

March 13, 2017

TO THE ADMINISTRATOR ADDRESSED:

SUBJECT: LEA Preparation for 2015–2016 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 2015–2016 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 2015–2016 Preliminary IDEA-B LEA MOE Compliance Reviews**

TEA plans to release 2015–2016 preliminary IDEA-B LEA MOE compliance reviews in early April 2017.

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

### **Timeline for LEA Response to Preliminary Compliance Reviews**

When preliminary reviews are released, the 2015–2016 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 2015–2016 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 this part, 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 the amount greater than \$9290.*
- 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 2015–2016 Final IDEA-B LEA MOE Compliance Reviews**

TEA anticipates releasing final IDEA-B LEA MOE compliance reviews in May 2017.

### **Revised IDEA-B LEA MOE Calculation Tool Now Available**

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

The revision 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 should then be 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.

The few LEAs that will be impacted by this change, as identified by the following criteria, have been notified by e-mail:

1. LEAs that failed at least one of the "per-capita" tests; and
2. LEAs that submitted exceptions/adjustments that will be carried forward until any "failed" test is passed.

The revised IDEA-B LEA MOE Calculation Tool has been updated as follows:

- Page 1: Auto-calculations within the tool will auto-populate the allowable per-capita amounts in the "Amount of Cumulative Exceptions/Adjustments, Intervening Years" column.
- Page 2: A new column for "Special Education Student Count – Last Compliant School Year" has been added.
- Instructions have been revised to reflect these changes.

As 2015–2016 will be the first IDEA-B LEA MOE compliance review year to consider intervening years exceptions/adjustments, TEA will use this revised calculation method during its upcoming compliance reviews. Likewise, LEAs should use this revised 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**

With any questions regarding this letter, please email the Federal Fiscal Compliance and Reporting Division at [compliance@tea.texas.gov](mailto:compliance@tea.texas.gov).

Sincerely,

Ed Santiago, Senior Director  
Federal Fiscal Compliance and Reporting Division