LEA Maintenance of Effort Eligibility

Name of Local Education Agency (LEA): _____

LEA Maintenance of Effort Requirement (MOE): 34 CFR 300.203
The LEA must expend the same amount of local, or State and local funding for special education and related services as it expended in the previous fiscal year. The LEA must not use funds provided under Part B of the IDEA to reduce the level of expenditures for the education of children with disabilities made by the LEA from local, or State and local funds. There are some exceptions to allow for decreases in an LEA's MOE amount from one fiscal year to the next.

Any state or local funds used for coordinated early intervening services (CEIS) will not be counted in the LEA's maintenance of effort calculation, as those funds are not used for providing special education and related services.

Determining Eligibility for IDEA Part B Funding
The LEA needs to pass at least ***one*** of the four MOE tests below to maintain eligibility to receive the next fiscal year's IDEA funding. Enter the Actual FY 2013 information from **Attachment F** and then enter the budgeted amounts for FY 2015.

The LEA must budget at least the same amount of funds for the education of children with disabilities as the LEA spent in the previous fiscal year from the following sources:

1. Local Funds
2. Combined State and Local Funds
3. Local Funds per Capita
4. Combined State and Local Funds per Capita

Enter Projected Number of Children with Disabilities for FY 2015 (3 - 21 Child Count) [ ]

	ACTUAL FY 2013 (see Attachment F)	***BUDGETED FY 2015**
1. Local Expenditures		
2. State and Local Expenditures		
3. Local Expenditures per Capita		
4. State and Local Expenditures per Capita		

Note: The amounts reported above should be expenditures, not revenues. Do not include state or local funds used for CEIS, Federal IDEA, Impact Aid, or Medicaid expenditures in the actual or budgeted amounts.

Compliance Standard for MOE
A final analysis of an LEA's MOE compliance does not occur until after the fiscal year has closed. The standard for determining whether the MOE requirement has actually been met in a fiscal year is that the LEA meets at least one of the four tests through actual expenditures compared to the prior fiscal year.

Non-Compliance with MOE
If an LEA does not pass at least one of these MOE tests, the LEA must provide documentation to the SD Department of Education explaining how one of the allowable exceptions has occurred. If the LEA is unable to establish an allowable exception, non-compliance will be determined and the LEA will be required to pay the amount it fell below the MOE requirement to the South Dakota Department of Education.

Exceptions to Maintenance of Effort: 34 CFR 300.204 and 300.205
An LEA may reduce the level of expenditures from local, or State and local funds below the level of those expenditures for the preceding fiscal year if the reduction is attributable to the following, previously paid for with State or local funds. Please check the one(s) that apply to your school district.

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:
   1) has left the jurisdiction of the agency;
   2) has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or
   3) 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. Maintenance of Effort (MOE) reduction using the 50% rule (authorized under 34 CFR 300.205(a)). The amount of freed up local special education funds the LEA spent on ESEA activities in FY 2013. The LEA was able to reduce their MOE using the 50% Rule in FY 2014.
   Reduction Amount (See Attachment K): _____

If you have checked one or more exceptions, please provide an explanation and the exact amount of the difference in expenditures from year to year for each exception. Exceptions only apply to activities previously paid for with State or local funds.

a. The voluntary departure, by retirement or otherwise, or departure for just cause of special education or related services personnel.

	Position	Reason for Leaving	Amount
1			
2			
3			

c. The termination of obligation of the district to provide a program of special education to a particular child with a disability that is an exceptionally costly program because the child leaves the district, ages out, graduates, or no longer needs the special education program.

Student ID: _____ Justification: _____

	Description of Expenditures	Amount
1		
2		
3		

Student ID: _____ Justification: _____

	Description of Expenditures	Amount
1		
2		
3		

Student ID: _____ Justification: _____

	Description of Expenditures	Amount
1		
2		
3		

d. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

	Description of Expenditures	Amount
1		
2		
3		

Total Amount of Allowable Exceptions: _____

LEA's Authorized Representative Signature:
I certify to the best of my knowledge the information provided is accurate, and that the LEA will comply with the provisions of Article 24:05 of the Administrative Rules of South Dakota and Individuals with Disabilities Education Act, 2004 (PL 108-446).

_____
(Signature of LEA's Authorized Representative)

_____
(Print Name and Title)

_____
(Date)

LEA's Business Managers Signature:
I have reviewed the Maintenance of Effort information, and to the best of my knowledge the information provided is accurate. The LEA intends to spend enough local or State and local funds to meet the Maintenance of Effort requirement.

_____
(Signature of LEA's Business Manager)

_____
(Print Name and Title)

_____
(Date)

Please submit form to the following address:
Division of Educational Services & Support
Office of Special Education
800 Governors Drive
Pierre, SD 57501

Print Form Save