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What You Need to Know About the American Recovery and Reinvestment Act

*An ARRA Primer for K-12
Public Schools*©

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F. Mandley & Associates, Inc. ®

AMERICAN RECOVERY AND REINVESTMENT ACT

Support for K-12 Public Education

OVERVIEW

- On February 17, 2009, the President signed The American Recovery and Reinvestment Act (ARRA) of 2009 into law and it became Public Law 111-05. The act sends stimulus funding to the states and uses existing channels and formula grant mechanisms to release funds to school districts. **The law is intended to provide one time funding, over a two year period (2009/10 and 2010/11).**
- According to some sources, of the total \$787 billion in ARRA funds, roughly \$115 billion, or 14.6%, will go to education. The U.S. Department of Education, however, is using a total of \$100 billion. And not all of the \$100 billion will actually find its way to K-12 public school systems, because included in \$100 billion figure are funds for Pell Grants, Vocational Rehabilitation, State Pre-K Programs, a Higher Education Tax Credit, and the State Fiscal Stabilization Fund (some of which can be used for expenditures other than K-12 education).
- Calculating an exact amount of ARRA funding that will actually be targeted at K-12 education only is difficult, but current indicators show that about **\$71.4 billion** is a fairly accurate estimate. This number represents approximately 9% of the total stimulus spending. Additionally, ARRA provides approximately \$22 billion in new bonding authority for public school systems, but this amount is not an appropriation.
- The stimulus package will provide support for K-12 education in three ways:
 - additional funding for specified formula and competitive grant programs;
 - the State Fiscal Stabilization Fund; and
 - authority to issue school construction bonds.

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- The table below reflects the total amount of funding approved in ARRA for each major K-12 education program.

ARRA Funding for K-12 Education	
PROGRAM	NATIONAL ALLOCATION
Title I Part A	\$10 Billion
School Improvement Grants	\$3 Billion
IDEA Part B, Part C and Sec. 619	\$13 Billion
Title II Part D Technology	\$650 Million
McKinney-Vento	\$70 Million
Head Start	\$1 Billion
Early Head Start	\$1.1 Billion
Impact Aid	\$100 Million
Teacher Incentive Fund	\$200 Million
State Fiscal Stabilization Fund	\$53.6 Billion
School Construction Bonds	\$22 Billion*

* The allocation for School Construction Bonds is for new bonding authority for school districts, but not an actual allocation of funds

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I. WHAT YOU NEED TO KNOW ABOUT ARRA K-12 FORMULA GRANT FUNDING

- Recovery grant funds are one time, non-recurring revenue and will not be continued beyond the 9/30/2011 required date for obligation of funds.
- Formula grant funds (Title I, School Improvement, IDEA, Title II-D & McKinney/Vento) will flow to districts through the states' department of education.
- USDE will have 50% of Title I and IDEA grant funds out to state education departments by the end of March 2009.
- Some states have already issued requests to school districts for "mini" applications for the first 50% of Title I and IDEA funding so that money can get to districts by April or May.
- USDE will have 50% of Title II-D grant funds out to state education departments by the end of July 2009.
- USDE will have the remaining 50% of Title I, IDEA and Title II-D funds, and 100% of School Improvement funds out to state departments by the end of October 2009.

USDE Proposed Time Lines for Distributing ARRA Funds to States

	<i>Feb/Mar 2009</i>	<i>Jun/Jul 2009</i>	<i>Sep/Oct 2009</i>
<i>FORMULA</i>			
<i>Title I - \$10 Billion</i>	<i>50%</i>		<i>50%</i>
<i>School Improvement - \$3 Billion</i>			<i>100%</i>
<i>IDEA B - \$11.3 Billion</i>	<i>50%</i>		<i>50%</i>
<i>IDEA Preschool - \$400 Million</i>	<i>50%</i>		<i>50%</i>
<i>Title II-D - \$650 Million</i>		<i>50%</i>	<i>50%</i>

- Unless the Secretary approves a state or district's waiver request, all current federal program regulations will apply to the use of Recovery grant funds, including: supplement/supplant, comparability (for Title I only), private

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school participation and maintenance-of-effort as well as program regulations specific to each respective grant program.

- Districts may request waivers of the grant regulations for the use of Recovery grant funds from the U.S. Secretary of Education, but such waivers must be submitted in conformity with current ESEA (NCLB) law, Title IX, Part D, Section 9401:

TITLE IX. Part D, Section 9401. Waivers:

(B) LOCAL EDUCATIONAL AGENCIES- In the case of a waiver request submitted by a local educational agency that receives funds under this Act--

(i) the request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of the State educational agency; and

(ii) notice and information regarding the waiver request shall be provided to the public by the agency requesting the waiver in the manner in which that agency customarily provides similar notices and information to the public.

A. Title I Recovery Funds

- USDE will entertain waivers from districts and states of required Title I “set-asides”, the per-pupil amount (PPA) for SES, the carryover limitation (over 15% once in three years), maintenance-of-effort and other requirements of the NCLB law.
- USDE cannot waive Title I supplement/supplant requirements, but has indicated that in certain circumstance, *“Including cases of severe budget shortfalls, a district may be able to establish compliance even if it uses Title I funds to pay for allowable items that were previously paid for with state or local funds”*. USDE staff have indicated they may re-interpret what compliance with Supplement/Supplant requirements mean.
- In the absence of a wavier, a district must obligate at least 85% of its total FY2009 Title I funds (including Recovery funds) by 9/30/2010. Any remaining Title I funds will be available for obligation until 9/30/2011.
- Obligation of federal grant funds in described in the Education Department’s General Administrative Guidelines (EDGAR) Part 75, Subpart F:

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EDGAR Part 75 Subpart F

Sec. 75.707 When obligations are made.

The following table shows when a grantee makes obligations for various kinds of property and services.

