

ECONOMIC STIMULUS
OVERSIGHT COMMISSION

December 29, 2009

State Fiscal Stabilization Fund

Hawaii's Allocation: \$192,178,168

Part A 81.8% \$157,201,741

67% 1st Round: \$105,325,166

33% 2nd Round: \$ 51,876,575

Part B 18.2% \$ 34,976,427

ECONOMIC STIMULUS OVERSIGHT COMMISSION

December 29, 2009

Timeline

February 17, 2009	ARRA Act Signed
April 2009	Guidelines issued by U. S. Department of Education
June 12, 2009	Hawaii Application Submitted
July 2, 2009	Notified of Award
October 6, 2009	Memorandum of Agreement signed with University of Hawaii and Department of Education
October 27, 2009	Memorandum of Agreement signed with Charter School Administrative Office
November 2009	Guidelines issued by U. S. Department of Education for Round 2 Funding and Race to the Top
December 24, 2009	Guidance on Reporting and Audits issued by U. S. Department of Education
January 11, 2010	Submit Application for Round 2
January 19, 2010	Submit Application for Race to the Top
September 30, 2011	Last Date to Obligate SFSF Funds

ECONOMIC STIMULUS OVERSIGHT COMMISSION

Presentation by the Office of the Governor

December 29, 2009

State Fiscal Stabilization Fund

- A. Federal Requirements and Allocations to the State of Hawaii
- B. Application and Award Timelines
- C. Memorandums of Agreement
- D. Authorizations and Disbursements
- E. Links between SFSF and Race to the Top



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GENERAL

State Fiscal Stabilization Fund

March 7, 2009

The State Fiscal Stabilization Fund (SFSF) program is a new one-time appropriation of \$53.6 billion under the *American Recovery and Reinvestment Act of 2009 (ARRA)*. Of the amount appropriated, the U. S. Department of Education will award governors approximately \$48.6 billion by formula under the SFSF program in exchange for a commitment to advance essential education reforms to benefit students from early learning through post-secondary education, including: college- and career- ready standards and high-quality, valid and reliable assessments for all students; development and use of pre-K through post-secondary and career data systems; increasing teacher effectiveness and ensuring an equitable distribution of qualified teachers; and turning around the lowest-performing schools.



These funds will help stabilize state and local government budgets in order to minimize and avoid reductions in education and other essential public services. The program will help ensure that local educational agencies (LEAs) and public institutions of higher education (IHEs) have the resources to avert cuts and retain teachers and professors. The program may also help support the modernization, renovation, and repair of school and college facilities. In addition, the law provides governors with significant resources to support education (including school modernization renovation, and repair), public safety, and other government services. The Department will award the remaining \$5 billion competitively under the "Race to the Top" and "Investing in What Works and Innovation" programs.

SFSF is a key element of the *ARRA* and is guided by the principles of *ARRA*.

Overview of *ARRA*

Principles: The overall goals of the *ARRA* are to stimulate the economy in the short term and invest in education and other essential public services to ensure the long-term economic health of our nation. The success of the education part of the *ARRA* will depend on the shared commitment and responsibility of students, parents, teachers, principals, superintendents, education boards, college presidents, state school chiefs, governors, local officials, and federal officials. Collectively, we must advance *ARRA*'s short-term economic goals by investing quickly, and we must support *ARRA*'s long-term economic goals by investing wisely, using these funds to strengthen education, drive reforms, and improve results for students from early learning through college. Four principles guide the distribution and use of *ARRA* funds:

- a. **Spend funds quickly to save and create jobs.** *ARRA* funds will be distributed quickly to states, LEAs and other entities in order to avert layoffs and create jobs. States and LEAs in turn are urged to move rapidly to develop plans for using funds, consistent with the law's reporting and accountability requirements, and to promptly begin spending funds to help drive the nation's economic recovery.
- b. **Improve student achievement through school improvement and reform.** *ARRA* funds should be used to improve student achievement, and help close the achievement gap. In addition, the SFSF requires progress on four reforms previously authorized under the bipartisan Elementary and Secondary Education Act and the America Competes Act of 2007:

1. Making progress toward rigorous college- and career-ready standards and high-quality assessments that are valid and reliable for all students, including English language learners and students with disabilities;
 2. Establishing pre-K-to college and career data systems that track progress and foster continuous improvement;
 3. Making improvements in teacher effectiveness and in the equitable distribution of qualified teachers for all students, particularly students who are most in need;
 4. Providing intensive support and effective interventions for the lowest-performing schools.
- c. **Ensure transparency, reporting and accountability.** To prevent fraud and abuse, support the most effective uses of *ARRA* funds, and accurately measure and track results, recipients must publicly report on how funds are used. Due to the unprecedented scope and importance of this investment, *ARRA* funds are subject to additional and more rigorous reporting requirements than normally apply to grant recipients.
- d. **Invest one-time *ARRA* funds thoughtfully to minimize the "funding cliff."** *ARRA* represents a historic infusion of funds that is expected to be temporary. Depending on the program, these funds are available for only two to three years. These funds should be invested in ways that do not result in unsustainable continuing commitments after the funding expires.

Awarding SFSF Grants

- In order to help alleviate the substantial budget shortfalls that states are facing, the Department has developed a streamlined, user-friendly process for expeditiously providing to states SFSF allocations:
 - Sixty-one percent of a state's allocations will be on the basis of their relative population of individuals aged 5 to 24, and 39 percent will be based on relative shares of total population.
 - The Department will award SFSF funds to governors in two phases. To receive its initial SFSF allocation, a state must submit to the Department an application that provides (1) assurances that the state is committed to advancing education reform in four specific areas (described below); (2) baseline data that demonstrates the state's current status in each of the four education reform areas; and (3) a description of how the state intends to use its stabilization allocation.
 - As part of its application for initial funding, the state must assure that it will take actions to: (a) increase teacher effectiveness and address inequities in the distribution of highly qualified teachers; (b) establish and use pre-K-through-college and career data systems to track progress and foster continuous improvement; (c) make progress toward rigorous college- and career-ready standards and high-quality assessments; and (d) support targeted, intensive support and effective interventions to turn around schools identified for corrective action and restructuring.
 - Within two weeks of receipt of an approvable SFSF application, the Department will provide a state with 67 percent of its SFSF allocation.
 - A state will receive the remaining portion of its SFSF allocation after the Department approves the state's plan detailing its strategies for addressing the education reform objectives described in the assurances. This plan must also describe how the state is implementing the record-keeping and reporting requirements under *ARRA* and how SFSF and other

funding will be used in a fiscally prudent way that substantially improves teaching and learning.

