

**281—63.5(282) Educational program.**

**63.5(1) *Methods of program provision.*** The AEA will provide the educational program by a manner specified by Iowa Code section 282.30(1) “b,” by enrolling the child in the educational program provided in the juvenile home, or by another delivery method with the approval of the department of education.

In accordance with Iowa Code section 273.2, an AEA will contract, whenever practicable, with other school corporations for the use of personnel, buildings, facilities, supplies, equipment, programs, and services.

**63.5(2) *Final determination.*** In the absence of a decision of a court regarding a child’s educational placement, the AEA where the child is living will make the final determination regarding the provision of the appropriate educational program for the child, in consultation with the district of residence of the child and with the juvenile home. In making this determination, consideration will be given to:

*a.* A preference for continuance of the child’s educational program that was in place prior to the child’s placement in the home. For students in custody of the state’s child welfare agency, school stability and the student’s ability to remain in his or her school of origin will be prioritized to the maximum extent appropriate consistent with the child’s best interest.

*b.* Placement into the least restrictive environment.

*c.* Development of a plan for future educational programming.

*d.* The provisions of the court order if the child was placed in the facility by a court.

*e.* Factors including, but not limited to, the child’s emotional or physical state, the child’s safety and the safety of others, the child’s identified or assessed academic abilities, and the projected duration of stay in the home.

**63.5(3) *Cooperation with area education agency.*** The AEA of the child’s district of residence, the school district of residence, the school district in which the home is located, other AEAs, the juvenile home and other appropriate agencies involved with the care or placement of the child will cooperate pursuant to Iowa Code section 282.30(2).

**63.5(4) *Summer school programs.*** Summer school programs, as distinguished from extended year programming, may be operated pursuant to Iowa Code section 282.31(5) and are considered as separate programs in each home. The fiscal year for a juvenile home program is from July 1 through June 30. Program and budget proposals submitted to the department of education prior to January 1, pursuant to Iowa Code section 282.31, may include requests for summer school programs, or portions of summer school programs, commencing July 1 of the subsequent fiscal year and summer school programs, or portions of summer school programs, ending June 30 of the subsequent fiscal year.

[ARC 7797C, IAB 4/17/24, effective 5/22/24]