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Indicates New Matter

INTRODUCED

January 12, 2012

**H. 4595**

Introduced by Reps. Bingham, Allison, Anthony and White

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Read the first time January 12, 2012.

**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.

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 2011‑2012, the department shall direct up to $45,481,854 of the funds appropriated in Section XI.A.1 Aid To Districts to school districts and special schools for support of programs and services for students with disabilities, to meet the estimated maintenance of effort for IDEA. 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, 2011, the department must 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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