2009-10 <2>				
	FY 09-10	Description	Part	Methodology
	\$ 6,853,500,000	OSPB March 2011 Revenue Forecast - FY 2009-10 Column (actual) Line No. 6 - Total General Fund Available for Expenditure <2>	D	n/a
	\$ (132,600,000)	OSPB March 2011 Revenue Forecast - FY 2009-10 Column (actual) Line No. 21 - General Fund Statutory Reserve <2>	E	n/a
	\$ 6,720,900,000	FY 2009-10 (actual) Total General Fund Available for Expenditure (less Statutory Reserve)	F	F = D + E
Other State Support for elementary and secondary education (Total Program)	\$ 103,099,940	State Public School Fund	Source: FY 2009-10 State Support - Elementary and Secondary Education Calculation (Total Program only)	
	\$ 339,578,055	State Education Fund		
\$ 7,163,577,995 FY 2009-10 TOTAL Revenue Available for Expenditures				

<1> FY 2008-09 actual data:

June 2010 Revenue Forecast - Office of State Planning and Budgeting - Table 1 - General Fund Overview, Page 5.

<2> FY 2009-10 actual data:

March 2011 Revenue Forecast - Office of State Planning and Budgeting - Table 1 - General Fund Overview, Page 6.

<1> URL:

<http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251638310289&ssbinary=true>

<2> URL:

<http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251699829762&ssbinary=true>

State Support – Elementary and secondary education Calculation

State Support - Elementary and Secondary Education Calculation (Total Program only)					
FY 2008-09					
	Original <1>	No Revision			
	\$ 3,392,945,206				
	\$ -				
TOTAL Program STATE SUPPORT K-12	\$ 3,392,945,206				
Components of State Support 2008-09					
General Fund	\$ 2,930,074,211				
State Public School Fund	\$ 100,647,783				
State Education Fund	\$ 362,223,212				
FY 2009-10					
	Original <2>	Revision November 2010	Revised Description	Part	Methodology
	\$ 3,696,288,785	\$ 3,696,288,785	Original	A	n/a
		\$ (177,332,868)	Senate Bill 10-065 Supplemental Bill - Department of Education	B	n/a
	\$ (152,061,455)	\$ -	State Fiscal Stabilization Fund (Revision per Senate Bill 10-065)	C	n/a
TOTAL Program STATE SUPPORT K-12	\$ 3,544,227,330	\$ 3,518,955,917		D	D = A + B + C
Components of State Support 2009-10					
General Fund	\$ 3,076,577,922	\$ 3,076,277,922			
State Public School Fund	\$ 114,461,876	\$ 103,099,940			
State Education Fund	\$ 353,187,532	\$ 339,578,055			
<1> Source: See PART 4, SECTION C: Maintenance-of-Effort Baseline Data - "3. Additional Submission Requirements" - FY 2008-09					
<2> Source: See PART 4, SECTION C: Maintenance-of-Effort Baseline Data - "3. Additional Submission Requirements" - FY 2009-10					

State Support – Higher Education Calculation

State Support – Higher Education Calculation				
	Fiscal Year	FY 2008-09	FY 2009-10	FY 2010-11
IHE General Fund from the College Opportunity Fund	Original Amount	\$ 555,289,004	\$ 555,289,004	\$ 555,289,004
	November 2010 Revision <1>	n/a	\$ (231,332,188)	n/a
	Revised Amount	\$ 555,289,004	\$ 323,956,816	\$ 555,289,004
<1> Source: House Bill 10-1301.				

The adjustment in Higher Education is based on the impact of the Supplemental Bill for Higher Education in FY 2009-10, House Bill 10-1301.

State Support – Higher Education Calculation (cont.)

