

# Individuals with Disabilities Education Act (IDEA)

## Maintenance of Effort Guidance

### Overview of IDEA Maintenance of Effort

The term "Maintenance of Effort," often shortened to "MOE," refers to the requirement placed upon many federally funded grant programs that a subrecipient demonstrate that the level of local funding for a particular program remains relatively constant from year to year. Failure to meet MOE requirements may result in the subrecipient losing eligibility (Eligibility Standard) to receive federal funding or a repayment of funds (Compliance Standard).

The rules regulating MOE differ depending on the federal program requiring the effort. Some grant programs do not require MOE, whereas some grant programs such as the Individuals with Disabilities Education Act (IDEA) have very specific rules documented in its regulations.

### Maintenance of Effort under IDEA

Part B of the Individuals with Disabilities Education Act, which addresses IDEA funding allocations to the State Education Agency (SEA) and Local Agency Agencies (LEAs), includes maintenance of effort provisions applicable separately at both the state and local levels. In this context, LEAs in New York are school districts, State Agencies, NYS School for the Deaf, and NYS School for the Blind that are responsible for FAPE (free appropriate public education for students with IEPs).

At the local level, IDEA Part B regulations require LEAs to expend the same amount of local and state funding on special education and related services as it expended in the previous fiscal year

**EXAMPLE:** A dually licensed early childhood special education teacher voluntarily chooses to

- c) A student with a disability that incurs an exceptionally costly special education program, as determined by the SEA, either leaves the district, ages out, graduates, or no longer needs the special education program.

NYSED defines an "exceptionally costly special education program" under IDEA MOE when the per pupil expenditure amount for a particular student with disabilities is



**LEAs restricted from using the 50% adjustment rule**

## Note

Please use the document

This was further clarified in the August 2003 [OSEP policy letter to Brad White](#), an Audit Manager with the Washington State Auditor's Office. The letter stated that the LEA had reduced costs due to a reduction in retirement rates paid to certified staff. The response from OSEP was that since the costs were not due to the voluntary departure, by retirement or otherwise, of special education and related services personnel, then the cost savings did not qualify as an exception.

LEAs are encouraged to be good stewards of public funds and to find cost savings where appropriate. However, the funds saved by actions that are not allowed under the IDEA regulations as exceptions should be reinvested back into the special education program.

### Supplement Not Supplant (S/nS)

In general, the federal supplement not supplant requirement is intended to ensure that services provided with federal funds are provided in addition to, and do not replace or supplant, services that students would otherwise receive through local or state funding. In some federal programs, this definition is expressed as (a) (1) (8) (o) (6) (D).





3.

The example uses "Comparison Year" as the base year rather than identifying a fiscal year. This is because the last year the LEA spent the most local and state funds on special education activities may not be the immediate past fiscal year.

This demonstrates an LEA reducing its expenditures by \$10,000 between the comparison fiscal year and fiscal year 2020-2021 (the year being tested). The LEA did not receive an increase in its IDEA flow-

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