- In the near future, the Department will issue guidance on the specific requirements that a state must meet to receive its phase two allocation. The Department anticipates that the phase-two funds will be awarded beginning July 1, 2009, on a rolling basis.
- If a state demonstrates that the amount of funds it will receive in phase one (67 percent of its total stabilization allocation) is insufficient to prevent the immediate layoff of personnel by LEAs, state educational agencies, or public institutions of higher education, the Department will award the state up to 90 percent of its SFSF allocation in phase one. In such cases, the remaining portion of the state's allocation will be provided after the Department approves the state's plan.
- Of the amount appropriated for the SFSF, the Department will use at least \$4.35 billion to make competitive grants under the "Race to the Top" fund. These grants will help states to drive significant improvement in student achievement, including through making progress toward the four assurances noted above.
- The Department will use up to \$650 million to make competitive awards under the "Invest in What Works and Innovation" fund. These awards will reward LEAs or nonprofit organizations that have made significant gains in closing achievement gaps to serve as models for best practices.

Funds to Restore Support for Education

- States must use 81.8 percent of SFSF funds for the support of public elementary, secondary, and higher education, and, as applicable, early childhood education programs and services.
- States must use their allocations to help restore for FY 2009, 2010, and 2011 support for public elementary, secondary, and postsecondary education to the greater of the FY 2008 or FY 2009 level. The funds needed to restore support for elementary and secondary education must be run through the state's primary elementary and secondary education funding formulae. The funds for higher education must go to IHEs.
- If any SFSF funds remain after the state has restored state support for elementary and secondary education and higher education, the state must award the funds to LEAs on the basis of the relative Title I shares but not subject to Title I program requirements.

Funds to Support Public Safety and Other Government Services

- States must use 18.2 percent of the SFSF funds for education, public safety, and other government services. This may include assistance for early learning, elementary and secondary education, and IHEs. In addition, states may use these funds for modernization, renovation, or repair of public school and public or private college facilities.

LEA and IHE Uses of Funds

- LEAs and IHEs should use funds consistent with the intent and overall goals of *ARRA*: to create and save jobs and to advance the education reforms set forth in the assurances section so as to produce lasting results for students from early learning to college. LEAs and IHEs are also encouraged to consider uses of funds that create lasting results without creating unsustainable recurring costs.
- Subject to limited restrictions in *ARRA* as defined in further guidance LEAs may use their share of 81.8% of the SFSF education funds for any activity authorized under the *Elementary and Secondary Education Act of 1965 (ESEA)* (which

includes the modernization, renovation, or repair of public school facilities), the *Individuals with Disabilities Education Act (IDEA)*, the *Adult Education and Family Literacy Act (Adult Education Act)*, or the *Carl D. Perkins Career and Technical Education Act of 2006 (Perkins Act)*.

- Any funds that an LEA receives from the 81.8 percent of the SFSF program (whether distributed through the state's primary funding formulae or on the basis of their relative Title I, Part A shares) may be used for any activity listed in the above paragraph.
- LEAs may use SFSF to pay salaries to avoid having to lay off teachers and other school employees.
- To the extent LEAs use funds for modernization, renovation or repair, they should consider the use of facilities for early childhood education and for the community and should create "green" buildings.
- Subject to limited restrictions in *ARRA*, IHEs may use program funds for: (1) education and general expenditures, and in such a way as to mitigate the need to raise tuition and fees for in-state students; or (2) the modernization, renovation, or repair of IHE facilities that are primarily used for instruction, research, or student housing. IHEs may not use funds to increase their endowments.

Fiscal Issues

- The Department strongly encourages governors to award or otherwise commit program funds as soon as possible after receipt of their grant awards. However, funds are available for obligation at the state and local levels until Sept. 30, 2011.
- As part of the state's application, each governor must include an assurance that the state will maintain the same level of support for elementary, secondary, and postsecondary education in FY 2009 through FY 2011 as it did in FY 2006. However, the statute authorizes the Department to waive this maintenance-of-effort requirement under certain conditions.
- With prior approval from the secretary of education, a state or LEA may count program funds used for elementary or secondary education as non-federal funds to maintain fiscal effort under Department of Education programs that have maintenance-of-effort requirements.

Accountability Principles

- The president and secretary are committed to spending *ARRA* dollars with an unprecedented level of transparency and accountability. Therefore, states and LEAs that receive SFSF should expect to report on how those funds were spent and the results of those expenditures. The administration will post reports on *ARRA* expenditures on the www.Recovery.gov Web site.
- The SFSF authorization also contains specific reporting requirements to help ensure transparency and accountability for program funds. For example, states must report to the Department on, among other things: (1) the use of funds provided under the SFSF program; (2) the estimated number of jobs created or saved with program funds; (3) estimated tax increases that were averted as a result of program funds; and (4) the state's progress in the areas covered by the application assurances.
- States must maintain records that will permit the Department to monitor, evaluate, and audit the SFSF effectively.

Additional Information

- In the near future, the Department will make available the SFSF grant application

- In the near future, the Department will make available the SF SF grant application and provide detailed program guidance.
- If you have any questions or concerns, please e-mail them to: State.Fiscal.Fund@ed.gov.

