

**Title I, Part D, Subpart 1
Education of Children and Youth
Who Are Neglected, Delinquent, and At-Risk**

Coordinator's Handbook

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INTRODUCTION

WHAT IS THE PURPOSE OF THE *HANDBOOK*?

The *Title I, Part D, Subpart 1 Handbook* is designed to:

- Give state agency coordinators and administrators of Title I, Part D, Subpart 1 programs a basic overview of the purpose and structure of programs.
- Outline some of the key responsibilities of the state agency Title I, Part D, coordinator position.
- Illustrate the relationship between program requirements at the state agency and the Virginia Department of Education.

I. WHAT IS TITLE I, PART D?

What are the goals of Title I, Part D?

The goals of Title I, Part D, *The Prevention and Intervention Program for Children and Youth Who Are Neglected, Delinquent, or At-Risk*, are to: (1) improve educational services for youth who are neglected, delinquent, and at-risk of involvement with the juvenile justice system so they have the opportunity to meet challenging state academic content and achievement standards; (2) provide them with services to transition successfully from institutional settings to further schooling or employment; (3) prevent youth from dropping out of school; and (4) provide a support system to ensure the continued education of youth who either have dropped out or are returning from correctional facilities. To review the official Title I, Part D, law, link to: <http://www.ed.gov/policy/elsec/leg/esea02/pg9.html>.

How is Title I, Part D, structured?

Title I, Part D, pursues these goals through two programs: Subpart 1 and Subpart 2.

- **Subpart 1: State Agency Programs.** The United States Department of Education (USED) allocates funds for this subpart to state educational agencies (SEA) based on the information collected in an annual count on the number of children and youth in state-operated institutions and the state's average per-pupil educational expenditures. Once USED determines a state's Subpart 1 allocation, the SEA makes subgrants to each state agency. In Virginia, there are two state agencies that receive subgrants. They are the Department of Correctional Education (DCE) and State Operated Programs (SOP).
 - Subgrants are made by formula to the two state agencies as approved in Virginia's Consolidated State Application, May 2002 (<http://www.doe.virginia.gov/VDOE/nclb/application.pdf>).
 - The Department notifies the two state agencies of their grant amounts.
- **Subpart 2: Local Agency Programs.** USED allocates funds for this subpart to state educational agencies based on October case-load data on the number of children and youth living in local institutions for delinquent children and adult correctional institutions. The SEA has the option of awarding subgrants to eligible local educational agencies by formula or through a discretionary (i.e., "competitive") grant process.

- In Virginia, subgrants are made by formula each year to the 12 school divisions with the highest need as approved in Virginia’s Consolidated State Application, May 2002 (<http://www.doe.virginia.gov/VDOE/nclb/application.pdf>).
- The Department notifies eligible local school divisions through a Superintendent’s Memorandum of their funding amount.

What are the basic requirements of Title I, Part D?

Although requirements differ for Subpart 1 and Subpart 2 programs, all agencies that receive Title I, Part D, funds are required to: (1) meet the educational needs of children and youth who are neglected, delinquent, or at-risk of involvement in the juvenile justice system, and assist in the transition of these students from correctional facilities to locally operated programs; (2) ensure that these students have the same opportunities to achieve as students in regular community schools; and (3) evaluate the program and disaggregate data on participation by gender, race, ethnicity, and age, not less than once every three years.

II. STATE AGENCY TITLE I, PART D, COORDINATORS: OVERVIEW OF ROLES AND RESPONSIBILITIES

What is the role of the state agency coordinator?

The position of Title I, Part D, coordinator at the state agency is to oversee the Title I, Part D, program. The individual responsible for the program may also have other responsibilities.

What are the core responsibilities?

The Title I, Part D, coordinators are responsible for overseeing the state agency activities as they are mandated in Title I, Part D, law, including:

- **Funding.** Applying for funds through an individual or consolidated state application.
- **Planning.** Creating an application that describes the program goals, objectives, and performance measures established by the Department of Education that will be used to assess the effectiveness of the program.
- **Oversight.** Ensuring that Subpart 1 programs are carried out in accordance with the application submitted, and that the program complies with statutory and regulatory provisions, including those for program evaluation.
- **Reporting.** Reporting grantee information, including student counts, demographic information, and academic achievement data, to the Virginia Department of Education as requested.

