

Virginia Department of Education
October 31, 2008

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

Local Institutions

1. In Section A on Attachment B 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. In Section B on Attachment B, indicate the name and addresses of the institutions in your division from which the count in Section A was derived.
2. Report the October 2008 caseload data for children in eligible institutions. The state educational agency (SEA) must report only the number of children who were not counted in the enrollment data for the state agency N or D program and live in an eligible institution for at least one day during a 30 consecutive day period, at least one day of which falls within the month of October 2008.
3. Submit a separate count of children for each school division in the following categories of institutions:
 - Local institutions for neglected children (see the definition in Section 1432(4)(A) of the Title I statute cited on the next page).
 - Local institutions for delinquent children (see Section 1432(4)(B)). In this category also include children in local adult correctional institutions (see the definition of the term in Section 1432(1) cited on the next page).

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 each 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.

Definitions

Source:

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.

Source:

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.