


## Overview of Maintenance of Effort (MOE)

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## Part B LEA MOE

- IDEA MOE Regulations:
  - IDEA requires that LEAs must budget and expend the same amount of local funding for special education as it expended in the previous fiscal year. (34 CFR §300.203)




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## Part B LEA MOE

- The amount of local, or State and local, funds expended for the education of children with disabilities is the amount of funds that establishes the level of expenditures to be maintained from year to year and establishes the MOE level.




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## Supplement not Supplant

Funds under Part B must be used to supplement State, local and other Federal funds and not to supplant them (See 34 CRF §300.202(a)(3))

If a LEA **maintains** its fiscal effort, it will only be using Part B funds to supplement local, or state and local funds, and not to supplant them and thus meets the supplement/not supplant requirements.



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## MOE-Eligibility and Compliance

### Eligibility Test

- Local special education budget amounts compared to prior year actual expenditures
- Determines whether an LEA is "eligible" to receive the IDEA entitlement grants

### Compliance Test

- Local special education actual expenditures two-year comparison
- Determines whether an LEA is in final compliance with the MOE requirement



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## MOE-Eligibility and Compliance

### Failing Eligibility Test

- LEA may not receive an IDEA allocation for fiscal year tested

### Failing Compliance Test

- LEA must repay an amount equal to the short-fall
- Must use non-federal funds for repayment
- Possible single audit finding



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### MOE-Assurance for Funding Eligibility

- To be eligible for plan approval and to receive a grant awards for FY 16, the LEA must submit a FY 16 LEA budget that assures MOE will be met
- Medicaid funds spent for students with disabilities are NOT counted as local funds for the purpose of MOE (CFO codes Medicaid revenues and expenditures in WVEIS which are excluded from calculation. Use Project 00Y83)




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### Four Tests to Meet MOE

- An LEA needs to only meet ONE of the following comparison tests:
  - 1) Local & State expenditures in total for SWD
  - 2) Local Only expenditures for SWD
  - 3) The per student amount of Local & State expenditures for SWD
  - 4) the per student amount of Local Only expenditures for SWD

*First must **budget** adequate amount; then must **spend***




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### MOE Federal Clarification

- Consolidated Appropriations Act, 2014
  - That the level of effort a local educational agency must meet under section 613(a)(2)(A)(iii) of the IDEA, in the year after it fails to maintain effort is the level of effort that would have been required in the absence of that failure and not the LEA's reduced level of expenditures.




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*Examples of a Compliance Analysis Based on a Combination of State and Local Funds*

Fiscal Year	Actual level of effort	Required level of effort	Notes
2012-2013	\$100	\$100	LEA met MOE requirement
2013-2014	\$90	\$90	LEA properly took exceptions and adjustment in 34 CFR §300.204 and 300.205
2014-2015		\$90	Required level of effort is \$90 because LEA expended \$90 and met MOE in 2013-2014

Fiscal Year	Actual level of effort	Required level of effort	Notes
2012-2013	\$100	\$100	LEA met MOE requirement
2013-2014	\$90	\$100	LEA did not maintain effort
2014-2015		\$100	Required level of effort is \$100 despite LEA's failure in 2013-2014

**ONE VOICE ONE FOCUS**  
All Students Achieving

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*Examples of an Eligibility Analysis Based on a Combination of State and Local Funds*

Fiscal Year	Actual level of effort	Required level of effort	Notes
2011-2012	\$130	\$130	LEA met MOE requirement
2012-2013	\$150	\$130	LEA met MOE requirement
2013-2014	\$90	\$90	Final expenditure data are not available when budgeting for 2014-2015
2014-2015		\$150	Required level of effort to budget for 2014-2015 is \$150 because LEA expended \$150 and met MOE in 2012-2013

Fiscal Year	Actual level of effort	Required level of effort	Notes
2011-2012	\$130	\$130	LEA met MOE requirement
2012-2013	\$100	\$130	LEA did not maintain effort
2013-2014			Final expenditure data are not available when budgeting for 2014-2015
2014-2015		\$130	Required level of effort to budget for 2014-2015 is \$130 despite LEA's failure in 2012-2013

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## LEA MOE Exceptions

34 CFR §300.204 provides exceptions for:

- voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel – hiring staff who fall lower on the pay scale;
- decrease in the enrollment of students with disabilities;
- termination of costly long-term purchases such as the acquisition of equipment or construction of school facilities;

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## LEA MOE Exceptions

- Termination of an exceptionally costly obligation to a particular child with a disability because the child
  - Has left the jurisdiction;
  - Has reached the age at which the obligation to provide FAPE to the child is terminated; or
  - No longer needs the program of special education
- Assumption of cost by a high cost fund operated by the SEA under 34 CRF §CFR 300.704(c)