What general strategies should you know as a state agency coordinator?

- **Learn the law.** Coordinators need to know the law. The Title I, Part D, statute is broad, and there is room for interpretation. The *Title I, Part D Nonregulatory Guidance* is a valuable resource for learning the law. The guidance can be found at the following Web site: <http://www.ed.gov/policy/elsec/guid/nord.doc>.

- **Communicate with the Department of Education contact assigned to Title I, Part D, program.** The Department contact assigned to the program can answer questions and provide technical assistance. The contact can also direct state agency coordinators to relevant resources.
- **Become familiar with the Department’s Web site and information it contains about the program.** The Web site can be accessed at: <http://www.doe.virginia.gov/VDOE/Instruction/comp.html>.
- **Network with each other.** In addition to learning the law and working with the Department contact, Title I, Part D, state agency coordinators can network with each other and participate in conferences and meetings.

III. CORE RESPONSIBILITIES

What do you need to know?

Subpart 1 and Subpart 2 have separate authorizations. Only state agencies are eligible to receive funds from the state educational agency (SEA) under Subpart 1, and only local educational agencies are eligible to receive funds from state educational agency (SEA) under Subpart 2. USED determines the amount of a state’s Subpart 1 and Subpart 2 allocation on the basis of the number of students submitted to USED from the Annual Count for state agencies and local educational agencies.

What is the Annual (October) Count as it applies to state agencies?

As relates to the Subpart 1 program, the purpose of the Annual Count (officially called the “Annual Report of Children in Institutions for Neglected or Delinquent Children, Adult Correctional Institutions, and Community Day Programs for Neglected or Delinquent Children”) is to provide the Virginia Department of Education with accurate information on the number of children and youth enrolled in regular programs of instruction in eligible *state-operated* institutions for youth who are Neglected or Delinquent, adult correctional institutions, and community day programs. The Annual Count is sometimes referred to as the October Count, because local educational agencies applying for Subpart 2 funding must select a count period of 30 consecutive days, one of which must be in October. However, state agencies applying for Subpart 1 funds may designate any one day during the year for the count (keeping the date consistent statewide). The information is sent to USED, along with information about Subpart 2. USED uses the data to calculate Title I, Part A, and Title I, Part Part D, funding for Subparts 1 and 2 for the upcoming school year.

The annual count collection of data is distributed to state agencies in the fall, and the report is due to the Department of Education in December. The information includes forms and guidance for completing the count. The Department consolidates the Annual Count forms and submits to USED in January. Preliminary allocations to states are usually announced in March, with final allocations usually released to the state around May or June.

How does a state agency receive Title I, Part D funds?

- The Department awards subgrants to eligible state agencies through a determined formula.
- A state agency must submit a state application. It is the responsibility of the Title I, Part D, state agency coordinator to write and submit a 19-part plan (application) to the Virginia Department of Education.

- The application must include provision of services to all eligible students who are Neglected or Delinquent that meets all 19 federal requirements *and* is supplemental to the required educational program. A list of these requirements can be found in Sections 1412(a), 1414(a), and 1414(c) of the Title I, Part D, law.
- The state agency may use Title I, Part D, funds to serve all children in and upgrade the entire education effort of that institution or program. Information for the eight requirements for an institution-wide project is included in the application and may also be referenced in Section 1416 of the law.
- In addition, a state agency shall reserve funds of not less than 15 percent and not more than 30 percent of total funds for activities regarding transition services. The state application and Section 1418 of the law outline the requirements.
- The state application can be accessed at <http://www.doe.virginia.gov/VDOE/Instruction/OCP/nclb-applications.html>. The same site contains the application guidelines, instructions, and assurances.
- Once a state agency receives approval of its application, that state agency distributes the Subpart 1 funds to eligible institutions within its jurisdiction in accordance with the needs described in its application to the Department.

