

**LEA Maintenance of Effort Eligibility and  
IDEA Consortium Agreement Between**

Name of Cooperative: \_\_\_\_\_

Name of Local Education Agency (LEA): \_\_\_\_\_

The LEA agrees to assign its Federal IDEA Part B, Sections 611 and 619 school year 2016-2017 grant allocations to the Cooperative. In return, the Cooperative will submit a group application on behalf of all the participating Cooperative members to the South Dakota Department of Education for IDEA Part B funding. As the grant applicant, the Cooperative will serve as the project fiscal agent, and coordinate all project services and activities detailed in the group application.

**Maintenance of Effort Requirement (MOE): 34 CFR 300.203**

The LEA must expend the same amount of local, or state and local funding for special education and related services as it expended in the comparison fiscal year. The LEA must not use funds provided under Part B of the IDEA to reduce the level of expenditures for the education of children with disabilities made by the LEA from local, or state and local funds. There are some exceptions to allow for decreases in an LEA's MOE from one fiscal year to the next.

Any state or local funds used for coordinated early intervening services (CEIS) will not be counted in the LEA's maintenance of effort calculation, as those funds are not used for providing special education and related services.

**Determining Eligibility for IDEA Part B Funding**

The LEA needs to pass at least one of the four MOE tests below to maintain eligibility to participate in next year's IDEA program. Enter the Actual Comparison Year information from and then enter your LEA's budgeted amounts for FY 2017.

The LEA must budget at least the same amount of funds for the education of children with disabilities as the LEA spent in the previous fiscal year from the following sources:

1. Local Funds (must have auditable data)
2. Combined State and Local Funds
3. Local Funds per Capita (must have auditable data)
4. Combined State and Local Funds per Capita

Enter Projected Number of Children with Disabilities for FY 2017 (3 - 21 Child Count)

**\* Restriction: An LEA that wants the option to use the local funding only methods to calculate MOE must be able to separately track and provide auditable data to clearly distinguish between local and state funds.**

Yes

	COMPARISON YEAR	COMPARISON YEAR AMOUNT (see Attachment F)	*BUDGETED FY 2017
1. Local Expenditures (must have auditable data)			
2. State and Local Expenditures			
3. Local Expenditures per Capita (must have auditable data)			
4. State and Local Expenditures per Capita			

No

	COMPARISON YEAR	COMPARISON YEAR AMOUNT (see Attachment F)	*BUDGETED FY 2017
2. State and Local Expenditures			
4. State and Local Expenditures per Capita			

**\*Note:** Amounts reported above should be expenditures, not revenues. Do not include state or local funds used for CEIS, Federal IDEA, Impact Aid, or Medicaid expenditures in actual or budgeted amounts.

**Compliance Standard for MOE**

A final analysis of an LEA's MOE compliance does not occur until after the fiscal year has closed. The standard for determining whether the MOE requirement has actually been met in a fiscal year is that the LEA meets at least one of the four tests through actual expenditures compared to the comparison year.

**Non-Compliance with MOE**

If an LEA does not pass at least one of these MOE tests, the LEA must provide documentation to the SD Department of Education explaining how one of the exceptions allowed has occurred. If the LEA is unable to establish an allowable exception, non-compliance will be determined and the LEA will be required to pay the amount it fell below the MOE requirement to the South Dakota Department of Education.

**Exceptions to Maintenance of Effort: 34 CFR 300.204 and 300.205**

An LEA may reduce the level of expenditures from local, or State and local funds below the level of those expenditures for the preceding fiscal year if the reduction is attributable to the following, previously paid for with State or local funds. Please check the one(s) that apply to your school district.

- 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. Maintenance of Effort (MOE) reduction using the 50% rule (authorized under 34 CFR 300.205(a)). The amount of freed up local special education funds the LEA spent on ESEA activities in FY 2015. The LEA was able to reduce their MOE using the 50% Rule in FY 2016.  
Reduction Amount (See Attachment K): \_\_\_\_\_

MOE Cooperative Agreement

If you have checked one or more exceptions, please provide an explanation and the exact amount of the difference in expenditures from year to year for each exception. Exceptions only apply to activities previously paid for with State or local funds.

a. The voluntary departure, by retirement or otherwise, or departure for just cause of special education or related services personnel.			
	Position	Reason for Leaving	Amount
1			
2			
3			

c. The termination of obligation of the district to provide a program of special education to a particular child with a disability that is an exceptionally costly program because the child leaves the district, ages out, graduates, or no longer needs the special education program.			
Student ID: _____ Justification: _____			
	Description of Expenditures	Amount	
1			
2			
3			
Student ID: _____ Justification: _____			
	Description of Expenditures	Amount	
1			
2			
3			
Student ID: _____ Justification: _____			
	Description of Expenditures	Amount	
1			
2			
3			

d. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.		
	Description of Expenditures	Amount
1		
2		
3		

Total Amount of Allowable Exceptions: \_\_\_\_\_

**LEA's Authorized Representative Signature:**

The School Board has authorized me to sign on the LEA's behalf to participate in the Cooperative Project. I certify to the best of my knowledge the information provided in this agreement is accurate, and that the LEA as a member of the Cooperative will comply with the provisions of Article 24:05 of the Administrative Rules of South Dakota and Individuals with Disabilities Education Act, 2004 (PL 108-446). As a member of the Cooperative application the LEA agrees to be bound to all the requirements and assurances in the Cooperative grant application.

\_\_\_\_\_  
*(Signature of LEA's Authorized Representative)*

\_\_\_\_\_  
*(Print Name and Title)*

\_\_\_\_\_  
*(Date)*

**LEA's Business Managers Signature:**

I have reviewed the Maintenance of Effort information, and to the best of my knowledge the information provided in this agreement is accurate. The LEA intends to spend enough local or State and local funds to meet the Maintenance of Effort requirement.

\_\_\_\_\_  
*(Signature of LEA's Business Manager)*

\_\_\_\_\_  
*(Print Name and Title)*

\_\_\_\_\_  
*(Date)*

**Cooperative's Authorized Representative Signature:**

The Cooperative accepts the above named LEA to participate in the Cooperative Project.

\_\_\_\_\_  
*(Signature of Cooperatives Authorized Representative)*

\_\_\_\_\_  
*(Print Name and Title)*

\_\_\_\_\_  
*(Date)*

**Please upload the form to the Grants Management System under the Consortium tab.**