

TECHNICAL ASSISTANCE PAPER

Title I Part D: Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk Subpart 2, Local Educational Agency Programs



JOHN L. WINN
Commissioner of
Education



BACKGROUND

Title I, Part D, of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB) (Public Law 107-110), authorizes two programs which focus on the prevention and intervention services for children and youth who are neglected, delinquent, or at-risk. Subpart 1 of the law establishes State Agency Programs, and Subpart 2 authorizes subgrants for local educational agencies. This technical assistance paper is provided as a tool and guidance for local educational agencies funded under Title I, Part D, Subpart 2.

In accordance with Section 1423, Title I, Part D, local educational agencies with high numbers or percentages of children and youth residing in locally operated (including county operated) correctional facilities for children and youth (including facilities involved in community day programs) are eligible for assistance under this subpart. In order to receive funding, eligible school districts are required to submit an application which includes (1) a description of the program(s) to be assisted with the Subpart 2 funds, and (2) a description of the formal agreements regarding the program to be assisted between the school district and the local correctional facilities and alternative school programs that serve children and youth involved with the juvenile justice system.

PURPOSE

The purpose of this section of NCLB is to improve educational services provided to children and youth who are neglected, delinquent or at-risk. Services provided by local educational agencies must focus on:

- improving the educational services in local institutions in order for students to meet the same challenging State academic content standards and State student academic achievement standards that all children in the State are expected to meet
- providing services needed to make successful transitions to further schooling or employment, and
- preventing students from dropping out and providing dropouts and youth returning from institutions with a support system to ensure continuing education

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FLORIDA DEPARTMENT OF EDUCATION, K12 PUBLIC SCHOOL
BUREAU OF STUDENT ASSISTANCE

Refer questions to Cheryl Sattler, Chief, Bureau of Student Assistance via email at cheryl.sattler@fldoe.org, or by phone at 850-245-9980; or Kwaku Frempon, Program Specialist, Title I Programs via email at kwaku.frempon@fldoe.org, or by phone at 850-245-0681.

EFFECTS OF THE REAUTHORIZATION OF TITLE I, PART D

The No Child Left Behind Act of 2001 reauthorized this program with several significant changes: a new emphasis on transitional students, a requirement for State agencies, including correctional facilities to ensure that students' education is coordinated between the institutions, and a new requirement for highly qualified teachers.

Under the prior law, Improving America's Schools Act, students who were returning from local institutions (also called "transitional" students) were placed on an equal footing with students who were at-risk of dropping out of school. Title I, Part D, of NCLB clearly prioritizes adjudicated and incarcerated youth and emphasizes the need for coordination of services between state agencies and local educational agencies. The law states that transitional and supportive local agency programs "*must be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities.*"

Another focus of the reauthorization of Title I, Part D, is on the coordination of services. The law intends for correctional facilities to coordinate with school districts or alternative education programs so that student assessments and academic records are shared jointly and used to guide the planning and operation of the Title I Neglected or Delinquent program at the institution level. Improved coordination between school districts and correctional facilities will help develop continuity of the educational services provided to these students.

Even though the emphasis is on transitional students, students at-risk of dropping out of school may still receive services funded under Title I Part D, if the provision of such services does not have a negative impact on meeting the needs of transitional students. NCLB defines "at-risk" youth to include school-aged youth who are at-risk of academic failure, have drug or alcohol problems, are pregnant or are parents, have come into contact with the juvenile justice system in the past, are at least one year behind the expected grade level for their age, have limited-English proficiency, are gang members, have dropped out of school in the past, or have high absenteeism rates at school.

Another major change required under NCLB includes the provision of Highly Qualified Teachers. This requirement, which is consistent with the overall emphasis of NCLB, applies to all teachers of core academic subjects who are employed by school districts or under contract with local agencies or entities under the authority of the Florida Department of Education. The school district is required to ensure that teachers of core academic subjects employed either by the school district or the agency under contract with the school district meet the definition of highly qualified teacher under Section 1119 of Title I of NCLB.