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**Memorandum of Agreement
Between
The Governor of the State of Hawaii
And
The Department of Education
And
The University of Hawaii
To**

Significantly Improve Student Achievement in Hawaii by Using American Recovery and Reinvestment Act (“ARRA”) Resources to Advance Education Reform

I. Background

- A. Human skills, creativity, and the capacity to innovate are the sources of future growth for Hawaii’s economy.
- B. Therefore, our most important public investment is in a workforce that has the capacity to innovate and is globally competitive. In large part, this workforce will be prepared by Hawaii’s public education system.
- C. All of Hawaii’s residents deserve the opportunity to receive a world class education that prepares them for participation in a global economy.
- D. Our immediate challenge and focus, in this time of declining state resources, is to expand system-wide, the “pockets of excellence” that exist today in Hawaii’s single school district and higher education system. We are faced with the necessity of dramatically improving the outcomes of our education system in a very short period of time.
- E. We believe that our public policy choices impact student achievement significantly. Even in times of declining resources, we can make advances by following steps that have proven to be successful elsewhere:
 1. Upgrade Hawaii standards by adopting a common core of college-and career-ready standards and high quality, valid and reliable assessments, in math and language arts for grades K-12 for all students.
 2. Leverage the ability of Hawaii’s single school district structure to ensure that textbooks, digital media, curricula, and assessments are aligned to college-and career-ready standards.
 3. Revise Hawaii’s policies for recruiting, preparing, developing, and supporting, teachers and school leaders. Make improvements in teacher effectiveness and in the equitable distribution of highly qualified teachers for all students, particularly students who are most in need.
 4. Establish a pre-K to College and Career data system that tracks progress and fosters continuous improvement. Measure state-level education performance globally by examining student achievement and attainment using internationally benchmarked standards to ensure that over time, students are receiving the education they need to compete in the 21st century economy.
 5. Provide intensive support and effective interventions for the bottom ten percent (10%) of Hawaii’s public schools, as measured by federally approved criteria on

student achievement, such that we can document progress in closing the achievement gap between these schools and Hawaii's top 10% of public schools over the next eight years.

II. Purpose

The purpose of this Memorandum of Agreement ("MOA") is to:

- A. Better align education, workforce development, and economic development policies.
- B. Document for the public and the U.S. Department of Education, the reform actions agreed upon by the Governor, the President of the University of Hawaii, and the Superintendent of Education for the Hawaii Department of Education, upon acceptance, dispersal, and use of the Hawaii's share of the ARRA State Fiscal Stabilization Fund, Part A.
- C. Document progress, memorialize agreements, and create the framework for future cooperation between the undersigned parties on a common reform agenda that will result in dramatic improvement in student achievement and outcomes in Hawaii's public education systems over the next eight years.

III. Collaboration

Each party to this MOA has a role and responsibility in advancing this reform agenda:

- A. Together:
 - 1. Develop a common reform agenda that will drive student achievement and make Hawaii's students and workforce competitive internationally.
 - 2. Attract federal investment under ARRA Race to the Top and other competitive opportunities.
 - 3. Provide a framework to close identified "achievement gaps."
 - 4. Report publicly on progress.
 - 5. Be accountable for results under this MOA.
- B. Governor:
 - 1. Participate in public outreach campaigns to inform our communities and stakeholders about the importance of pursuing excellence in education.
 - 2. Ultimately be accountable to the federal government for progress under this MOA.
 - 3. Align workforce and economic policy development with this agreement.
- C. Department of Education ("DOE"):
 - 1. Develop and implement strategic and operational plans based on a common reform agenda to increase educational outcomes significantly and to close achievement gaps over the next eight years.
 - 2. Operate the Hawaii public school system efficiently.

- D. University of Hawaii (“UH”):
1. Cooperate with DOE on planning and implementing a common reform agenda (including, for example, curriculum development, teacher training and degree attainment).
 2. Achieve UH Strategic Performance Goals related to increasing Hawaii’s educational capital.
 3. Set goals for higher education, provide reports on progress, and cooperate with the DOE on strategies to achieve goals.

IV. Goals

We agree to the following goals:

- A. Hawaii’s expectations for its students should be benchmarked internationally so that graduates will be competitive in a global economy.
- B. Using multiple and rigorous methods, all students will be assessed regularly for progress in achieving the internationally benchmarked standards and informed of their progress toward career and college readiness.
- C. All students will graduate high school “college and career” ready by 2018 and be able to move on to the next step in their lives without the need to repeat classes or take remedial training.
- D. All students will be taught by highly qualified educators (K-12 and higher education) who are receiving support to continuously improve their effectiveness in facilitating student achievement.
- E. A statewide, inter-agency data system will be developed to track students longitudinally through Hawaii’s public educational systems and into the workforce in order to improve education, shape educational and workforce policy development, guide resource allocation decisions, and document program improvements.
- F. Hawaii’s educational attainment and achievement levels should meet or exceed the national average.
- G. Over the next six years, we will make dramatic progress to close the achievement gaps among Hawaii’s students with respect to race, ethnicity, geography or economic status as identified by the U.S. Department of Education.
- H. 55% of Hawaii’s working adults will have a 2 or 4 year degree by 2025 so that Hawaii, through its workforce, will be competitive in the global economy.

V. Common Core Standards and Related Assessment

The Governor and Superintendent of Education share a concern for improved educational outcomes. Thus, they signed the state’s initial application for ARRA Part A funds for education as well as the State’s agreement to participate in the National Governors’ Association and Council of Chief State School Officers’ Common Core State Standards Initiative.

The undersigned agree to:

- A. Participate in the development and review of the National Governors' Association and Council of Chief State School Officers' Common Core State Standards and related assessments, during the 2009-10 academic year, to establish expectations that Hawaii's graduates will be prepared for career and college success by meeting international benchmarks.
- B. Recommend, by June 30, 2010, to the Board of Education revision of Hawaii Content and Performance Standards in relation to Common Core State Standards.
- C. Adopt revisions to Hawaii State Assessment with respect to the Common Core State Standards, so long as the revised assessments continue to meet federal requirements of No Child Left Behind.
- D. Participate in a joint public information campaign to educate the public about the importance of career and college readiness for high school graduates and the value of Common Core State Standards and assessments.

