

**Initial Guidance for Local Educational Agencies
on the
Education Jobs Fund Program**



The Texas Education Agency

May 11, 2011

Purpose of the Guidance

The purpose of this guidance is to provide information on the Education Jobs (Ed Jobs) Fund program based on the U.S. Department of Education's guidance.

For Additional Information and Updates

The Texas Education Agency will provide additional or updated program guidance as necessary through the Ed Jobs website located at

http://www.tea.state.tx.us/index4.aspx?id=%202147500359&menu_id=934&menu_id2=941.

Please send any comments or questions to FormulaFunds@tea.state.tx.us with "Education Jobs Questions" in the subject line.

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Appendix A: Public Law No. 111-226, Education Jobs Fund, as amended

A. General Information

A-1. What is the Education Jobs Fund (Ed Jobs) program?

The Ed Jobs program is a new federal program that provides \$10 billion in assistance to states to save or create education jobs for the 2010–2011 school year. Jobs funded under this program are exclusively for **school-level** employees that provide educational and related services for early childhood, elementary, and secondary education. Source: U. S. Department of Education (USDE) Guidance, April 15, 2011

A-2. What is the statutory authority for the program?

The Ed Jobs program is authorized in Public Law No. 111-226 (Act), which President Obama signed on August 10, 2010. (See attached copy of the statute at the end of this guidance.)

A-3. How much did Texas receive in Ed Jobs grant funds?

Texas received \$830,820,460.

A-4. Are local educational agencies (LEAs) required to complete and submit an application for the Ed Jobs grant?

LEAs that had an approved 2009–2010 or 2010–2011 grant application for ARRA Title XIV State Fiscal Stabilization Fund (SFSF) from TEA are not required to complete a grant application for the Ed Jobs grant. LEAs that did not have an approved SFSF grant application for either year must complete a simple two-page grant application to receive Ed Jobs funds. The application was emailed directly to these LEAs. See question A-10 with regard to applicable provisions and assurances.

A-5. How will my LEA receive the Ed Jobs grant funds?

Most LEAs received a Notice of Grant Award (NOGA) from the Texas Education Agency (TEA) on May 9, 2011, specifying the amount of funds awarded, the CFDA number, the Financial Accounting and Reporting (FAR) fund number, and the beginning and ending date of the grant period. LEAs that did not have an approved SFSF application to TEA for the 2009–2010 or 2010–2011 school years must submit a brief paper Ed Jobs application that was emailed to them on May 9, 2011. LEAs that are required to submit a paper grant application will receive their Ed Jobs funds as soon as the application is approved by TEA.

The Ed Jobs grant is paid on a reimbursement basis, as with all federal grants. LEAs will draw down funds through the automated expenditure reporting (ER) system. LEAs must comply with cash management rules for drawing down no more cash than is necessary to meet three days' needs. Refer to the NOGA transmittal letter that accompanied the NOGA emailed to the LEA for additional information related to cash management and interest earned.

A-6. What is the period of availability of Ed Jobs funds?

The period of availability is August 10, 2010 through September 30, 2012. The Ed Jobs program is intended to support educational and related services during the 2010–2011 school year. Ed Jobs funds are available for obligations that occur as of August 10, 2010 (the date of enactment of the legislation). An LEA that has Ed Jobs funds remaining after the 2010–2011 school year may use those remaining funds through September 30, 2012. This period includes the additional year of fund availability authorized under the Tydings Amendment (Section 421[b] [1] of the General Education Provisions Act [GEPA], 20 U.S.C. 1225[b] [1]). Source: USDE Guidance, April 15, 2011

A-7. Can Ed Jobs funds be used for expenditures prior to August 10, 2010?

No, an LEA may not use Ed Jobs funds for expenditures for any period prior to August 10, 2010, the date that the legislation was enacted. Source: USDE Guidance, April 15, 2011

A-8. Do Ed Jobs funds have to be used in the 2010–2011 school year?

The intent of the bill is for the Ed Jobs funds to be used in the 2010–2011 school year, with unused funds available until September 30, 2012. (See also A-6.) Source: USDE Guidance, April 15, 2011

A-9. How does an LEA rescind its Ed Jobs notice of grant award (NOGA) if the LEA determines it does not wish to receive Ed Jobs funds?

