

IDEA MAINTENANCE OF EFFORT

Overview

For a district to be eligible to receive Individuals with Disabilities Education Act (IDEA), Part B grant funds, the Local Education Agency (LEA) must meet the federal fiscal accountability requirement known as Maintenance of Effort (MOE), defined under 34 CFR 300.203. MOE requires districts to maintain the level of state and local funds they budget and spend to support federal programs from one fiscal year to the next. The purpose of this requirement is to ensure that districts provide the financial support necessary to make a free appropriate public education (FAPE) available to eligible children with disabilities.

Compliance and Methods

The MOE requirement consists of an eligibility standard, the LEA must budget at least the same amount as in previous years, and a compliance standard, the LEA must expend at least the same amount as in previous years. IDEA allows LEAs to meet these standards by calculating total local funds, total state and local funds, local per capita funds, or state and local per capita funds. An LEA only needs to meet the standards in one of the four methods to be compliant.

If the LEA fails to achieve compliance in the preceding year, then the current year must be compared to the last year the LEA was compliant. For example, if an LEA was compliant in 2014 but not in 2015, the LEA would then use 2014 for determining compliance for 2016.

Federal Exceptions to the MOE Requirement

Pursuant to 34 CFR 300.204, an LEA may reduce the level of its state and/or local expenditures below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following:

- A. The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.
- B. A decrease in the enrollment of children with disabilities.
- C. 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 the SEA, because the child—
 - a. Has left the jurisdiction of the agency;

- b. Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
- c. No longer needs the program of special education.
- D. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.
- E. The assumption of cost by the high cost fund operated by the SEA under §300.704(c).

Consequences of Noncompliance

If an LEA fails to meet the MOE requirements after all efforts have been made to resolve the failure, it will be required to refund to the Wyoming Department of Education (WDE) the amount by which it failed to maintain effort. An LEA will be notified after final non-compliance is determined that they have failed to meet the MOE requirement and request repayment of those funds. The repayment must be made from nonfederal funds or from funds for which accountability to the federal government is not required, that is, from state and/or local funds. Again, this repayment cannot be made from IDEA Part B funds. The MOE level for that year will then be reset to the higher amount that the LEA should have met.

NOTE: MOE is calculated by WDE for each district and determinations are part of the Title VI B application. Please contact the WDE Special Education Division with any MOE questions.