VI. College and Career Ready Diploma

A Hawaii public high school diploma should certify to recipients, employers, parents and the community that the recipient is prepared for success in career or college after high school. In March 2008, the Board of Education ("BOE") revised its graduation policy (Board Policy 4540) to upgrade the BOE Recognition Diploma requirements to align the voluntary diploma with expectations for career and college readiness beginning with the graduating Class of 2013 (this year's ninth graders).

The DOE's Implementation Plan for Board Policy 4540 sets goals for 50% of the Class of 2013 and 80% of the Class of 2018 high school graduates earning the BOE Recognition Diploma aligned with career and college readiness expectations.

The DOE's Vision of a High School Graduate states:

All public high school graduates will realize their individual goals and aspirations, possess the attitudes, knowledge and skills necessary to contribute positively and compete in a global society, exercise the rights and responsibilities of citizenship, and pursue post-secondary education and/or careers without need for remediation.

Hawaii's economic growth depends on improved student achievement and outcomes. In addition, the U.S. Department of Education recognizes that college and career-ready high school graduates are necessary for individuals, the state and the country to be competitive in a global economy. Thus, it has become necessary to make explicit Hawaii's commitment to preparing its graduates.

The undersigned agree:

- A. The requirements of a Career and College Readiness (CCR) diploma are the same as the optional Board of Education (BOE) Recognition Diploma, as defined in BOE

Policy 4540, including: algebra I and II, and geometry or the equivalent; 3 credits of science including at least 2 credits of chemistry, biology and/or physics; 4 credits of English including .5 credits in expository writing or the equivalent; and demonstration of proficiency in these courses/subjects.

- B. By December 31, 2009, to jointly propose a revision to the BOE policy for graduation requirements to make mandatory, beginning with the high school graduating class of 2018, the CCR diploma with an “opt-out” waiver to the CCR diploma. High school students may only “opt-out” if the student’s parent or legal guardian applies for the “opt-out” in writing, and the application may be approved by the complex area superintendent only upon written verification that the student and the student’s parent or legal guardian has reviewed and understands the CCR diploma and “opt-out”.
- C. By December 31, 2009, the DOE will adopt the following percentage targets for CCR diploma attainment:

Class of	2010	2011	2012	2013	2014	2015	2016	2017	2018
CCR target	5%	10%	25%	50%	60%	70%	80%	85%	All

- D. To support and participate in the “Step-Up” campaign to encourage students and parents to select the CCR diploma option (currently recommended but not required).
- E. By March 31, 2010, to report and publish annually the number of CCR diplomas awarded and other college and career readiness indicators by school on a public website.
- F. By June 30, 2011, to meet ARRA benchmarks for college and career standards and the alignment of high school expectations and requirements for college and career ready success, as identified by Achieve, Inc.’s *Closing the Expectation Gap* report (<http://www.achieve.org/ClosingtheExpectationsGap2008>).

VII. Defining the Achievement Gap in Hawaii

Educational achievement gaps refer to the disparity in academic performance between student groups. Gaps exist between educational achievement and attainment of Hawaii’s youth and other states and nations (“external”) as well as between different student groups in Hawaii defined by geography, race/ethnicity, income, special education status, and English language proficiency (“internal”). We must make significant progress in closing the achievement and attainment gaps in our public education systems to meet the three goals of:

1. 55% of working age adults having a two or four year degree;
2. all high school graduates being career and college ready; and
3. having a workforce that is competitive in the global economy.

The undersigned agree to:

- A. Review economic, business and educational information to define and present achievement gaps—external and internal—for community review via a work group, inclusive of DOE, UH, Hawaii P-20, and the Department of Business, Economic Development & Tourism (“DBEDT”) by December 31, 2009;
- B. Have the DOE incorporate goals and performance targets to close the achievement gaps within its strategic and operational plans;
- C. Participate in a joint public information campaign to educate the public about the existence and impact of achievement gaps and the importance and value of closing the gaps.

VIII. Data Sharing, Use and Governance

The ARRA requires that the Governor provide assurance of the state’s commitment to improving the collection and use of longitudinal student data. This assurance aligns with and will accelerate ongoing efforts of the Hawaii P-20 Partnership, State of Hawaii Department of Education, University of Hawaii, DBEDT, the Department of Labor, and others to complete a statewide longitudinal system. A statewide longitudinal data system is needed in order to: achieve informed decision making, particularly over governance and management matters; make data transparent, accessible and action-able for multiple stakeholders; evaluate the impact of policies, interventions and resource allocation; foster inter-agency cooperation and a shared unifying mission; improve instruction; and reduce the burden on educational agencies for ad hoc data requests. As a result, we expect improvements in learning leading to increased educational outcomes and educational attainment as well as an engaged citizens and a globally competitive workforce.

The undersigned agree:

- A. By mid-November 2009, to share longitudinal student and institutional data. By entering into an inter-departmental memorandum of understanding between departments, Hawaii P-20, at the UH in furtherance of these shared goals, and directing the Department of Business, Economic Development and Tourism, Department of Labor and Industrial Relations and Department of Human Services to participate in the statewide interagency longitudinal data system for education and workforce. The DOE shall also establish agreements with Hawaii P-20 to share longitudinal student and institutional data to improve instruction.
- B. To develop a sound data governance structure by June 30, 2010, encompassing data quality, data timeliness, and accuracy of the reports. The data governance structure will also clarify roles and responsibilities among the various institutions and stakeholders engaged in the Hawaii P-20 interagency system.
- C. To collaboratively seek resources to support development, use and maintenance of a statewide inter-agency longitudinal data system, including submission of a Statewide Longitudinal Data Systems grant proposal to the U.S. Department of Education and allocation of ARRA and state funds as appropriate.

- D. To use data to guide educational and workforce policy development, resource allocation and program improvement.

IX. Accountability and Reporting

The DOE and the University of Hawaii must certify to certain assurances in order to receive SFSF funds. In addition to the assurances below, the DOE must comply with the federal and state assurances that they certify on an annual basis.

