

CHAPTER 63
EDUCATIONAL PROGRAMS AND SERVICES
FOR PUPILS IN JUVENILE HOMES

[Prior to 9/7/88, see Public Instruction Department[670] Ch 42]

281—63.1(282) Scope. These rules apply to the provision of educational programs in juvenile shelter care homes and juvenile detention homes.

281—63.2(282) Definitions.

63.2(1) Special programs cited in 1999 Iowa Code section 282.30 shall be referred to as juvenile shelter care homes and juvenile detention homes, and shall be referred to jointly as juvenile homes.

63.2(2) For purposes of this chapter, “*school corporation*” shall refer to school districts, area education agencies, and community colleges.

63.2(3) For purposes of this chapter, “*aides*” shall refer to aides and para-educators as defined in Iowa Code section 272.12.

281—63.3(282) Forms.

63.3(1) The department of education shall provide forms to area education agencies (AEAs) for submitting program and budget proposals and for submitting claims. The annual dates for filing forms with the department of education are January 1 of the prior fiscal year for AEAs to submit program and budget proposals, and August 1 of the subsequent fiscal year for AEAs to file claims. The department of education shall review and approve or modify the program and budget proposals and shall notify the AEA by February 1.

63.3(2) The department of education shall also provide forms to AEAs for use by the juvenile homes requesting educational services. These forms must be filed with the AEA annually by December 1 of the fiscal year prior to the school year for which the services are being requested or 90 days prior to the beginning of the time for which the services are being requested if the facility is a newly established facility. An AEA shall file a budget amendment for a newly established juvenile home requesting educational services 90 days prior to the initial delivery of the educational services.

281—63.4(282) Budget amendments. An AEA shall amend the budget during the fiscal year in which actual classrooms implemented are different than budgeted or there is a significant decrease or increase in the student membership that would change the number of teachers or aides necessary to support the average daily membership. An amendment shall also be required if actual expenditures vary significantly from expenditures which were budgeted. A significant variance in actual expenditures means that the amount of funding which would be reverted to or due from the state equals or exceeds 10 percent of the advance payments in the subsequent year prior to adjustments.

281—63.5(282) Area education agency responsibility. An AEA shall provide or make provision for an appropriate educational program for each child living in the following types of facilities located within its boundaries:

1. An approved or licensed shelter care home, as defined in Iowa Code subsection 232.2(34).
2. An approved juvenile detention home, as defined in Iowa Code subsection 232.2(32).

The provision of the educational program shall be pursuant to a written agreement which identifies the responsibilities of the AEA, juvenile home, and any other agency with which the AEA contracts to provide the educational program.

281—63.6(282) Educational program.

63.6(1) *Methods of program provision.* The AEA may provide the educational program by one of the following:

- a. Enrolling the child in the child’s district of residence.
- b. Obtaining the course of study of the child’s district of residence for use in the juvenile home where the child is living.

- c. Enrolling the child in the district where the child is living.
- d. Enrolling the child in the educational program provided in the juvenile home.
- e. A delivery method not encompassed by “a” through “d” immediately preceding, with approval of the department of education.

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

63.6(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 shall 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 shall 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.
- 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.

63.6(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 shall cooperate with the AEA where the child is living in sharing educational information, textbooks, curriculum, assignments, and materials in order to plan and to provide for the appropriate education of the child living in the home and to grant academic credit to the child for instructional time earned upon discharge from the home.

63.6(4) *Summer school programs.* Summer school programs, as distinguished from extended year programming, may be operated pursuant to Iowa Code subsection 282.31(5), and shall be 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.

281—63.7(282) *Special education.* The AEA shall establish policies and procedures for screening and evaluating students living in juvenile homes who may require special education.

63.7(1) *Assignment.* A diagnostic-educational team shall be assigned by the AEA in which each program is located. This diagnostic-educational team shall include individuals who are appropriately qualified to conduct special education evaluations and to assist in planning programs for students who are provided a special education program pursuant to an individualized education program (IEP).

63.7(2) *Duties.* The duties of this diagnostic-educational team shall include the screening of all students for potential special education needs, identifying children in need of special education, providing needed special education support services and assisting in the implementation of needed special education programs.

63.7(3) *Role of director of special education.* It is the responsibility of the AEA director of special education to ensure that all procedures related to due process, protection in evaluation, least restrictive environment, development of individual educational programs and other requirements specified in 281—Chapter 41 are adhered to for students provided a special education program pursuant to an IEP who are served in juvenile homes. In addition, the director is responsible for coordinating the activities of the special education program with other programs and services provided.

