

Maintenance of Effort (MOE) Exceptions under IDEA Part B 611 and 619 Funds

Understanding Allowable Reductions in Spending

What is Maintenance of Effort (MOE)?

Defining MOE

- MOE ensures that local educational agencies (LEAs) maintain a consistent level of financial support for special education.
- LEAs must generally spend the same amount of local or state and local funds on special education each year.
- This requirement prevents LEAs from reducing their financial commitment to special education when federal IDEA funds increase.

IDEA Part B 611 and 619 Funds

Understanding the Funding Sources

- **Section 611:** Provides grants to states for special education services for children aged 3-21.
- **Section 619:** Provides additional grants to states for preschool special education services for children aged 3-5.
- Both funding sources are subject to MOE requirements.

MOE has Two Standards

Eligibility Standard and Compliance Standard

- **THE ELIGIBILITY STANDARD**
- In order to approve a district's IDEA Part B grant application, WDE must ensure that each district budgets enough state and local funds in the coming year as it spent for the most recent fiscal year for which information is available.
- When completing the grant application, you are required to enter the amount budgeted for that upcoming school year and provide a detailed budget that confirms the amount entered.
- **THE COMPLIANCE STANDARD**
- The requirement that a district must spend at least the same amount of state and local funds for the education of students with disabilities as it spent in the most recent fiscal year.

Allowable MOE Exceptions

When Can LEAs Reduce Spending?

- IDEA allows for certain exceptions to the MOE requirement.
- These exceptions recognize situations where reducing spending is justifiable and does not negatively impact students with disabilities.
- It's crucial to understand the specific criteria for each exception.

Exception A: Voluntary Departure of Staff Staffing Changes

- An LEA can reduce spending if special education staff leave voluntarily (e.g., retirement, resignation).
- The departure must be genuinely voluntary and not due to forced transfers or layoffs.
- The LEA must demonstrate that it continues to provide appropriate services to students with disabilities.

Example: A special education teacher retires, and the LEA replaces them with a less experienced teacher at a lower salary.

Exception B: Decrease in Enrollment

Changes in Student Population

- If the number of students with disabilities enrolled in the LEA decreases, spending can be reduced proportionally.
- The decrease must be documented and directly related to reduced special education costs.
- **Exception B is done by the WDE MOE calculator**

Example: A school district experiences a decline in the number of students with IEPs, leading to a decrease in the need for specialized services.

Exception C: Termination of Costly Obligation Ending High-Cost Services

- An LEA can reduce spending when a costly service for a specific student with an IEP is no longer needed.
- This might occur if the student moves, ages out of eligibility, or no longer requires the specific service.

Example: A student with an IEP who required a full-time one-on-one aide graduates, and the LEA no longer needs to fund that position. A student returns from an ODP and receives services in the district.

Exception D: Termination of Costly Expenditures

Ending Long-Term Costs

Definitions:

- A “**Costly Expenditure**” is an expenditure over \$75,000 that is approved by the state.
- A “**Long-Term**” is defined as any period of time for an expenditure that occurs over at least 2 fiscal years, such as acquisition costs for specialized equipment or construction costs for a specialized facility improvement.
- An LEA can reduce spending when a costly, long-term expenditure (e.g., assistive technology) is no longer required.
- This exception applies when the expenditure was a one-time purchase or has a limited lifespan.

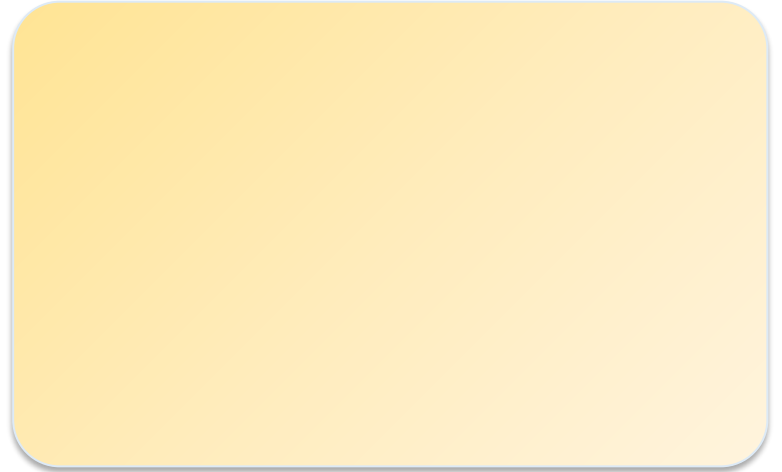
Important Considerations Ensuring Compliance

- LEAs must carefully document any MOE exceptions they take.
- The exceptions must be justified and comply with IDEA regulations.
- States provide guidance and oversight to ensure proper implementation of MOE requirements.
- Be proactive and document exceptions as they happen.
- Make sure to put in your exceptions each year.
- Remember you cannot go back and put in exceptions after the fact.

Q & A

Playground Equipment

Costs associated with accessible
playground equipment



Playground Equipment

**Costs associated with accessible
playground equipment**



May be allowed

WDE prior approval needed. Determine if in the absence of a special education program the LEA would have requested this playground

Purchase of a 4 Wheel Drive Vehicle

Costs associated with the purchase of a 4 wheel drive vehicle for transportation of child with disability



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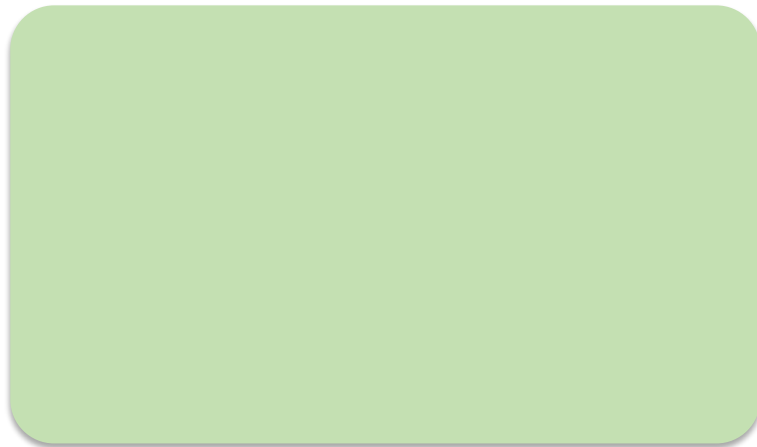
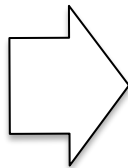


May be allowed

A geographical location might be factor for consideration. Context matters!

