Checklist for Districts/Consortiums considering lowering their MOE
Based on 2009-10 IDEA base and ARRA Grant Awards

Determine if you are qualified to reduce MOE: (Please note we are using terms LEA and district interchangeably in this section)

Step 1)

SEAs are required to make determinations annually about the performance of each LEA using the following categories: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention. Under 616(f) (34 CFR §300.608(a)), if in making its annual determinations, an SEA determines that an LEA is not meeting the requirements of Part B, including meeting targets in the state's performance plan, the SEA must prohibit that LEA from reducing its MOE under IDEA section 613(a)(2)(C) for any fiscal year. Therefore, an SEA must prohibit an LEA from taking advantage of the MOE reduction under IDEA section 613(a)(2)(C) if the LEA's determination is Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

	YES	NO
Question: Did your district, or any district in your consortium (if a consortium), receive an annual determination of anything other than "Meets Requirements"?		

If **YES**, your district/consortium **is not eligible** to lower its bar in 2009-2010. If **NO**, proceed to Step 2

Step 2)

An LEA that is required to use 15 percent of its IDEA Part B allocation on CEIS because the SEA identified the LEA as having significant disproportionality under 34 CFR §300.646, will not be able to reduce local MOE under IDEA section 613(a)(2)(C).

	YES	NO
Was your district, or any district in your consortium (if you are a consortium), identified as being "significantly disproportionate?"		

If **YES**, your district/consortium **is not eligible** to lower its bar in 2009-2010. If **NO**, you may proceed.

If you answered NO to the questions in Steps 1 and 2, you may proceed to Step 3

Step 3)

A. **If your district or consortium chooses to lower their MOE bar this information becomes public information under Section 618 of the federal reporting requirements for SEAs.**

	YES	NO
B. **If your district reduces its MOE bar, it must spend the 'freed-up' local or, state and local, funds on activities that are authorized under the Elementary and Secondary Education Act (ESEA) of 1965. Is an authorized representative of your district prepared to sign an assurance that you will do so, and that you will provide a separate and clear accounting trail for auditors to ensure that you have complied with this provision of the law?**		

Proceed to Page 2 **ONLY** if you understand each of the above requirements in Step 3 and answered **"YES"** to 3b.