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): State of Utah Office of the Governor	Applicant's Mailing Address: Utah State Capitol Complex, Suite 200 PO Box 142220 Salt Lake City, Utah 84114-2220
State Contact for the Education Stabilization Fund (CFDA No. 84.394) Name: John Nixon Position and Office : Executive Director, Governor's Office of Planning & Budget Contact's Mailing Address: Utah State Capitol Complex, Suite 150 PO Box 142220 Salt Lake City, Utah 84114-2220 Telephone: 801-538-1555 Fax: 801-538-1547 E-mail address: jnixon@utah.gov	State Contact for the Government Services Fund (CFDA No. 84.397) *(Enter "same" if the same individual will serve as the contact for both the Education Stabilization Fund and the Government Services Fund.)* Name: John Nixon Position and Office : Executive Director, Governor's Office of Planning & Budget Contact's Mailing Address: Utah State Capitol Complex, Suite 150 PO Box 142220 Salt Lake City, Utah 84114-2220 Telephone: 801-538-1555 Fax: 801-538-1547 E-mail address: jnixon@utah.gov

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): Governor Jon M. Huntsman, Jr.	Telephone: 801-538-1000
Signature of Governor or Authorized Representative of the Governor: Jon M. Huntsman	Date: April 20, 2009

Recommended Statement of Support from the Chief State School Officer *(Optional)*: The State educational agency will cooperate with the Governor in the implementation of the State Fiscal Stabilization Fund program.	
Chief State School Officer (Printed Name): Dr. Patti Harrington	Telephone: 801-538-7517
Signature of the Chief State School Officer: Patti Harrington	Date: April 20, 2009

Form Approved OMB Number: 1810-0690; Expiration Date: 9/30/2009

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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): Governor Jon M. Huntsman, Jr.	Telephone: 801-538-1000
Signature of Governor or Authorized Representative of the Governor: Jon M. Huntsman Jr.	Date: April 15, 2009

Recommended Statement of Support from the Chief State School Officer *(Optional)*: The State educational agency will cooperate with the Governor in the implementation of the State Fiscal Stabilization Fund program.	
Chief State School Officer (Printed Name): Patti Harrington, Ed.D.	Telephone: 801-538-7517
Signature of the Chief State School Officer: Patti Harrington	Date: April 15, 2009

Form Approved OMB Number: 1810-0690; Expiration Date: 9/30/2009

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): Governor Jon M. Huntsman, Jr.	
Signature: 	Date: April 15, 2009

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.

*IES Longitudinal Data Systems Grantees for Utah amount is incorrect, [See Attachment 1 for details]

Governor or Authorized Representative of the Governor (Printed Name): Governor Jon M. Huntsman, Jr.	
Signature:	Date: April 15, 2009

PART 4, SECTION A: MAINTENANCE-OF-EFFORT (MOE) ASSURANCE

SPECIAL NOTES:

- In completing Part 4 of the application, please refer to Appendix C – Instructions for Part 4: Maintenance of Effort.
- The Governor or his/her authorized representative should check only those MOE requirements that he or she anticipates the State will meet. If the Governor or his/her authorized representative anticipates that the State will be unable to meet one or more of the requirements, he or she must sign the additional waiver assurance in Part 4, Section B.
- For the purpose of determining MOE, State support for public institutions of higher education (IHEs) must not include support for capital projects or for research and development or tuition and fees paid by students.

The Governor or his/her authorized representative assures the following *(check appropriate assurances that apply)*:

___√___ In FY 2009, the State will maintain State support for elementary and secondary education at least at the level of such support in FY 2006.

___√___ In FY 2010, the State will maintain State support for elementary and secondary education at least at the level of such support in FY 2006.

___√*___ In FY 2011, the State will maintain State support for elementary and secondary education at least at the level of such support in FY 2006.

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

___√___ In FY 2010, the State will maintain State support for public IHEs at least at the level of such support in FY 2006.

___√*___ In FY 2011, the State will maintain State support for public IHEs at least at the level of such support in FY 2006.

