



STATE OF IOWA

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DEPARTMENT OF EDUCATION
JUDY A. JEFFREY, DIRECTOR

DATE: December 13, 2006

TO: AEA Special Education Directors
AEA Chief Executive Officers
AEA Educational Services Directors
AEA Media Services Directors
AEA Business Managers

FROM: Judy A. Jeffrey, Director

RE: Hiring Consultants with State and Local Special Education Funds

The Bureau of Children, Family, and Community Services has recently received inquiries about the propriety of hiring consultants (reading consultants, school improvement consultants, ELL consultants, etc.) using state and local special education dollars. There were concerns expressed that these consultants are being paid with special education dollars and not providing instruction or services to students with disabilities.

After reviewing this practice in light of the controlling statutes, the Bureau concludes a consultant may be paid with state and local special education funds only to the extent that the employer is able to document the consultant actually provided special education instruction or services.

Iowa Code section 256B.11(5) states that AEA program plans submitted to the Department “shall establish ... [that] all revenue raised for support of special education instruction and services is expended for actual delivery of special education instruction or services.”

The test is “actual delivery.” If the consultant’s entire time is involved in “actual delivery” of special education instruction or services, the consultant’s position may be supported by state and local special education funds. To the extent that a consultant’s position is divided between “actual delivery of special education instruction or services” and other tasks, only the time spent providing “actual delivery” of special education instruction or services may be supported by state and local special education funds. The rest of the consultant’s time must be supported with other revenue sources, and subject to the restrictions imposed by those other revenue sources. If an employer divides a consultant’s compensation between state and local special education funds and another revenue source or sources, the employer must have suitable documentation that the consultant was involved in the “actual delivery” of special education instruction or services for the portion of that consultant’s time that is charged to state and local special education funds.

CC: Pam Pfitzenmaier, Jim Reese, Lana Michelson, Su McCurdy, CFCS Consultants,
DE School Improvement Consultants, Carol Greta