LEA MOE: Determining Eligibility and Compliance, Part I: Effective Practices for States

Facilitator: Elena Lincoln, CIFR

Presenters: Dean Zajic, Kansas State Department of Education; Rachel Zellmer, Wisconsin Department of Public Instruction; Angie Nickell, Missouri Department of Education

IDEA Fiscal Forum

CIFR and IDC in collaboration with NCSI Fiscal Team.

CIFR Center for IDEA Fiscal Reporting WestEd

IDC IDEA DATA CENTER Building Capacity for High-Quality *IDEA* Data

IDEAs that Work Office of Special Education Programs U.S. Department of Education

Session Purpose

- Provide background for a peer-to-peer panel discussion on how states collect and verify local LEA MOE data.

- Familiarize participants with the LEA MOE regulations and reporting requirements.

- Discuss state data collection and verification systems used for common state funding and operational systems.

Essential Elements of LEA MOE

What your data collection system has to consider

Compliance and Eligibility Standards
34 CFR 300.203

- **Eligibility**
  a) Eligibility standard. 1) For purposes of establishing the LEA's eligibility for an award for a fiscal year, the SEA must determine that the LEA budgets, for the education of children with disabilities, at least the same amount, from at least one of the following sources*, as the LEA spent for that purpose from the same source for the most recent fiscal year for which information is available.

- **Compliance**
  b) Compliance standard. 1) Except as provided in §§ 300.204 and 300.205, funds provided to an LEA under Part B of the Act must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.

- **Reflection**
  - What timeline does your state use in determining eligibility and compliance standards under MOE? What TA has your state provided to LEAs to ensure awareness and understanding of the MOE eligibility and compliance standards? What data do you need in order to monitor eligibility and compliance under MOE?

Four Methods for Calculating MOE
34 CFR 300.203(a)(1)(i)-(iv) & (b)(2)(i)-(iv)

1. State and Local Total

2. State and Local Per Capita

3. Local Total

4. Local Per Capita

Reflection:
- Does your state system of funding clearly delineate between state and local funding for special education?

Subsequent Years Rule
34 CFR 300.203(c)(1)-(3)

"…the level of expenditures required of the LEA for the fiscal
year subsequent to the year of the failure is the amount that would have been
required in the absence of that failure, not the LEA's reduced level
of expenditures."

Reflection:

- How has this change affected your your LEAs? Your data collection system?

Exceptions
34 CFR 300.204

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) The **assumption of cost by the high cost fund** operated by the SEA under §300.704(c).

Reflection:
- Should/do you encourage LEAs to cite all exceptions every year? How do you verify exceptions?

LEA MOE: Determining Eligibility and Compliance, Part II: Facilitated Peer-to-Peer Discussion

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Expectations of the LEA MOE Panel Session

- Learn about the different ways three states meet the LEA MOE requirements.

- Participate in a facilitated peer-to-peer discussion with colleagues from other states.

- Ask questions!

Discussion and Demonstration of State Panelists' MOE Data Collection Systems

Taking a look at the Kansas, Wisconsin, and Missouri Funding and MOE Data Collection Systems

Collection of Data:
Panel Discussion Starters

- Do LEAs enter data and check for their own compliance, or is data collected and assessed at the state level? Maybe a combination of both?

- Do you pre-load elements? (enrollment counts, pulling information from existing databases, etc.)

- Do you use a computer application, worksheets, macro spreadsheets, etc.?

- For districts that have come together to establish joint eligibility (e.g., a coop, interlocal, intermediate agency), how do you collect and assess LEA MOE data?

Local vs. State Funds:
Panel Discussion Starters

- How do you discern local and state funding?

- Are "gifts" treated as local funding? (e.g. a local endowment or other private contribution.)

Exceptions:
Panel Discussion Starters

- **What is your process for entering exceptions?**

  - Do LEAs enter exceptions even if they meet at least one test?

  - When does the SEA review and approve, or do they?

  - What level of detail/documentation do you collect in reviewing/verifying exceptions?

  - How does the use of exceptions interact with your per pupil expenditures?

- **How do you define your exceptions?**

  - Exceptionally costly program?

  - Long-term purchase?

  - What qualifies as a "voluntary" departure?

Compliance and Eligibility Standards:
Panel Discussion Starters

- Are all district MOE reports reviewed annually by SEA staff?

- What are the applicable timelines in your state?

Changes to LEA MOE Regulations
Panel Discussion Starters

- How has your state dealt with the changes? Challenges?

- Do you find that LEAs appreciate the requirement, dislike it, or maybe a little of both?

TA and Guidance to LEAs:
Panel Discussion Starters

- What kind of TA/guidance do you provide to LEAs on the topic of MOE?

- Do you have specific trainings, webinars, etc.?

- Who receives this training?

Contact Us

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