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To: District Superintendents of Public Schools
Superintendents of Public Schools
Superintendents of Special Act School Districts
Superintendents of State-Operated Schools
Special Education Directors

From: Todd Harrigan

Subject: Submission of the 2013-16 Local Education Agency (LEA) Maintenance of Effort (MOE) Calculator to meet the Compliance Standard of the Federal Funding-Individual with Disabilities Education Act (IDEA) Part B for the Education of Students with Disabilities.

LEAs must comply with the Maintenance of Effort (MOE) requirement of 34 CFR 300.203 - Maintenance of Effort (b) Compliance Standard, funds provided to an LEA under IDEA Part B 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 expenditures for the preceding year. Click link for further guidance on <https://www.law.cornell.edu/cfr/text/34/300.203>.

New York State Education Department (NYSED) has never required LEAs to submit documentation that certifies that they are meeting the Compliance Standard for MOE. Due to this fact, NYSED is not in compliance with the State Educational Agency's general supervisory responsibilities in 34 CFR 300.149. To correct this non-compliance, LEAs must complete the Compliance Standard component of the LEA MOE Calculator for the 2013-14, 2014-15 and 2015-16 school years.

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I. Who is the Center for IDEA Fiscal Reporting (CIFR)

The Center for IDEA Fiscal Reporting (CIFR) is a national organization funded by the U.S. Department of Education to assist State Educational Agencies (SEA) to meet all compliance requirements of IDEA.

NYSED has worked with this organization to develop our materials on the Maintenance of Effort requirements for IDEA.

II. LEA MOE Calculator

The LEA MOE Calculator was developed by CIFR for LEAs to submit their MOE information to their SEA. The Calculator is a 24 Tab Excel worksheet that allows a LEA to provide their information to NYSED for both the Eligibility and Compliance Standard of MOE.

The Calculator is attached in the email with this letter or click link. <http://cifr.wested.org/resources/lea-moe/calculator/>.

Please click link above to register for alerts of updated versions. NYSED will notify LEAs of an updated version to the Calculator.

Three rules that LEAs must follow when using the Calculator

- 1) NEVER delete rows, columns, or a tab of the Calculator. There are formulas within the calculator that will not work if there are any deletions.
- 2) The Calculator includes multiple school years. Each time you complete information in the Calculator you must use the same document. You can't have multiple versions of the Calculator because the information provided for a particular school year is relevant to the prior school year(s) when determining if a LEA has met MOE.

- 3) Don't include any information in school years 2010-2011, 2011-12, and 2012-13. LEAs are not required to submit any information prior to school year 2013-14.

III. Guidance to Complete the Calculator

To assist LEAs in their completion of the Calculator for the 2013-16 Compliance Standard; NYSED worked with CIFR to create documents that provide guidance on how to complete the Calculator. The guidance documents attached with this letter can be found on our website at: <http://www.p12.nysed.gov/specialed/finance/idea-grant-application-guidance.html> under the heading Maintenance of Effort.

- 1) Power Point document named **Guidance on how to use the LEA MOE Calculator**. This document provides background on this requirement and contains examples on how to complete the Calculator.
- 2) Word document named **Step by Step Guidance to complete the LEA MOE Calculator**. This document provides step by step directions on how to complete the Compliance Standard for the LEA MOE Calculator.
- 3) Word document named **Maintenance of Effort Guidance Recommendations for Budget and Actual Special Education Amounts**. This document provides guidelines when determining which cost and where those cost should be included in your districts LEA MOE Calculator.
- 4) Excel Document named **SWD Child Count by District**. This Excel Worksheet provides each district the child count data to be used for the 2013-14, 2014-15, and 2015-16 school year.

IV. How to Submit Questions on Completion of the Calculator

Please submit your questions to idea@nysed.gov. In the subject line please include "Your LEA Name" and 2013-16 MOE Compliance.

To contact us by phone please call (518) 486-4662. Our main point of contact is Meg Fargione.

NYSED will create a Frequently Asked Questions document to and will post this document at <http://www.p12.nysed.gov/specialed/finance/idea-grant-application-guidance.html> by 5/05/17.

V. Technical Assistance.

Based on the questions submitted over the next few weeks, NYSED will formulate a plan to provide statewide technical assistance if needed. Because this is a new initiative, we will wait a few weeks to allow LEAs to review the material and let us know what topics they need further technical assistance. Please send any technical assistance recommendations to idea@nysed.gov. Based on the responses received, NYSED will formulate a plan to provide technical assistance at the end of May.

VI. Due Date for Submission and How to Submit

LEAs must submit their Calculator to NYSED by 6/16/17. A LEA is not eligible for a 2017-18 IDEA award until it has submitted and NYSED has approved their 2013-16 Compliance Standard Calculator.

LEAs must submit their Calculator to NYSED by emailing their completed Calculator to idea@nysed.gov. In the subject line please include “Your LEA Name” and 2013-16 Compliance Standard Calculator.