An LEA may rescind their Ed Jobs NOGA by contacting TEA in writing through email, fax, or letter. The notification must be signed by the superintendent or chief executive officer. The written communication must state that the LEA does not wish to accept the funds. **The decision to rescind Ed Jobs funds is irreversible and binding.** LEAs may contact TEA as follows:

- Email: karyn.gukeisen@tea.state.tx.us
- Fax: Karyn Gukeisen at (512) 463-7915
- Letter:
Texas Education Agency
Division of Formula Funding-Karyn Gukeisen
1701 North Congress Avenue
Austin, TX 78701

A-10. Must an LEA agree to any provisions and assurances in order to receive and expend Ed Jobs funds?

Yes. All of the provisions and assurances in the 2009–2010 and 2010–2011 SFSF grant applications, including the General Provisions and Assurances, the Debarment and Suspension Certification, the Lobbying Certification, and the Program-Specific Provisions and Assurances apply to the Ed Jobs grants and are incorporated by reference into the Ed Jobs NOGA. By accepting Ed Jobs funds, the LEA is agreeing to comply with all the SFSF provisions and assurances. Source: USDE Guidance, April 15, 2011

A-11. Does the Ed Jobs program require Central Contractor Registration (CCR)?

The reporting requirements under the American Recovery and Reinvestment Act (ARRA) apply to Ed Jobs funds. Therefore, LEAs are required to register with the CCR and receive a Commercial and Government Entity (CAGE) code.

Grantees register with CCR only once, but they must **renew and revalidate** their registration at least every 12 months from the date they first registered to ensure that the CCR is up to date and in sync with changes that may have been made to Data Universal Numbering System (DUNS) and Internal Revenue Service (IRS) information. TEA cannot complete CCR registration renewal on behalf of LEAs.

If an LEA does not renew its CCR registration, it will expire. An expired CCR registration may impair an LEA's ability to receive funds under Ed Jobs. Therefore, TEA strongly suggests that LEAs renew their CCR registration prior to the expiration date and enter the updated expiration date in the ARRA Section 1512 quarterly reports for Ed Jobs.

A-12. Should LEAs expect to receive these funds again in the 2011-2012 school year?

These funds are appropriated by Congress as one-time funding for Texas. LEAs should not expect additional funds in 2011-2012.

B. Local Uses of Funds

B-1. Does the supplement-not-supplant provision apply to Ed Jobs?

The federal supplement-not-supplant provisions do not apply to Ed Jobs funds at the LEA level, but the state is required to document maintenance of effort (MOE). See B-29 for information on compliance with supplement-not-supplant requirements of Title I, Part A, Sections 1120A(b) and 1114(a)(2)(B) of the Elementary and Secondary Education Act. Source: USDE Guidance, November 2010

B-2. For what purposes may an LEA use its Ed Jobs Fund grant funds?

An LEA must use its funds only for compensation and benefits and other expenses, such as support services, necessary to retain existing **school-level** employees, to recall or rehire former **school-level** employees, and to hire new **school-level** employees, in order to provide early childhood, elementary, or secondary educational and related services. An LEA may use Ed Jobs funds to pay the costs of benefits for **school-level** employees even if the salaries of those individuals are not paid with Ed Jobs funds. Source: USDE Guidance, April 15, 2011, and May 11, 2011

B-3. What categories of expenses may an LEA support with Ed Jobs funds?

For purposes of this program, the phrase "compensation and benefits and other expenses, such as support services" includes, among other things, salaries, performance bonuses, health insurance, retirement benefits, incentives for early retirement, pension fund contributions, tuition reimbursement, student loan repayment assistance, transportation subsidies, and reimbursement for childcare expenses **for school-level employees**. An LEA may use the Ed Jobs funds to pay the costs of benefits for school-level employees even if the salaries of those individuals are not paid with Ed Jobs funds. (See also B-2.) Source: USDE Guidance, April 15, 2011 and May 11, 2011

B-4. Which employees may an LEA support with Ed Jobs funds?

