



## OFFICE OF THE GOVERNOR

RICK PERRY  
GOVERNOR

September 2, 2010

Dear School Administrator:

On August 10, 2010, the U.S. Congress passed and the president signed House Resolution 1586, the \$26 billion emergency education jobs bill. I am working with state leaders, education officials and the U.S. Department of Education to explore every possible avenue to allow hardworking Texas teachers to receive these funds.

However, the actions of a Texas congressman, with votes from the congressional majority, make it unlikely that your school will receive its portion of the \$830 million in federal education funds this year.

Ignoring our state's best interests, in what can only be called an anti-Texas amendment by Congressman Lloyd Doggett (D-Austin) that victimizes Texas, and only Texas, the bill includes the following requirements.

### **Doggett Anti-Texas Provisions:**

\* Texas is mandated to spend monies according to federal requirements for the next three budget years: 2011, 2012 and 2013. The 49 other states must only assure funding for 2011. The 2012-13 state budget has not been written and will not be written until next year. Therefore, Texas leaders cannot promise any level of funding for 2012 or 2013 without violating the Texas Constitution and Supreme Court rulings.

\* Texas is mandated to distribute funds through federal Title I funding formulas, thereby reducing available funds for more than 800 rural and suburban districts. The 49 other states are allowed to choose the funding distribution that is right for their students, teachers and schools.

\* Texas may not be granted a waiver of these or other provisions by the U.S. Department of Education. Education Secretary Arne Duncan has the right to provide the 49 other states with funding even if they do not turn in an application and refuse to make any assurances – but not Texas.

It is shocking that a Texas congressman would author and champion these anti-Texas provisions and undermine funding for Texas schoolchildren.

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### **The Texas Constitution and the Truth About the Doggett Provisions:**

In 1892, the Texas Supreme Court held, “One legislature may not bind a succeeding legislature.” Our constitution makes clear, “No money shall be drawn from the treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years.” Setting spending requirements for future legislatures is not only forbidden by the state’s constitution, but it is a breach of my oath of office as Governor of the State of Texas.

Some have said the Doggett provisions are merely a suggestion or that Texas need only apply to receive the funds because the bill’s provisions are not binding. A review of H.R. 1586 and the federal application proves these claims false. (Please see page 3 of the attached Texas application for funding).

In meetings and conversations with the Texas Education Agency and the Office of the Governor, U.S. Department of Education leaders made clear that Texas is required to fully meet the specific provisions of the Doggett Amendment.

Some have claimed that Texas has issued similar funding assurances in the past with American Recovery and Reinvestment Act (Recovery Act) funds. This, too, is false. We made assurances about Recovery Act funding in the 2010–2011 state budget, but only in concert with state lawmakers while the 2010–2011 budget was being finalized. We made no assurance binding a future legislature to future funding levels.

### **Texas Prioritizes Public School Funding:**

Texas teachers and schools deserve their share of these funds. Texas taxpayers are helping foot the bill for the \$26 billion emergency jobs bill. Unfortunately, Congressman Doggett and the majority in Congress are blocking your access to these funds.

For the past decade or longer, public education has been a top priority of mine and of lawmakers of both political parties. Even in 2003, when the state faced a \$10 billion shortfall, we set our priorities and found ways to increase funding to public education by nearly \$2 billion.

From 2000 to 2009, the state’s share of public education spending increased from \$11 billion a year to \$20 billion, an 82 percent increase. Last year, lawmakers and I increased formula funding to districts by \$2 billion, resulting in every district receiving at least \$180 more per student than it received in the previous year.

### **Next Steps to Fight Doggett and Protect Texas Schools:**

I am working with state leaders and the U.S. Department of Education to access the \$830 million for Texas. I intend to apply for the funds in a manner consistent with our laws and constitution. However, it is unlikely that Texas will overcome Congressman Doggett’s anti-Texas mandates.

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If our application is rejected, I will ask the Obama administration to hold the \$830 million aside so the legislature that prepares the 2012–13 budget can consider taking action to allow the state to make the required assurances during its session, which will begin in January 2011.

Finally, I will ask Congress to repeal the Doggett Amendment or pass additional legislation allowing Texas to access these school funds.

Like you, I have seen a lot of nonsensical laws coming out of Washington, D.C., over the years. But I have never seen a member of congress unfairly and maliciously target his home state the way Congressman Doggett has targeted Texas classrooms with his unwarranted and unneeded amendment.

Please let Washington know your feeling about the anti-Texas Doggett Amendment. The U.S. Capitol Switchboard can be reached at (202) 224-3121.

I will continue to prioritize public school funding and work to find ways to get needed and deserved funds into your classrooms.

Sincerely,

A handwritten signature in black ink that reads "RICK PERRY". The letters are bold and slightly slanted, with a cursive-like flow between the words.