IMPLEMENTATION ISSUES

In 2006-07, 50 of 72 (or 70 percent) school districts were eligible to receive funding under Title I, Part D, Subpart 2. In order to be funded under Title I, Part D, Subpart 2 each eligible school district is required to submit an application to the Department of Education, in accordance to the annual Request for Application (RFA) for Discretionary/Non-Competitive Programs. The RFA outlines the program components that each school district must address and includes descriptions of the services to be

provided to eligible children and youth who are neglected, delinquent or at-risk. The following describes the required and allowable activities and provides examples of how funds may be used to meet the unique needs children and youth who are neglected, delinquent or at-risk. It is important to note that Title I, Part D, funds are awarded to school districts for collaboration with local correctional institutions. The intent of the program is to educate youth while they reside in the institutions, to help these students make the transition from correctional institutions to further education or employment, and to operate dropout prevention programs in local schools to help at-risk youth avoid jail or help returning youth to stay in school.

Required Activities:

As previously mentioned, school districts are required to support educational services to operate programs that involve collaboration with locally operated facilities with which the school district has established formal agreements regarding services to be provided.

Required activities include:

1. provision of high-quality educational programs to prepare youth for secondary school completion, employment, or further training and education
2. provision of activities to facilitate the transition of such youth from the correctional program to further education or employment
3. implementation of programs in local schools for children and youth returning from correctional facilities, and programs which may serve at-risk children and youth

NOTE: School districts that serve a school operated by a locally operated correctional facility are not required to operate a dropout prevention program if more than 30 percent of the youth attending the facility will reside outside the boundaries of the school district upon leaving the facility.

Allowable Activities:

School districts may use these funds to implement the following activities:

- ✓ dropout prevention programs which serve youth at educational risk, including pregnant and parenting teens, youth who have been in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrant youth, immigrant youth, students with limited-English proficiency and gang members
- ✓ the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care, drug and alcohol counseling and mental health services, will improve the likelihood that such individuals will complete their education
- ✓ special programs to meet the unique academic needs of participating children and youth, which may include vocational or technical education, exceptional student education services, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants
- ✓ programs which provide mentoring and peer mediation

Agreements between school districts and locally operated correctional facilities:

As previously mentioned, each locally operated correctional facility that receives assistance under Subpart 2 must have a formal agreement with the school district

outlining the programs and services to be provided to its population with Subpart 2 funds. Correctional facilities that enter into an agreement/contract with local school districts to provide services to youth must:

1. Where feasible, ensure that educational programs in their juvenile facilities are coordinated with the students' home schools, particularly with respect to special education students who have an individualized education plan (IEP)
2. Notify the local school of youths who are identified as in need of exceptional student education services while in the facilities
3. Where feasible, provide transition assistance to help youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring and family counseling
4. Provide support programs that encourage youth who have dropped out to reenter school once their term has been completed or provide such youth with the skills necessary to gain employment or seek a secondary school diploma or its recognized equivalent
5. Work to ensure such facilities are staffed with teachers and other qualified staff who are trained to work with children with disabilities, taking into consideration their unique needs
6. Ensure educational programs in correctional facilities assist students in meeting high educational standards
7. To the extent possible, use technology to assist in coordinating educational programs between the juvenile facilities and the community school
8. Where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of their children in delinquent activities
9. Coordinate funds received under this program with other local, state and federal funds available to provide services to participating youth
10. Coordinate programs with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs if applicable
11. If appropriate, work with local businesses to develop training and mentoring programs for participating youth

The above-referenced requirements should be used as a basis for developing the formal agreements between local school districts and locally operated correctional facilities. The formal agreements should include a description on how each of the above requirements will be met.

Identification and Eligibility Requirements for Students Served in Programs funded under Title I Part D, Subpart 2:

All children and youth in local operated correctional facilities are eligible to be served through the age of 21. In local participating schools, all youth who are eligible for services under Title I, Parts A or C, of NCLB are eligible, if the school receives Title I funds.

If a school receiving Subpart 2 funds is not a Title I, Part A, school, the school district may identify the at-risk youth enrolled in the school for Part D services by such categories as:

- Children and youth who have been adjudicated within the juvenile justice system but have returned to a school operated by the school district (using the best available records and data available to identify these individuals)
- Migrant children or youth (based on their eligibility for services under Title I, Part C of NCLB)
- Immigrant children or youth
- Gang members (as defined by the local school district)
- Pregnant and parenting youth through the age of 21
- Children who are at-risk of school failure or who have failed before
- Children who have limited English proficiency
- Children who have dropped out of school

Program Evaluation Requirements:

Each school district that conducts a program for children and youth who are neglected, delinquent, or at-risk under Subpart 2, must evaluate the program, disaggregating data on participation by gender, race, ethnicity, and age, not less than once every three years to determine the program's effect on the ability of participants to maintain and improve educational achievement; accrue school credits that meet Florida's requirements for grade promotion and secondary school graduation; make the transition to a regular program or other education program operated by a school district; complete secondary school (or secondary school equivalency requirements); and obtain employment after leaving the correctional facility or institution for neglected or delinquent children and youth and, as appropriate, participate in postsecondary education and job training. In conducting each evaluation, the school district is required to use multiple and appropriate measures of student progress.