<i>If the obligation is for--</i>	<i>The obligation is made--</i>
<i>(a) Acquisition of real or personal property</i>	<i>On the date the grantee makes a binding written commitment to acquire the property</i>
<i>(b) Personal services by an employee of the grantee</i>	<i>When the services are performed</i>
<i>(c) Personal services by a contractor who is not an employee of the grantee</i>	<i>On the date on which the grantee makes a binding written commitment to obtain the services</i>
<i>(d) Performance of work other than personal services</i>	<i>On the date on which the grantee makes a binding written commitment to obtain the work</i>
<i>(e) Public utility services</i>	<i>When the grantee receives the services</i>
<i>(f) Travel</i>	<i>When the travel is taken</i>
<i>(g) Rental of real or personal property</i>	<i>When the grantee uses the property</i>

B. IDEA Recovery Funds

- The exemption from meeting a portion of IDEA maintenance-of-effort requirements, authorized in Section 613(a)(2) (C) of IDEA, will be applicable to IDEA Recovery funds as well. This provision allows a reduction of local maintenance-of-effort to free-up local funds equivalent to 50% of the annual IDEA funding increase. Districts will be able to reduce, by 50% of the amount of the increased IDEA funding received, their state and local expenditures for IDEA-eligible services and can use the freed up funds for other activities.
- Currently USDE is operating under a policy, established by the previous Administration, that prohibits districts from using Section 613 maintenance-of-effort reduction authority if the district is presently using the full 15% of its IDEA funds on Early Intervention Services. Currently, USDE has indicated districts may use one or the other, but not both. Several education organizations have asked USDE to reexamine this policy decision.

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- Additionally, state level maintenance-of-efforts requirements may be waived by the Secretary, but district level maintenance-of-effort requirement may not be waived, except for the provisions of Section 613 of IDEA.
- USDE encourages districts to obligate the majority of IDEA Recovery funds during school years 2008/09 and 2009/10 and the remainder during 2010/11.

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II. WHAT YOU NEED TO KNOW ABOUT ARRA K-12 COMPETITIVE GRANT FUNDING

A. Head Start, Early Head Start and McKinney/Vento Funds

- ARRA provides additional competitive grant funding for three education programs: \$1 billion for the Head Start, \$1.1 billion for Early Head Start Program and \$70 Million for the McKinney/Vento Homeless Education Program (Title X of NCLB).
- Head Start and Early Head Start are administered by the U.S. Department of Health and Human Services (HHS) not the USDE, which has not yet indicated precisely how it will disperse the Recovery funds. HHS has indicated the additional Head Start Recovery funds will come to current Head Start grantees (including school districts) through the current allocation process. The expansion of the Early Head Start Program will be done by means of a Request for Proposal process within the next few weeks.
- The USDE has not yet indicated when the additional funds for the McKinney/Vento Homeless Education Program will be allocated to state departments. State departments of education will receive Recovery McKinney/Vento funds on the same formula basis as the states receive their non-Recovery homeless education funds, but the allocation to school districts will be based on a competitive process.

B. Incentive Grants & Innovation Grants

- In addition to Head Start, Early Head Start and McKinney/Vento, there are two new competitive grant programs authorized in ARRA with total funding of \$5 billion. They are the Incentives Grants (referred to as the “Race to the Top” grants) and the Innovations Grants (referred to as “Investing in What Works and Innovation”). (The \$5 billion is contained in the total \$53.6 billion approved for the State Fiscal Stabilization Fund.)
- States will be able to apply, on a competitive basis, to the U.S. Secretary of Education for Incentive (“Race to the Top”) grants, and must allocate no less than 50% pf the funds they receive, on a formula basis, to school districts based upon their most recent Title I allocation.

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- Districts, on their own, or in partnership with other districts and/or partner organizations can apply for the competitive Innovation Grants (“Invest in What Works and Innovation”). USDE has not yet indicated when it will release the RFP for these new grants.

C. School Lunch Equipment Program

- ARRA also provides \$100 million in new funding for the National School Lunch Program Equipment Assistance Program, for which school districts may apply, on a competitive basis, to their state department of education for equipment assistance for schools where no less than 50% of the students are eligible for free/reduced price lunch.

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III. WHAT YOU NEED TO KNOW ABOUT ARRA K-12 STATE FISCAL STABILIZATION FUNDING

- The State Fiscal Stabilization Fund (SFSF) portion of ARRA (Title XIV) is, perhaps, the most complicated and hard-to-understand section of the law as regards additional funding for K-12 public education. It is also the ARRA funding stream that may be most vulnerable to mischief and misallocation by states.
- Of the \$48.6 billion in SFSF funds (\$5 billion goes to the Secretary for Incentive and Innovation Grants) that governors will receive, they must use not less than 81.2% of the SFSF funds, or \$40 billion, to restore cuts made in the states' K-12 and higher education budgets.
- Unlike formula grant funding, SFSF money will flow to the governors' office, not the state departments of education. All states must submit formal applications to the U.S. Secretary of Education for State Fiscal Stabilization Fund (SFSF) money.
- 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 FY2011 as it did in FY 2006. However, the statute authorizes the USDE to waive this requirement, under certain conditions, for states (like Florida and California), that cannot meet that requirement.
- USDE has indicated to Congressional sources it expects to have SFSF applications available for states by the end of March 2009, and say they will be able to approve them within two weeks after states submit them to USDE.
- SFSF is the most flexible Recovery funding school districts will receive, since funds can be used for:
 - repairs, renovation and modernization of existing public school facilities that are consistent with recognized green building rating systems,
 - for any activity authorized by the Elementary and Secondary Education Act of 1965 (NCLB), IDEA, the Adult and Family Literacy Act, or the Carl D. Perkins Career and Technical Education Act; or
 - **to pay salaries to avoid having to lay off teachers and other school employees.**