An LEA may use Ed Jobs funds to pay the salaries of teachers and other employees who provide **school-level** educational and related services. In addition to teachers, employees supported with program funds may include, among others, principals, assistant principals, academic coaches, in-service teacher trainers, classroom aides, counselors, librarians, secretaries, social workers, psychologists, interpreters, physical therapists, speech therapists, occupational therapists, information technology personnel, nurses, athletic coaches, security officers, custodians, maintenance workers, bus drivers, and cafeteria workers. (See also B-2 and B-3.) Source: USDE Guidance, April 15, 2011

B-5. Does it matter how the school-level employees are currently being funded (i.e., state, local, federal funds-SFSF, or a combination)? Can we support them with Ed Jobs funds regardless of how they are currently being funded?

It does not matter how the school-level employees are currently being funded. Ed Jobs funds can be used to help retain, rehire, or hire new school-level employees regardless of how they are currently being funded. (See also B-1 and B-2.) Source: USDE Guidance, April 15, 2011

B-6. Can LEAs use Ed Jobs funds to pay for school-level positions that are already funded using state or local funds?

Yes, the Ed Jobs Fund grant funds can be used to pay for school-level positions that are currently funded from local, state, or federal funds. However, the LEA must maintain proper documentation for ARRA Section 1512 quarterly reporting. (See also B-1, B-2, C-4, C-5 and C-6.) Source: USDE Guidance, April 15, 2011

B-7. If an LEA has determined they will not be laying off school-level employees or hiring new school-level employees, and they have no after school or extended learning programs, can they still use Ed Jobs funds? If so, for what types of expenditures?

LEAs that will not be laying off school-level employees or hiring new school-level employees can still use the funds to pay the salaries and benefits of any individual who provides educational and related services at the school level, even if such expenses are already supported with other funding sources. Source: USDE Guidance, May 10, 2011

B-8. Where both the statute and USDE guidance say that benefits and support services are allowable, does that mean benefits and support services only for employees that are paid from Ed Jobs funds? Or, for example, can an LEA pay insurance or other benefits for all school-level employees, regardless of whether or not their salaries are paid from Ed Jobs funds?

An LEA may use Ed Jobs funds to pay the costs of benefits of school-level employees even if the salaries of those individuals are not paid with Ed Jobs funds. Source: USDE Guidance, May 11, 2011

B-9. What are the statutory prohibitions on an LEA's use of Ed Jobs funds?

The statute prohibits LEAs from using Ed Jobs funds for general administrative expenses as that term is defined by the National Center for Education Statistics (NCES) in its Common Core of Data. These prohibited expenses are administrative expenditures related to the operation of the superintendent's office or the LEA's board of education, including the salaries and benefits of LEA-level administrative employees or other district-wide employees.

The statute also prohibits LEAs from using Ed Jobs funds for other LEA-level support services expenditures as that term is defined in the Common Core of Data. These prohibited activities include the payment of expenditures for fiscal services, LEA program planners and researchers, and human resource services. Source: USDE Guidance, April 15, 2011

B-10. Our education service center will be administering this grant. Could we use Ed Jobs funds for this expense?

No. Ed Jobs funds may only be used to support **school-level** employees. (See also B-8.) Source: USDE Guidance, April 15, 2011

B-11. If wages are paid with Ed Jobs funds, will these wages be subject to federal TRS?

Yes, Ed Jobs funds can be used for fringe benefits for **school-level** employees, including paying the state's contribution for teacher retirement.

B-12. The April 15, 2011, USDE guidance states that allowable expenses include health insurance, compensation and benefits. Would this also include life insurance, dental insurance, vision insurance, short-term and long-term disability insurance, long-term care insurance, workers compensation, and unemployment costs related to allowable salaries under this grant?

All would be allowable but only for employees who provide educational and related services at the school level. Source: USDE Guidance, May 10, 2011

B-13. Our district currently contributes \$150 per month per employee towards health and \$1.20 per month for employee life insurance. Could we use Ed Jobs funds for this expense?

