

Maintenance of Effort (MOE)



As budget season approaches, CDE wants to share a reminder to keep Maintenance of Effort (MOE) at top of mind when reviewing your Administrative Unit's (AUs) Special Education budget. Below is a brief overview.

For questions, please contact Evan Davis at davis_e@cde.state.co.us

What is MOE? IDEA Regulation [34 CFR §300.203](#)

- Verifies Federal Funds are used to **supplement not supplant** state and local funds. 34 CFR §300.202(a)(3)
- Two Components
 - Determine AU's Eligibility to receive Federal IDEA funds. 34 CFR §300.203(a)
 - Determine AU's Compliance. 34 CFR §300.203(b)
- Has an AU budgeted in the next Fiscal Year (FY) at least the amount it expended in support of Special Education, from at least the same sources in the last FY for which data is available in order for the AU to be eligible to receive IDEA funds using:
 - Local funds only;
 - The combination of State and local funds;
 - Local funds only on a per capita basis; or
 - The combination of State and local funds on a per capita basis?

Allowable Exceptions (must be submitted to CDE)

- Voluntary departure or departure for just cause of special education staff
- Decrease in enrollment of students with disabilities
- Termination of high-cost obligation to a particular child with a disability
- Termination of costly expenditures for long-term purchases

Non-Allowable Exceptions

- Comprehensive Coordinated Early Intervening Services (CCEIS)
- Early Intervening Services (EIS)

What if my AU fails MOE?

- If after researching and submitting to CDE all allowable exceptions, the AU still fails MOE, the shortfall must be paid back to CDE. The CDE then pays back the shortfall to the US Department of Education
 - The repayment to CDE must be from non-Federal funds

Resources

- [Quick Reference Guide on Maintenance of Effort](#)
- [OSEP Questions and Answers on IDEA Part B LEA MOE Requirements](#)
- [Maintenance of Effort and Early Intervening Services](#)