
ARRA INFORMATION

FROM STATE SUPERINTENDENT PATRICIA I. WRIGHT

DATE: April 1, 2009

SUBJECT: Updates to Guidance on ARRA

This morning, the U.S. Department of Education (USED) posted on its Recovery Web site (<http://www.ed.gov/recovery>) a number of documents on the American Recovery and Reinvestment Act (ARRA), including:

- a. Title I, Part A guidance;
- b. IDEA, Part B guidance;
- c. IDEA, Part C fact sheet and guidance;
- d. Vocational Rehabilitation State Grants fact sheet and guidance;
- e. Independent Living Programs fact sheet and guidance; and
- f. State Fiscal Stabilization Fund cover letter (with an overview of data metrics), state application, and guidance.

I have attached the guidance documents for a-e above. The State Fiscal Stabilization Fund letter, application, and guidance are intended for use by state education agencies (SEAs). However, you may want to review them at the Web site noted above to understand the assurances to which the governor must agree in order for the state to receive the funds, and recognize that local education agencies (LEAs) will also be held accountable for the same metrics associated with those assurances.

The guidance documents for the five specific programs are more thorough than previous ones, but much of the information is guidance to SEAs to use in allocating funds to LEAs. The documents are in a question and answer format, so you can quickly identify areas of interest to see if they have been addressed. Based on the IDEA guidance provided today and recent correspondence with USED officials, the Virginia Department of Education will issue a Superintendent's memo on April 3rd granting a blanket waiver to LEAs on the use of IDEA stimulus funds to purchase specially equipped school buses to transport students with disabilities.

On a conference call with USED staff today, it was noted that additional guidance will be provided in the next several weeks on procedures for requesting waivers related to maintenance of effort.

Additionally, Governor Kaine has announced updates to Virginia's Stimulus Web page at <http://www.stimulus.virginia.gov/>.

In particular, the site will now feature an "ARRA Competitive Grants Alert" that reflects the most current grant programs available through the ARRA.

The Virginia Department of Education will continue to provide official guidance on the use of ARRA education funding as it is communicated from USED. On Friday, April 3rd, the Virginia Department of Education will launch a new Web page for educators and

local governments to use in accessing official ARRA communications and guidance documents that are specifically related to education funding. The Web page will be available off of the Department of Education's Home page (<http://www.doe.virginia.gov/>).

We also encourage you to review the U.S. Department of Education's Web page and Virginia's Stimulus Web page with some frequency. You may also register to receive alerts each time something new is added to these Web pages.

Federal Updates

You may receive news about updates to the U.S. Department of Education's Web page by subscribing to their RSS feed at www.ed.gov/rss/arracomms.xml. You may want to ask a technology specialist to help you install a RSS reader to receive the feeds if you do not already have one.

State Updates

You may sign up for e-mail updates related to Virginia's economic recovery efforts and implementation of the ARRA at <http://www.stimulus.virginia.gov/update/subscribe.cfm>.

The [American Recovery and Reinvestment Act of 2009](#) (ARRA) includes two important provisions that are not common for most federal education programs. These provisions are incorporated in **Title XVI "General Provisions" of the ARRA** (beginning on page 188 of the ARRA using the link at the beginning of this sentence).

- **Davis-Bacon and related acts (See also 20 U.S.C. 1232b Labor Standards and Section 1606 of the ARRA.)**
 - o Wage requirements associated with the use of ARRA funds: The following guidance is provided on page 36 of the *Guidance on the State Fiscal Stabilization Fund Program* posted on April 1, 2009, by the U.S. Department of Education.

"Any laborers and mechanics employed by contractors or subcontractors on construction, modernization, renovation, or repair projects assisted in whole or in part with ARRA funds must be paid in accordance with the prevailing wage requirements as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40 of the United States Code (commonly called "Davis-Bacon and related acts"). (See also 20 U.S.C. 1232b Labor Standards and Section 1606 of the ARRA.) Contracts must include language that acknowledges that all contractors or subcontractors must pay laborers and mechanics employed under the contract no less than the locally prevailing wages for corresponding work on similar projects in the area. The Davis-Bacon Act directs the U.S. Department of Labor (DOL) to determine such locally prevailing wage rates.

If you need information about the prevailing wage rates in your community, you should contact the DOL regional office serving your geographic location. A list of the regional offices with contact information can be found at the following website:

<http://www.dol.gov/esa/whd/america2.htm>

You can also find additional Davis-Bacon and other prevailing wage information at the following DOL website:

<http://www.dol.gov/esa/whd/programs/dbra/faqs.htm>.

The DOL regional offices may also provide guidance as to where the required weekly payroll submissions referenced in the Davis-Bacon regulations (see 29 C.F.R. 3.3 and 3.4) should be sent. Your State Department of Labor (or equivalent) may also provide further guidance on these types of issues.”

- **“Buy American” – Section 1605 (Use of American Iron, Steel and Manufactured Goods)** referenced from the *Guidance on the State Fiscal Stabilization Fund Program* posted on April 1, 2009, by the U.S. Department of Education

- If an LEA uses Education Stabilization funds for modernization, renovation, or repair of public school facilities or for construction of new school facilities, the LEA must comply with specific requirements relating to the use of American iron, steel, and manufactured goods used in the project. (See Section 1605 of the ARRA using the link above.)

Attachments:

- a. [Guidance: Funds under Title I, Part A of the Elementary and Secondary Education Act of 1965](#)
- b. [Guidance: Funds for Part B of the Individuals with Disabilities Education Act](#)
- c. [Guidance: Funds for Part C of the Individuals with Disabilities Education Act](#)
- d. [Guidance: Funds for Title I, Part B of the Rehabilitation Act of 1973, as amended](#)
- e. [Guidance: Funds for the State Independent Living Grants Program and Independent Living Services for Older Individuals Who Are Blind Program Title VII, Chapter 1, Part B and Title VII, Chapter 2 of the Rehabilitation Act of 1973, as amended](#)