*The Governor's FY 2011 Budget Recommendations will include a request for support at least at the level of 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): Governor Jon M. Huntsman, Jr.	
Signature:	Date: April 15, 2009

PART 4, SECTION B: MAINTENANCE-OF-EFFORT WAIVER ASSURANCE

SPECIAL NOTES:

- If a State anticipates that it will be unable to comply with one or more of the Stabilization program MOE requirements referenced in Part 4, Section A of the application, the State must provide the assurance below.
- States that anticipate meeting all of the Stabilization program MOE requirements should not complete the waiver assurance in this section of the application. *See* Appendix C – Instructions for Part 4: Maintenance of Effort. The criterion for a waiver of the MOE requirements is provided in Appendix C.
- The Department will be providing additional guidance to States regarding the process for applying for waivers of the Stabilization program MOE requirements.

The Governor or his/her authorized representative assures the following:

To the best of his/her knowledge and based on the best available data, the State meets or will meet the eligibility criterion for a MOE waiver for each of the Stabilization program MOE requirements that the Governor or his/her authorized representative anticipates the State will be unable to meet.

Governor or Authorized Representative of the Governor (Printed Name): Governor Jon M. Huntsman, Jr.	
Signature: 	Date: April 15, 2009

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 **$ 1,797,702,300**

FY 2009* **$ 2,331,613,000****

FY 2010* **$ 2,117,352,600****

FY 2011* **$**_____

(* Provide data to the extent that data are currently available.)
(**Amounts as of the end of the 2009 General Session (March 12, 2009); subject to change upon future action by the Legislature)

2. **Levels of State support for public institutions of higher education** *(enter amounts for each year)*:

FY 2006 **$ 667,550,500**

FY 2009* **$ 733,359,600****

FY 2010* **$ 671,133,700****

FY 2011* **$**_____

(* Provide data to the extent that data are currently available.)
(**Amounts as of the end of the 2009 General Session (March 12, 2009); subject to change upon future action by the Legislature)

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

(a) Identify and describe the data sources used in determining the levels of State support for elementary and secondary education [See Attachment 2]; - and -

(b) Identify and describe the data sources used in determining the levels of State support for public IHEs. [See Attachment 2]

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	$ 2,432,363,600
(b) Level of State support for public IHEs in FY 2008	$ 796,124,500
(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	$ 2,331,613,000*/ $ 2,470,512,600 prior enacted
(d) Level of State support for public IHEs in FY 2009	$ 733,359,600* $ 790,063,600 prior enacted
(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	$ 2,117,352,600*
(f) Level of State support for public IHEs in FY 2010	$ 671,133,700*

*Amounts as of the end of the 2009 General Session (March 12, 2009); subject to change upon future action by the Legislature

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 X No

* *See* Appendix D Worksheets for further guidance on how such increases affect a State's "use of funds" calculations.

2. State's Primary Education Funding Formulae

Additional Submission Requirement: In an attachment to the application, identify and describe each of the State's primary elementary and secondary education funding formulae that were used in determining the calculations provided above for the levels of State support for elementary and secondary education. [See Attachment 3]

3. Data on State Support for Postsecondary Education

Additional Submission Requirement: In an attachment to the application, identify and describe the specific State data sources that were used in determining the calculations provided above for the levels of State support for public IHEs. [See Attachment 3]

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 $ 138,899,600

(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 $ 62,764,900

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 $ 141,010,663

(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 $ 49,906,658

(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.

[See Attachment 4]

PART 5, SECTION B: STATE USES OF THE GOVERNMENT SERVICES FUND

SPECIAL NOTES:

- Section B of Part 5 requests data on the Government Services Fund (CFDA No. 84.397).
- In this section, provide preliminary estimates of the percentage of the Government Services Fund that the State intends to spend under various broad categories (to the extent such estimates are available). The total percentages in the chart should equal 100 percent.
- To the extent such estimates are available, the estimated percentages must be based on the State's total Government Services Fund allocation and not on the State's initial Government Services Fund award.