A. The DOE will:

1. Administer and use State Fiscal Stabilization Fund (SFSF) program funds in accordance with all applicable statutes, regulations, and applications, including General Education Provisions Act (GEPA) section 442;
2. Control SFSF program funds provided to the DOE and shall not use the funds to acquire property or durable assets;
3. Use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the DOE under the SFSF program. The DOE's administration and expenditure of SFSF program funds shall be in accordance with all applicable requirements of the Education Department General Administrative Regulations (EDGAR), the cost principles contained in 2 CFR 225 (OMB Circular A-87), OMB Circular A-102, and OMB Circular A-133;
4. Make any required SFSF reports readily available to members of the public;
5. Adopt effective procedures for acquiring and disseminating to teachers and administrators participating in each program funded through the SFSF significant information from educational research, demonstrations, and similar projects, adopt, where appropriate, promising educational practices developed through such projects;
6. Not use any of the funds received through the SFSF, to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization;
7. Take steps to ensure equitable access to, and equitable participation in, the projects and activities to be conducted with assistance through the SFSF, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age (GEPA 427);
8. Only use SFSF program funds for activities authorized by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) (ESEA), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (IDEA), the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), or the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) (the Perkins Act);

9. Not use SFSF program funds for:
 - a. payment of maintenance costs;
 - b. stadiums or other facilities used for athletic contests or exhibitions or other events for which admission is charged to the general public;
 - c. purchase or upgrade of vehicles;
 - d. improvement of stand-alone facilities whose purpose is not the education of children, including central office administration or operations or logistical support facilities;
 - e. any aquarium, zoo, golf course, or swimming pool; or
 - f. the provision of financial assistance to students to attend private elementary or secondary schools, unless the funds are used to provide special education and related services to children with disabilities as authorized by the Individuals with Disabilities Education Act;
10. Comply, for any project funded through the SFSF, with Section 1605 of the American Recovery and Reinvestment Act of 2009 (requiring the use of American iron, steel, and manufactured goods) and Section 1606 of the American Recovery and Reinvestment Act of 2009 (requiring compliance with federal prevailing wage requirements);
11. Obligate all SFSF funds by no later than September 30, 2011;
12. Promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act (31 U.S.C. 3729–3733) or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving SFSF funds; and

B. The University of Hawaii assures that:

1. It will administer and use SFSF program funds in accordance with all applicable statutes, regulations, and applications, including the General Education Provisions Act (GEPA) section 442 [20 usc 1232e (b) (1)];
2. It will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to UH under the SFSF program [20 usc § 1232e (b)(3)];
3. It will make any application, evaluation, periodic program plan or report relating to each program readily available to members of the general public [920 usc § 1232e(b)(6)];
4. It will not use any of the funds received through the SFSF to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization [20 usc § 1232e (b)(9)], nor will it use any of the SFSF funds to acquire property or durable assets;

5. It will not use SFSF program funds for:
 - a. payment of maintenance costs [§ 14003 of the ARRA];
 - b. stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public [§ 14004(c) of the ARRA];
 - c. purchase or upgrade of vehicles [§ 14003 of the ARRA];
 - d. improvement of stand-alone facilities whose purpose is not the education of children, including central office administration or operations or logistical support facilities [§ 14003 of the ARRA];
 - e. casinos or other gaming establishments, aquarium, zoo, golf course, or swimming pool [§ 1604 of the ARRA]; or
 - f. the provision of financial assistance to students to attend private elementary or secondary schools, unless the funds are used to provide special education and related services to children with disabilities as authorized by the Individuals with Disabilities Education Act [§ 14011 of the ARRA];
6. It understands that all SFSF funds must be obligated by no later than September 30, 2011; and
7. Promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act (31 U.S.C. 3729–3733) or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving SFSF funds.

For additional information on assurances and allowable uses for SFSF funds refer to pages 17 to 25 in the federal Guidance on the State Fiscal Stabilization Fund Program at <http://www.ed.gov/programs/statestabilization/guidance.pdf>.

X. Release of Funds

Given the need to demonstrate progress to the U.S. Department of Education, the undersigned agree to the following Schedule of Deliverables.

- A. By mid-November 2009:
 1. Deliverables for the DOE:
 - a. DOE, UH, and DLIR establish inter-agency agreement to share longitudinal student and institutional data.
 - b. DOE, with the support of UH, report on its analysis of Hawaii's competitiveness for the U.S. Department of Education's Race to the Top competition.
 2. Deliverables for the UH:
 - a. DOE, UH, and DLIR establish inter-agency agreement to share longitudinal student and institutional data.

- D. By June 30, 2010:
1. Deliverables for the DOE:
 - a. DOE will recommend to the Board of Education revision of Hawaii Content and Performance Standards to incorporate the national Common Core State Standards.
 - b. DOE, with UH, DBEDT and DLIR, will develop a sound data governance structure to fulfill the inter-agency agreement regarding data quality, data timeliness, and accuracy of reports, as well as clarify the respective roles of each entity.
 2. Deliverables for UH:

UH, together with DOE, DLIR, and DBEDT, will develop a sound data governance structure to fulfill the inter-agency agreements regarding data quality, data timeliness, and accuracy of the reports.

XI. Description of the process for the release of funds

Each party, upon satisfaction of the deliverables listed above that are applicable to them, shall follow the following requirements for the release of funds:

- A. Set up drawdown accounts:
 1. The Governor shall establish a payee and bank account designated for SFSF funds and send the information to the U.S.DOE.
 2. The Governor shall establish an account with DAGS Accounting to receive SFSF funds. B&F shall be responsible for managing the drawdowns of the SFSF Part A funds.
 3. SFSF Part A funds shall be allotted on a quarterly basis.
 4. Based on this MOA, DOE and UH will submit quarterly deliverables for review by the Governor's Office, provided however that upon signing of this MOA, the first quarterly allotment shall be made.
 5. Upon receiving Governor's Office approval for the quarter, B&F will allot SFSF funds separately to DOE and UH. B&F, working with DOE and UH, shall be responsible for quarterly A-19 processing.
- B. Semi-monthly disbursement of SFSF funds:
 1. DOE and UH shall designate salaries of specified positions in selected programs for SFSF expenditures. Designated positions are to be the same for the fiscal year and can be charged on a fractional basis to meet Part A appropriation levels.
 2. Following the semi-monthly payroll pay dates, DOE and UH shall request payroll reimbursements from B&F and provide detailed payroll reports as back-up for the request.
 3. B&F shall promptly review each request and payroll report, and shall initiate the drawdown from the Federal account within 5 business days of receipt.
 4. Upon receipt of the SFSF Part A funds, B&F shall immediately transfer the SFSF funds to the requesting party (DOE or UH).