Yes. Ed Jobs funds may be used for health insurance, life insurance, dental insurance, vision insurance, short-term and long-term disability insurance, long-term care insurance, workers compensation and unemployment costs for school-level employees. (See also B-3 and B-12.) Source: USDE Guidance, April 15, 2011

B-14. Our school-level employees are scheduled to receive a reduction in pay because they will have to contribute more toward their insurance benefits. Can the Ed Jobs funds be used to cover the increased cost of insurance benefits for all school-level employees?

Yes, Ed Jobs funds can be used to pay for insurance for **school-level** employees, even if the salaries of those individuals are not paid with Ed Jobs funds. (See also B-3, B-12 and B-13.) Source: USDE Guidance, April 15, 2011, and May 10, 2011

B-15. Can Ed Jobs funds be used to pay public school or charter school administrators?

Ed Jobs funds may not be used to pay for LEA-level administrators. However, funds may be used for **school-level** administrators, including principals and assistant principals. Source: USDE Guidance, April 15, 2011

B-16. May an LEA use Ed Jobs funds to pay the salaries and benefits of an LEA-level administrative official who also teaches or has other school-level responsibilities?

For an individual with both LEA-level and school-level responsibilities, an LEA may use Ed Jobs funds to pay only that portion of the employee's salary and benefits associated with the time spent on allowable (i.e., school-level) activities. The LEA must maintain documentation substantiating that amount of time. (i.e., time and effort records) (See also C-7.) Source: USDE Guidance, April 15, 2011

B-17. Can an LEA use Ed Jobs funds to pay the salary of day-care employees who provide services to teenage mothers enrolled at our school?

Yes. Ed Jobs funds can be used to pay employees of school district-operated day-care centers as long as the child-care providers are employees of the LEA and are located on a school campus. Source: USDE Guidance, April 15, 2011

B-18. May an LEA use Ed Jobs funds to change previously established employee salary schedules or to reduce the number of furlough days?

Yes. An LEA may use Ed Jobs funds, for example, to restore reductions in salaries and benefits and to implement salary increases for the 2010–2011 school year for school-level employees. In addition, an LEA may use the funds for any additional salary and benefits costs associated with the elimination of furlough days that had been scheduled for the 2010–2011 school year for school-level employees.

An LEA may not use Ed Jobs funds to compensate employees or pay benefits for any period prior to August 10, 2010, the date of enactment of the Act. (See also B-2 and B-3.) Source: USDE Guidance, April 15, 2011

B-19. Can the LEA use Ed Jobs funds to pay for teacher salary increases that were awarded using another source of funds?

Yes. Ed Jobs funds can be used to pay teacher salary increases, regardless of how they were previously funded. (See also B-1 and B-2.) Source: USDE Guidance, April 15, 2011

B-20. May an LEA use Ed Jobs funds to pay the compensation and benefits of individuals who provide school-level services, but who are not employees of an LEA?

No. An LEA may not use the funds to pay for contractual school-level services by **individuals who are not employees of an LEA (e.g., janitors employed by an outside firm)**. However, an LEA that contracts **with another LEA** to provide educational and related services may use Ed Jobs funds to pay that portion of the contract associated with the salaries and benefits of the school-level employees of the LEA providing the services. Source: USDE Guidance, April 15, 2011

B-21. May an LEA use Ed Jobs funds to meet previously unmet pension fund liabilities?

No. An LEA may not use Ed Jobs funds to meet pension obligations incurred in prior school years. However, an LEA may use its funds for pension obligations accruing on the basis of services that a school-level employee performs during the 2010–2011 school year. Source: USDE Guidance, April 15, 2011

B-22. Can LEAs use Ed Jobs funds for performance bonuses set to be paid in June 2011, paychecks?

Yes, as long as performance bonuses are for school-level employees. (See also B-3.)

B-23. Can LEAs use Ed Jobs funds to pay incentives for early retirement?

