

SANTA BARBARA COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA

3000 BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

3200 BUDGET PLANNING PROCESS

3218 Federal Maintenance of Effort Requirement

Santa Barbara County SELPA (SBCSELPA) member local education agencies recognize that the intent of the federally mandated maintenance of effort (MOE) requirement is to ensure the provision of appropriate services for students with disabilities.

The governing board of each local education agency (LEA) of which the Santa Barbara County SBCSELPA is comprised has adopted an assurance statement regarding the maintenance of local financial effort relative to the receipt of federal special education funds. Pursuant to these locally adopted assurance statements, it is the expectation that all individual sub-grant recipient member agencies (LEAs) of the SBCSELPA shall meet the MOE requirement on a yearly basis. As each school year progresses, it shall be the responsibility of each SBCSELPA LEA to monitor expenditures for special education to assure that the LEA is on track to meeting the MOE.

LEAs shall be deemed to have met the MOE if their expenditure data meets the MOE parameters as set forth in the implementing regulations of the Individuals with Disabilities Education Act (IDEA).

If the expenditure data of an individual sub-grant recipient member LEA indicates that the MOE standard will be met only through application of the criteria outlined in Section 300.232 of the IDEA (Exception to Maintenance of Effort), SBCSELPA Executive Director shall review such data and make a recommendation to the JPA Board regarding whether the criteria for exception to MOE have been met. The JPA Board shall take action to approve or deny the recommendation of the SBCSELPA Executive Director.

The SBCSELPA Executive Director may consult with special education administrators and business officials from local education agencies (LEAs) in SBCSELPA as needed, to seek input regarding such requests.

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In the event that the JPA Board determines that a member LEA submits a LEA Maintenance of Effort Calculation Worksheet (LMC-B) that fails to meet the IDEA budget to actual eligibility requirement to receive IDEA funds, the SBCSELPA shall document that it has withheld the LEA's allocation of federal funds until the LEA can demonstrate to the SBCSELPA and the California Department of Education (CDE) that it will meet the LMC-B requirements.

In the event that the JPA Board determines that a member LEA submits an LEA Maintenance of Effort Calculation Worksheet (LMC-A) that fails to meet the IDEA actual to actual compliance requirement, the LEA will be invoiced by the CDE directly. The LEA will have to pay back the difference between the prior actual expenditures and the most recent year's actual expenditures directly to the CDE. The LEA must use local and/or state and local funds from the current fiscal year to pay the CDE. If the LEA does not respond to three invoice requests from CDE to pay the invoice, the LEA acknowledges that the CDE will deduct funds from the LEA's next principal apportionment or apportionments until the penalty is met.

DATE APPROVED: April 5, 2004

DATE REVISED: December 14, 2009

DATE REVISED: October 1, 2012

DATE REVISED: September 14, 2015