Uses of the Government Services Fund

Category	Estimated Percentage of Funds to Be Used
Public Safety	
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)	76.5%*
Undetermined	23.5%
TOTAL	100%

[*See Attachment 5 for description]

PART 6: ACCOUNTABILITY, TRANSPARENCY, AND REPORTING ASSURANCES

The Governor or his/her authorized representative assures that the State will comply with all of the accountability, transparency, and reporting requirements that apply to the Stabilization program, including the following:

- For each year of the program, the State will submit a report to the Secretary, at such time and in such manner as the Secretary may require, that describes:
    - the uses of funds within the State;
    - how the State distributed the funds it received;
    - the number of jobs that the Governor estimates were saved or created with the funds;
    - tax increases that the Governor estimates were averted because of the funds;
    - the State's progress in reducing inequities in the distribution of highly qualified teachers, implementing a State longitudinal data system, and developing and implementing valid and reliable assessments for limited English proficient students and children with disabilities;
    - the tuition and fee increases for in-State students imposed by public IHEs and a description of any actions taken by the State to limit the increases;
    - the extent to which public IHEs maintained, increased, or decreased enrollment of in-State students, including those students eligible for Pell Grants or other need-based financial aid; and
    - a description of each modernization, renovation or repair project funded, including the amounts awarded and project costs. (ARRA Division A, Section 14008)

- The State will cooperate with any Comptroller General evaluation of the uses of funds and the impact of funding on the progress made toward closing achievement gaps. (ARRA Division A, Section 14009)

- If the State uses funds for any infrastructure investment, the State will certify that the investment received the full review and vetting required by law and that the chief executive accepts responsibility that the investment is an appropriate use of taxpayer funds. This certification will include a description of the investment, the estimated total cost, and the amount of covered funds to be used. The certification will be posted on the State's website and linked to www.Recovery.gov. A State or local agency may not use funds under the ARRA for infrastructure investment funding unless this certification is made and posted. (ARRA Division A, Section 1511)

- The State will submit reports, within 10 days after the end of each calendar quarter, that contain the information required under section 1512(c) of the ARRA in accordance with any guidance issued by Office of Management and Budget or the Department. (ARRA Division A, Section 1512(c))

- The State will cooperate with any Inspector General examination of records under the program. (ARRA Division A, Section 1515)

Governor or Authorized Representative of the Governor (Printed Name): Governor Jon M. Huntsman, Jr.	
Signature:	Date: April 15, 2009

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): Governor Jon M. Huntsman, Jr.	
Signature:	Date: April 15, 2009

Appendices to the

Application for Initial Funding under the

State Fiscal Stabilization Fund Program

ATTACHMENT 1
Part 3: Initial Baseline Data for Education Reform Assurances, Page 3
Correction to *Improving Standards Assurance* Baseline Data

Improving Standards Assurance

Baseline Data Review

3-1. Standards and Assessments: Enhancing the Quality of Academic Assessments

> *A State must provide baseline data that demonstrate its current status regarding "enhanc[ing] 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)).*"

At the request of the Governor, The Utah State Office of Education (USOE) reviewed the baseline data provided for this assurance.

Letter Review

USOE received a letter containing detailed information on the specific components of our assessment and accountability system. Our response to Secretary Duncan on March 15, 2009 stated;

> "On January 16, 2009, the Utah State Office of Education received a letter from Kerri Briggs in regards to Utah science assessments. A copy of the letter is attached. Utah does not believe there is a need to have a flexibility agreement with the Department. As stated in the letter, ". . . May 8, 2006, the U.S. Department of Education (Department) fully approved Utah's standards and assessment system under Title I of the Elementary and Secondary Education Act . . . which includes standards and assessment in . . . science."
>
> Utah has rigorous science standards, curriculum and assessments in place. In the letter, ". . . the department further acknowledges that EOC assessments may be more closely related to the high school course curriculum and may provide a more direct link to course credits and progress toward graduation than do other assessments a state may use to meet the statutory requirement to test students once in high school." In the letter the department agrees that Utah has demonstrated that the science standards and assessments that are currently in place provide clearly articulated standards, aligned assessments that require student participation, and equal access for all students to the curriculum and assessments.
>
> We believe that because there is no need for a flexibility agreement, there is no need for Utah to provide additional information.

ATTACHMENT 1 continued

We respectfully request that no further action be required of Utah in regards to science assessments. "

State Information Chart Review

The state information chart at http://www.ed.gov/policy/elsec/guid/stateletters/ssc.xls lists the amount for the IES Longitudinal Data Systems Grantees for Utah as $5.6 million. The correct amount is $4.6 million. The remainder of the information is correct.