- b. UH will support DOE's development of a report analyzing Hawaii's competitiveness for the U.S. Department of Education's Race to the Top competition.
- B. By December 31, 2009:
 - 1. Deliverables for the DOE:
 - a. DOE will propose a revision to the BOE policy for graduation requirements to make mandatory a "college and career ready" (CCR) diploma for the class of 2018 with an "opt-out" waiver of CCR diploma. Under the proposed revision, the student's parent or legal guardian must apply for the "opt-out" in writing, and the application may be approved by the complex area superintendent only upon written verification that the student and the student's parent or legal guardian have reviewed and understands the CCR diploma and "opt-out".
 - b. DOE will adopt percentage targets for CCR diploma attainment.
 - c. DOE will collaborate with the UH to submit an application for U.S. Department of Education Statewide Longitudinal Data Systems grant competition for resources to support development, use, and maintenance of statewide inter-agency longitudinal data system.
 - d. DOE will collaborate with UH, Hawaii P-20 and DBEDT to identify achievement gaps—internal and external—for community review and future incorporation within departmental strategic and operational plans.
 - e. DOE will collaborate with UH, DBEDT, and the Governor's office in submission of the State's application to U.S. Department of Education for the first round of the Race to the Top grants.
 - 2. Deliverables for UH:
 - a. UH will submit, via DOE, an application for U.S. Department of Education Statewide Longitudinal Data Systems grant competition for resources to support development, use and maintenance of a statewide inter-agency longitudinal data system.
 - b. UH will participate with DOE and DBEDT to identify achievement gaps—internal and external—for community review and future incorporation in departmental strategic and operational plans.
- C. By March 31, 2010:
 - 1. Deliverables for the DOE:

DOE will report and publish annually the number of CCR diplomas awarded and other college and career readiness indicators by school on a public website.
 - 2. Deliverables for UH:

UH, together with DOE, will report and publish annually college and career readiness indicators by school on a public website.

The first release of funds shall be available upon signing of this MOA, and upon satisfaction of the process requirements listed in subsections A and B above.

XII. Charter Schools


The parties acknowledge that charter schools in Hawaii ("Charter Schools"), through the Charter School Administration Office ("CSAO"), will enter into a separate agreement with the Governor with similar provisions and requirements as contained in this MOA, including federal requirements for accountability, reporting and progress under the American Recovery and Reinvestment Act (ARRA). The DOE and UH will not receive ARRA funds appropriated for use by the Charter Schools by the 2009 Hawaii State legislature. Rather those funds will be disbursed directly to the CSAO by the Governor after the CSAO and Governor sign their separate MOA, and the Governor shall have direct responsibility for compliance with all requirements of the ARRA by the Charter Schools and CSAO.

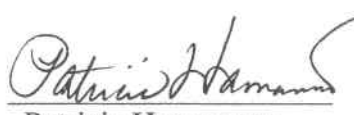
Nothing in this MOA shall be contingent upon the CSAO or Charter Schools entering into such an MOA with the Governor.


XII. Modification of this Agreement

- A. This MOA may be modified at any time by mutual agreement of the parties.
- B. In the event a deliverable is not met, the parties shall meet within five (5) business days to reach a mutually satisfactory resolution. Such resolution shall be incorporated into an amendment to this MOA.
- C. Additional areas of cooperation may also be incorporated into this MOA by amendment, including without limitation cooperation in applying for competitive ARRA funding.

Dated: October 06, 2009


Linda Lingle
Governor
State of Hawaii


Patricia Hamamoto
Superintendent
Department of Education


M.R.C. Greenwood
President
University of Hawaii

**Memorandum of Agreement
Between
The Governor of the State of Hawaii
And
The Charter School Administrative Office
To
Support Student Achievement in Hawaii by Using ARRA Resources to Advance Education
Reform**

The purpose of this Memorandum of Agreement is to:

- A. Support the education reform embodied in the Hawaii Charter School Movement.
- B. Document for the public and the U.S. Department of Education, the actions agreed upon by the Governor and the Executive Director of the Charter School Administrative Office, upon acceptance, dispersal, and use of Hawaii's share of the Education Fund (Title XIV, §14002) of the ARRA State Fiscal Stabilization Fund.
- C. Document progress, memorialize agreements, and create the framework for future cooperation between the undersigned parties on the reforms implemented by the charter schools that will result in dramatic improvement in student achievement and outcomes in Hawaii's public education systems over the next six years.

The undersigned agree:

- A. The Governor will use best efforts to disburse all possible funds in the most expedient manner in order to save and create jobs and to ensure the education of Hawaii's students;
- B. The Charter Schools will administer and use SFSF program funds in accordance with all applicable statutes, regulations, and applications, including the General Education Provisions Act (GEPA) section 442;
- C. The Charter Schools will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to that agency under the SFSF program. The Charter Schools' administration and expenditure of SFSF program funds shall be in accordance with all applicable requirements of the Education Department General Administrative Regulations (EDGAR), the cost principles contained in 2 CFR 225 (OMB Circular A-87), OMB Circular A-102, and OMB Circular A-133;
- D. The Charter Schools shall only use SFSF program funds for activities authorized by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) (ESEA), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (IDEA), the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), or the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) (the Perkins Act) or for modernization, renovation, or repair of public school facilities, including modernization, renovation, and repairs that are consistent with a recognized green building rating system;
- E. The Charter Schools will obligate all SFSF monies by no later than September 30, 2011; and
- F. The Charter Schools will promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act (31 U.S.C. 3729—

3733) or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving SFSF funds.