Yes, if the early retirement incentives meet certain criteria, and only with prior approval from TEA, as delegated to the State by the U.S. Department of Education. Ed Jobs funds are subject to the OMB Circular A-87 cost principles. OMB Circular A-87, Attachment B, 8.g., states that prior approval is required in order to charge a grant for “mass or abnormal severance pay.” LEAs must meet specific criteria to use Ed Jobs funds for such incentives. The criteria are: (1) the LEA establishes a written policy or has an employer-employee agreement; (2) the only individuals that receive a retirement incentive paid from Ed Jobs funds are employees that have provided educational or related services at the school level; and (3) the use of the retirement incentive will directly or indirectly save or create jobs at the school level. To receive prior approval, an LEA authorized official must email, send a fax, or send a letter to TEA as follows:

- Email: karyn.gukeisen@tea.state.tx.us
- Fax: Karyn Gukeisen at (512) 463-7915
- Letter:
Texas Education Agency
Division of Formula Funding-Karyn Gukeisen
1701 North Congress Avenue
Austin, TX 78701

TEA must maintain documentation that LEAs have met the criteria. All funds will still have to be obligated by September 30, 2012. Source: USDE Guidance, May 10, 2011

B-24. Can LEAs use Ed Jobs funds to pay incentives for early resignation for school-level employees?

Yes, if the early resignation incentives meet certain criteria, and only with prior approval from TEA, as delegated to the State by the U.S. Department of Education. The criteria and process

for approval by TEA for early retirement incentives described in B-23 are applicable to early resignation incentives. (See also B-23.) Source: USDE Guidance, May 10, 2011

B-25. Can LEAs use Ed Jobs funds for salaries of professional employees that are not budgeted in the SFSF application? Or do we need to amend the SFSF application to include the employees we want to fund through Ed Jobs?

Yes, LEAs can use Ed Jobs funds for school-level employees that are not budgeted in the SFSF application. SFSF application(s) do not have to be amended to include Ed Jobs expenditures.

B-26. Can Ed Jobs funds be used for fuel for school buses?

No. Ed Jobs funds can only be used to support school-level employees. (See also B-3.) Source: USDE Guidance, April 15, 2011

B-27. May an LEA use Ed Jobs funds for construction, renovation, or repairs?

No. Ed Jobs funds can only be used to support school-level employees. (See also B-2 and B-3.) Source: USDE Guidance, April 15, 2011

B-28. Does the receipt of Ed Jobs funds require LEAs to comply with federal civil rights laws?

Yes. The receipt of any federal funds, including Ed Jobs funds, obligates recipients to comply with federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age. Source: USDE Guidance, April 15, 2011

B-29. How are Ed Jobs funds treated in determining compliance with the supplement-not-supplant requirements of Title I, Part A in sections 1120A(b) and 1114(a)(2)(B) of the ESEA in school year 2010–2011 and subsequent years?

If Ed Jobs funds are being used in school year 2010–2011 to pay staff in positions that would normally be supported with state or local funds, then those staff, even though supported with federal Ed Jobs funds, should be considered to be supported with state and local funds. If, however, Ed Jobs funds are being used in school year 2010–2011 to pay staff in positions that would normally be supported with other federal funds, those staff should be considered to be supported with federal funds. For additional information, refer to “Guidance – When to Treat Expenditures of Education Jobs Funds as State or Local Funds for Purposes of the Fiscal Requirements Under Title I, Part A of the Elementary and Secondary Education Act of 1965,” November 2010, U.S. Department of Education, Office of Elementary and Secondary Education, at

http://www.tea.state.tx.us/index4.aspx?id=%202147500359&menu_id=934&menu_id2=941.

Source: USDE Guidance, November 2010

B-30. How are school personnel who are paid with funds from the Ed Jobs grant treated in determining comparability under section 1120A(c) of the ESEA?

In order to make this determination, it is important to consider the purpose of the comparability requirement and the purpose of Ed Jobs. The comparability of services requirement in section 1120A(c) of the ESEA requires an LEA to use state and local funds to provide services in each of its Title I schools that, taken as a whole, are at least comparable to the services it provides in its non-Title I schools. (If all of an LEA’s schools are Title I schools, the LEA must use state and local funds to provide services that, taken as a whole, are substantially comparable in each school.)