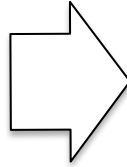
Child-find Activities

Costs associated with public awareness, notices, screening



Child-find Activities

Costs associated with public awareness, notices, screening

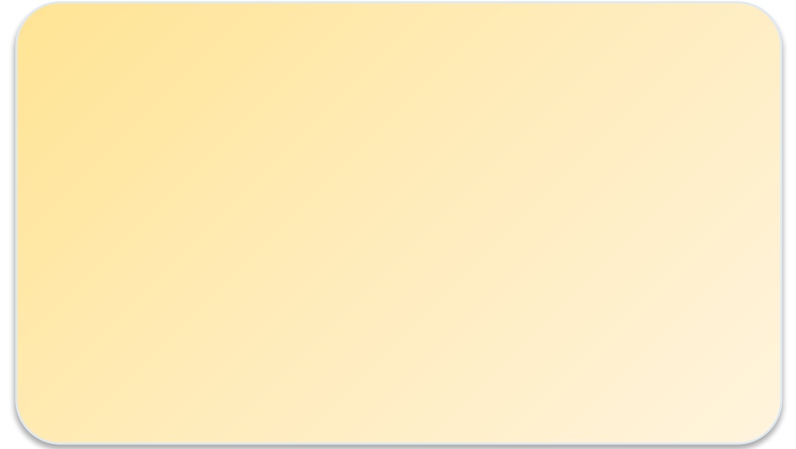


Allowed

Child find activities are allowed for the identification of children with disabilities

Advertising Cost

Costs associated with advertising in media such as newspapers, radio, and television, direct mail, exhibits, electronic or computer transmittals



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May be allowed

Recruitment of personnel, procurement of goods and services, and other specific purposes necessary to meet the requirements of the IDEA grant

Eyeglasses

Can a district pay for eyeglasses
for a student?



Eyeglasses

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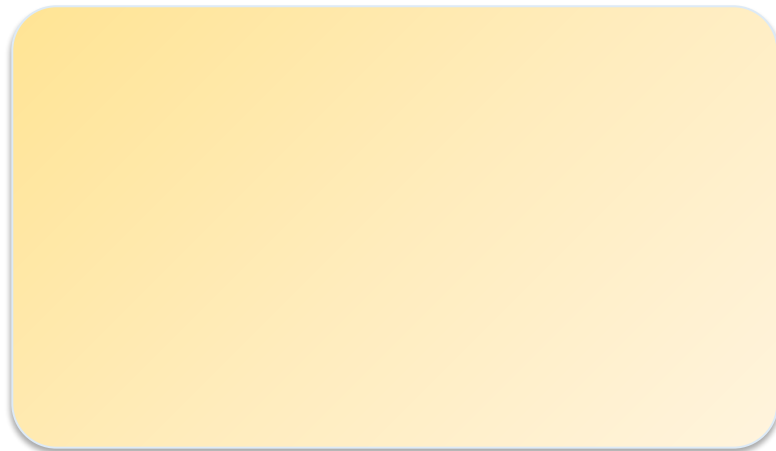


May Be Allowed

If a student requires them to receive FAPE, and the student's IEP reflects the need of the AT device. Proper documentation in the IEP is needed.

IDEA / 504

Can 611 or 619 funds be used to cover 504 expenses?



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No
the IDEA funds must only be used to pay the excess costs of providing special education and related services

Personnel

Can salaries and benefits of
paraprofessionals be paid with
Part B funds?



Personnel

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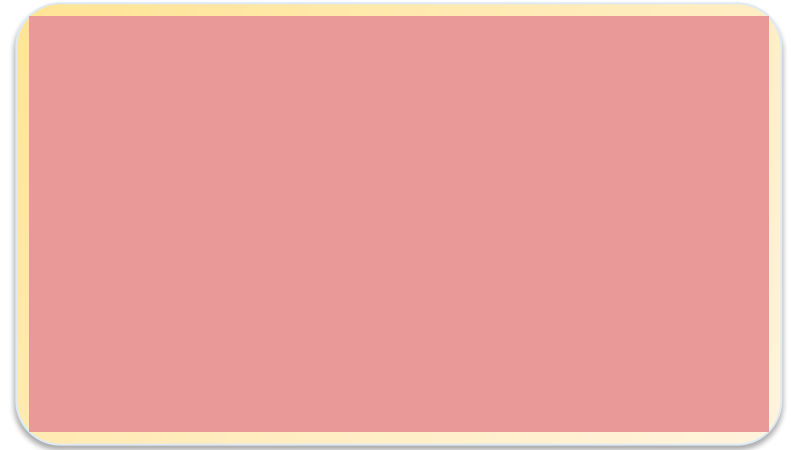


YES

As long as the paraprofessional is working with special education students and working under the supervision of an appropriately licensed special education teacher

Computer Networks

Can 611 or 619 funds be used to cover costs associated with an LEA's computer networks?



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NO
LEA's computer network costs are provided district-wide and are not directly allocable to the special education program.