

Allowable Exceptions for IDEA Maintenance of Effort

A sub-recipient may reduce its level of expenditures for educating children with disabilities below the fiscal year levels, if the reduction is due to any of the following circumstances listed below.

1. The voluntary departure (by retirement or otherwise) or the departure for just cause of special education and related services personnel. NOTE: A Reduction in Force (RIF) is not an allowable exception.

- Example: An employee, paid with general funds, servicing special education students retired in fiscal year 2015-2016 and was replaced by an employee who was paid a lower amount of general funds. The difference between the two salaries and related benefits combined is an allowable exception in fiscal year 2016-2017.
- Example: An employee, paid with general funds, servicing special education students resigned in 2015-2016 and the position was not filled. The total salary and related benefits for the employee is an allowable exception in fiscal year 2016-2017.

2. A decrease in the enrollment of children with disabilities.

- Example: In fiscal year 2015-2016, a special education only bus route transported 10 IEP students. Seven of the students moved out of the district and the remaining three students were moved to a non-special education bus route. This is a decrease in child count directly related to special education expenditures paid with general funds. The driver's salary and related benefits, the gasoline and other transportation costs for that bus paid with general funds is an allowable exception in fiscal year 2016-2017.
- Example: A decrease in students requiring speech therapy decreased; therefore, reducing the amount of therapist needed to serve the remaining students. The salaries and related benefits for the speech therapist no longer required.

3. The termination of the obligation of the sub recipient 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:

- has left the sub recipients jurisdiction;
- has reached the age at which the sub recipient is no longer obligated to provide FAPE to the child;
- no longer needs the special education program.

- Example: In 2015-2016 a high cost special education student required a personal teacher, personal paraprofessional, personal nurse, therapies, transportation, or contract services necessary for a child with an IEP that is no longer needed due to one of the reasons above.

4. The termination of costly expenditures for long-term purchases such as the acquisition of equipment or the construction of school facilities.

- Example: Over the past few years, a district had a loan for a special education bus which was purchased with general funds. The district made its last payment in fiscal year 2015-2016. Since the district no longer had a special education bus payment in fiscal year 2016-2017, the amount of general funds paid for the special education bus is an allowable exception to MOE in fiscal year 2016-2017.

5. The assumption of cost by the high-cost fund operated by the SEA.

- Example: The district may reduce the MOE amount by the Federal amount of High Cost Services funds revenue received in fiscal year 2016-2017.