

# *IDEA, Part B Maintenance of Effort (MOE) Other Adjustments and Allowable Exceptions*

## **Other Adjustments [34 CFR §300.205](#)**

An LEA may reduce its MOE obligation by up to 50 percent of the amount of the increase in its Part B Section 611 allocation if it meets certain conditions.

*For example:*

*2017–18 IDEA allocation is \$10,000*

*2018–19 IDEA allocation is \$20,000*

*A reduction to MOE of \$5,000 may be allowable.  $((20,000 - 10,000) \times .5)$*

The LEA must not have been identified as having significant disproportionality and have no outstanding reports due to OSPI to take advantage of this reduction. [34 CFR §300.205\(c\)](#)

If an LEA chooses to **voluntarily** use up to 15 percent of IDEA-B Sections 611 and 619 funds to provide coordinated early intervening services (CEIS) the amount of funds expended by an LEA for CEIS under [34 CFR §300.226](#) shall count toward the maximum amount of expenditures that the LEA may reduce under [34 CFR §300.205](#). See [MOE Reduction Eligibility Worksheet](#)

If OSPI determines that an LEA is unable to establish and maintain programs of FAPE that meet the requirements of section 613(a) of the IDEA and this part or OSPI has taken action against the LEA under section 616 of the IDEA and subpart F of these regulations, OSPI must prohibit the LEA from reducing the level of expenditures under paragraph (a) of this section for that fiscal year. [34 CFR §300.205 \(c\)](#)

## Allowable Exceptions to MOE 34 CFR §300.204

- Permissible to take multiple exceptions in one year, as long as each exception applies in that year.
  - May apply exceptions to reduce it required MOE level and meet the compliance standard.
  - May apply exceptions to reduce its required MOE level and meet the eligibility standard.
- a. Voluntary departure of special education staff paid with State and/or local funds by retirement or otherwise, or departure for just cause.
- **Allowable Reasons**
    - ✓ Retirement
    - ✓ Resignation
    - ✓ Employee does not renew contract
    - ✓ Leave of absence (employee-elected)
    - ✓ Dismissal for misconduct
    - ✓ Dismissal for breach of contract
    - ✓ Not filling vacant positions – be ready to answer/document the following questions:
      - Did staff leave voluntarily?
      - What are the circumstances to not filling the position?
      - How did the LEA ensure FAPE (free appropriate public education) was provided to SWDs?
    - ✓ Filling vacant positions with lower paid staff
  - **Unallowable Reasons**
    - ✓ Forced transfer
    - ✓ Reduction in force (RIF)
    - ✓ Layoffs
    - ✓ Eliminating positions
    - ✓ Leave of absence (due to disciplinary action)
    - ✓ Across the board reductions
    - ✓ Dismissal or LEA not renewing contract
    - ✓ Administrative leave
- b. A decrease in the enrollment of students with disabilities. (This is automatically calculated within the MOE worksheet)
- **Allowable Reasons**
    - ✓ A decrease in child count must be tied to specific special education expenditures paid with State and/or local funds
      - LEA must describe the type and cost of the specific services that were reduced/consolidated due to a decrease in child count.

- **Unallowable Reasons**
    - ✓ A decrease in child count that does not cause a reduction of cost or cannot be tied to a specific special education cost reduction.
- c. The termination of a costly obligation (expenditure) for a specific student with an IEP that is paid with State and/or local funds.
- **Allowable Reasons**
    - ✓ Any one-on-one services (i.e., teacher, paraprofessional, nurse, therapies, transportation, contracted services) necessary for a student with an IEP, that is no longer needed due to:
      - Student leaving jurisdiction
      - Student has reached the age of majority
      - Student no longer needs the program of special education due to improvement or changes in the IEP
  - **Unallowable Reasons**
    - ✓ A costly obligation for a student that does not decrease between the prior and current school years.
- d. The termination of a costly obligation for long-term purchases, such as equipment, construction, and buses paid with State and/or local funds. The definition of long-term is one school year.
- **Allowable Reasons**
    - ✓ Pay-off of a lease-purchase for a bus or modular/facility
    - ✓ Completion of a contracted service
    - ✓ Equipment purchase pay-off
    - ✓ Loan pay-off
    - ✓ Completion of a rent-to-own agreement
  - **Unallowable Reasons**
    - ✓ Change in expenses/fees from a cooperative fiscal agent
- e. The assumption of a cost by Safety Net (High Needs Fund).
- **Allowable Reasons**
    - ✓ May reduce the MOE amount by the federal amount of Safety Net revenue received in that school year
  - **Unallowable Reasons**
    - ✓ LEA receives only Safety Net revenue in that school year