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- Unlike the formula and competitive grant Recovery funds school districts will receive, State Fiscal Stabilization Fund dollars are not subject to the respective federal program regulations for ESEA, IDEA, Adult & Family Literacy, and Perkins Act programs.
- There are a few prohibitions, however, on how districts may use their SFSF money:
 - No payment for maintenance costs
 - No support for stadiums or facilities used primarily for athletic contests or events for which admission is charged to the general public
 - No purchase of upgrades of vehicles
 - No improvement for stand-alone facilities whose purpose is not the education of children, such as central office administration, operations, or logistical support facilities.
- With prior approval from the Secretary, a state or school district may count SFSF program funds used for elementary or secondary education as non-federal funds to maintain fiscal effort under other USDE programs that have maintenance-of-effort requirements.
- Already we are witnessing governors, and in some cases state legislatures, try to use the funds to supplant state education resources rather than to supplement education funding and “back fill” the cuts that have previously been made to K-12 education.
- In some states, the state legislature is in a constitutional conflict with the governor over who will decide (the governor or the legislature) how the SFSF funds will be used and how they will be allocated to school districts.

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IV. WHAT YOU NEED TO KNOW ABOUT ARRA K-12 SCHOOL CONSTRUCTION BONDS

- In addition to funding, ARRA also contains several provisions regarding tax credit bonds for public schools districts.
- In addition to expanding, by \$1.4 billion, the bonding authority available for Qualified Zone Activity Bonds, or QZABs as they are known; ARRA also establishes a new bond program, the Qualified School Construction Bonds and authorized \$22 billion in authority for the bonds in 2009 and 2010.
- Unlike QZABs, Qualified School Construction Bonds may be used for new construction, land acquisition for new schools, or the repair and renovation of existing school buildings, and do not require the involvement of a business partner, or that at least 35 of the student population in the school to be eligible for free/reduced lunch.
- Qualified School Construction Bonds can be used for any new or existing public elementary or secondary school.
- Unlike QZABs which flow to states for re-distribution to school districts, ARRA provides for an allocation of a large proportion of Qualified School Construction Bond authority directly to some school districts.
- Forty per cent (40%) of the \$22 billion national authority (\$8.8 billion) is allocated, by law, to the 100 largest school districts in the country (based upon poverty rate), plus an additional 25 school districts determined to be most in need by the U.S. Secretary of Education.
- The remaining 60% (\$13.2 billion) is allocated to the states based on the proportion of the prior year's Title I funding.
- Qualified School Construction Bonds will be nearly interest-free to the school districts that use them. Instead of paying interest to the bondholder, a federal tax credit will be provided to bondholders, in lieu of an interest payment.
- Bondholders will receive a "return" as a credit against their federal tax liability, but no cash from the school district. The bondholder tax credit will be equal to the principal X the credit rate that is established by the U.S. Treasury Department (currently about 8%).

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- Bondholders can carry unused credit forward one year and can maximize the credit by keeping the entire principal amount outstanding to the maximum maturity day, which currently is 13years.
- School districts using the Qualified School Construction Bonds must use 100% of the proceeds, including investment earning, on qualified purposes within 3 years of issuing bonds.
- Unspent bond proceeds at the end of 3 years must be used to redeem bonds, unless the IRS extends the spending period.
- District may use up to 2% of the proceeds to cover the costs of issuing the bonds, but none of the proceeds can be used for a reserve fund.

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V. WHAT PUBLIC SCHOOL DISTRICTS NEED TO DO TO GET READY FOR ARRA FUNDING

The ARRA stimulus funding for public education was advertised during the debate over its passage, both nationally and in the states, as a job creating- and job saving-measure. The reality is, that much of the public education funding is categorical (restricted and subject to program regulations), will be subject to supplement /supplant and maintenance-of-effort restrictions, and will probably prevent layoffs in districts more than it will stimulate new job creation.

The public's misperceptions, the complexity of the law, the relative lack of detailed guidance, and the one time, non-recurring nature of the funds, will create major challenges that school districts must deal with. Many members of the public and employees of schools districts and their unions, may have very unrealistic expectations for what districts can, or should do, with their Recovery funding.

MEETING THE ARRA CHALLENGES

To meet these challenges, school districts must develop recommendations for expenditures that will ensure that the two-year, non-recurring ARRA funding is used to build capacity and transform the district during the period it is available, without obligating the district to recurring commitments after Recovery funding is terminated (falling off the "funding cliff" as USDE refers to it), and must determine who will make the final decisions on the uses that Recovery funds are put to.

In organizing to obtain input, plan and make recommendations to the school board and/or superintendent, school districts could:

- Include in the planning for the use of Recovery dollars
 - school-based and district-based staff who share a knowledge and understanding of the needs of the district;
 - staff, or out side specialists, with a firm and comprehensive understanding of the Recovery Act;
 - the grant managers of Title I, Title II-D, IDEA, McKinney/Vento, Head Start and Early Head Start, as applicable, to advise on the program regulations and allowable use of funds for the respective grant programs that will receive additional Recovery funds; and

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- end-users of services such as parents, teachers, school administrators, central office administrators, community partners and others whose input may be mandated by grant program regulations, i.e. Title I Advisory Committee, Head Start Policy Council, private school officials etc.
- Establish web-based means of collecting suggestions and ideas for how to use Recovery funds from the general public.
- Contact your state department of education program officers for Title I, Title II-D, McKinney/Vento, and IDEA and ask how and when your state is planning to distribute Recovery grants funds to school districts.
- Carefully follow the actions of your state governor and legislature regarding the State Fiscal Stabilization Fund section of ARRA.
- If your district employs a state lobbyist, make sure he/she is informed about ARRA; there is an unusual “nexus” between federal and state legislative actions that ARRA is creating, especially as regards the State Fiscal Stabilization Fund. Lobbyists who have traditionally focused on state issues have to understand the requirements of Title IX of the federal ARRA, and lobbyists who have traditionally focused on federal issues need to follow state actions regarding ARRA.
- Try to determine:
 - how and when your governor plans to flow SFSF money to districts in your state;
 - the relative amounts of SFSF funding your governor plans to allocate between K-12 and higher education;
 - if your governor is using the full 81.8% of SFSF funding your state receives for K-20 education;
 - if your governor plans to use any of the remaining 18.2% of SFSF funding for K-20 education (the law permit governors to do so, but does not require them to); and
 - If you believe the federal law is not being implemented correctly in your state, notify your lobbyists and/or local members of your legislature.