FY 2008-09	Institutions of Higher Education	Governing Boards	Adams State College	Mesa State College	Metropolitan State College of Denver	Western State College	Colorado State University System	Fort Lewis College	University of Colorado System	Colorado School of Mines	University of Northern Colorado	Colorado Community College System	Local District Junior Colleges	Area Vocational Schools
FY 2008-09 Original Appropriations														
Stipends		343,214,280	3,806,040	12,226,800	43,917,120	4,002,000	53,836,560	7,087,680	77,525,640	7,429,920	21,804,000	111,578,520		
Fee-for-service contracts		335,557,604	10,802,409	11,778,807	5,727,292	8,171,017	93,026,340	5,648,650	131,573,809	15,807,466	22,282,311	30,739,503		
H.B. 08-1375	705,864,687	678,771,884	14,608,449	24,005,607	49,644,412	12,173,017	146,862,900	12,736,330	209,099,449	23,237,386	44,086,311	142,318,023	15,890,257	11,202,546
Stipends		71,760	-	-	69,000	-	-	-	-	-	-	2,760	-	-
Fee-for-service contracts		71,760	-	-	69,000	-	-	-	-	-	-	2,760	-	-
S.B. 08-079 <1>	71,760	71,760	-	-	69,000	-	-	-	-	-	-	2,760	-	-
Stipends		28,612	-	-	-	-	28,612	-	-	-	-	-	-	-
Fee-for-service contracts		28,612	-	-	-	-	-	-	-	-	-	-	-	-
S.B. 08-166 <2>	28,612	28,612	-	-	-	-	28,612	-	-	-	-	-	-	-
Stipends		343,314,652	3,806,040	12,226,800	43,986,120	4,002,000	53,865,172	7,087,680	77,525,640	7,429,920	21,804,000	111,581,280		
Fee-for-service contracts		335,557,604	10,802,409	11,778,807	5,727,292	8,171,017	93,026,340	5,648,650	131,573,809	15,807,466	22,282,311	30,739,503		
ORIGINAL TOTAL - FY 2008-09	705,965,059	678,872,236	14,608,449	24,005,607	49,713,412	12,173,017	146,891,512	12,736,330	209,099,449	23,237,386	44,086,311	142,320,783	15,890,257	11,202,546
FY 2008-09 FINAL Appropriations														
Stipends		(28,968,778)	(557,851)	(923,321)	(2,833,265)	(463,186)	(7,408,574)	(613,404)	(7,998,030)	(850,129)	(1,660,538)	(5,660,480)	(604,824)	(426,398)
Fee-for-service contracts		(28,968,778)	(557,851)	(923,321)	(2,833,265)	(463,186)	(7,408,574)	(613,404)	(7,998,030)	(850,129)	(1,660,538)	(5,660,480)	(604,824)	(426,398)
S.B. 09-188	(30,000,000)	(28,968,778)	(557,851)	(923,321)	(2,833,265)	(463,186)	(7,408,574)	(613,404)	(7,998,030)	(850,129)	(1,660,538)	(5,660,480)	(604,824)	(426,398)
Stipends		(89,534,160)	(992,880)	(3,189,600)	(11,456,640)	(1,044,000)	(14,044,320)	(1,848,960)	(20,224,080)	(1,938,240)	(5,688,000)	(29,107,440)		
Fee-for-service contracts		(26,161,592)	(908,595)	(4,294)	(4,373,061)	(773,684)	(11,811,126)	(1,516,144)	(21,773,357)	(1,655,392)	(1,560,895)	9,468,635		
S.B. 09-259 (SECTION 14 - p. 283-287)	(120,649,871)	(115,695,752)	(1,901,276)	(3,193,894)	(7,083,579)	(1,817,684)	(25,855,446)	(3,365,104)	(41,997,437)	(3,593,632)	(7,248,895)	(19,638,805)	(2,683,499)	(2,270,620)
Stipends		(18,720)	-	-	(18,000)	-	-	-	-	-	-	(720)	-	-
Fee-for-service contracts		(18,720)	-	-	(18,000)	-	-	-	-	-	-	(720)	-	-
S.B. 09-259 (SECTION 22 - p. 310-311)	(18,720)	(18,720)	-	-	(18,000)	-	-	-	-	-	-	(720)	-	-
Stipends		(7,464)	-	-	-	-	(7,464)	-	-	-	-	-	-	-
Fee-for-service contracts		(7,464)	-	-	-	-	(7,464)	-	-	-	-	-	-	-
S.B. 09-259 (SECTION 23 - p. 311)	(7,464)	(7,464)	-	-	-	-	(7,464)	-	-	-	-	-	-	-
Stipends		253,754,308	2,813,160	9,037,200	32,511,480	2,958,000	39,813,388	5,238,720	57,301,560	5,491,680	16,116,000	82,473,120		
Fee-for-service contracts		280,427,234	9,336,162	10,851,192	7,267,088	6,934,147	73,806,640	3,519,102	101,802,422	13,301,945	19,060,878	34,547,658		
FINAL TOTAL - FY 2008-09	555,289,004	534,181,542	12,149,322	19,888,392	39,778,568	9,892,147	113,620,028	8,757,822	159,103,982	18,793,625	35,176,878	117,020,778	12,601,934	8,505,528