281—63.8(282) Educational services.

63.8(1) *Assignment.* Personnel from the educational services division of the local AEA shall be made available to each program.

63.8(2) *Duties.* Personnel from the educational services division shall assist with curriculum development as well as provide all other services that are made available to local education agencies within the particular AEA.

281—63.9(282) Media services.

63.9(1) *Assignment.* Personnel from the media services division of the local AEA shall be made available to each program.

63.9(2) *Duties.* All services that are made available to local education agencies within the particular AEA shall be made available to these programs and students.

281—63.10(282) Other responsibilities. In addition to the above-mentioned responsibilities, AEA personnel shall assist with coordination of program curricula with the curricula of the local district in which the home is located and with the transition of students from these programs to subsequent program placement. This coordination shall include the establishment of procedures for ensuring that appropriate credit is available to the students while participating in the program.

281—63.11(282) Curriculum. Each program shall use the minimum curriculum requirements for approved or accredited schools as a guide to developing specific content for each student's educational program. The content of each student's program shall be sufficient to enable the student to earn credit while participating in the program.

281—63.12(282) Disaster procedures. Each home shall maintain a written plan containing emergency and disaster procedures that are clearly communicated to and periodically reviewed with staff.

281—63.13(282) Maximum class size.

63.13(1) Maximum class size in shelter care homes. The following maximum class size-to-staff ratio shall be used in shelter care homes:

<u>Average Daily Membership</u>	<u>Full-Time Teacher</u>	<u>Educational Aide(s)</u>
10 or fewer	1	1 aide
More than 10 through 20	2	1 aide with more than 10 but fewer than 15 students 2 aides with 15 through 20 students
More than 20 through 30	3	2 aides with more than 20 but fewer than 25 3 aides with 25 through 30 students

63.13(2) Maximum class size in detention homes. The class size-to-staff ratio used in detention homes shall be the same as that defined in subrule 63.13(1) unless the needs of the students in the class require a lesser ratio. If the needs of students in the class require a lesser ratio, it shall be no greater than the following class size-to-staff ratio:

<u>Average Daily Membership</u>	<u>Full-Time Teacher</u>	<u>Educational Aide(s)</u>
Fewer than 10	1	1 aide with 5 or fewer students 2 aides with more than 5 students
10 through 20	2	2 aides with fewer than 15 students 3 aides with 15 through 20 students
More than 20 through 30	3	3 aides with fewer than 25 students 4 aides with 25 through 30 students

Support for this staffing ratio must be provided with the juvenile home budget proposals and with the juvenile home claims.

63.13(3) When a classroom is located in an off-site facility, a full-time educational aide may be assigned for each off-site classroom in addition to the number allowed in subrule 63.13(1) or 63.13(2).

63.13(4) The department of education may waive subrules 63.13(1), 63.13(2), and 63.13(3) if student characteristics such as the age range of students in the home or the percentage of students in the home involved in adult criminal proceedings necessitate a different class size-to-staff ratio. Any variance from the maximum prescribed class size-to-staff ratio must be approved by the department of education on an annual basis. Support for the waiver request must be provided with the juvenile home budget proposals and with the juvenile home claims.

63.13(5) Average daily membership for determining class size in subrules 63.13(1) to 63.13(4) for the juvenile home budget proposals shall be based on the actual average daily membership from the year previous to the base year, average daily membership to date in the base year, and factors known at the time of the budget proposals which would impact the average daily membership in the budget year.

63.13(6) Class size waiver. If the number of teachers and aides as determined in subrules 63.13(1), 63.13(2), and 63.13(3) was appropriately estimated for the juvenile home budget proposal and was approved by the department of education, and the actual number of teachers or aides is determined to be in excess of maximum class sizes based on the actual average daily membership of students on the juvenile home claims, the department of education may waive subrules 63.13(1), 63.13(2), and 63.13(3).

63.13(7) Multiple classrooms. If the educational program at any one juvenile home is provided in more than one classroom location and using multiple classroom locations results in a different number of teachers and aides than would have been allowed if the students were in one classroom, the department of education may waive subrules 63.13(1) and 63.13(2). Support for the waiver request must be provided with the juvenile home budget proposals annually.

