

March 7, 2018

TO THE ADMINISTRATOR ADDRESSED:

SUBJECT: LEA Preparation for 2016–2017 Preliminary IDEA-B LEA MOE Compliance Reviews

The purpose of this letter is to alert local educational agencies (LEAs) to the anticipated release date of 2016–2017 preliminary Individuals with Disabilities Education Act, Part B (IDEA-B) LEA maintenance of effort (MOE) compliance reviews and to provide a timeline for LEA response to preliminary reviews.

Anticipated Release of 2016–2017 Preliminary IDEA-B LEA MOE Compliance Reviews

TEA plans to release 2016–2017 preliminary IDEA-B LEA MOE compliance reviews in early April 2018.

LEAs will access the reports through the secure GFFC Reports and Data Collections application.

Timeline for LEA Responses to Preliminary Compliance Reviews

When preliminary reviews are released, the 2016–2017 Exceptions/Adjustment Workbook will also be available in GFFC Reports and Data Collections and on the [IDEA-B LEA MOE](#) page of the TEA website.

LEAs will have **five business days** from the date the 2016–2017 preliminary IDEA-B LEA MOE compliance reviews are published in GFFC Reports and Data Collections to submit any of the following:

- Applicable federal statutory exceptions
- Adjustment to fiscal effort
- Local methodology with supporting documentation for validation and approval in the final calculation

To help LEAs ensure they are prepared to respond within the required five business days, **TEA encourages LEAs to begin reviewing and compiling any documentation planned to be submitted to TEA** when the Exceptions/Adjustments Workbook becomes available.

Allowable Federal Statutory Exceptions

The following federal statutory exceptions and/or adjustment to fiscal effort considerations are allowable:

- The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel
- A decrease in the enrollment of children with disabilities

- The termination of the obligation of the agency, consistent with IDEA-B, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by TEA, because the child has left the jurisdiction of the agency; has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or no longer needs the program of special education.
 - *An exceptionally costly program to a particular child with a disability is a program with a cost greater than **\$9,570**.*
- The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities
- The assumption of cost by the high cost fund operated by TEA under Title 34 of the Code of Federal Regulations (CFR) 300.704(c)
- The adjustment to fiscal effort provision under 34 CFR 300.205

For more detailed information on allowable exceptions and considerations, please refer to the IDEA-B LEA MOE Guidance Handbook, posted on the [IDEA-B LEA MOE](#) page of the TEA website.

Anticipated Release of 2016–2017 Final IDEA-B LEA MOE Compliance Reviews

TEA anticipates releasing final IDEA-B LEA MOE compliance reviews in May 2018.

Revised IDEA-B LEA MOE Calculation Tool Now Available

Also on the [IDEA-B LEA MOE](#) page of the TEA website, TEA has posted the updated IDEA-B LEA MOE Calculation Tool that includes changes made last year in the per capita calculation as required by USDE's Office of Special Education and Rehabilitative Services (OSERS).

The revision made last year involves how the amount of cumulative exceptions/adjustments for intervening years is calculated for **per-capita** tests. For both per-capita tests, the total amount listed in the last column ("Intervening Years – Total Exceptions/Adjustments to Fiscal Effort Validated by TEA") on page 2 of TEA's calculation tool must be divided by the special education student count for the last compliant school year to determine a "per-capita" amount of cumulative exceptions/adjustments for intervening years. This per-capita amount is then multiplied by the total "Special Education Student Count – Compliance Review School Year" (on page 1 of the calculation tool) to determine the adjusted per-capita amount of intervening years exceptions/adjustments.

As 2015–2016 was the first IDEA-B LEA MOE compliance review year to consider intervening years exceptions/adjustments, TEA will continue to use this revised calculation method during its upcoming compliance reviews. Likewise, LEAs should use this revised/updated calculation tool to perform their own internal calculations to compare with TEA's preliminary reviews and to make sure that results match.

For Further Information

For any questions regarding this letter, please email the Federal Fiscal Compliance and Reporting Division at compliance@tea.texas.gov.

Sincerely,

James Connolly, Senior Director
Federal Fiscal Compliance and Reporting Division