

PART 2: MAINTENANCE-OF-EFFORT INFORMATION

In the SFSF Phase I Application, States were required to submit the following in order to receive the first portion of funds:

- A *Maintenance-of-Effort Assurance* (Part 4, Section A) of maintaining State support for elementary and secondary education and for public institutions of higher education (IHEs) at least at the level of such support in FY 2006 for FYs 2009, 2010, and 2011.
- A *Maintenance-of-Effort Waiver Assurance* (Part 4, Section B). In the event that a State anticipated being unable to comply with one or more of the Stabilization program MOE requirements referenced in the Maintenance-of-Effort Assurance, the State would provide an assurance that it met the eligibility criteria for a MOE waiver.¹
- A *Maintenance-of-Effort Baseline Data* form.

In order to complete this Phase II Application, States must reaffirm and/or update the MOE baseline data referenced above as requested in Phase I. Part 2A of this application, *Update of Maintenance-of-Effort Data*, asks that a State reaffirm or update the baseline data provided in Phase I (Maintenance-of-Effort Baseline Data), including actual levels of support for FY 2009.

In Part 2B, a Governor or Authorized Representative of the Governor must provide an attestation that the State has met the MOE requirements as was assured in Phase I. If a State cannot meet the MOE requirements, it must submit a Waiver of MOE Requirements or note that it has submitted one already.

Additional information on the MOE requirements can be found in Appendix D—*Instructions for Part 2, Maintenance-Of-Effort*.

¹ Guidance on the Maintenance of Effort Requirements for SFSF and MOE Waiver Form are available at <http://www.ed.gov/policy/gen/leg/recovery/statutory/moe-guidance.pdf>.

PART 2A: UPDATE OF MAINTENANCE-OF-EFFORT DATA

SPECIAL NOTES:

- In the SFSF Phase I Application, States were required to submit MOE data. The Department is requesting that States reaffirm these data for Phase II, and in particular, to update FY 2009 data to actual levels of State support.
- *For further information, see Appendix D – Instructions for Part 2: Maintenance of Effort.*

1. Levels of State support for elementary and secondary education *(the amounts may reflect the levels of State support on either an aggregate basis or a per-student basis):*

FY 2006	\$ <u>235,787,298</u>
FY 2009	\$ <u>379,507,655</u>
FY 2010*	\$ <u>289,758,145</u>
FY 2011*	\$ <u>432,967,813</u>

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

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

FY 2006	\$ <u>158,102,092</u>
FY 2009	\$ <u>214,629,302</u>
FY 2010*	\$ <u>221,553,859</u>
FY 2011*	\$ <u>230,596,873</u>

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

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

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


Refer to Appendix A for the supporting narrative to section 3.

PART 2B: ATTESTATION OF MAINTENANCE-OF-EFFORT COMPLIANCE

The Governor or his/her authorized representative attests to the following:

To the best of his/her knowledge and based on the best available data, the State has met all maintenance-of-effort requirements for the State Fiscal Stabilization Program for FY 2009 (check all that apply):

- for elementary and secondary education.
- for public Institutions of Higher Education (IHEs).

Governor or Authorized Representative of the Governor (Printed Name): John Hoeven, Governor, State of North Dakota	
Signature: 	Date: 1/8/10

If a State has not met or cannot meet MOE for either elementary and secondary education or public IHEs, or both, it must complete the following:

The State has not met all maintenance-of-effort requirements for the State Fiscal Stabilization Program for FY 2009 and

(check one):

- has already submitted a MOE Waiver Request to the US Department of Education.
- is submitting a MOE Waiver Request with this application package.