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- Most states will treat ARRA funds as special revenue funds and will most likely require discreet coding (for Title I, IDEA, SFSF, etc.) so that the funds can be easily tracked. There will likely be a web based recording system for quarterly reports. Make sure your finance office is aware that new financial reporting will most likely be required.
- ARRA will impose new data collection and reporting requirements as well and will require reports once a quarter. So far, the best information we have on the kinds of data that will need to be collected is:
 - number of jobs, by type, saved due to ARRA funding;
 - number of jobs created, by type, due to ARRA funding;
 - percent of essential services maintained without interruption;
 - number of services created or enhanced with ARRA funding;
 - number of partnership established as a result of ARRA funding to avoid reduction of, or to enhance existing and/or create new essential services; and
 - percent of funds used to implement evidence-based programs and practices.
- Keep abreast of the almost daily developments related to the Recovery Act by regularly checking these national web sites as well other sites pertinent to your state:

<http://www.ed.gov/policy/gen/leg/recovery/index.html>

<http://www.ed.gov/policy/gen/leg/recovery/presentation/index.html>

<http://www.recovery.gov/>

<http://www.hhs.gov/recovery/>

<http://www.grants.gov/applicants/recovery.jsp>

<http://www.recovery.gov/files/Initial Recovery Act Implementing Guidance.pdf>

<http://www.nsba.org/MainMenu/Advocacy/FederalLaws/FederalFunding/Stimulus.aspx>

VI. EXCERPTS FROM PUBLIC LAW 111-05 **THE AMERICAN RECOVERY AND REINVESTMENT ACT**

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P.L. 111.05

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For an additional amount for “Education for the Disadvantaged” to carry out title I of the Elementary and Secondary Education Act of 1965 (“ESEA”), \$13,000,000,000: *Provided*, That \$5,000,000,000 shall be available for targeted grants under section 1125 of the ESEA: *Provided further*, That \$5,000,000,000 shall be available for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That \$3,000,000,000 shall be for school improvement grants under section 1003(g) of the ESEA: *Provided further*, That each local educational agency receiving funds available under this paragraph shall be required to file with the State educational agency, no later than December 1, 2009, a school-by-school listing of per-pupil educational expenditures from State and local sources during the 2008–2009 academic year: *Provided further*, That each State educational agency shall report that information to the Secretary of Education by March 31, 2010.

IMPACT AID

For an additional amount for “Impact Aid” to carry out section 8007 of title VIII of the Elementary and Secondary Education Act of 1965, \$100,000,000, which shall be expended pursuant to the requirements of section 805.

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount for “School Improvement Programs” to carry out subpart 1, part D of title II of the Elementary and Secondary Education Act of 1965 (“ESEA”), and subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, \$720,000,000: *Provided*, That \$650,000,000 shall be available for subpart 1, part D of title II of the ESEA: *Provided further*, That the Secretary shall allot \$70,000,000 for grants under McKinney-Vento to each State in proportion to the number of homeless students identified by the State during the 2007–2008 school year relative to the number of such children identified nationally during that school year: *Provided further*, That State educational agencies shall subgrant the McKinney-Vento funds to local educational agencies on a competitive basis or according to a formula based on the number of homeless students identified by the local educational agencies in the State: *Provided further*, That the Secretary shall distribute the McKinney-Vento funds to the States not later than 60 days after the date of the enactment of this Act: *Provided further*, That each State shall subgrant the McKinney-Vento funds to local educational agencies not later than 120 days after receiving its grant from the Secretary.

INNOVATION AND IMPROVEMENT

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For an additional amount for “Innovation and Improvement” to carry out subpart 1, part D of title V of the Elementary and Secondary Education Act of 1965 (“ESEA”), \$200,000,000: *Provided*, That these funds shall be expended as directed in the fifth, sixth, and seventh provisos under the heading “Innovation and Improvement” in the Department of Education Appropriations Act, 2008: *Provided further*, That a portion of these funds shall also be used for a rigorous national evaluation by the Institute of Education Sciences, utilizing randomized controlled methodology to the extent feasible, that assesses the impact of performance-based teacher and principal compensation systems supported by the funds provided in this Act on teacher and principal recruitment and retention in high-need schools and subjects: *Provided further*, That the Secretary may reserve up to 1 percent of the amount made available under this heading for management and oversight of the activities supported with those funds.

SPECIAL EDUCATION

For an additional amount for “Special Education” for carrying out parts B and C of the Individuals with Disabilities Education Act (“IDEA”), \$12,200,000,000, of which \$11,300,000,000 shall be available for section 611 of the IDEA: *Provided*, That if every State, as defined by section 602(31) of the IDEA, reaches its maximum allocation under section 611(d)(3)(B)(iii) of the IDEA, and there are remaining funds, such funds shall be proportionally allocated to each State subject to the maximum amounts contained in section 611(a)(2) of the IDEA: *Provided further*, That by July 1, 2009, the Secretary of Education shall reserve the amount needed for grants under section 643(e) of the IDEA, with any remaining funds to be allocated in accordance with section 643(c) of the IDEA: *Provided further*, That the total amount for each of sections 611(b)(2) and 643(b)(1) of the IDEA, under this and all other Acts, for fiscal year 2009, whenever enacted, shall be equal to the amounts respectively available for these activities under these sections during fiscal year 2008 increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA: *Provided further*, That \$400,000,000 shall be available for section 619 of the IDEA and \$500,000,000 shall be available for part C of the IDEA.