Achieve Report Review

With the exception of the cohort graduation rate information listed on page 24, the Achieve Report is correct. Utah does factor this rate into the state accountability Formula.

ATTACHMENT 2
Part 4, Section C: Maintenance of Effort Baseline Data, Page 6
Data Sources

(a) Identify and describe the data sources used in determining the levels of State support for elementary and secondary education

State support is Education Funds appropriated to the Minimum School Program, Utah's primary funding formula for public education. Data for FY 2006 actual funding levels are documented in the Governor's FY 2008 Budget Summary book. Data for FY 2008 actual and FY 2009 previously enacted levels are documented in the Governor's Office of Planning and Budget, Fiscal Year 2009 Budget Summary. Data for current FY 2009 are documented in:

Senate Bill 2, *Minimum School Program Budget Amendments* (General Session 2008)
Senate Bill 2001, *Current Fiscal Year Budget Adjustments* (2nd Special Session, 2008)
Senate Bill 4, *Current School Year Supplemental Minimum School Program Budget Adjustments* (General Session, 2009)
House Bill 3, *Current Fiscal Year Supplemental Appropriations Act* (General Session, 2009)
House Bill 2, *Minimum School Program Budget Amendments* (General Session, 2009)

Data for current FY 2009 and FY 2010 will also be available in the Governor's FY 2010 Budget Summary book. Annual Governor's Budget Summary and Recommendation books are available online at http://www.governor.utah.gov/budget/archived.html. Appropriations Bills are available at http://www.le.utah.gov.

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

General Fund and Education Fund monies are included for the Utah College of Applied Technology and the Utah System of Higher Education (administrative costs for the State Board of Regents have been excluded from submitted numbers) which includes:

University of Utah
Utah State University
Southern Utah University
Utah Valley University
Weber State University
Snow College
Dixie State College
Salt Lake Community College
College of Eastern Utah

State funds for the colleges and universities include General Fund and Education Fund. Although the legislature appropriates student tuition dollars (dedicated credits), these monies have been excluded and are not considered "state funds." Data for FY 2006 actual funding levels

are documented in the FY 2008 Governor's Budget Recommendations book. Data for FY 2008 actual and FY 2009 previously enacted levels are documented in the Governor's FY 2009 Budget Summary book. Data for current FY 2009 and FY 2010 are documented in:

Senate Bill 2001, *Current Fiscal Year Budget Adjustments* (2nd Special Session, 2008)
House Bill 3, *Current Fiscal Year Supplemental Appropriations Act* (General Session, 2009)
Senate Bill 3, *Appropriation Adjustments* (General Session, 2009)
Senate Bill 4, *New Fiscal Year Appropriations Act* (General Session, 2009)

Data for current FY 2009 and FY 2010 will also be available in the Governor's FY 2010 Budget Summary book. Annual Governor's Budget Summary and Recommendation books are available online at http://www.governor.utah.gov/budget/archived.html. Appropriations Bills are available at http://www.le.utah.gov.

ATTACHMENT 3
Part 5, Section A: State Uses of the Education Stabilization Fund, Page 8
Primary Education Formulae & Support for Postsecondary Education

1. 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.

FY 2009 Level in Part 5, Section A, 1(c) is the previously enacted funding level as of the end of the 2008 September Special Session.

The total contribution of the state toward the cost of the minimum school program is defined in Utah Code as follows:

Utah Code
Title 53A State System of Public Education
Chapter 17a Minimum School Program Act
Section 103 Definitions.

53A-17a-103. Definitions.

(1) "Basic state-supported school program" or "basic program" means public education programs for kindergarten, elementary, and secondary school students that are operated and maintained for the amount derived by multiplying the number of weighted pupil units for each district by $2,577, except as otherwise provided in this chapter.

(5) (a) "State-supported minimum school program" or "minimum school program" means public school programs for kindergarten, elementary, and secondary schools as described in this Subsection (5).

(d) The program includes the total of the following annual costs:
(i) the cost of a basic state-supported school program; and
(ii) other amounts appropriated in this chapter in addition to the basic program.

(6) "Weighted pupil unit or units or WPU or WPUs" means the unit of measure of factors that is computed in accordance with this chapter for the purpose of determining the costs of a program on a uniform basis for each district.