Rick Perry  
Governor

Attachment

**Application of the State of Texas  
for Funding under the  
Education Jobs Fund Program**



**U.S. Department of Education  
Washington, D.C. 20202**

**EDUCATION JOBS FUND APPLICATION FOR THE STATE OF TEXAS**

**(Public Law No. 111-226, Section 101)**

**Legal Name of Applicant:**

**DUNS No:**

**Employer Identification Number:**

**Governor's Mailing Address:**

**State Contact for the Education Jobs Fund Program:**

**Contact's Position and Office:**

**Contact's Mailing Address:**

**Contact's Telephone No.:**

**Contact's Fax No.:**

**Contact's E-mail Address:**

**Completion of this application constitutes a request by the Governor  
for funding under the Education Jobs Fund program.**

The Governor hereby assures that:

1. The State will comply with all applicable statutes, regulations, and its approved Education Jobs Fund (Ed Jobs) application and will use funds under the program in accordance with those statutes and regulations and its approved application;
2. The State will use fiscal control and fund accounting procedures that ensure proper disbursement of and accounting for funds under the Ed Jobs program, including procedures to ensure compliance with Federal cash management requirements;

3. The State will reserve not more than 2 percent of its allocation for the administrative costs of carrying out its responsibilities with respect to Ed Jobs funds and will use all remaining funds to make awards to local educational agencies (LEAs) for the support of elementary and secondary education in accordance with section 101(5) of Public Law No. 111-226 (Act);
4. The State will make awards to LEAs on a timely basis so that funds are available for their use during the 2010-2011 school year;
5. The State will not require an LEA that has previously submitted the required local application under the State Fiscal Stabilization Fund (SFSF) program to submit an application to receive funding under the Ed Jobs program;
6. The State will not use funds under the Ed Jobs program, 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. The State will develop and implement a monitoring plan that will enable the State to ensure that its LEAs comply with all applicable programmatic and fiscal requirements;
8. The State will comply with the reporting requirements (including subrecipient reporting requirements) of section 1512 of the American Recovery and Reinvestment Act of 2009 and such other reporting requirements as the Secretary may establish;
9. The State will comply with all applicable assurances in OMB Standard Form 424B (Assurances for Non-Construction Programs); and
10. With respect to the certification regarding lobbying in Department Form 80-0013, no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; the State will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 C.F.R. Part 82, Appendix B); and the State will require the full certification, as set forth in 34 C.F.R. Part 82, Appendix A, in the award documents for all subawards at all tiers.

The Governor further assures that:

1. The State will comply with the maintenance-of-effort (MOE) requirements in section 101(10)(A) of the Act for fiscal year (FY) 2011;
2. The State will comply with the additional MOE requirements in section 101(11)(B) of the Act for FYs 2011, 2012, and 2013;
3. The State will distribute funds to LEAs on the basis of the LEAs' relative shares of funds under Part A of Title I of the Elementary and Secondary Education Act of 1965 (ESEA) for the most recent fiscal year for which data are available;
4. Funds distributed under this program will be used to supplement and not supplant State formula funding that is distributed on a similar basis as funds are distributed to LEAs under Part A of Title I of the ESEA and the State will provide to the U.S. Department of Education (Department) such additional information that the Department may require to verify compliance with this requirement; and
5. Within 60 days of the date of the State's grant award, the State will submit the most current applicable MOE data available for FY 2011 to help the Department determine compliance with sections 101(10)(A) and (11)(B) of the Act with respect to that fiscal year.

\_\_\_\_\_  
Governor or Authorized Representative (Printed Name)

\_\_\_\_\_  
Signature of Governor or Authorized Representative

\_\_\_\_\_  
Date

**Appendices to the  
Texas Application for Funding under the  
Education Jobs Fund Program**

**APPENDIX A**  
**STATE ALLOCATION DATA**

**NOTE: The amounts provided in the chart below represent the amount of each State's Education Jobs Fund allocation (Public Law No. 111-226, Section 101).**

<u>State</u>	<u>Allocation</u>
Alabama	\$149,539,554
Alaska	23,540,399
Arizona	211,824,489
Arkansas	91,311,898
California	1,201,534,585
Colorado	159,521,991
Connecticut	110,486,654
Delaware	27,425,111
District of Columbia	18,072,658
Florida	554,821,008
Georgia	322,313,830
Hawaii	39,311,983
Idaho	51,641,026
Illinois	415,397,841
Indiana	207,058,122
Iowa	96,490,048
Kansas	92,457,070
Kentucky	134,945,560
Louisiana	147,031,839
Maine	39,068,602
Maryland	178,929,680
Massachusetts	204,016,907
Michigan	318,132,952
Minnesota	166,717,087
Mississippi	97,823,122
Missouri	189,727,725
Montana	30,737,469
Nebraska	58,890,974
Nevada	83,113,178
New Hampshire	40,988,015
New Jersey	268,104,738
New Mexico	64,869,642
New York	607,591,394
North Carolina	298,458,355
North Dakota	21,517,716
Ohio	361,179,690
Oklahoma	119,380,027
Oregon	117,949,095
Pennsylvania	387,815,661
Puerto Rico	129,371,097
Rhode Island	32,929,312
South Carolina	143,700,517
South Dakota	26,292,261

<u>State</u>	<u>Allocation</u>
Tennessee	195,881,328
Texas	830,820,460
Utah	101,303,951
Vermont	19,304,177
Virginia	249,482,375
Washington	208,335,375
West Virginia	54,657,667
Wisconsin	179,650,099
Wyoming	17,533,686
American Samoa	8,324,352
Guam	20,146,108
Northern Mariana Islands	8,289,850
Virgin Islands	13,239,690
BIE Set-aside	50,000,000
Administrative Set-aside	1,000,000
<u>Total</u>	10,000,000,000

## APPENDIX B

### APPLICATION SUBMISSION INFORMATION

#### SUBMISSION INFORMATION

Please submit your application to the Department as follows:

1. E-mail an electronic version of your application in .PDF (Portable Document) format to [EducationJobsFund@ed.gov](mailto:EducationJobsFund@ed.gov) and
2. Mail the original and two copies of your application by express mail service through the U.S. Postal Service or through a commercial carrier to the following address:

Dr. Joseph C. Conaty  
Director, Academic Improvement and Teacher Quality Programs  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, S.W., Room 3E314  
Washington, D.C. 20202