FOOD AND NUTRITION SERVICE CHILD NUTRITION PROGRAMS

For an additional amount for the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et. seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et. seq.), except sections 17 and 21, \$100,000,000, to carry out a grant program for National School Lunch Program equipment assistance:

Provided, That such funds shall be provided to States administering a school lunch program in a manner proportional with each States’ administrative expense allocation: *Provided further*, That the States shall provide competitive grants to school food authorities based upon the need for equipment assistance in participating schools with priority given to school in which not less than 50 percent of the students are eligible for free or reduced price meals under the Richard B. Russell National School Lunch Act.

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P.L. 111.05

TITLE XIV—STATE FISCAL STABILIZATION FUND

DEPARTMENT OF EDUCATION

STATE FISCAL STABILIZATION FUND

For necessary expenses for a State Fiscal Stabilization Fund, \$53,600,000,000, which shall be administered by the Department of Education.

GENERAL PROVISIONS—THIS TITLE

SEC. 14001. ALLOCATIONS.

(a) **OUTLYING AREAS.**—From the amount appropriated to carry out this title, the Secretary of Education shall first allocate up to one-half of 1 percent to the outlying areas on the basis of their respective needs, as determined by the Secretary, in consultation with the Secretary of the Interior, for activities consistent with this title under such terms and conditions as the Secretary may determine.

(b) **ADMINISTRATION AND OVERSIGHT.**—The Secretary may, in addition, reserve up to \$14,000,000 for administration and oversight of this title, including for program evaluation.

(c) **RESERVATION FOR ADDITIONAL PROGRAMS.**—After reserving funds under subsections (a) and (b), the Secretary shall reserve \$5,000,000,000 for grants under sections 14006 and 14007.

(d) **STATE ALLOCATIONS.**—After carrying out subsections (a), (b), and (c), the Secretary shall allocate the remaining funds made available to carry out this title to the States as follows:

(1) 61 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 39 percent on the basis of their relative total population.

(e) **STATE GRANTS.**—From funds allocated under subsection (d), the Secretary shall make grants to the Governor of each State.

(f) **REALLOCATION.**—The Governor shall return to the Secretary any funds received under subsection (e) that the Governor does not award as subgrants or otherwise commit within two years of receiving such funds, and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (d).

SEC. 14002. STATE USES OF FUNDS.

(a) **EDUCATION FUND.**—

(1) **IN GENERAL.**—For each fiscal year, the Governor shall use **81.8 percent** of the State's allocation under section 14001(d) for the support of elementary, secondary, and

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postsecondary education and, as applicable, early childhood education programs and services.

(2) RESTORING STATE SUPPORT FOR EDUCATION.—

(A) IN GENERAL.—The Governor shall first use the funds described in paragraph (1)—

(i) to provide the amount of funds, through the State’s primary elementary and secondary funding formulae, that is needed—

(I) to restore, in each of fiscal years 2009, 2010, and 2011, the level of State support provided through such formulae to the greater of the fiscal year 2008 or fiscal year 2009 level; and

(II) where applicable, to allow existing State formulae increases to support elementary and secondary education for fiscal years 2010 and 2011 to be implemented and allow funding for phasing in State equity and adequacy adjustments, if such increases were enacted pursuant to State law prior to October 1, 2008.

(ii) to provide, in each of fiscal years 2009, 2010, and 2011, the amount of funds to public institutions of higher education in the State that is needed to restore State support for such institutions (excluding tuition and fees paid by students) to the greater of the fiscal year 2008 or fiscal year 2009 level.

(B) SHORTFALL.—If the Governor determines that the amount of funds available under paragraph (1) is insufficient to support, in each of fiscal years 2009, 2010, and 2011, public elementary, secondary, and higher education at the levels described in clauses (i) and (ii) of subparagraph (A), the Governor shall allocate those funds between those clauses in proportion to the relative shortfall in State support for the education sectors described in those clauses.

(C) FISCAL YEAR.—For purposes of this paragraph, the term “fiscal year” shall have the meaning given such term under State law.

(3) SUBGRANTS TO IMPROVE BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.—After carrying out paragraph (2), the Governor shall use any funds remaining under paragraph (1) to provide local educational agencies in the State with subgrants based on their relative shares of funding under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent year for which data are available.

(b) OTHER GOVERNMENT SERVICES.—

(1) IN GENERAL.—The Governor shall use **18.2 percent** of the State’s allocation under section 14001 for public safety and other government services, which may include assistance for elementary and secondary education and public institutions of higher education, and for modernization, renovation, or repair of public school facilities and institutions of higher education facilities, including modernization, renovation, and repairs that are consistent with a recognized green building rating system.

(2) AVAILABILITY TO ALL INSTITUTIONS OF HIGHER EDUCATION.—

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A Governor shall not consider the type or mission of an institution of higher education, and shall consider any institution for funding for modernization, renovation, and repairs within the State that—

(A) qualifies as an institution of higher education, as defined in subsection 14013(3); and

(B) continues to be eligible to participate in the programs under title IV of the Higher Education Act of 1965.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall allow a local educational agency to engage in school modernization, renovation, or repair that is inconsistent with State law.

SEC. 14003. USES OF FUNDS BY LOCAL EDUCATIONAL AGENCIES.

