



Collecting and Reporting the New Data Elements Related to the Local Education Agency Maintenance of Effort Provisions

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The IDEA Data Center (IDC) and the Center for IDEA Fiscal Reporting (CIFR) created this document under U.S. Department of Education, Office of Special Education Programs grant numbers H373Y130002 (IDC) and H373F140001 (CIFR). Richelle Davis and Meredith Miceli serve as IDC project officers. Matthew Schmeer and Dan Schreier serve as CIFR project officers.

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January 2017

IDEA Data Center (IDC)
and the Center for IDEA Fiscal Reporting (CIFR)

Suggested Citation:

Crain, D., Long, T., Munk, T., Nadkarni, S., Smith, S., Snyder, L., and Thacker, C. (2017, January). *Collecting and Reporting the New Data Elements Related to the Local Education Agency Maintenance of Effort Provisions*, (Version 1.0). IDEA Data Center and Center for IDEA Fiscal Reporting. Rockville, MD: Westat.



Introduction

The Office of Special Education Programs (OSEP) is adding four new data elements related to the local education agency (LEA) Maintenance of Effort (MOE) provisions of the *Individuals with Disabilities Education Act* (IDEA) in the MOE Reduction and Coordinated Early Intervening Services (CEIS) data collection.

OSEP will use data reported for the new data elements to determine (a) if LEAs/educational service agencies (ESAs) are meeting the MOE compliance standard, and (b) the amount of non-Federal funds states have returned to the U.S. Department of Education (ED) based on the failure of the LEAs/ESAs to meet the MOE compliance standard.

State education agencies (SEAs) and LEAs/ESAs will begin reporting the following new data elements for the MOE Reduction and CEIS data collection for the school year 2016–17 that is due in May 2018.

- Did the state determine whether the LEA/ESA met the MOE compliance standard in (Reference Year)?
- Did the LEA/ESA meet the MOE compliance standard in (Reference Year)?
- By the date of this data submission, did the state return non-Federal funds to ED based on the failure of the LEA/ESA to meet the MOE compliance standard in (Reference Year)?
- What amount of non-Federal funds did the state return to ED based on the failure of the LEA/ESA to meet the MOE compliance standard in (Reference Year)?

This resource discusses each of the four new data elements and provides additional support and assistance as states prepare to collect and submit these data. Although the requirement to capture and report the information is new, states have already been responsible for performing these functions as part of their role in monitoring LEA/ESA compliance with IDEA's MOE requirements. In conjunction with reporting these data, SEAs will formalize decisionmaking processes around MOE, develop protocols to describe how specific functions are performed, and identify roles and responsibilities of staff in the SEA responsible for collecting, validating, and reporting these data elements.

The sections that follow review each new element and present information about actions the SEA may take to address and answer the questions posed for each of the four data elements.

What States Need to Know to Collect the New MOE Data Elements

Did the State Determine Whether the LEA/ESA Met the MOE Compliance Standard in the Reference Year?

The state will answer yes or no to this question for each LEA/ESA.

Compliance determinations are made for LEAs/ESAs based on the following:

- process used to determine LEA MOE;
- expenditure reports for state and local funds, including
 - total amount expended in local funds for the education of children with disabilities in the reference year and the preceding fiscal year when the standard for local funds only was last met, and
 - the amount expended in state and local funds on the education of children with disabilities in the reference year and the preceding fiscal year when the test for state and local funds was last met;
- calculations used by the LEAs/ESAs for each of the four methods listed below to determine if the MOE compliance standard was met—
 - total amount of local funds only,
 - total amount of state and local funds,
 - per capita amount of local funds only, and
 - per capita amount of state and local funds;
- total enrollment of students with disabilities for the reference year and the preceding fiscal year when each per capita standard was last met.

Did the LEA/ESA Meet the MOE Compliance Standard in the Reference Year?

The state will answer yes, no, or NA to this question for each LEA/ESA:

- If the LEA/ESA is in compliance when it meets the requirements for any one of the four MOE compliance methods, and the state should answer yes.
- If the LEA/ESA does not meet requirements using any of the four methods, the LEA/ESA is not in compliance, and the state should answer no.
- If the state did not determine if the LEA was in compliance, and the state should answer NA.

The state will review the compliance decision documents based on the following for each LEA/ESA that the SEA evaluated for MOE compliance:

- actual expenditures;
- documentation for each of the four methods;
- documentation of exceptions for allowable MOE reduction if applicable; and
- compliance status in each of the four methods.

By the Date of the Referenced Data Submission, Did the State Return Non-Federal Funds to ED Based on the Failure of the LEA/ESA to Meet the MOE Compliance Standard in the Reference Year?

The state will answer yes or no to this question for each LEA/ESA for which the state determined MOE compliance was not met; otherwise, the state will answer NA.

The state will create and adhere to policies and procedures regarding LEA/ESA MOE compliance, including a process for returning non-Federal funds to ED (even if after the referenced data submission date). This process should address the specific source(s) of the non-Federal funds to be returned.

