

**Virginia Department of Education  
November 2003**

**Guidance for Identifying Eligible Institutions and Counting Children  
Who are Neglected or Delinquent**

**Local Institutions**

1. Identify eligible institutions. In order to be eligible to be counted, a child age 5 through 17 must live in a locally operated facility that meets the definition of an institution for neglected children, an institution for delinquent children, or an adult correctional institution as provided in Section 1432(1), (4), or (5) of the Title I statute. It is not necessary to designate a child as neglected or delinquent because if he or she is between ages 5 and 17 and is in an institution that meets the definitions, that child would be eligible to be counted.
2. Report the October 2003 caseload data for children in eligible institutions. The school division must report only the number of children who resided in an eligible institution--and were not counted in the enrollment data for the state agency neglected or delinquent program--for at least 30 consecutive days, at least one day of which was in the month of October.
3. Submit a separate count of children for each LEA in the following categories of institutions:
  - Local institutions for neglected children (See the definition below and Section 1432(4)(A) of the Title I statute.)
  - Local institutions for delinquent children [See the definition below and Section 1432(4)(B).] In this category also include children in local adult correctional institutions. [See the definition below and Section 1432(1).]

Please note that the category of an institution should not change from year to year unless there has been an official change in the purpose for which the institution is operated. For example, if an institution is operated for the care of neglected children, but the majority of the children residing in the institution during October are children adjudicated to be delinquent, the institution should still be reported as an institution for neglected children until its charter or purpose is officially changed to show that it is an institution operated for the care of delinquent children. Consistency in reporting from year to year is necessary because changing the category of an institution from year to year based on the category of the majority of children served affects the hold-harmless allocations and eligibility under the Title I, Part A formulas.

4. Count only children ages 5 through 17.
5. Verify the accuracy of the data to be submitted. Compare the October 2003 data to the data that were submitted last year. If there is a large increase or decrease in the school division's count, the school division should identify the reason. For example, did a new institution begin operation? Did an institution close? Do new institutions meet eligibility requirements? Was the October caseload data reported correctly? Were only children ages 5 through 17 reported in the count? While it is not necessary to submit documentation to support the accuracy of the data, the school division should be prepared to respond if asked to verify the counts.

## Definitions

Public Law 107-110 – *No Child Left Behind Act of 2001*

Title I, Part D – Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk; Subpart 3 – General Provisions; Section 1432 - Definitions

1. **“Adult correctional institution”** means a facility in which persons (including persons under 21 years of age) are confined as a result of a conviction for a criminal offense.
2. **“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 one 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.

34 CFR Part 200

Regulations for Title I

Section 200.90 – Program Definitions

1. **“Institution for neglected children and youth”** means a public or private residential facility, other than a foster home, that is operated primarily for the care of children and youth who (a) have been committed to the institution or voluntarily placed in the institution under applicable state law due to abandonment, neglect, or death of their parents or guardians; and (b) have had an average length of stay in the institution of at least 30 days.
2. **“Institution for delinquent children and youth”** means a public or private residential facility that is operated for the care of children and youth who (a) have been adjudicated to be delinquent or in need of supervision; and (b) have had an average length of stay in the institution of at least 30 days.