~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

January 31, 2012

**H. 4595**

Introduced by Reps. Bingham, Allison, Anthony and White

S. Printed 1/31/12--H.

Read the first time January 12, 2012.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The South Carolina Department of Education indicates that enactment of this bill will have no fiscal impact on the General Fund of the State or on federal and/or other funds. It would result in a lesser amount being transferred for MOE requirement for IDEA.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND ACT 73 OF 2011, RELATING TO THE 2011‑2012 GENERAL APPROPRIATIONS ACT, SO AS TO REVISE PARAGRAPH 1A.54, SECTION 1A, PART IB, DIRECTING THE DEPARTMENT OF EDUCATION TO TRANSFER CERTAIN FUNDS TO MEET MAINTENANCE OF EFFORT REQUIREMENTS FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT BY PROVIDING THAT THE DOLLAR AMOUNT DIRECTED TO BE TRANSFERRED MUST BE “UP TO” THAT AMOUNT AND NOT THE SPECIFIC AMOUNT STIPULATED.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Paragraph 1A.54, Section 1A, Part IB of Act 73 of 2011, is amended to read:

“1A.54. (SDE‑EIA:IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section XI.A.1 Aid to Districts according to Proviso 1A.48 for Fiscal Year 2011‑12, the department shall direct ~~$45,481,854~~ $30,494,337 of the funds appropriated in Section XI.A.1 Aid To Districts to school districts and special schools for supplemental support of programs and services for students with disabilities, to meet the estimated maintenance of effort for IDEA. Funds provided for the maintenance of effort for IDEA may not be transferred to any other purpose and therefore are not subject to flexibility. The department shall distribute these funds using the current fiscal year one hundred thirty‑five day Average Daily Membership. For continued compliance with the federal maintenance of efforts requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be held harmless to budget cuts or reductions to the extent those funds are required to meet federal maintenance of effort requirements under the IDEA. ~~In the event cuts to funds that are needed to maintain fiscal effort are necessary, when administering such cuts, the department must shall not reduce funding to support children with disabilities who qualify for services under the IDEA in a manner that is disproportionate to the level of overall reduction to state programs in general.~~ By ~~December 1, 2011~~ June 30, 2012, the department ~~must~~ shall submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor.”

SECTION 2. This act takes effect upon approval by the Governor.

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