As described in the 2006-07 Request for Application (RFA), each school district is required to submit an annual evaluation report no later than October 15, 2006. The annual report must address the afore-mentioned evaluation requirements and must also include a description of how the school district will use the results of the evaluation to plan and improve subsequent programs for participating children and youth.

QUESTIONS AND ANSWERS

Q1. How are funds under Title I, Part D, Subpart 2, allocated to the Florida Department of Education (FDOE)?

A1. The U.S. Department of Education (USDE) determines each state's allocation when it calculates the annual Title I, Part A, local educational agency (LEA) allocations. Subpart 2 fund allocations for each state are based on the October caseload data on the number of children and youth ages 5 through 17 living in local institutions for neglected and delinquent children and adult correctional institutions that each state submits to the USDE. The caseload data must be for 30 consecutive days, at least one day of which is in October. The Title I, Part A, allocation tables that USDE provides to each state shows the specific amount the state has available for Subpart 2 purposes.

Q2. How does the Florida Department of Education (FDOE) count children in locally operated institutions where some children are considered neglected and others considered delinquent?

A2. The FDOE review documentation outlining the purposes of the institution. As an example, if the institution was chartered as a facility that serves delinquent children, yet the majority of children served in that institution are considered neglected because they were 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, all of the children in that institution should be counted as delinquents. The FDOE will continue to count all of the children in such an institution as delinquent unless the charter or purpose of the institution is changed.

Q3. Are out-of-state children and youth who reside in locally operated institutions included in the count of children in locally operated institutions for delinquent children and adult correctional facilities submitted to the USDE?

A3. Yes. The count submitted by FDOE is based on the October caseload count of any child who resides in the facility regardless of the child's or youth's state of origin.

Q4. In allocating Title I, Part D, Subpart 2, funds to school districts (LEAs), is FDOE required to use the same data used by USDE in determining the local school district's allocation?

A4. No. The FDOE is not required to use the same data for purposes of making subgrants to school districts (LEAs). As noted in Question 1 above, the USDE uses an October caseload count of children and youth living in locally operated correctional facilities or institutions for children who are delinquent. However, when determining whether a school district has a high number or percentage of such children and determining the allocation, FDOE can include children and youth participating in locally operated community day school programs and schools not operated by the state that serve children and youth who are delinquent and who do not live in a facility.

Q5. May the FDOE change the amount of the allocation under Title I, Part D, Subpart 2, allocated to a school district?

A5. Yes. The FDOE has the authority to reduce or terminate the funds for any school district that is unable to demonstrate student progress. See also response to Question 14.

Q6. Are school districts (LEAs) funded under Subpart 2 permitted to carry over funds?

A6. Yes. School districts are required to submit a written request to FDOE to carry over ("roll forward") funds from one fiscal year to the next. If FDOE approves, the school district may retain the funds. It is important to note that Section 421(b) of GEPA requires that funds made available for any given fiscal year be obligated by both the State and the school district within 27 months of the date USDE awarded funds to the State. The written request is accomplished by either an estimate of the "roll forward" funds at the time of submission of the next fiscal year application or by means of an amendment to the next fiscal's year's project after the Comptroller's Office certifies the "roll forward."

Q7. Are there any ‘hold-harmless’ provisions which apply to Title I, Part D, Subpart 2, funds?

A7. No. The hold-harmless provisions allowed in Title I, Part A, do not apply to subgrants received by school districts under Title I, Part D, Subpart 2.

Q8. In addition to the funds allocated under Title I, Part D, Subpart 2, may a school district reserve funds received under Title I, Part A, to serve children and youth in locally operated correctional facilities and institutions for children who are delinquent?

A8. Yes. 34 Code of Federal Regulations (CFR) 200.77(a)(3) of Title I, Part A, regulations permits a local school district, where appropriate, to reserve funds that are reasonable and necessary to provide services to children and youth in local institutions for delinquent children, and neglected or delinquent children in community day programs.

