



# STATE OF IOWA

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DEPARTMENT OF EDUCATION  
BRAD A. BUCK, DIRECTOR

To: LEA Superintendents  
LEA School Business Officials  
LEA Directors of Special Education  
AEA Chief Administrators  
AEA Business Officials  
AEA Directors of Special Education

From: Brad Buck, Director

Subject: Updated Guidance Related to Permissive and Nonpermissive Uses of Special Education Funds

Date: December 20, 2013

Many of you are aware of the ongoing conversation about permissive and nonpermissive uses of funds in special education. This conversation peaked in the last two years as we were discussing the delivery of services by third-party private facilities. When Governor Branstad vetoed a provision in a bill last spring that would have made certain nonpermissive expenditures legal, the Governor also directed the Iowa Department of Education to develop updated and clear guidance on the uses of special and general education funds.

Through the fall, the Iowa Department of Education worked with various internal and external stakeholders on this updated guidance. Accompanying this memo are the following documents:

- Special Education Billable Costs Guidance for Districts
- Special Education Allowable and Unallowable Expenditures Chart
- Three Models for Providing Educational Programs at Licensed Facilities

These documents accurately and thoroughly describe the parameters of law and the expectations for school districts related to the provision of special education programming and qualified financial expenditures.

As the law prescribes, all educational programming delivered to special education students is the responsibility of school districts. This mandate applies in multiple situations and settings. The goal of this guidance is to be clear on the responsibility of districts related to delivering services to these students and to ensure that the law is followed.

The Governor also directed both the Iowa Department of Education and the Iowa Department of Human Services to convene the group of affected stakeholders for additional clarification and to discuss implications for the future. That stakeholder meeting will occur after the first of the year. Additionally, the Department of Education will provide on-site support for districts within which are private facilities that serve students and will increase monitoring of uses of funds. Thank you for your efforts for the students of Iowa. If you have additional questions about the specific guidance, please contact Jeff Berger, Deputy Director, at [jeff.berger@iowa.gov](mailto:jeff.berger@iowa.gov) or (515) 281-3968.

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