(a) **IN GENERAL.**—A local educational agency that receives funds under this title may use the funds for any activity 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 and Family Literacy Act (20 U.S.C. 1400 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.

(b) **PROHIBITION.**—A local educational agency may not use funds received under this title for—

- (1) payment of maintenance costs;
- (2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;
- (3) purchase or upgrade of vehicles; or
- (4) improvement of stand-alone facilities whose purpose is not the education of children, including central office administration or operations or logistical support facilities.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall allow a local educational agency to engage in school modernization, renovation, or repair that is inconsistent with State law.

SEC. 14004. USES OF FUNDS BY INSTITUTIONS OF HIGHER EDUCATION.

(a) **IN GENERAL.**—A public institution of higher education that receives funds under this title shall use the funds for education and general expenditures, and in such a way as to mitigate the need to raise tuition and fees for in-State students, or for modernization, renovation, or repair of institution of higher education facilities that are primarily used for instruction, research, or student housing, including modernization, renovation, and repairs that are consistent with a recognized green building rating system.

(b) **PROHIBITION.**—An institution of higher education may not use funds received under this title to increase its endowment.

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(c) ADDITIONAL PROHIBITION.—No funds awarded under this title may be used for—

- (1) the maintenance of systems, equipment, or facilities;
- (2) modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or
- (3) modernization, renovation, or repair of facilities—
 - A) used for sectarian instruction or religious worship; or
 - B) in which a substantial portion of the functions of the facilities are subsumed in a religious mission.

SEC. 14005. STATE APPLICATIONS.

(a) IN GENERAL.—The Governor of a State desiring to receive an allocation under section 14001 shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

- (b) APPLICATION.—In such application, the Governor shall—
- (1) include the assurances described in subsection (d);
 - (2) provide baseline data that demonstrates the State's current status in each of the areas described in such assurances; and
 - (3) describe how the State intends to use its allocation, including whether the State will use such allocation to meet maintenance-of-effort requirements under the ESEA and IDEA and, in such cases, what amount will be used to meet such requirements.

(c) INCENTIVE GRANT APPLICATION.—The Governor of a State seeking a grant under section 14006 shall—

- (1) submit an application for consideration;
- (2) describe the status of the State's progress in each of the areas described in subsection (d), and the strategies the State is employing to help ensure that students in the subgroups described in section 1111(b)(2)(C)(v)(II) of the ESEA (20 U.S.C. 6311(b)(2)(C)(v)(II)) who have not met the State's proficiency targets continue making progress toward meeting the State's student academic achievement standards;
- (3) describe the achievement and graduation rates (as described in section 1111(b)(2)(C)(vi) of the ESEA (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations) of public elementary and secondary school students in the State, and the strategies the State is employing to help ensure that all subgroups of students identified in section 1111(b)(2) of the ESEA (20 U.S.C. 6311(b)(2)) in the State continue making progress toward meeting the State's student academic achievement standards;
- (4) describe how the State would use its grant funding to improve student academic achievement in the State, including how it will allocate the funds to give priority to high-need local educational agencies; and

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(5) include a plan for evaluating the State's progress in closing achievement gaps.

(d) ASSURANCES.—An application under subsection (b) shall include the following assurances:

(1) MAINTENANCE OF EFFORT.—

(A) ELEMENTARY AND SECONDARY EDUCATION.—The State will, in each of fiscal years 2009, 2010, and 2011, maintain State support for elementary and secondary education at least at the level of such support in fiscal year 2006.

(B) HIGHER EDUCATION.—The State will, in each of fiscal years 2009, 2010, and 2011, maintain State support for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at least at the level of such support in fiscal year 2006.

(2) ACHIEVING EQUITY IN TEACHER DISTRIBUTION.—The State will take actions to improve teacher effectiveness and comply with section 1111(b)(8)(C) of the 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.

(3) IMPROVING COLLECTION AND USE OF DATA.—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).

(4) STANDARDS AND ASSESSMENTS.—The State—

(A) will 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 such Act (20 U.S.C. 7301a(a));

(B) will 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 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; and

(C) will take steps to improve State academic content standards and student academic achievement standards consistent with section 6401(e)(1)(9)(A)(ii) of the America COMPETES Act.

(5) SUPPORTING STRUGGLING SCHOOLS.—The State will ensure compliance with the requirements of section 1116(a)(7)(C)(iv) and section 1116(a)(8)(B) of the ESEA with respect to schools identified under such sections.

SEC. 14006. STATE INCENTIVE GRANTS.

(a) IN GENERAL.—

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(1) RESERVATION.—From the total amount reserved under section 14001(c) that is not used for section 14007, the Secretary may reserve up to 1 percent for technical assistance to States to assist them in meeting the objectives of paragraphs (2), (3), (4), and (5) of section 14005(d).

(2) REMAINDER.—Of the remaining funds, the Secretary shall, in fiscal year 2010, make grants to States that have made significant progress in meeting the objectives of paragraphs (2), (3), (4), and (5) of section 14005(d).

(b) BASIS FOR GRANTS.—The Secretary shall determine which States receive grants under this section, and the amount of those grants, on the basis of information provided in State applications under section 14005 and such other criteria as the Secretary determines appropriate, which may include a State's need for assistance to help meet the objective of paragraphs (2), (3), (4), and (5) of section 14005(d).

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(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each State receiving a grant under this section shall use at least 50 percent of the grant to provide local educational agencies in the State with subgrants based on their relative shares of funding under part A of title I of the ESEA (20 U.S.C. 6311 et seq.) for the most recent year.

SEC. 14007. INNOVATION FUND.

(a) IN GENERAL.—

(1) ELIGIBLE ENTITIES.—For the purposes of this section, the term “eligible entity” means—

(A) a local educational agency; or

(B) a partnership between a nonprofit organization and—

(i) one or more local educational agencies; or

(ii) a consortium of schools.

