

Re-invest Maintenance of Effort (MoE) Resources to Improving Learning for ALL

This was written with the leadership of 2015-16 MASA Federal Advocacy Committee Chair Connie Hayes, Superintendent of the NE Metro 916 Intermediate District. We would like to thank our colleagues who contributed their wisdom and perspective to this document: Dan Naidicz, Special Education Director and Alyssa Diamond, Communications Coordinator from NE Metro 916 Intermediate District.

What is Maintenance of Effort (MoE)? Maintenance of effort is a concept that requires states and school districts to maintain funding efforts from year to year in order to receive any federal education dollars. MoE provisions are intended to ensure education funding is not reduced for students with disabilities in tough economic times and that federal funding does not supplant other sources of money.

It's time to change the way that districts look at MoE and allow resources to be re-invested into initiatives and programs consistent with Multi Tired Systems of Supports (MTSS) so that all students have better outcomes...

Why is this a problem in school districts you serve? Current exceptions to the MoE are too narrow to account for temporary fluctuations to special education budgets, such as longterm substitute costs or students whose successful development reduces the need for expensive temporary treatment services from one year to the next. MoE requirements act as disincentives for school districts to plan and work productively together to decrease redundancies and operational costs related to special education and to improve programming for all students.

Some school districts can identify efficiencies in spending in special education that should be re-invested to improve student learning, for example:

More efficient bus schedules – Districts can share busing services for some special education students rather than transporting one student per bus to other districts. Even though students could receive the same level of service (transportation on appropriately outfitted buses), and districts can save hundreds of thousands of dollars by collaborating, MoE restrictions require districts to miss the opportunity for the savings to be re-invested on improving student learning for all.

Create in-district programs and reduce placement with other districts – When districts have the capacity to serve students in their own neighborhood schools rather than transporting them to other districts, they might save dollars. Under MoE, the same level of spending is required. Savings cannot be re-invested to improve programs for all students.

MoE Does Not Guarantee Best Services for Students with Disabilities Anyway!

Staffing and scheduling models – In a simplified hypothetical scenario, a district's entire special education spending is \$1,000,000 comprised of 20 teachers, each earning \$50,000

a year. If the district was to cut a teacher, and spend \$950,000 instead, this would violate MoE. If however, all teachers received a 5% raise, the district could cut a teacher, potentially decreasing services to students, and not violate MoE. Thoughtful planning for the needs of students should not be compromised by MoE.

Provide Some Flexibility in Spending to Plan for Better Student Success

The constraints of MoE hold state education agencies and local school districts to unrealistically narrow restrictions that fiscally punish the SEA or LEA for proposing rational exceptions to the requirements that can result in better outcomes for students. MoE made sense when services for students with disabilities were developing in schools. Now, however, either intentional or not, MoE equates spending with effort. They are in fact different.

It's time to change the way that districts look at MoE and allow resources to be re-invested into initiatives and programs consistent with Multi Tired Systems of Supports (MTSS) so that all students have better outcomes, resulting in fewer children being referred to special education, such as:

1. Re-invest dollars to hire general education, highly skilled, reading specialists that serve all children with needs in reading.
2. Re-invest dollars to pay for additional general education math teachers for high school students who struggle with math (with and without an IEP), and similarly for English. Extra general education staff would support extra extraction from content expert teachers.
3. Re-invest dollars to less costly, but better for students, pushing services and inclusion (setting II) rather than substantially separate (setting III) when appropriate.
4. Re-invest dollars to hire behaviorists to better support students with emotional/behavioral needs, serving students before a referral to special education.
5. Re-invest in social workers and substance abuse counseling to address needs of students who have complicated lives, but not a disability.
6. Re-invest in instructional coaches to improve core instruction, where students with special needs receive the vast majority of their learning.

How? Support HR 2965: The BOLD (Building on Local District) Flexibility in the IDEA Act. BOLD amends provisions in the Individuals with Disabilities Education Act (IDEA) related to MoE. Your local school districts need your support for BOLD. By doing so, your school leaders would have the opportunity to make wiser investment decisions for limited education dollars on proven initiatives with greater results.