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## Part B LEA Adjustments

With certain exceptions, for any fiscal year for which an LEA's Part B allocation under section 611 exceeds the amount the LEA received for the previous fiscal year, the LEA may reduce the level of expenditures otherwise required for MOE by not more than 50% of the amount of the excess

See 34 CFR §300.205(a)




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## Part B LEA Adjustments

An LEA is eligible to make the 50% reduction if the LEA:

- Receives an increase in section 611 funds
- "meets requirements" under the sec. 616 determinations
- Has not had action taken against it by the SEA under IDEA section 616
- Has not had responsibility for providing FAPE taken from it by the SEA
- Has not been found by the SEA to have significant disproportionality under 34 CFR §300.646




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## LEA MOE Exceptions

- In all the exceptions noted on the previous slides, appropriate and thorough documentation must be submitted in each case to support the amount, reason, and/or justification for the exception.




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## MOE Calculation

- Include
  - Total Expenditures in funds 11, 12, 2X, 3X, 4X, 5X, 61 and 71
  - Projects 00YXX – 29YXX, 52YXX and 9XYXX
  - Program/Function code 2XXXX
- Exclude
  - Projects 04YXX, 00Y83
  - Program/Function Code 21271
  - Object Codes 217 and 235




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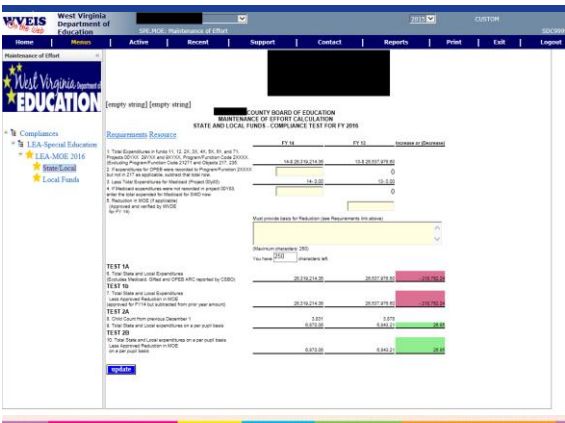
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	FY 14	FY 15	Variance (2014/15)
1. Total Expenditures in Funds 11, 12, 2X, 3X, 4X, 5X, 61, and 71	103,301,028.00	103,201,007.00	
2. Expenditures for 2014 were included in Program/Function Code 21271 as applicable. Exclude the total.	0.00	0.00	
3. Local Fund Expenditures for Special Project Grants	10,000.00	10,000.00	
4. Exclude expenditures for the remainder of Project 2014	0.00	0.00	
5. Expenditures for 2015	0.00	0.00	
6. Total Expenditures for 2015	0.00	0.00	
7. Total Expenditures for 2015	103,301,028.00	103,211,007.00	100,000.00
8. Total State and Local Expenditures (with exception for 2015)	103,301,028.00	103,211,007.00	100,000.00
9. Total State and Local Expenditures (with exception for 2015)	0.00	0.00	
10. Total State and Local Expenditures (with exception for 2015)	0.00	0.00	
11. Total State and Local Expenditures (with exception for 2015)	0.00	0.00	

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### Part VIII: ELIGIBILITY - FY 16 BUDGET AMOUNT

Enter the amount of State and Local Funds or Local Funds Only budgeted to provide special education and related services to students with disabilities during the 2015-2016 School Year. Do not include Medicaid funds. Must be equal to or greater than the amount in Item 9. Part IX MOE: State and Local, per pupil amount below must be greater than Item 9. If not, an allowable reason for reduction and applicable documentation must be submitted. State reason in box provided and submit documentation separately.

Enter December 1, 2014 Child Count


The December 2014 child count is used for estimation purposes. However, the actual amount the LEA is required to spend will be calculated on the December 2015 child count, when available.

Per Child Amount Budgeted from State and Local Funds or Local Funds only for the 2015-2016 School Year.

Auto Calculated: \_\_\_\_\_ #CHILD

Provide allowable reasons for approved reduction in maintenance of effort, if any.

The above comparison is based on the most current available expenditures data. However, to meet MOE for 2015-2016, the LEA must meet or exceed the level of state/local or local only expenditures for the immediate prior year (2014-2015). The LEA assures FY16 expenditures will be adjusted as needed to meet MOE when the immediate prior year expenditures are available.




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## LEA MOE

- Questions
- Shana Clay, Coordinator, Office of Special Programs ([sdclay@k12.wv.us](mailto:sdclay@k12.wv.us))




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