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COMMITTEE REPORT

May 2, 2013

**S. 643**

Introduced by Senators Hayes and Leatherman

S. Printed 5/2/13--S.

Read the first time April 23, 2013.

**THE COMMITTEE ON FINANCE**

To whom was referred a Bill (S. 643) to amend Act 288 of 2012, relating to the 2012‑2013 General Appropriations Act, so as to revise paragraph 1A.48, Section 1A, Part IB, that directs, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

HUGH K. LEATHERMAN, SR. for Committee.

**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 State Department of Education indicates there is no impact to the General Fund of this State. In addition, there is no fiscal impact on federal or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND ACT 288 OF 2012, RELATING TO THE 2012‑2013 GENERAL APPROPRIATIONS ACT, SO AS TO REVISE PARAGRAPH 1A.48, SECTION 1A, PART IB, THAT DIRECTS THE DEPARTMENT OF EDUCATION TO TRANSFER CERTAIN FUNDS TO MEET MAINTENANCE OF EFFORT REQUIREMENTS FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT BY DELETING THE SET MAXIMUM AMOUNT THAT MAY BE TRANSFERRED.

SECTION 1. Paragraph 1A.48, Section 1A, Part IB of Act 288 of 2012, is amended to read:

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

SECTION 1. Paragraph 1A.48, Section 1A, Part IB of Act 288 of 2012, is amended to read:

“1A.48. (SDE‑EIA: IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section XII.A.1 Aid to Districts according to Proviso 1A.43 for Fiscal Year 2012‑13, the department shall direct ~~up to $30,494,337 of the~~ funds appropriated in Section XII.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 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, 2012, the department must submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor. The department is directed to transfer $350,000 to the South Carolina Autism Society for the Autism Parent‑School Partnership Program.”

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

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