What is the process for monitoring state agency programs?

The Department of Education monitors state agencies to ensure that programs are meeting federal requirements.

- **Monitoring protocol and guidelines are established.** The Department has created a monitoring protocol to ensure that federal requirements are being met. This protocol document can be found at the following link: http://www.doe.virginia.gov/VDOE/Instruction/title1/fpm_sea_protocol.pdf. Monitoring state agency programs includes on-site visits to facilities. The protocol document for on-site visits can be found at the following link: http://www.doe.virginia.gov/VDOE/Instruction/title1/fpm_sea_protocol_facility.pdf.
- **Monitoring “cycles” are established.** Schedules for monitoring in state agencies are established on a cyclical five-year basis. This schedule can be found at the following link: http://www.doe.virginia.gov/VDOE/Instruction/title1/fpm_divisions_list.pdf.
- **Corrective actions are required of those programs not in compliance.** The state agency must address how it will be compliant if there are areas of non compliance.

What is the Consolidated State Performance (CSPR) Report?

The CSPR is a data collection instrument administered by the Office of Elementary and Secondary Education (OESE) at USED; it is collected on an annual basis. The purpose of the CSPR as it relates to Title I, Part D, is to collect program data that USED can use to demonstrate the effectiveness of Title I, Part D, programs, most specifically in relation to the progress students in Part D programs are making in academic and vocational areas. Title I, Part D, Subpart 1 recipients must answer questions focusing on four main areas:

- Student and facility counts
- Demographics (race/ethnicity, age, and gender)
- Academic and vocational outcomes
- Academic performance in reading and mathematics

Tracking student academic performance in reading and mathematics is an important component of the CSPR. Pretesting is the administration of an approved pretest when a student enters a facility. Posttesting is the administration of an approved posttest when a student exits a facility. For academic purposes, pre- and posttesting refer to academic achievement tests (in reading, mathematics, and other subjects) that are given to students to assess their academic progress at the beginning and at the end of a program of instruction. As they apply to students in Part D programs, these tests may be administered when students enter and exit a facility. Students may also be given posttests during their stay at the facility, as test administration is not always possible for students leaving on short notice.

Pretest results ideally reflect a student's abilities on entry and provide a baseline against which that student's current achievement level is measured. Differences between pre and posttest results should reflect learning that has occurred while in the facility or program.

The Department creates a procedure to collect the CSPR data through its electronic data collection system. The Department:

- **Notifies subgrantees when they should be collecting data.** The CSPR requests Title I, Part D, data for the academic year, which is often defined as July 1–June 30 of the previous year. For example, for the 2009 CSPR, data were collected from July 1, 2007–June 30, 2008.
- **Confirms deadlines and notifies school divisions.** Deadlines for the CSPR can change from year to year. The CSPR consists of two parts, each of which has a separate delivery date. Title I, Part D, programs are contained in Part II of the CSPR. That report is usually due to USED in February. The Department notifies the state agencies of the timeframe when information can be entered electronically.

DEFINITIONS

Adult Correctional Institution	A facility in which persons, including youth under 21 years of age, are confined as a result of conviction for a criminal offense.
Annual Count	A survey administered by the Department of Education’s Office of Elementary and Secondary Education (OESE) on an annual basis. For this survey, states provide a count of the number of children and youth living in state or local institutions for youth who are neglected or delinquent. USED uses these data to determine funding for Title I, Parts A and D. Officially called the “Annual Report of Children in Institutions for Neglected or Delinquent Children, Adult Correctional Institutions, and Community Day Programs for Neglected or Delinquent Children.” Also sometimes referred to as the “October Count.”
At-Risk	The term ‘at-risk,’ when used with respect to a child, youth, or student, means a school-aged individual who is at-risk of academic failure, has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system in the past, is at least 1 year behind the expected grade level for the age of the individual, has limited English proficiency, is a gang member, has dropped out of school in the past, or has a high absenteeism rate at school.
At-Risk Programs	Programs operated in local schools that target students who are at-risk of academic failure, have a drug or alcohol problem, are pregnant or parenting, have been in contact with the juvenile justice system in the past, are at least one year behind the expected age/grade level, have limited English proficiency, are gang members, have dropped out of school in the past, or have a high absenteeism rate.
Children and Youth	(1) Persons up through age 21 who are entitled to a free public education through grade 12; and (2) preschool children below the age and grade level at which the agency provides free public education.
Code of Federal Regulations (CFR)	Compilation of requirements and legally enforceable rules issued by federal agencies and published annually by the National Archives and Records Administration. The CFR is divided into numbered titles. Title 34, Sections 200.90 and 200.91 contain the regulations of the Department of Education related to Title I, Part D.
Community Day Program	A community day program is a regular program of instruction provided by a State Agency at a community day school operated specifically for neglected or delinquent children and youth.