(2) PROGRAM ESTABLISHED.—From the total amount reserved under section 14001(c), the Secretary may reserve up to \$650,000,000 to establish an Innovation Fund, which shall consist of academic achievement awards that recognize eligible entities that meet the requirements described in subsection (b).

(3) BASIS FOR AWARDS.—The Secretary shall make awards to eligible entities that have made significant gains in closing the achievement gap as described in subsection (b)(1)—

(A) to allow such eligible entities to expand their work and serve as models for best practices;

(B) to allow such eligible entities to work in partnership with the private sector and the philanthropic community; and

(C) to identify and document best practices that can be shared, and taken to scale based on demonstrated success.

(b) ELIGIBILITY.—To be eligible for such an award, an eligible entity shall—

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- (1) have significantly closed the achievement gaps between groups of students described in section 1111(b)(2) of the ESEA (20 U.S.C. 6311(b)(2));
- (2) have exceeded the State's annual measurable objectives consistent with such section 1111(b)(2) for 2 or more consecutive years or have demonstrated success in significantly increasing student academic achievement for all groups of students described in such section through another measure, such as measures described in section 1111(c)(2) of the ESEA;
- (3) have made significant improvement in other areas, such as graduation rates or increased recruitment and placement of high-quality teachers and school leaders, as demonstrated with meaningful data; and
- (4) demonstrate that they have established partnerships with the private sector, which may include philanthropic organizations, and that the private sector will provide matching funds in order to help bring results to scale.

(c) SPECIAL RULE.—In the case of an eligible entity that includes a nonprofit organization, the eligible entity shall be considered to have met the eligibility requirements of paragraphs (1), (2), (3) of subsection (b) if such nonprofit organization has a record of meeting such requirements.

SEC. 14008. STATE REPORTS.

For each year of the program under this title, a State receiving funds under this title shall submit a report to the Secretary, at such time and in such manner as the Secretary may require, that describes—

- (1) the uses of funds provided under this title within the State;
- (2) how the State distributed the funds it received under this title;
- (3) the number of jobs that the Governor estimates were saved or created with funds the State received under this title;
- (4) tax increases that the Governor estimates were averted because of the availability of funds from this title;
- (5) the State's progress in reducing inequities in the distribution of highly qualified teachers, in implementing a State longitudinal data system, and in developing and implementing valid and reliable assessments for limited English proficient students and children with disabilities;
- (6) the tuition and fee increases for in-State students imposed by public institutions of higher education in the State during the period of availability of funds under this title, and a description of any actions taken by the State to limit those increases;
- (7) the extent to which public institutions of higher education maintained, increased, or decreased enrollment of in-State students, including students eligible for Pell Grants or other need-based financial assistance; and
- (8) a description of each modernization, renovation and repair project funded, which shall include the amounts awarded and project costs.

SEC. 14009. EVALUATION.

The Comptroller General of the United States shall conduct evaluations of the programs under sections 14006 and 14007 which shall include, but not be limited to, the

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criteria used for the awards made, the States selected for awards, award amounts, how each State used the award received, and the impact of this funding on the progress made toward closing achievement gaps.

SEC. 14010. SECRETARY'S REPORT TO CONGRESS.

The Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate, not less than 6 months following the submission of State reports, that evaluates the information provided in the State reports under section 14008 and the information required by section 14005(b)(3) including State-by-State information.

SEC. 14011. PROHIBITION ON PROVISION OF CERTAIN ASSISTANCE.

No recipient of funds under this title shall use such funds to provide financial assistance to students to attend private elementary or secondary schools.

SEC. 14012. FISCAL RELIEF.

(a) IN GENERAL.—For the purpose of relieving fiscal burdens on States and local educational agencies that have experienced a precipitous decline in financial resources, the Secretary of Education may waive or modify any requirement of this title relating to maintaining fiscal effort.

(b) DURATION.—A waiver or modification under this section shall be for any of fiscal year 2009, fiscal year 2010, or fiscal year 2011, as determined by the Secretary.

(c) CRITERIA.—The Secretary shall not grant a waiver or modification under this section unless the Secretary determines that the State or local educational agency receiving such waiver or modification will not provide for elementary and secondary education, for the fiscal year under consideration, a smaller percentage of the total revenues available to the State or local educational agency than the amount provided for such purpose in the preceding fiscal year.

(d) MAINTENANCE OF EFFORT.—Upon prior approval from the Secretary, a State or local educational agency that receives funds under this title may treat any portion of such funds that is used for elementary, secondary, or postsecondary education as non-Federal funds for the purpose of any requirement to maintain fiscal effort under any other program, including part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), administered by the Secretary.

(e) SUBSEQUENT LEVEL OF EFFORT.—Notwithstanding (d), the level of effort required by a State or local educational agency for the following fiscal year shall not be reduced.

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SEC. 14013. DEFINITIONS.

Except as otherwise provided in this title, as used in this title—

(1) the terms “elementary education” and “secondary education” have the meaning given such terms under State law;

(2) the term “high-need local educational agency” means a local educational agency—

(A) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

(B) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line;

(3) the term “institution of higher education” has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(4) the term “Secretary” means the Secretary of Education;

(5) the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(6) any other term used that is defined in section 9101 of the ESEA (20 U.S.C. 7801) shall have the meaning given the term in such section.

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PART III—TAX CREDIT BONDS FOR SCHOOLS

SEC. 1521. QUALIFIED SCHOOL CONSTRUCTION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

“SEC. 54F. QUALIFIED SCHOOL CONSTRUCTION BONDS.

“(a) QUALIFIED SCHOOL CONSTRUCTION BOND.—For purposes of this subchapter, the term ‘qualified school construction bond’ means any bond issued as part of an issue if—

“(1) 100 percent of the available project proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

“(2) the bond is issued by a State or local government within the jurisdiction of which such school is located, and

“(3) the issuer designates such bond for purposes of this section.