Linda R Smith

Linda Smith
Office of the Governor
State of Hawaii

October 27, 2009

Date

VuLove

Vanelle Maunalei Love
Executive Director
Charter School Administrative Office

10/27/09

Date



FOR IMMEDIATE RELEASE
July 1, 2009

Contacts: Jodi Omear (NGA), 202-624-5346
Kara Schlosser (CCSSO), 202-336-7034

COMMON CORE STATE STANDARDS DEVELOPMENT WORK GROUP AND FEEDBACK GROUP ANNOUNCED

NGA Center, CCSSO Unveil New Web site; Outline Process to Develop Common English-language Arts and Mathematics Standards

WASHINGTON—The National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO) today announced the names of the experts serving on the Common Core State Standards Development Work Group and Feedback Group and provided more detailed information on the college and career ready standards development process. The college and career ready standards are expected to be ready for comment July 2009. The K-12 standards work is expected to be completed in December 2009. The two groups also unveiled a new Web site at www.corestandards.org. This Web site is designed to provide information as the process continues.

Forty-nine states and territories have joined the Common Core State Standards Initiative. The initiative is being jointly led by the NGA Center and CCSSO in partnership with Achieve, Inc, ACT and the College Board. It builds directly on recent efforts of leading organizations and states that have focused on developing college- and career-ready standards and ensures that these standards can be internationally benchmarked to top-performing countries around the world.

“This initiative is a significant and historic opportunity for states to collectively accelerate and drive education reform so that all children graduate from high school ready for college, work and success in the global economy,” said **Dane Linn, director of the NGA Center’s Education Division**. “These standards will be research and evidence-based, internationally benchmarked, aligned with college and work expectations and include rigorous content and skills.”

“It is time for us as states to challenge the education system and finally answer the question, “What will it take for every child to be successful?”” stated **Gene Wilhoit, executive director of CCSSO**. “Fewer, clearer, and higher standards will help us get there.”

The Standards Development Work Group is currently engaged in determining and writing the college and career readiness standards in English-language arts and mathematics. This group is composed of content experts from Achieve, Inc., ACT, and the College Board. This group will be expanded later in the year to include additional experts to develop the standards for grades K-12 in English language arts and mathematics. Additionally, CCSSO and the NGA Center have selected an independent facilitator and an independent writer as well as resource advisors to support each content area work group throughout the standards development process. The Work Group’s deliberations will be confidential throughout the process. States and national education organizations will have an opportunity to review and provide evidence-based feedback on the draft documents throughout the process.

The members of the mathematics Work Group are:

- **Sara Clough**, Director, Elementary and Secondary School Programs, Development, Education Division, ACT, Inc.
- **Phil Daro**, Senior Fellow, America's Choice
- **Susan K. Eddins**, Educational Consultant, Illinois Mathematics and Science Academy (Retired)
- **Kaye Forgione**, Senior Associate and Team Leader for Mathematics, Achieve
- **John Kraman**, Associate Director, Research, Achieve
- **Marci Ladd**, Mathematics Consultant, The College Board & Senior Manager and Mathematics Content Lead, Academic Benchmarks
- **William McCallum**, University Distinguished Professor and Head, Department of Mathematics, The University of Arizona & Mathematics Consultant, Achieve
- **Sherri Miller**, Assistant Vice President, Educational Planning and Assessment System (EPAS) Development, Education Division, ACT, Inc.
- **Ken Mullen**, Senior Program Development Associate—Mathematics, Elementary and Secondary School Programs, Development, Education Division, ACT, Inc.
- **Robin O'Callaghan**, Senior Director, Mathematics, Research and Development, The College Board
- **Andrew Schwartz**, Assessment Manager, Research and Development, The College Board
- **Laura McGiffert Slover**, Vice President, Content and Policy Research, Achieve
- **Douglas Sovde**, Senior Associate, Mathematics, Achieve
- **Natasha Vasavada**, Senior Director, Standards and Curriculum Alignment Services, Research and Development, The College Board
- **Jason Zimba**, Faculty Member, Physics, Mathematics, and the Center for the Advancement of Public Action, Bennington College and Cofounder, Student Achievement Partners

Members of the English-language Arts Work Group are:

- **Sara Clough**, Director, Elementary and Secondary School Programs, Development, Education Division, ACT, Inc.
- **David Coleman**, Founder, Student Achievement Partners
- **Sally Hampton**, Senior Fellow for Literacy, America's Choice
- **Joel Harris**, Director, English Language Arts Curriculum and Standards, Research and Development, The College Board
- **Beth Hart**, Senior Assessment Specialist, Research and Development, The College Board
- **John Kraman**, Associate Director, Research, Achieve
- **Laura McGiffert Slover**, Vice President, Content and Policy Research, Achieve

- **Nina Metzner**, Senior Test Development Associate—Language Arts, Elementary and Secondary School Programs, Development, Education Division, ACT, Inc.
- **Sherri Miller**, Assistant Vice President, Educational Planning and Assessment System (EPAS) Development, Education Division, ACT, Inc.
- **Sandy Murphy**, Professor Emeritus, University of California – Davis
- **Jim Patterson**, Senior Program Development Associate—Language Arts, Elementary and Secondary School Programs, Development, Education Division, ACT, Inc.
- **Sue Pimentel**, Co-Founder, StandardsWork; English Language Arts Consultant, Achieve
- **Natasha Vasavada**, Senior Director, Standards and Curriculum Alignment Services, Research and Development, The College Board
- **Martha Vockley**, Principal and Founder, VockleyLang, LLC

Also, as a step in the standards development process, the NGA Center and CCSSO are overseeing the work of a Feedback Group. The role of this Feedback Group is to provide information backed by research to inform the standards development process by offering expert input on draft documents. Final decisions regarding the common core standards document will be made by the Standards Development Work Group. The Feedback Group will play an advisory role, not a decision-making role in the process.