Consistent with the purpose of Ed Jobs, the USDE expects that Ed Jobs funds in many cases will be used to rehire school staff (such as teachers) who were previously paid with State or local funds, or to hire new school staff in order to provide an LEA's basic education program. In other words, we expect that many school staff supported with Ed Jobs funds will be staff that an LEA would normally include in its comparability determinations. This circumstance raises the question of how an LEA should consider such staff, who are working in positions that normally would be paid for with non-federal funds but are now supported with federal Ed Jobs funds when the LEA determines whether its Title I schools meet the comparability requirement under section 1120A(c) of the ESEA.

When determining whether its Title I schools meet the comparability requirement, an LEA with staff who are supported with Ed Jobs funds should assess how each position would be funded were Ed Jobs funds not available. School staff paid with Ed Jobs funds who are in positions that would ordinarily be supported with state or local funds and would ordinarily be included in comparability determinations should continue to be included in those determinations. On the other hand, school staff paid with Ed Jobs funds who are in positions that would otherwise be supported with other federal funds, with the exception of the Impact Aid funds (or funds from the SFSF program when those funds are used for activities authorized by Impact Aid), would continue to be excluded from comparability determinations. An LEA should include an explanation of how it treats school staff paid with Ed Jobs funds in the comparability procedures it is required to develop under section 1120A(c)(3)(A) of the ESEA. Source: USDE Guidance, November 2010

B-31. When determining MOE for NCLB, will the Ed Jobs funds be included with fund 199 like the SFSF money?

Yes. For the purpose of meeting MOE requirements, Ed Jobs funds are treated the same as funds provided by the SFSF program. More specifically, section 14012(d) of ARRA, which under the Ed Jobs legislation also applies to Ed Jobs funds, provides that, with prior approval from the U. S. Secretary of Education, an SEA or LEA may treat expenditures from the SFSF program that are used for elementary, secondary, or postsecondary education as non-Federal funds for the purpose of any requirements to maintain fiscal effort under any other program that the USDE administers, including Title I, Part A. Source: USDE Guidance, November 2010

B-32. Can indirect costs be charged to the grant?

No, LEAs may not use Ed Jobs funds for any type of administrative costs, including indirect costs. Funds may only be used for compensation and benefits for **school-level** employees. Source: USDE Guidance, April 15, 2011

C. Accountability and Reporting

C-1. What is the designated FAR fund code for Ed Jobs Funds?

LEAs will use FAR fund code **287** to account for Ed Jobs funds throughout the entire grant period.

C-2. Are there rules that govern the amount of Ed Jobs funds that a state or its LEAs may draw down at any one time?

Yes. The standard cash management rules apply to Ed Jobs funds. An LEA may not draw down any Ed Jobs funds from TEA's Expenditure Reporting (ER) system unless the LEA intends to pay out the funds within three business days of receipt of funds.

C-3. How must entities that receive Ed Jobs funds track those funds?

The state and its LEAs must maintain records that separately track and account for Ed Jobs funds. In accordance with the requirements of section 443(a) of GEPA (20 U.S.C. 1232f (a)), the state and its LEAs must maintain records that will facilitate an effective audit and demonstrate that the funds were used in compliance with applicable requirements. LEAs will use FAR fund code 287 to account for Ed Jobs funds.

C-4. Do the reporting requirements under Section 1512 of ARRA apply to Ed Jobs funds?

Yes. Under section 101 of the Education Jobs Fund act, a state and its LEAs must fulfill the reporting requirements under Section 1512 of ARRA. Specifically, the state will submit quarterly reports on its own behalf and on behalf of its LEAs that describe, among other things, how those funds were used, including the number of FTEs saved and created. LEAs will be required to submit Section 1512 quarterly reports on Ed Jobs funds beginning with the quarter ending June 30, 2011, regardless of whether any Ed Jobs funds have been expended or any funds have been drawn down in ER as of that date. For additional guidance on Section 1512 quarterly reporting requirements, refer to TEA's [ARRA 1512 Reporting](http://www.tea.state.tx.us/index4.aspx?id=7860&menu_id=934&menu_id2=941) page (http://www.tea.state.tx.us/index4.aspx?id=7860&menu_id=934&menu_id2=941). Source: USDE Guidance, April 15, 2011

C-5. We do not plan to use any of the Ed Jobs funding until the 2011-2012 school year. Will it create an ARRA reporting problem if we have not utilized any of the funding by the July 5, 2011, ARRA Section 1512 quarterly report due date?