What Amount of Non-Federal Funds Did the State Return to ED Based on the Failure of the LEA/ESA to Meet the MOE Compliance Standard in the Reference Year?

For each LEA/ESA for which the state reported returning non-Federal funds, the state will report the dollar amount of all non-Federal funds the state returned to ED; for all other LEAs/ESAs, the state will report NA. The state will create and adhere to policies and procedures in place regarding LEA/ESA MOE compliance, including a process for returning non-Federal funds to ED. This process should address how the state determines the following:

- the lesser amount by which the LEA/ESA failed to meet the MOE compliance standard across each of the four methods;
- the amount of the IDEA Part B (Sections 611 and 619) subgrants in the reference fiscal year;
- the amount by which the LEA failed to maintain its level of expenditures, or the total amount of the LEA's Part B IDEA subgrant under Sections 611 and 619 of the IDEA, whichever is lower; and
- the amount of non-Federal funds, if any, that were returned to the state by the LEA/ESA, or how much was withheld by the state.

Timeline

Develop Policies and Procedures

States are encouraged to create a timeline for events that occur before submission of the new data elements and to develop policies and procedures to assist LEAs/ESAs with this new federal reporting requirement.

The timeline may include dates when the following milestones are met:

- The state notifies the LEAs/ESAs that will be monitored for LEA MOE compliance.
- The LEAs/ESAs submit their expenditures to the state.
- The state finalizes an audit of the LEA/ESA expenditures.
- The state determines if the LEA/ESA met the MOE compliance standard.
- The state determines the amount of penalty from non-Federal funds it will return when an LEA/ESA fails to meet the MOE compliance standard; the policies may address if and how the state recoups the penalty from the LEAs/ESAs that failed to meet MOE compliance.
- The LEA/ESA submits the penalty from the non-Federal funds to the state (if applicable).
- The state submits non-Federal funds to ED.

What States Should Be Doing Now to Prepare for Reporting the New LEA MOE Data Elements

If your state has a statewide, online system for MOE

- Review the existing elements in the system to determine if the system houses the necessary information to report the four new data elements.
- Determine any gaps between what is housed in the system and what is needed to report the new data elements accurately.
- Decide whether the system will be updated to store, calculate, and/or report the missing information, or if another method will be used.
- Work with fiscal, program, data, and information technology/vendor staff to make any necessary changes to the system or develop the additional methodology.
- Use the data to generate a report, by LEA/ESA, that can be integrated into the overall LEA MOE Reduction and CEIS data collection.

If your state collects MOE data from LEAs/ESAs via individual spreadsheets (or similar methods)

- Review the existing information that the state collects from LEAs/ESAs to ensure it includes the necessary information to report on the four new data elements.
- Identify any gaps between what is collected and what is needed to report the new data elements accurately.
- Determine when and how any missing information will be collected, calculated, and stored.
- Work with fiscal, program, data, and IT staff to make any necessary changes.
- Integrate the new data elements into the overall LEA MOE Reduction and CEIS data collection.

Additional Resources

The additional resources in this section are provided to assist states with understanding the underlying LEA MOE requirements and collecting and reporting high-quality data for the MOE Reduction and CEIS submission.

Quick Reference Guide on IDEA Local Educational Agency Maintenance of Effort

<http://cifr.wested.org/wp-content/uploads/2015/12/CIFR-LEA-MOE-ORG.pdf>

Local Educational Agency (LEA) Maintenance of Effort (MOE) Calculator

<http://cifr.wested.org/resources/lea-moe/calculator/>

CIFR's LEA MOE Resource page: <http://cifr.wested.org/resources/lea-moe/>

IDC's Knowledge Lab Fiscal Resource page: <https://ideadata.org/resource-library/knowledge-lab/>

618 Data Pre-submission Edit Check Tool - Part B MOE and CEIS:

<https://ideadata.org/resource-library/56cb2396140ba0d1308b4583/>

Data Notes Practice Guide: http://cifr.wested.org/wp-content/uploads/2016/08/CIFR-Program-Model_Notes.pdf

IDEA Data Training Modules: Module 3 May Data Submission:

<http://newdatamanagers.ideadata.org/part-b-idea-data-submissions/module-3-may-data-submissions>

Issuance of Guidance on the Final Local Educational Agency (LEA) Maintenance of Effort (MOE) Regulations Under Part B of the Individuals with Disabilities Education Act (IDEA):

<https://osep.grads360.org/services/PDCService.svc/GetPDCDocumentFile?fileId=14178>

Local Education Agency Maintenance of Effort: Mechanics of the Revised Regulations:

<http://cifr.wested.org/new-video-available-lea-moe-mechanics-of-the-revised-regulations/>

MOE Reduction Eligibility Decision Tree and Worksheet:

<https://ideadata.org/resource-library/56995073150ba000628b45df/>

Recommendations for State Consideration When Implementing the 2015 IDEA Maintenance of Effort Regulations:

<http://cifr.wested.org/wp-content/uploads/2016/03/MOERegImplementationConsiderations.pdf>