

114TH CONGRESS
1ST SESSION

H. R. 2965

To amend the Individuals with Disabilities Education Act to provide certain exceptions to the maintenance of effort requirement for local educational agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2015

Mr. WALBERG (for himself, Mr. MOOLENAAR, Mr. RIBBLE, Mr. BENISHEK, and Mr. BISHOP of Michigan) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Individuals with Disabilities Education Act to provide certain exceptions to the maintenance of effort requirement for local educational agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Building on Local Dis-
5 trict Flexibility in IDEA Act”.

1 **SEC. 2. EXCEPTIONS TO THE MAINTENANCE OF EFFORT**
2 **REQUIREMENT FOR LOCAL EDUCATIONAL**
3 **AGENCIES.**

4 Section 613(a)(2) of the Individuals with Disabilities
5 Education Act (20 U.S.C. 1413(a)(2)) is amended—

6 (1) in subparagraph (A)(iii), by striking “sub-
7 paragraphs (B) and (C)” and inserting “subpara-
8 graphs (B), (C), and (E)”;

9 (2) in subparagraph (B)—

10 (A) in clause (iii)(III), by striking “or” at
11 the end;

12 (B) in clause (iv), by striking the period at
13 the end and inserting a semicolon; and

14 (C) by adding at the end the following:

15 “(v) improved efficiencies that do not
16 result in a reduction in special education
17 services; or

18 “(vi) the reduction of expenditures for
19 employment related benefits provided to
20 special education personnel (such as pay,
21 retirement contributions, annual and sick
22 leave, and health and life insurance) pro-
23 vided that such reduction of expenditures
24 does not result in a reduction in special
25 education services.”; and

26 (3) by adding at the end the following:

1 “(E) WAIVERS FOR EXCEPTIONAL OR UN-
2 CONTROLLABLE CIRCUMSTANCES.—The State
3 educational agency may waive the requirements
4 of subparagraph (A)(iii) for a local educational
5 agency, for 1 fiscal year at a time, if—

6 “(i) the State educational agency de-
7 termines that the local educational agency
8 has not reduced the level of expenditures
9 for the education of children with disabil-
10 ities for such fiscal year disproportionately
11 to other expenditures; and

12 “(ii)(I) the State educational agency
13 determines that granting a waiver would
14 be equitable due to exceptional or uncon-
15 trollable circumstances such as a natural
16 disaster or a precipitous and unforeseen
17 decline in the financial resources of the
18 local educational agency; or

19 “(II) the local educational agency pro-
20 vides clear and convincing evidence to the
21 State educational agency that all children
22 with disabilities have available to them a
23 free appropriate public education and the
24 State educational agency concurs with the

1 evidence provided by the local educational
2 agency.”.

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