No. However, you must file a report for all quarters, including for the quarter ending June 30, 2011, even if you have zero expenditures and/or zero jobs saved or created during that quarter.

C-6. Does the Ed Jobs program have reporting requirements in addition to the Section 1512 reporting requirements?

Yes. States will submit annual Ed Jobs reports to the USDE that include information on the number of education personnel impacted by the program. The USDE will provide guidance on the annual reporting requirements.

C-7. Are LEAs required to maintain time and effort records for school-level employees paid with Ed Jobs funds?

A school-level employee paid from Ed Jobs funds who is assigned to one or more schools for 100% of the time is not required to maintain time and effort records or to complete the 6-month certification required under OMB Circular A-87. However, an employee who is assigned to one or more schools part of the time and to LEA-level activities must maintain time and effort records and the Ed Jobs grant can only be charged for the amount of time the employee works at the school level.

C-8. Will LEAs be monitored or audited on Ed Jobs funds?

Yes, LEAs will be monitored and/or audited to ensure LEAs used Ed Jobs funds in accordance with the statute; that they complied with all fiscal requirements, including proper accounting for and tracking expenditures and cash management; and that they complied with maintaining documentation for reporting jobs under ARRA Section 1512.

D. Resources and Information

D-1. Where may I obtain updated information about the Ed Jobs program?

The USDE will post updated information about the Ed Jobs program on the USDE website at <http://www2.ed.gov/programs/educationjobsfund/index.html>. The information is also available on TEA's Ed Jobs website at http://www.tea.state.tx.us/index4.aspx?id=2147500359&menu_id=934&menu_id2=941.

D-2. Where may I obtain answers to specific questions that I may have about the Ed Jobs program?

For questions on ARRA Section 1512 reporting, contact TEA's Fiscal Accountability and Federal Reporting Unit (FAFRU) at 512-936-3647 or arrastimulus@tea.state.tx.us.

For questions about Ed Jobs use of funds or expenditure reporting, contact the Division of Formula Funding at formulafunds@tea.state.tx.us.

Appendix A

Public Law No. 111-226
(August 10, 2010)

TITLE I EDUCATION JOBS FUND

EDUCATION JOBS FUNDS

SEC. 101. There are authorized to be appropriated and there are appropriated out of any money in the Treasury not otherwise obligated for necessary expenses for an Education Jobs Fund, \$10,000,000,000: *Provided*, That the amount under this heading shall be administered under the terms and conditions of sections 14001 through 14013 and title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) except as follows:

(1) ALLOCATION OF FUNDS.—

(A) Funds appropriated under this heading shall be available only for allocation by the Secretary of Education (in this heading referred to as the Secretary) in accordance with subsections (a), (b), (d), (e), and (f) of section 14001 of division A of Public Law 111–5 and subparagraph (B) of this paragraph, except that the amount reserved under such subsection (b) shall not exceed \$1,000,000 and such subsection (f) shall be applied by substituting one year for two years.

(B) Prior to allocating funds to States under section 14001(d) of division A of Public Law 111–5, the Secretary shall allocate 0.5 percent to the Secretary of the Interior for schools operated or funded by the Bureau of Indian Affairs on the basis of the schools' respective needs for activities consistent with this heading under such terms and conditions as the Secretary of the Interior may determine.

(2) RESERVATION.—A State that receives an allocation of funds appropriated under this heading may reserve not more than 2 percent for the administrative costs of carrying out its responsibilities with respect to those funds.

(3) AWARDS TO LOCAL EDUCATIONAL AGENCIES.—

(A) Except as specified in paragraph (2), an allocation of funds to a State shall be used only for awards to local educational agencies for the support of elementary and secondary education in accordance with paragraph (5) for the 2010–2011 school year (or, in the case of reallocations made under section 14001(f) of division A of Public Law 111–5, for the 2010–2011 or the 2011–2012 school year).

(B) Funds used to support elementary and secondary education shall be distributed through a State's primary elementary and secondary funding formulae or based on local educational agencies' relative shares of funds 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 fiscal year for which data are available.