Consolidated State Performance Report (CSPR)	A data collection instrument administered by the Department of Education’s Office of Elementary and Secondary Education (OESE) on an annual basis. All States that received funding on the basis of the Consolidated State Application for the applicable school year must respond to the reporting requirements in the CSPR. The CSPR collects student and facility counts, demographic information (race/ethnicity, age and gender), and academic and vocational outcomes including performance in reading and math.
Delinquent	The term ‘delinquent,’ when used with respect to a child, youth, or student means an individual who resides in a public or private residential facility other than a foster home that is operated for the care of children and youth who have been adjudicated delinquent or in need of supervision.
Delinquent Institution	An institution for delinquent children and youth is a public or private residential facility other than a foster home that is operated for the care of children and youth who have been adjudicated delinquent or in need of supervision. Delinquent facilities include facilities for detention, juvenile corrections, and adult corrections. <i>Note that for Subpart 1 purposes, these facilities must have an average length of stay of 30 days.</i>
Detention Facilities	Detention facilities are shorter-term institutions that provide care to children who require secure custody pending court adjudication, court disposition, or execution of a court order, or care to children after commitment.
Duplicated Count	A count of students that includes multiple enrollments. Essentially, this value should be equivalent to the number of admissions a facility or program processed for Title I, Part D students during the reporting year.
Education Data Exchange Network (EDEN)	The U.S. Department of Education’s online data system. States use the EDEN system to submit CSPR data annually.
Elementary and Secondary Education Act (ESEA)	ESEA, first enacted in 1965, is the principal federal law affecting K–12 education. The No Child Left Behind Act (NCLB) of 2001 is the most recent reauthorization of the ESEA.
Family Educational Rights and Privacy Act (FERPA)	Enacted in 1974, FERPA is the prime piece of federal legislation regarding the sharing of educational information. Its purpose is to prevent the unnecessary disclosure of students’ educational records.
Government Performance and Results Act (GPRA)	Authorized in 1993, this program holds federal agencies accountable for using resources wisely and achieving program results. GPRA requires agencies to develop a 5-year Strategic Plan, Annual Performance Plans, and Annual Performance Reports to ensure that they plan for what they intend to accomplish, measure how well they are doing, make appropriate decisions based on the information they have gathered, and communicate information about their performance to Congress and to the public.

Highly Qualified Teacher (HQT)	One aspect of the NCLB statute is the requirement of teachers in core academic areas to be “highly qualified.” This is determined by three essential criteria: (1) attaining a bachelor’s degree or better in the subject taught; (2) obtaining full State teacher certification; and (3) demonstrating knowledge in all subjects taught.
High, Objective, Uniform State Standard of Evaluation (HOUSSE)	An alternative method to assessing teacher competency. HOUSSE allows current teachers to demonstrate subject matter competency and Highly Qualified Teacher (HQT) requirements through a combination of proven teaching experience, professional development, and knowledge in the subject acquired over time through working in the field.
Individuals with Disabilities Education Act (IDEA)	A federally-funded program to ensure that all children with disabilities have available to them a free, appropriate, public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.
Individualized Education Program (IEP)	A written statement for each individual with a disability that is developed, reviewed, and revised in accordance with section 614(d) of IDEA regulations.
Institution-Wide Program	Authorized by section 1416 of Title I, Part D. A program that serves all children in, and upgrades the entire educational effort of, an institution or program eligible for Part D, Subpart 1 funds. The purpose of the institution-wide approach is similar to that of school-wide programs operated under Title I, Part A. <i>Note that adult correctional institutions cannot operate institution-wide programs.</i>
Juvenile Correctional Institution	See definition for delinquent institution.
Local Educational Agency	The term, as defined by the No Child Left Behind Act, includes any public institution or agency having administrative control and direction of a public elementary school or secondary school.
Locally Operated Correctional Facility	A facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age. The term also includes a local public or private institution and community day program or school not operated by the State that serves delinquent children and youth.
Long-Term Students	Students who have been enrolled in a program for 90 or more consecutive calendar days. Multiple admissions cannot be added together.