63.13(8) Monitoring class size. The AEA shall develop policies and procedures to monitor and ensure that the educational program is provided sufficient instructional staff.

281—63.14(282) Teacher certification and preparation.

63.14(1) *Certification.* Each teacher who is assigned to these programs shall hold Iowa certification either for multicategorical special education or for behavioral disorders, or both, as appropriate to the grade level of the students served.

63.14(2) *In-service.* Each teacher shall be provided appropriate in-service education opportunities annually in areas defined through needs assessments.

281—63.15(282) Aides. Educational aides shall be provided preservice and in-service opportunities consistent with duties to be performed and shall work under the direct supervision of the teacher.

281—63.16(282) Accounting. Revenues, expenditures, and balances of the juvenile home programs shall be accounted for in the manner provided in Uniform Financial Accounting for Iowa LEAs and AEAs, except as otherwise noted in these rules.

63.16(1) *Fund.* Juvenile home instructional programs shall be accounted for in a special revenue fund. The fund balances shall be maintained in the special revenue fund at year end, and the continuance or disposition of positive or negative fund balances shall be determined by the department of education.

63.16(2) Tuition. Tuition paid or received shall be calculated as follows:

a. If juvenile home students not requiring special education attend a local school district, other than the district of residence, tuition shall be calculated in the manner prescribed in Iowa Code section 282.24 for determining tuition costs for any nonresident student attending a local school district. In lieu of paying tuition to the local school district for these students, the AEA may request the local school district to account for these students through the foster care facility claim process.

b. Tuition for students provided a special education program pursuant to an IEP shall be paid by the district of residence, in accordance with the rules of special education and pursuant to Iowa Code chapter 282, to the district in which the juvenile home is located or to the AEA, whichever is providing the special education. The district in which the juvenile home is located or the AEA, whichever is providing the special education, shall notify the district of residence if the child was being served on the third Friday in September by the district in which the home is located or by the AEA. The district in which the juvenile home is located or the AEA, whichever is providing the special education, shall also notify the district of residence if the child was being served on December 1 by the district in which the home is located or by the AEA.

281—63.17(282) Revenues. Revenues shall include:

1. Funding received pursuant to Iowa Code section 282.31,
2. Educational excellence funding received pursuant to Iowa Code chapter 294A for teachers in the juvenile home program,
3. Tuition revenue from the district of residence or agency in another state for educational services provided for out-of-state students,
4. Tuition revenue from the district of residence for educational services for students provided a special education program pursuant to an IEP, and
5. Other miscellaneous funding received or accrued for the purpose of operating the juvenile home instructional programs.

281—63.18(282) Expenditures. Expenditures may include actual instructional expenditures, student support services expenditures, instructional staff support services expenditures, administrative support services, operations and maintenance of plant services, student transportation services, and interfund transfers for indirect costs. Supplies and equipment necessary to provide the educational program shall be equivalent to those provided to a comparable number of students by the district in which the juvenile home is located. Classroom space shall be adequate for the number and needs of children in the juvenile home instructional program.

63.18(1) Instructional expenditures. Instructional expenditures may include:

a. Salaries and employee benefits of employees providing instructional services. Included are teachers, substitutes, other instructional personnel, and aides.

b. Purchased services, supplies, and equipment, which are customarily considered instructional expenditures.

c. Intrafund transfers.

d. The department of education shall annually determine the maximum amount that may be expended on instructional expenditures. Total expenditures for instructional services for each continuing classroom, other than salary and employee benefits, which are not provided pursuant to an IEP shall not exceed 10 percent of the state average expenditure on instructional salaries and employee benefits in the juvenile home program in the year prior to the base year. New classrooms in the first year of operation shall not exceed twice the maximum amount calculated.

63.18(2) Student and instructional staff support services and student transportation services expenditures. Among the services included in these categories are guidance services, transportation services, curriculum development, library and instructional technology. Expenditures may include salaries, employee benefits, purchased services, supplies, equipment, and intrafund transfers.

