



# **Maintenance of Effort (MOE) Reduction Eligibility Decision Tree and Worksheets**

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## Purpose

The *Maintenance of Effort (MOE) Reduction Eligibility Decision Tree and Worksheets* includes three documents to assist state education agencies (SEAs) and local education agencies (LEAs)/educational service agencies (ESAs) with MOE reduction. First is a decision tree that guides SEAs and LEAs through a series of questions to determine an LEA/ESA's eligibility to reduce MOE. The second document is an Excel-based worksheet that facilitates the calculation of the maximum allowable amount of MOE reduction and Coordinated Early Intervening Services (CEIS) for the LEA/ESAs. The third document is an Excel-based worksheet that facilitates the calculation of the maximum allowable amount of MOE reduction and CEIS for all the LEAs/ESAs within the SEA.

## Instructions

The SEAs and LEAs/ESAs proceed through a series of questions in the decision tree to determine if an LEA/ESA is eligible to reduce MOE. An LEA/ESA may reduce MOE provided it received an increase in the *Individuals with Disabilities Education Act* (IDEA) Section 611 allocations from the previous year, "meets requirements" determination, maintained free appropriate public education (FAPE), and was not identified with significant disproportionality.

Once the LEA/ESA is determined to be eligible to reduce MOE, the Excel-based worksheet is designed to allow for the SEA and/or LEA/ESA to correctly calculate the maximum allowable amount of MOE reduction and CEIS.

**A Did the LEA/ESA...**

receive an increase in its IDEA Section 611 allocation for the current Federal Fiscal Year when compared to the previous Federal Fiscal Year?

Eligibility to reduce Maintenance of Effort: 34 CFR § 300.205(a)

**YES**

**GO**

Proceed to next question

**NO**

**STOP**

LEA/ESA is not eligible for MOE reduction pursuant to 34 CFR § 300.205(a)

**B Did the LEA/ESA...**

- 1) receive "Meets Requirements" on the determination that controls whether the LEA/ESA may be able to reduce MOE and
- 2) establish and maintain programs of free appropriate public education (FAPE) that meet the requirements of Section 613(a)?

- EMAPS User Guide: IDEA Part B Maintenance of Effort (MOE) Reduction and Coordinated Early Intervening Services (CEIS)
- Eligibility to reduce Maintenance of Effort: 34 CFR § 300.205(c)
- Ineligibility to reduce Maintenance of Effort:
  - ♦ 34 CFR § 300.608(a)
  - ♦ Secretary's 'Dear Colleague' letter on determinations

**YES**

**GO**

Proceed to next question

**NO**

**STOP**

LEA/ESA is not eligible for MOE reduction pursuant to 34 CFR § 300.205(c)

**C Is the LEA/ESA...**

required to reserve 15% of its IDEA funds (Section 611 and Section 619) for Coordinated Early Intervening Services (CEIS) due to a determination of significant disproportionality for the reference school year?

- Required to reserve CEIS due to significant disproportionality: 34 CFR § 300.646(b)(2)
- Eligibility to reduce Maintenance of Effort: 34 CFR § 300.205(c)
- *Navigating Coordinated Early Intervening Services (CEIS) White Paper*
- *Methods for Assessing Racial/Ethnic Disproportionality in Special Education: A Technical Assistance Guide* (Revised)
- Relationship between the MOE reduction and CEIS: OSEP Memo 08-09
- *The American Recover and Reinvestment Act of 2009 Guidance*

**NO**

**\$**

LEA/ESA is eligible for MOE reduction pursuant to 34 CFR §300.205

**GO**

**Proceed to the MOE Reduction Eligibility Worksheet for LEA/ESAs located in the IDC Resource Library**

**Proceed to the MOE Reduction Eligibility Worksheet for SEAs located in the IDC Resource Library**

**YES**

**STOP**

LEA/ESA is not eligible for MOE reduction pursuant to 34 CFR § 300.205(c)