The formula calculation for each item are specified in sections 108 through 162 of the Utah Code, Title 53A, State System of Public Education, Chapter 17a Minimum School Program Act. *http://www.le.state.ut.us/UtahCode/section.jsp?code=53A-17a*

Data for current FY 2009 and FY 2010 will also be available in the Governor's FY 2010 Budget Summary book. Annual Governor's Budget Summary and Recommendation books

are available online at http://www.governor.utah.gov/budget/archived.html. Appropriations Bills are available at http://www.le.utah.gov

2. 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.

FY 2009 Level in Part 5, Section A, 1(d) is the previously enacted funding level as of the end of the 2008 September Special Session.

General Fund and Education Fund monies are included for the Utah College of Applied Technology and the Utah System of Higher Education (administrative costs for the State Board of Regents have been excluded from submitted numbers). Data for FY 2008 actual and FY 2009 previously enacted levels are documented in the Governor's FY 2009 Budget Summary book. Data for current FY 2009 and FY 2010 are documented in:

Senate Bill 2001, *Current Fiscal Year Budget Adjustments* (2nd Special Session, 2008)
House Bill 3, *Current Fiscal Year Supplemental Appropriations Act* (General Session, 2009)
Senate Bill 3, *Appropriation Adjustments* (General Session, 2009)
Senate Bill 4, *New Fiscal Year Appropriations Act* (General Session, 2009)

ATTACHMENT 4
Part 5, Section A: State Uses of the Education Stabilization Fund, Page 9
Process for Awarding Funds to Public IHEs

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.

The funding is proportional to the State funds the institutions received. Cuts to schools were proportional to the State funds received, so the monies received from ARRA will be distributed in accordance with those same proportions.

ATTACHMENT 5
Uses of Government Services Fund, Page 10
Description of "Other"

All items funded are aimed at creating jobs, reducing unemployment, stabilizing and improving Utah's economy, and averting the need to raise taxes.

Home Purchase Grant Program: $10 Million (11.4%)
The Home Purchase Grant is a mortgage assistance program that grants $6,000 to home buyers who purchase a newly-constructed, never-occupied, primary, single-family residence in Utah. The Grant is aimed at helping to clear the oversupply of newly constructed homes on the market and stimulate construction employment. Further information is available at http://b2b.utahhousingcorp.org/HomeRun.htm.

Utah Science Technology and Research Initiative: $33 Million (37.8%)
The Utah Science Technology and Research initiative (USTAR) is a state-funded investment to strengthen Utah's "knowledge economy." This initiative invests in world-class innovation teams and research facilities at the University of Utah and Utah State University, to create novel technologies that are subsequently commercialized through new business ventures. Further information is available at http://www.innovationutah.com/aboutustar.html.

Foreclosure Prevention Program: $1.8 Million (2.1%)
The Department of Community and Culture is hiring 15 foreclosure prevention consultants to assist homeowners who are having difficulty with their mortgages. Utah presently has a small number of foreclosure prevention specialists but they are not able to handle the increased workload of trying to keep people in their homes and homes out of foreclosure.

Motion Picture Incentives: $15 Million (17.2%)
The Motion Picture incentive program provides state incentives for motion picture producers in the form of cash rebate incentives for small budget productions and tax credits for larger budget productions. Providing these incentives should spur job growth and economic activity. See enrolled copy of Senate Bill 14, *Financial Incentives for Motion Picture Productions* (2009 General Session, Senator Hillyard) at http://le.utah.gov/~2009/bills/sbillenr/sb0014.pdf for further information.

Alternative Energy Project Incentives: $5 Million (5.7%)
The Alternative Energy Project Incentive Program provides state incentives to businesses engaged in renewable energy projects in the form of tax credits. Providing these incentives should spur job growth and economic activity. See enrolled copy of House Bill 430, *Economic Development Incentives for Alternative Energy Projects* (2009 General Session, Representative Garn) at http://le.utah.gov/~2009/bills/sbillenr/sb0014.pdf for further information.

Engineering Initiative: $2 Million (2.3%)
These funds will be used to further expand the capacity at colleges and universities to train engineers and computer scientists. These funds will be allocated based on recommendations from industry as represented by the Technology Initiative Advisory Board.