63.18(3) *Administrative support services, operation and maintenance of plant services, and interfund transfers.* Administrative support services, operation and maintenance of plant services and interfund transfer expenditures may include:

a. Intrafund transfers and actual costs of general administration services provided to the juvenile home program. Expenditures for general administrative costs shall correspond to the amount of the administrator's time assigned and provided to the juvenile home program.

b. Intrafund transfers and actual costs of division administrative services provided to the juvenile home program. Expenditures for division administrative costs shall correspond to the amount of the administrator's time assigned and provided to the juvenile home program.

c. Expenditures for the administrative services of administrative staff assigned directly to the juvenile home program.

d. Expenditures for business administration services provided to the juvenile home program. The juvenile home program may be charged for costs of providing business administration services. If the juvenile home program is charged for providing business administration services, the amount shall be either actual costs or the amount determined by using the restricted indirect cost rate applied to allowable juvenile home program expenditures.

e. The total of all expenditures for administrative services shall be no greater than the actual cost determined by the AEA's accounting records or 10 percent of the total expenditures in the juvenile home program, whichever is less.

f. Expenditures for operation and maintenance of plant services except as restricted in subrule 63.18(4).

g. The total of all expenditures for administrative services and for operation and maintenance of plant services shall be no greater than the actual cost determined by the AEA's cost accounting system or 20 percent of the total expenditures in the juvenile home program, whichever is less.

63.18(4) *Unauthorized expenditures.* Expenditures shall not include expenditures for debt services, for facilities acquisition and construction services including remodeling and facility repair, or for rental expenditures for classroom facilities when adequate space is available at the juvenile home or AEA.

63.18(5) *Charges for AEA services.* As required by rules 63.7(282), 63.8(282), and 63.9(282), juvenile home students shall have available to them special education support services, educational services, and media services comparable to those services made available to other students in the AEA; however, expenditures for these services are inherent costs to the respective AEA programs and are not to be assessed to the juvenile home educational program.

¹ Effective date of 3/15/00 delayed 70 days by the Administrative Rules Review Committee at its meeting held March 10, 2000; delay lifted by the Committee at its meeting held April 7, 2000, effective April 8, 2000.

281—63.19(282) Claims. AEAs shall submit program and budget proposals and claims consolidating all juvenile home education programs within each AEA. Certain program information may be required for each separate juvenile home.

The number of classrooms being provided by each AEA shall be reported on the budget proposals and claims. The number is to be expressed in terms of full-time equivalent (FTE) classrooms. One FTE represents a full-time teacher providing a program during the normal school year. One-tenth FTE shall be added for each month of summer school taught on a daily full-time basis. A full school year and three months of summer school is calculated as 1.3 FTE.

Pursuant to Iowa Code section 294.4, each teacher shall keep a daily register which shall include the name, age, attendance, and enrollment status of each student.

The average daily membership of students of school age living in juvenile homes who are being provided an educational program shall be reported on the budget proposals and claims. "*Average daily membership (ADM)*" shall mean the average obtained by dividing the total of the aggregate days of attendance plus the aggregate days of absence by the total number of student contact days. Student contact days are the days during which the educational program is provided and students are under the

guidance and instruction of the instructional professional staff. “*Aggregate days*” means the sum of the number of days of attendance and days of absence for all pupils who are enrolled during the school year. A student shall be considered enrolled after being placed in a juvenile home and taking part in the educational program. A student is considered to be in membership from the date of enrollment until the date of leaving the juvenile home or receiving a high school diploma or its equivalent, whichever occurs first. ADM shall be calculated on the regular school year exclusive of summer session. School age is defined pursuant to Iowa Code chapter 282.

281—63.20(282) Audits. AEAs must make the records related to providing educational services for juvenile homes available to independent auditors, state auditors and department of education staff on request.

281—63.21(282) Waivers. A waiver may be requested by an AEA which presents evidence of a need for a different configuration of expenditures under paragraph 63.18(1)“*d*,” 63.18(3)“*a*,” 63.18(3)“*b*,” 63.18(3)“*e*,” or 63.18(3)“*g*,” or subrule 63.18(4) or 63.18(5). The AEA must annually request the waiver and must include the waiver request and the evidence required by this rule with the program and budget proposal or budget amendment submitted pursuant to rule 63.3(282) or rule 63.4(282). An approved waiver related to rent payment to the juvenile home does not require an annual waiver request except in any year that the rental contract terms change from the rental contract terms in the previous year.

If the department denies a waiver request, the AEA which was denied may request within ten days of notification of the denial that the director of the department of education review the denial of the waiver request.

It is the intent of the department of education to waive requirements only when it is determined that they would result in unequal treatment of the AEAs or cause an undue hardship to the requesting AEA and the waiver clearly is in the public interest.

These rules are intended to implement Iowa Code sections 282.30 as amended by 2000 Iowa Acts, Senate File 2294, and 282.31.

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