

MAINTENANCE OF EFFORT



WHAT IS MOE?

Maintenance of Effort (MOE) is a requirement of the Individuals with Disabilities Education Act (IDEA). This Act provides for the education of students who qualify for special education and related services. Funding is distributed to help schools provide the services required by each individual student. As is true with all federal funding programs, this money comes with strings attached.

One of these strings is the requirement that a Local Education Authority (LEA, District or Charter School) must demonstrate every year that they are maintaining the same level of financial commitment from state and/or local funds toward their special education programs. The LEA must maintain this level of effort even when there is a decrease in the total amount of state and local funds available.

Four ways to meet MOE

- State and local total expenditures
- State and local per pupil expenditures
- Local only total expenditures
- Local only per pupil expenditures

Every year, the USBE calculates the dollar amounts for MOE for each LEA. There are four different ways that an LEA can maintain their financial commitment, and each method is available every year. *If the LEA has special education expenditures that are equal or greater than the year before in any one of the four methods, the LEA has satisfied the MOE requirement.*

Because the LEA can use any of the four methods every year, all four methods are calculated. Although MOE compares special education spending between two school years, the LEA does not need to meet the requirement in the same way both of those years. A "YES" in any of the four methods is all you need!

What funds are included?

State Minimum School Program
Local Property Tax Revenue

NOT Medicaid reimbursements
NOT federal funds (IDEA, Title, etc)

I DIDN'T MEET MOE ... NOW WHAT?

IDEA funds may not be used to supplant state and local funding. Therefore, the LEA must meet MOE. USBE may require that the LEA allocate additional state and local funding toward special education in order to meet MOE. Before that happens, there are some ways for the LEA to request a reduction in the amount required for MOE.

USBE has established an MOE Review Committee that considers all applications for MOE revision. There are two different strategies an LEA can use to reduce the MOE amount.

First: If an LEA receives more IDEA funds than they did the previous year, up to 50% of the increase may be used for certain approved activities. x

Second: Certain situations that are unique to each LEA will qualify for an exception to the MOE requirements. There are five approved reasons for exception. To request an exception to MOE requirements, the LEA must provide documentation that fits the reason for exception.

Check out the federal regulations for more details!

MOE requirement	§300.203
Exception to MOE	§300.204
MOE adjustment	§300.205

MOE Exceptions

1. **Departure of special education or related services staff (voluntary or for cause)**
2. **Decreased special education enrollment**
3. **The LEA is no longer responsible to provide a Free and Appropriate Public Education (the child graduated, moved, aged out, or exited)**
4. **Finishing a long term project such as construction.**
5. **The expenses of a costly student were assumed by the High Cost Risk Pool.**