State Support – Higher Education Calculation (cont.)

FY 2009-10	Institutions of Higher Education	Governing Boards	Adams State College	Mesa State College	Metropolitan State College of Denver	Western State College	Colorado State University System	Fort Lewis College	University of Colorado System	Colorado School of Mines	University of Northern Colorado	Colorado Community College System	Local District Junior Colleges	Area Vocational Schools
FY 2009-10 Appropriations														
Stipends		270,881,400	2,656,080	9,014,760	34,578,000	2,921,280	41,524,200	4,706,280	59,051,880	5,526,360	15,754,920	95,147,640		
Fee-for-service contracts		263,300,142	9,493,242	10,873,632	3,200,568	6,970,867	72,095,828	4,051,542	100,052,102	13,267,265	19,421,958	21,873,138		
S.B. 09-259 (p. 67-72)	555,289,004	534,181,542	12,149,322	19,888,392	39,778,568	9,892,147	113,620,028	8,757,822	159,103,982	18,793,625	35,176,878	117,020,778	12,601,934	8,505,528
Stipends		(95,821,200)	(937,440)	(3,181,680)	(12,204,000)	(1,031,040)	(14,655,600)	(1,661,040)	(20,841,840)	(1,950,480)	(5,560,560)	(33,797,520)		
Fee-for-service contracts		(127,179,519)	(3,954,883)	(4,607,414)	(3,043,493)	(2,984,355)	(53,276,574)	(2,196,554)	(50,051,050)	(6,248,832)	(9,100,539)	(11,735,825)		
H.B. 10-1301 - Section 1 (p. 6-11) + Section 3 (p. 20)	(231,332,188)	(223,900,719)	(4,872,323)	(7,789,094)	(15,247,493)	(4,015,395)	(47,932,174)	(3,857,594)	(70,892,890)	(8,199,312)	(14,661,099)	(45,533,345)	(5,251,183)	(3,080,286)
Stipends		612,000	-	-	-	-	-	-	-	-	-	612,000		
Fee-for-service contracts		501,374	-	-	-	-	-	-	-	-	-	501,374		
S.B. 09-043 (p. 3-4)		1,113,374	-	-	-	-	-	-	-	-	-	1,113,374		(1,113,374)
Stipends		9,076,320	277,200	938,520	817,080	(48,840)	238,920	(21,120)	(108,240)	129,360	468,600	6,384,840		
Fee-for-service contracts		(9,076,320)	(277,200)	(938,520)	(817,080)	48,840	(238,920)	21,120	108,240	(129,360)	(468,600)	(6,384,840)		
H.B. 10-1376 - Section 11 (p. 281-283)														
Stipends		184,748,520	1,995,840	6,771,600	23,191,080	1,841,400	27,107,520	3,024,120	38,101,800	3,705,240	10,662,960	68,346,960		
Fee-for-service contracts		127,545,677	5,281,159	5,327,698	1,339,995	4,035,552	38,580,334	1,876,108	50,109,292	6,889,073	9,852,819	4,253,847		
FINAL TOTAL - FY 2009-10	323,956,816	312,294,197	7,276,999	12,099,298	24,531,075	5,876,752	65,687,854	4,900,228	88,211,092	10,594,313	20,515,779	72,600,807	7,350,751	4,311,868

PART 2, SECTION A: 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):	
Signature: (Document on File with the U.S. Department of Education – No Further Action Necessary)	Date: