



West Virginia DEPARTMENT OF  
**EDUCATION**

# Office of Special Education Update

Presented by: Shana Clay, CPA

July 16, 2019

## Maintenance of Effort (MOE)



## Part B LEA MOE

- IDEA MOE Regulations:
  - IDEA requires that LEAs must budget and expend the same amount of local funding for special education as it expended in the previous fiscal year. (34 CFR §300.203)



## Part B LEA MOE

- The amount of local, or State and local, funds expended for the education of children with disabilities is the amount of funds that establishes the level of expenditures to be maintained from year to year and establishes the MOE level.



## Supplement not Supplant

Funds under Part B must be used to supplement State, local and other Federal funds and not to supplant them (See 34 CRF §300.202(a)(3))

If a LEA **maintains** its fiscal effort, it will only be using Part B funds to supplement local, or state and local funds, and not to supplant them and thus meets the supplement/not supplant requirements.



## MOE-Eligibility and Compliance

### Eligibility Test

- Local special education budget amounts compared to prior year actual expenditures
- Determines whether an LEA is “eligible” to receive the IDEA entitlement grants

### Compliance Test

- Local special education actual expenditures two-year comparison
- Determines whether an LEA is in final compliance with the MOE requirement



## MOE-Eligibility and Compliance

### Failing Eligibility Test

- LEA may not receive an IDEA allocation for fiscal year tested

### Failing Compliance Test

- LEA must repay an amount equal to the short-fall
- Must use non-federal funds for repayment
- Possible single audit finding



## MOE-Assurance for Funding Eligibility

- To be eligible for plan approval and to receive a grant awards for FY 20, the LEA must submit a FY 20 LEA budget that assures MOE will be met
- Medicaid funds spent for students with disabilities are NOT counted as local funds for the purpose of MOE (CSBO codes Medicaid revenues and expenditures in WVEIS which are excluded from calculation. Use Project 00Y83)



## Four Tests to Meet MOE

- An LEA needs to only meet ONE of the following comparison tests:
  - 1) Local & State expenditures in total for SWD
  - 2) Local Only expenditures for SWD
  - 3) The per student amount of Local & State expenditures for SWD
  - 4) the per student amount of Local Only expenditures for SWD

First must budget adequate amount, then must spend



## MOE Federal Clarification

- Consolidated Appropriations Act, 2014
  - That the level of effort a local educational agency must meet under section 613(a)(2)(A)(iii) of the IDEA, in the year after it fails to maintain effort is the level of effort that would have been required in the absence of that failure and not the LEA's reduced level of expenditures.




**Examples of a Compliance Analysis Based on a Combination of State and Local Funds**

Table 1. LEA Maintained Effort in 2017-2018			
Fiscal Year	Actual level of effort	Required level of effort	Notes
2016-2017	\$100	\$100	LEA met MOE requirement
2017-2018	\$90	\$90	LEA properly took exceptions and adjustment allowed by code
2018-2019		\$90	Required level of effort is \$90 because LEA expended \$90 and met MOE in 2017-2018

Table 2. LEA Did Not Maintain Effort in 2017-2018			
Fiscal Year	Actual level of effort	Required level of effort	Notes
2016-2017	\$100	\$100	LEA met MOE requirement
2017-2018	\$90	\$100	LEA did not maintain effort
2018-2019		\$100	Required level of effort is \$100 despite LEA's failure in 2017-2018



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**Examples of an Eligibility Analysis Based on a Combination of State and Local Funds**

Table 3. LEA Maintained Effort in 2016-2017			
Fiscal Year	Actual level of effort	Required level of effort	Notes
2015-2016	\$130	\$130	LEA met MOE requirement
2016-2017	\$150	\$130	LEA met MOE requirement
2017-2018			Final expenditure data are not available when budgeting for 2018-2019
2018-2019		\$150	Required level of effort to budget for 2018-2019 is \$150 because LEA expended \$150 and met MOE in 2016-2017

Table 4. LEA Did Not Maintain Effort in 2016-2017			
Fiscal Year	Actual level of effort	Required level of effort	Notes
2015-2016	\$130	\$130	LEA met MOE requirement
2016-2017	\$100	\$130	LEA did not maintain effort
2017-2018			Final expenditure data are not available when budgeting for 2018-2019
2018-2019		\$130	Required level of effort to budget for 2018-2019 is \$130 despite LEA's failure in 2016-2017


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## LEA MOE Exceptions

34 CFR §300.204 provides exceptions for:

- voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel – hiring staff who fall lower on the pay scale;
- decrease in the enrollment of students with disabilities;
- termination of costly long-term purchases such as the acquisition of equipment or construction of school facilities;



## LEA MOE Exceptions

- Termination of an exceptionally costly obligation to a particular child with a disability because the child
  - Has left the jurisdiction;
  - Has reached the age at which the obligation to provide FAPE to the child is terminated; or
  - No longer needs the program of special education
- Assumption of cost by a high cost fund operated by the SEA under 34 CRF §CFR 300.704(c)



## Part B LEA Adjustments

With certain exceptions, for any fiscal year for which an LEA's Part B allocation under section 611 exceeds the amount the LEA received for the previous fiscal year, the LEA may reduce the level of expenditures otherwise required for MOE by not more than 50% of the amount of the excess

See 34 CFR §300.205(a)



## Part B LEA Adjustments

An LEA is eligible to make the 50% reduction if the LEA:

- Receives an increase in section 611 funds
- “meets requirements” under the sec. 616 determinations
- Has not had action taken against it by the SEA under IDEA section 616
- Has not had responsibility for providing FAPE taken from it by the SEA
- Has not been found by the SEA to have significant disproportionality under 34 CFR §300.646





## LEA MOE Exceptions

- In all the exceptions noted on the previous slides, appropriate and thorough documentation must be submitted in each case to support the amount, reason, and/or justification for the exception.



## MOE Calculation – State/Local

- Include
  - Total Expenditures in funds 11, 12, 2X, 3X, 4X, 5X, 61 and 71
  - Projects 00YXX – 29YXX, 52YXX and 9XYXX
  - Program/Function code 2XXXX
- Exclude
  - Projects 04YXX, 00Y83
  - Program/Function Code 41471 (Gifted)
  - Object Codes 217 and 235



## MOE Calculation – Local Only

- Total Revenues in funds 11 & 12, Project 00YXX, Revenue Source Code 01XXX (Excluding project 00Y83 – Medicaid) / Total Revenues in funds 11 & 12, Project 00YXX, ALL Revenue Source Codes (Excluding Revenue Source Code 04221 and project 00Y83 – Medicaid)
- Dividing the first total into the second total provides the percentage of local revenue to total of state and local revenue
- Total State and local expenditures in Program/Function 2XXXX, Funds 11 & 12, Project 00YXX (Excluding project 00Y83 – Medicaid and Program/Function 41471 – Gifted)
- Multiply total expenditures by the percentage of local revenue calculated above to find the amount of expenditures attributable to local sources



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Maintenance of Effort

West Virginia Department of Education

Compliances

- LEA-Special Education
  - LEA-MOE 2021
    - State/Local
    - Local Funds
  - LEA-MOE 2020
    - State/Local
    - Local Funds
  - LEA-MOE 2019
    - State/Local
    - Local Funds

Requirements Resource

STATE AND LOCAL FUNDS - COMPLIANCE TEST FOR FY 2019

	FY 17	FY 16	Increase or (Decrease)
1. Total Expenditures in funds 11, 12, 2K, 3K, 4K, 5K, 61, and 71 (Excluding Program/Function Code 21000, Program/Function Code 26000, (Excluding Program/Function Code 21271 and Objects 217, 235	\$ 7,415,593.54	\$ 7,054,067.57	
2. If expenditures for GPES were recorded to Program/Function 21000, but not in 217 as applicable, subtract that total now.		0	
3. Less Total Expenditures for Medicaid (Project 00Y83)	7,852.04	9,577.00	
4. If Medicaid expenditures were not recorded in project 00Y83, enter the total expended for Medicaid for SMOI now.		0	
5. Reduction in MOE (if applicable) (Approved and verified by WVDE for FY 17)			
Must provide basis for Reduction (see Requirements link above)			
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6. Total State and Local Expenditures (Excludes Medicaid, GPES and GPES ARC reported by OSBO)	7,407,740.90	7,054,490.57	353,250.33
7. Total State and Local Expenditures Less Approved Reduction in MOE (approved for FY18 but subtracted from prior year amount)	7,407,740.90	7,054,490.57	353,250.33
8. Child Count from previous December 1	905	940	
9. Total State and Local expenditures on a per pupil basis	7,444.87	7,504.78	-59.91
10. Total State and Local expenditures on a per pupil basis Less Approved Reduction in MOE on a per pupil basis	7,444.87	7,604.78	-59.91

update

West Virginia Department of Education

# FUNDING OPPORTUNITIES FROM OSE



## OSE Sources of Funding

- LEA Funding Applications
  - IDEA (Federal) (43YXX)
  - State Aid for Exceptional Students (02Y1X)
  - Results-Driven Priorities
    - IDEA Discretionary
    - State – ReClaim WV
- Other LEA Funding Opportunities
  - Out-of-State – state (02Y2X)
  - Out-of-County – state (02Y6X)
  - High Cost/High Acuity – IDEA (43Y3X)/state (02Y5X)
  - Assistive Technology – IDEA (43Y3X)



## LEA IDEA & State Aid Applications

- IDEA and State funding applications – **many extensions were granted to July 15<sup>th</sup>**
- Applications are being reviewed in the order in which they were received
- SE Director & CSBO will receive an e-mail from the reviewer once the application has been reviewed
- Any items that need corrected will be noted within the GPS system
- Resubmit the plan after corrections are made
- When approved, an e-mail will be sent to the SE Director and CSBO
- Once Superintendent approves in GPS, grant awards will be released



## Results-Driven Priorities (RDP)

- Supporting the West Virginia Board of Education's and West Virginia Department of Education's Strategic Plan for College- and Career-Readiness through:
  - Graduation;
  - Literacy Achievement
  - Numeracy Achievement; and
  - Engagement.
- **Providing flexibility to enable local control.**
- Providing funds to be utilized for mental health, behavioral supports, and drug prevention - \$1,500,000.00 State funds.
- **Providing discretionary funds that may be utilized for improvements in graduation rate, literacy proficiency, numeracy proficiency, and engagement of students - \$3,272,500.00 Federal IDEA Discretionary funds.**
- Establishing Transition and Behavior/Mental Health Technical Assistance Centers.
- **Employing Numeracy Coordinator and Literacy Coordinator in Office of Special Education.**
- Enhancing the communication system between OSE and local education agencies.
- **Supporting the West Virginia Capacity Building Institute.**
- Aligning State Performance Plan (SPP) Targets with Every Student Succeeds Act (ESSA) Measures of Interim Progress.



## Results-Driven Priorities (RDP)

- As of July 15<sup>th</sup>, RDP application is available in GPS.
- **Applications will be due Tuesday, August 20<sup>th</sup>.**
  
- **Webinar** discussing requirements of RDP, along with application instructions, will be held **Monday, July 22<sup>nd</sup> at 2 pm.**

### IMPLEMENTATION MANUAL



West Virginia Results-Driven Priorities

IMPROVING **RESULTS** FOR  
STUDENTS WITH DISABILITIES

Guidance for  
**West Virginia**  
Schools and Districts  
February 2018

**§ 300.208 Permissive use of funds.**

(a) *Uses.* Notwithstanding §§ 300.202, 300.203(a), and 300.162(b), funds provided to an LEA under Part B of the Act may be used for the following activities:

(1) *Services and aids that also benefit nondisabled children.* For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.

(2) *Early intervening services.* To develop and implement coordinated, early intervening educational services in

accordance with § 300.226.

(3) *High cost special education and related services.* To establish and implement cost or risk sharing funds, consortia, or cooperatives for the LEA itself, or for LEAs working in a consortium of which the LEA is a part, to pay for high cost special education and related services.

(b) *Administrative case management.* An LEA may use funds received under Part B of the Act to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP of children with disabilities, that is needed for the implementation of those case management activities.

(Approved by the Office of Management and Budget under control number 1820-0600)

(Authority: 20 U.S.C. 1413(a)(4))

**In other words, IDEA funds must be used to primarily support special education. General education students may receive an incidental benefit.**

## RDP and MOE

Results-Driven Priorities grant program was completely funded in **FY2019** with federal funds – Project AWARE and IDEA.

These funds should **NOT** be used to pay for special education services already being provided. Don't put your county at risk of failing to meet MOE.

## RDP and MOE

For FY2020, the Results-Driven Priorities grant program will be funded with federal AND state funds – IDEA and ReClaim WV.

Again, these funds should **NOT** be used to pay for special education services already being provided. Don't put your county at risk of failing to meet MOE.



Connecting Social-Emotional  
and Mental Health Supports to the  
Opioid Epidemic

*January 2019*

### Connecting Social-Emotional and Mental Health Supports to the Opioid/Substance Abuse Epidemic in WV Schools

- **VISION STATEMENT:** To advance the wellness and resilience of West Virginia students so they may become lifelong learners, productive citizens, and successful individuals.
- **MISSION STATEMENT:** In response to the Opioid Epidemic, the West Virginia Department of Education will support and collaborate with local education agencies, schools, communities, and families to address the social-emotional, physical, behavioral, and mental health needs of our students.

### ReClaimWV Goals

- **GOAL ONE** — Support the needs of the whole child by coordinating services and resources offered by the WVDE and its partners.
- **GOAL TWO** — Provide LEAs with training and technical assistance on evidence-based practices to support the whole child, particularly in social-emotional and behavioral health, including substance abuse prevention and intervention.
- **GOAL THREE** — Create and support peer resiliency networks that help students combat significant adversity through responsible behavior and lifelong, positive health practices. Provide students with tools to identify peers in crisis, understand crisis protocols, and address hurtful behaviors such as bullying.



## ReClaimWV Goals /continued/

- **GOAL FOUR** – Provide education, professional learning, and information to students, classroom teachers, and school personnel regarding WVBE policies that address opioid and substance abuse (alcohol, tobacco, and other drugs), particularly where these policies align with the goals of educational program development and content standards.
- **GOAL FIVE** – Address the violent and erratic student behaviors among our students that are increasing in frequency, duration, and intensity, especially among younger children. These behaviors are a response to the Opioid Epidemic, and frequently result in mental health issues.



## Current and Future Efforts

- Bring stakeholders together to blend resources to provide mental health services to students, educators, families, and communities.
- Launch ReClaimWV website with resources to include social-emotional, trauma, and mental health supports as well as drug prevention.
- Organize peer networking frameworks such as student chapters for youth-to-youth interventions and preventions.
- Create e-Learning courses/modules in addressing the substance abuse, impacts of trauma on learning, and mental health needs of students.
- Expand the WV Behavior/Mental Health Technical Assistance Center



## West Virginia Prevention First

- Two websites developed to promote the resources, services, events, and trainings in our state related to substance abuse prevention
- WVDE is working closely with Prevention First to add school related trainings and resources across the state



Help & Hope WV connects people to information, tools, directory of services, calendar of trainings, and events across the state: [www.HelpandHopeWV.org](http://www.HelpandHopeWV.org)



StigmaFreeWV provides information about types of stigma experienced by individuals with substance use disorders, stories of recovery, and how people can get involved: [www.StigmaFreeWV.org](http://www.StigmaFreeWV.org)



West Virginia  
Behavior/Mental Health  
Technical Assistance Center

## Collaboration



## Projects

- Early Childhood PBIS
- School-wide PBIS
- AWARE/Mental Health First Aid
- Regional Behavior Support Specialists



## Activities under ReClaim WV

If ReClaim WV funds are accepted, the LEA is REQUIRED to support one or more of the following:

- Substance Abuse/Misuse Prevention
- Youth Mental Health First Aid (YMHFA)
- Teen Mental Health First Aid (TMHFA)
- Adult Mental Health First Aid (AMHFA)
- Positive Behavioral Interventions and Supports - School-Age
- Positive Behavioral Interventions and Supports - Early Childhood
- Trauma Informed Schools
- School-Based Mental Health Services/Expanded School Mental Health
- Programs that support increasing awareness of school-based mental health services or providing mental health and behavioral supports.
- Programs that support the goals and objectives in the ReClaim WV Strategic Plan.

Districts must use ReClaim WV funds in specific ways and may use the additional funds to address mental health and behavioral supports.

\* The LEA must select one of the following options below:

- The LEA is going to accept ReClaim WV funds and will abide by the conditions set forth above.
- The LEA will NOT accept ReClaim WV funds.



## High Cost/High Acuity Expenditure Reimbursement

- Funds available for the 2018-2019 applications:
  - \$2,368,488 (\$868,488 IDEA and \$1,500,000 State)
- Application due date - August 16, 2019
- The application and all related documents, including instructions and calculation examples, can be found on the OSE website at <https://wvde.us/special-education/finance/funding-opportunities/>.
- The minimum expenditure criteria to qualify under the plan for the 2018-2019 school year is **\$34,455** (3 times the 2018 average per pupil expenditure amount of \$11,485.12).



## High Cost/High Acuity Expenditure Reimbursement

- This application is also for Court-Ordered DHHR placed Out-of-State students for which tuition amounts were withheld from the county's 2019 State Special Education Allocation. A list of eligible students for the 2018-2019 year will be distributed from Sheila Paitsel, Office of Federal Programs. In order to avoid confusion, please refer to this list when submitting your application for the court-ordered OOS students.
- Counties submitting an application for **Court-Ordered Out-of-State** students do NOT need to send with the application a copy of the IEP or the form indicating that the county has participated in the IEP development process. This information is maintained in the Office of Federal Programs. However, if information is missing or if additional information is required, the county will be contacted.



## High Cost/High Acuity Expenditure Reimbursement

- For questions regarding court-ordered Out-of-State Students, contact Sheila Paitsel, Assistant Director, Office of Federal Programs at [sgpaitsel@k12.wv.us](mailto:sgpaitsel@k12.wv.us).
- For questions regarding the submission of the application for in-district served students, contact Terry Riley, Coordinator, Office of Special Education at [tjriley@k12.wv.us](mailto:tjriley@k12.wv.us); Janice Hay, Coordinator, Office of Internal Operations at [jehay@k12.wv.us](mailto:jehay@k12.wv.us); or, Shana Clay, Coordinator, Office of Special Education at [sdclay@k12.wv.us](mailto:sdclay@k12.wv.us).



## Assistive Technology

- **\$200,000** Available for **2019-2020**
- Provides reimbursement for the purchase of assistive technology devices. An invoice must be submitted with the application.
- Counties are required to ensure that assistive technology services and/or devices are a part of the student's Individualized Education Program (IEP).
- A revised application is made available each summer and may be submitted at any time throughout the year **once expense is incurred**. Contact Lee Ann Brammer ([lbrammer@k12.wv.us](mailto:lbrammer@k12.wv.us)) for additional information. Application is available on the OSE website.



## Questions

Shana Clay, CPA  
Office of Special Education  
[sdclay@k12.wv.us](mailto:sdclay@k12.wv.us)  
304-558-2696