“(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under subsection (d) for such calendar year to such issuer.

“(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified school construction bond limitation for each calendar year. Such limitation is—

“(1) \$11,000,000,000 for 2009,

“(2) \$11,000,000,000 for 2010, and

“(3) except as provided in subsection (e), zero after 2010.

“(d) ALLOCATION OF LIMITATION.—

“(1) ALLOCATION AMONG STATES.—Except as provided in paragraph (2)(C), the limitation applicable under subsection

(c) for any calendar year shall be allocated by the Secretary among the States in proportion to the respective amounts each such State is eligible to receive under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C.6333) for the most recent fiscal year ending before such calendar year. The limitation amount allocated to a State under the preceding sentence shall be allocated by the State to issuers within such State.

“(2) 40 PERCENT OF LIMITATION ALLOCATED AMONG LARGEST SCHOOL DISTRICTS.—

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“(A) IN GENERAL.—40 percent of the limitation applicable under subsection (c) for any calendar year shall be allocated under subparagraph (B) by the Secretary among local educational agencies which are large local educational agencies for such year.

“(B) ALLOCATION FORMULA.—The amount to be allocated under subparagraph (A) for any calendar year shall be allocated among large local educational agencies in proportion to the respective amounts each such agency received under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for the most recent fiscal year ending before such calendar year.

“(C) REDUCTION IN STATE ALLOCATION.—The allocation to any State under paragraph (1) shall be reduced by the aggregate amount of the allocations under this paragraph to large local educational agencies within such State.

“(D) ALLOCATION OF UNUSED LIMITATION TO STATE.—
The amount allocated under this paragraph to a large local educational agency for any calendar year may be reallocated by such agency to the State in which such agency is located for such calendar year. Any amount reallocated to a State under the preceding sentence may be allocated as provided in paragraph (1).

“(E) LARGE LOCAL EDUCATIONAL AGENCY.—For purposes of this paragraph, the term ‘large local educational agency’ means, with respect to a calendar year, any local educational agency if such agency is—

“(i) among the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, or

“(ii) 1 of not more than 25 local educational agencies (other than those described in clause (i)) that the Secretary of Education determines (based on the most recent data available satisfactory to the Secretary) are in particular need of assistance, based on a low level of resources for school construction, a high level of enrollment growth, or such other factors as the Secretary deems appropriate.

“(3) ALLOCATIONS TO CERTAIN POSSESSIONS.—The amount to be allocated under paragraph (1) to any possession of the United States other than Puerto Rico shall be the amount which would have been allocated if all allocations under paragraph

(1) were made on the basis of respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). In making other allocations, the amount to be allocated under paragraph (1) shall be reduced by the aggregate amount allocated under this paragraph to possessions of the United States.

“(4) ALLOCATIONS FOR INDIAN SCHOOLS.—In addition to the amounts otherwise allocated under this subsection, \$200,000,000 for calendar year 2009, and \$200,000,000 for calendar year 2010, shall be allocated by the Secretary of the Interior for purposes of the construction, rehabilitation, and repair of schools funded by the Bureau of Indian Affairs. In the case of amounts allocated under the preceding sentence, Indian tribal governments (as

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defined in section 7701(a)(40)) shall be treated as qualified issuers for purposes of this subchapter.

“(e) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

“(1) the amount allocated under subsection (d) to any State, exceeds

“(2) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation, the limitation amount under such subsection for such State for the following calendar year shall be increased by the amount of such excess. A similar rule shall apply to the amounts allocated under subsection (d)(4).”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended by striking “or” at the end of subparagraph (C), by inserting “or” at the end of subparagraph (D), and by inserting after subparagraph

(D) the following new subparagraph:

“(E) a qualified school construction bond,”.

(2) Subparagraph (C) of section 54A(d)(2) is amended by striking “and” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting “, and”, and by adding at the end the following new clause: “(v) in the case of a qualified school construction bond, a purpose specified in section 54F(a)(1).”.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:
“Sec. 54F. Qualified school construction bonds.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 1522. EXTENSION AND EXPANSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Section 54E(c)(1) is amended by striking “and 2009” and inserting “and \$1,400,000,000 for 2009 and 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after December 31, 2008.

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About the Author:

Frank Mandley, president and founder of F. Mandley & Associates, Inc., (Fmandleyassociates.com) served as Director of Grants Administration & Government Programs for the Broward County Public Schools, from 1988 through 2009. In that capacity, he oversaw proposal development, grants procurement activities and federal legislative relations for the school district, the sixth largest public school system in America.

In addition to overseeing grant development in the school system, Mr. Mandley was assigned responsibility for federal government relations for the Broward County Public Schools. In that capacity, he worked with lobbyists, members and staff of Broward's Congressional Delegation, School Board members and the Superintendent of Schools to advance the district's legislative priorities at the federal level.

He developed the school district's first formal Federal Legislative Program document and served as the legislative liaison between the school district and The Council of the Great City Schools and other public schools advocacy organizations. He closely tracked federal legislation, appropriations and regulatory actions and forecasted their impact on schools and the school district.

He was given primary responsibility for providing senior policy makers and system stakeholders an understanding of the No Child Left Behind Act of 2001, when it was passed.

More recently, he tracked the American Recovery and Reinvestment Act (ARRA) stimulus legislation and supervised the planning for its use and implementation in the school district. Mr. Mandley has taught classes on the impact of the ARRA on K-12

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public school systems and has recently authored *What You Need to Know About the American Recovery and Reinvestment Act: An ARRA Primer for K-12 Public Schools.*

Mr. Mandley received his bachelor's degree from Western Michigan University and his master's degree from the University of Florida.

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