Migrant Child	A child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent, spouse, or guardian, in order to obtain temporary or seasonal employment in agricultural or fishing work—(1) Has moved from one school district to another; (2) In a State that is comprised of a single school district, has moved from one administrative area to another within such district; or (3) Resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.
Multipurpose Facility	An institution/facility/program which serves more than one programming purpose. For example, the same facility may run both a juvenile corrections program and a neglected program.
Neglected	The term ‘neglected,’ when used with respect to a child, youth, or student, means an individual who has been committed to an institution (other than a foster home) or voluntarily placed under applicable State law due to abandonment, neglect, or death of his or her parents or guardians.
Neglected Institution	An institution for neglected children and youth is a public or private residential facility, other than a foster home, that is operated primarily for the care of children and youth who have been committed to the institution or voluntarily placed there under applicable state law due to (1) abandonment, (2) neglect, or (3) death of their parents or guardians. <i>Note that for Subpart I purposes, these facilities must have an average length of stay of 30 days.</i>
No Child Left Behind Act (NCLB)	The 2002 reauthorization of the Elementary and Secondary Education Act (ESEA). NCLB aims to help schools improve by focusing on accountability for results, freedom for States and communities, proven education methods, and choices for parents.
Positive Behavioral Interventions and Supports (PBIS or PBS)	A research-based framework for implementing school-wide systems of behavioral support to help prevent and reduce problem behavior.
Program Assessment Rating Tool (PART)	Instituted in 2002, this program is run through the U.S. Office of Management and Budget. Its purpose is to rate all federal programs on their effectiveness.
Regular Program of Instruction	An educational program (not beyond grade 12) in an institution or a community day program for N or D children that consists of classroom instruction in basic school subjects such as reading, mathematics, and vocationally oriented subjects, and that is supported by non-federal funds. Neither the manufacture of goods within the institution nor activities related to institutional maintenance is considered classroom instruction.

Reporting Year (for the CSPR)	Same as definition of school year; the CSPR defines this as July 1–June 30 of a given year.
School Year (for the CSPR)	Same as definition of reporting year; the CSPR defines this as July 1–June 30.
State Agency (SA)	An agency of state government responsible for providing free public education for children in institutions for N or D children, community day programs for N or D children, and adult correctional institutions.
State Education Agency (SEA)	The state board of education or other agency or officer primarily responsible for the state supervision of public elementary schools and secondary schools or, if there is no such officer or agency, an officer or agency designated by the Governor or by state law.
Title I	Reauthorized with the No Child Left Behind Act of 2001, this is the largest federal program supporting elementary and secondary education. The purpose of this program is to help ensure that all children have the opportunity to obtain a high-quality education and reach proficiency on challenging state standards and assessments.
Title I, Part A	This Title I program, also called “Improving Basic Programs Operated by Local Education Agencies,” provides financial assistance through SEAs to LEAs and schools with high numbers or high percentages of poor children to help ensure that all children meet challenging state academic standards.
Title I, Part D	This Title I program is also called “The Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent or At-Risk.” It provides financial assistance to educational programs for youth in State-operated institutions or community day programs. The program also provides financial assistance to support school districts’ programs involving collaboration with locally operated correctional facilities.
Unduplicated Count	An unduplicated count is one that counts students <i>only once</i> , even though they may have been admitted to a facility or program multiple times within the reporting year.