Members of the mathematics Feedback Group are:

- **George Andrews**, The Pennsylvania State University, Evan Pugh Professor of Mathematics
- **Hyman Bass**, University of Michigan, Samuel Eilenberg Distinguished University Professor of Mathematics & Mathematics Education
- **David Bressoud**, Macalester College, DeWitt Wallace Professor of Mathematics & President, Mathematical Association of America
- **John Dossey**, Illinois State University, Distinguished University Professor of Mathematics Emeritus
- **Scott Eddins**, Tennessee Department of Education, Mathematics Coordinator & President, Association of State Supervisors of Mathematics (ASSM)
- **Brian Gong**, The National Center for the Improvement of Educational Assessment, Executive Director
- **Roger Howe**, Yale University, Professor of Mathematics
- **Henry S. Kepner, Jr.**, University of Wisconsin-Milwaukee, Professor, Curriculum & Instruction and Mathematical Sciences
- **Suzanne Lane**, University of Pittsburgh, Professor in the Research Methodology Program, School of Education
- **Robert Linn**, University of Colorado, Distinguished Professor Emeritus, and Co-Director of the National Center for Research on Evaluation, Standards and Student Testing (CRESST)
- **Jim Milgram**, Stanford University, Professor of Mathematics, Emeritus, Department of Mathematics

- **Fabio Milner**, School of Mathematical and Statistical Sciences, Arizona State University, Director, Mathematics for Science, Technology, Engineering, and Mathematics (STEM) Education
- **Roxy Peck**, California Polytechnic State University, San Luis Obispo, Associate Dean, College of Science and Mathematics and Professor of Statistics
- **Nora Ramirez**, TODOS: Mathematics for ALL, President
- **William Schmidt**, Michigan State University, College of Education, University Distinguished Professor
- **Uri Treisman**, University of Texas, Professor of Mathematics and Public Affairs & Executive Director, Charles A. Dana Center
- **Vern Williams**, Mathematics Teacher, HW Longfellow Middle School, Fairfax County, Virginia Public Schools
- **W. Stephen Wilson**, Johns Hopkins University, Professor of Mathematics

Members of the English-language Arts Feedback Group are:

- **Peter Afflerbach**, University of Maryland, Professor
- **Arthur Applebee**, University at Albany, State University of New York (SUNY) Distinguished Professor & Chair, Department of Educational Theory & Practice, School of Education
- **Mark Bauerlein**, Emory University, Professor of English
- **Mary Bozik**, University of Northern Iowa, Professor, Communication Studies
- **Don Deshler**, University of Kansas, Williamson Family Distinguished Professor of Special Education & Director, Center for Research on Learning
- **Checker Finn**, Fordham Institute Senior Fellow, Hoover Institution, Stanford University & President, Thomas B. Fordham Institute
- **Brian Gong**, The National Center for the Improvement of Educational Assessment, Executive Director
- **Carol Jago**, University of California – Los Angeles, National Council of Teachers of English (NCTE) President, California Reading and Literature Project
- **Jeanneine Jones**, University of North Carolina – Charlotte, Professor
- **Michael Kamil**, Stanford University, Professor, School of Education
- **Suzanne Lane**, University of Pittsburgh, Professor in the Research Methodology Program, School of Education
- **Carol Lee**, Northwestern University, Professor of Education and Social Policy
- **Robert Linn**, University of Colorado, Distinguished Professor Emeritus, and Co-Director of the National Center for Research on Evaluation, Standards and Student Testing (CRESST)
- **Dolores Perin**, Columbia University, Associate Professor of Psychology and Education

- **Tim Shanahan**, University of Illinois at Chicago, Professor, Urban Education
- **Catherine Snow**, Harvard Graduate School of Education, Patricia Albjerg Graham Professor
- **Doranna Tindle**, Friendship Public Charter Schools, Instructional Performance Coach

The final step in the development of these standards is the creation of an expert Validation Committee comprised of national and international experts on standards. This group will review the process and substance of the common core state standards to ensure they are research and evidence-based and will validate state adoption on the common core standards. Members of the committee will be selected by governors and chiefs of the participating states; nominations are forthcoming.

Additionally, the NGA Center and CCSSO have formed a National Policy Forum of education experts to share ideas, gather input and inform the common core state standards initiative. This forum is intended as a way to establish a shared understanding of the scope and elements of the common core state standards initiative and coordinate implementation and adoption.

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Founded in 1908, the National Governors Association (NGA) is the collective voice of the nation's governors and one of Washington, D.C.'s most respected public policy organizations. Its members are the governors of the 50 states, three territories and two commonwealths. NGA provides governors and their senior staff members with services that range from representing states on Capitol Hill and before the Administration on key federal issues to developing and implementing innovative solutions to public policy challenges through the NGA Center for Best Practices. For more information, visit www.nga.org.

The Council of Chief State School Officers (CCSSO) is a nonpartisan, nationwide, nonprofit organization of public officials who head departments of elementary and secondary education in the states, the District of Columbia, the Department of Defense Education Activity, and five U.S. extra-state jurisdictions. CCSSO provides leadership, advocacy, and technical assistance on major educational issues. The Council seeks member consensus on major educational issues and expresses their views to civic and professional organizations, federal agencies, Congress, and the public. www.ccsso.org

ECONOMIC STIMULUS OVERSIGHT COMMISSION

December 29, 2009

State Fiscal Stabilization Fund Encumbrances

Part A		
Amounts approved by U. S. Department of Education		\$105,325,165
Governor's Authorizations through December 24, 2009		
Elementary & Secondary Education (DOE)	\$ 52,458,180	
Elementary & Secondary Education (CSAO)	4,088,212	
Higher Education (UH)	<u>21,700,000</u>	
TOTAL	\$ 78,246,392	
Part B		
Amounts approved by U. S. Department of Education		\$ 34,976,427
Governor's Authorizations through December 24, 2009		
Elementary & Secondary Education (DOE)	\$ 9,024,602*	
Elementary & Secondary Education (CSAO)	6,378,525	
Higher Education	<u>600,000</u>	
TOTAL	\$ 16,003,127	

*University of Hawaii is expending agency on behalf of Elementary and Secondary Education