(C) Subsections (a) and (b) of section 14002 of division A of Public Law 111–5 shall not apply to funds appropriated under this heading.

(4) COMPLIANCE WITH EDUCATION REFORM ASSURANCES.—

For purposes of awarding funds appropriated under this heading, any State that has an approved application for Phase II of the State Fiscal Stabilization Fund that was submitted in accordance with the application notice published in the Federal

Register on November 17, 2009 (74 Fed. Reg. 59142) shall be deemed to be in compliance with subsection (b) and paragraphs (2) through (5) of subsection (d) of section 14005 of division A of Public Law 111–5.

(5) REQUIREMENT TO USE FUNDS TO RETAIN OR CREATE EDUCATION JOBS.—Notwithstanding section 14003(a) of division A of Public Law 111–5, funds awarded to local educational agencies under paragraph (3)—

(A) may be used only for compensation and benefits and other expenses, such as support services, necessary to retain existing employees, to recall or rehire former employees, and to hire new employees, in order to provide early childhood, elementary, or secondary educational and related services; and

(B) may not be used for general administrative expenses or for other support services expenditures as those terms were defined by the National Center for Education Statistics in its Common Core of Data as of the date of enactment of this Act.

(6) PROHIBITION ON USE OF FUNDS FOR RAINY-DAY FUNDS OR DEBT RETIREMENT.—A State that receives an allocation may not use such funds, directly or indirectly, to—

(A) establish, restore, or supplement a rainy-day fund;

(B) supplant State funds in a manner that has the effect of establishing, restoring, or supplementing a rainy day fund;

(C) reduce or retire debt obligations incurred by the State; or

(D) supplant State funds in a manner that has the effect of reducing or retiring debt obligations incurred by the State.

(7) DEADLINE FOR AWARD.—The Secretary shall award funds appropriated under this heading not later than 45 days after the date of the enactment of this Act to States that have submitted applications meeting the requirements applicable to funds under this heading. The Secretary shall not require information in applications beyond what is necessary to determine compliance with applicable provisions of law.

(8) ALTERNATE DISTRIBUTION OF FUNDS.—If, within 30 days after the date of the enactment of this Act, a Governor has not submitted an approvable application, the Secretary shall provide for funds allocated to that State to be distributed to another entity or other entities in the State (notwithstanding section 14001(e) of division A of Public Law 111–5) for support of elementary and secondary education, under such terms and conditions as the Secretary may establish, provided that all terms and conditions that apply to funds appropriated under this heading shall apply to such funds distributed to such entity or entities. No distribution shall be made to a State under this paragraph, however, unless the Secretary has determined (on the basis of such information as may be available) that the requirements of clauses (i), (ii), or (iii) of paragraph 10(A) are likely to be met, notwithstanding the lack of an application from the Governor of that State.

(9) LOCAL EDUCATIONAL AGENCY APPLICATION.—Section 442 of the General Education Provisions Act shall not apply to a local educational agency that has previously submitted an application to the State under title XIV of division A of Public Law 111–5. The assurances provided under that application shall continue to apply to funds awarded under this heading.

(10) MAINTENANCE OF EFFORT.—

(A) Except as provided in paragraph (8), the Secretary shall not allocate funds to a State under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that—

(i) for State fiscal year 2011, the State will maintain State support for elementary and secondary education (in the aggregate or on

the basis of expenditures per pupil) and 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 not less than the level of such support for each of the two categories, respectively, for State fiscal year 2009;

(ii) for State fiscal year 2011, the State will maintain State support for elementary and secondary education and 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 a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for each of the two categories, respectively, for State fiscal year 2010; or

(iii) in the case of a State in which State tax collections for calendar year 2009 were less than State tax collections for calendar year 2006, for State fiscal year 2011 the State will maintain State support for elementary and secondary education (in the aggregate) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students)—

(I) at not less than the level of such support for each of the two categories, respectively, for State fiscal year 2006; or

(II) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for each of the two categories, respectively, for State fiscal year 2006.

(B) Section 14005(d)(1) and subsections (a) through (c) of section 14012 of division A of Public Law 111–5 shall not apply to funds appropriated under this heading.