Q9. May an agency other than an LEA apply for a subgrant under Title I, Part D, Subpart 2?

A9. No. Only LEAs are eligible to apply. However, a school district can apply and subcontract with another agency to provide the services. In all such instances, the school district is required to be responsible for maintaining administrative control and must assume the responsibilities for monitoring the contract to ensure compliance with all applicable statutory and regulator requirements.

Q10. Must a school district use a portion of the funds received under Title I, Part D, Subpart 2, to operate a dropout prevention program?

A10. Yes. Local school districts are required to use a portion of their allocation under Subpart 2 to operate a dropout prevention program for students returning from locally operated correctional facilities. However, a school district that serves a school operated by a locally operated correctional facility, in which more than 30 percent of the children and youth attending the school will reside outside the boundaries served by the school district upon leaving the facility, is not required to operate a dropout prevention program within the school and may use all of its Subpart 2 funds for programs in locally operated correctional facilities, provided that those facilities have a formal agreement with the school district.

Q11. May a school district decide use Subpart 2 funds to target a particular category of at-risk youth, such as immigrant youth or English language learners, rather than other categories of youth, without documenting that those children have the greatest need?

A11. Yes. It is permissible for a school district to target Subpart 2 funds to meet the needs of one or more categories of children and youth who are at-risk without documenting that such a category or categories have greater needs than other categories. However, FDOE requires that school districts describe the needs for targeting such a subgroup in the school districts application for funding under Title I, Part D, Subpart 2.

Q12. May a school district use Subpart 2 funds to support training in vocational and technical skills and GED prep in an independently operated institution for children and youth who are delinquent?

A12. Yes. As long as such services were described in the school district's application for funding under Subpart 2.

Q13. What are the monitoring responsibilities of the FDOE and the local school districts?

A13. FDOE is required to monitor school districts that receive Subpart 2 funding to ensure that each school district is implementing the program and services as outlined in the school district's project application. School districts are responsible for monitoring every facility or institution with which they have contracted for services to ensure that the facility or institution is carrying out its responsibilities as outlined in its formal agreement and is complying with all applicable statutory and regulatory requirements.

Q14. What are the accountability provisions or steps taken by FDOE with school districts for programs in which the students do not show progress or for programs that have not been proven to effective?

A14. In accounting for how effectively Subpart 2 funds are used by school districts, FDOE may:

- *Reduce or terminate funding for school district-based projects supported with Subpart 2 funds if the projects do not show progress in reducing dropout rates over a 3-year period; and*
- *Require that local correctional facilities and institutions for delinquent children and youth demonstrate, after receiving assistance under Subpart 2 for 3 years, and document that there has been an increase in the number of children and youth returning to school, obtaining a secondary school diploma or its recognized equivalent, or obtaining employment after they are released.*

WEB LINKS TO OTHER RESOURCES AND INFORMATION

Non Regulatory Guidance, Title I, Part D, Neglected, Delinquent, and At-risk Youth [<http://www.ed.gov/policy/elsec/guid/nord.doc>]. Issued June 2006 by the U.S. Department of Education.

National Evaluation and Technical Assistance Center for the Education for Children and Youth Who Are Neglected, Delinquent or At-risk (NDTAC) [www.neglected-delinquent.org] This organization and Web site provides information and resources for institutions serving neglected, delinquent or at-risk children and youth. The NDTAC has developed a number of tool kits which are hands-on resources useful for program development, assessment, and evaluation. Topics of tool kits include: Transition, Assessment and Data Systems, Curriculum and Literacy, Family Involvement, Neglected Youth, Transition, Teacher Quality and Professional Development, Monitoring and Compliance, Special Education, and State Plans and Collaboration.

Juvenile Justice Educational Enhancement Program (JJEED) Quality Assurance Standards. [<http://www.jjeep.org/quality.asp>]. This Web site provides information regarding three sets of educational quality assurance (QA) standards: one set for each of the following juvenile justice facilities, (1) residential commitment programs, (2) day treatment programs (includes prevention, intensive probation, and conditional release), and (3) detention centers.

Other Technical Assistance Papers (TAPs) issued by the Florida Department of Education and/or the Juvenile Justice Educational Program. Topics include:

- ❖ [Use of Middle Grades Integrated Curriculum for Meeting Highly Qualified Status in Department of Juvenile Justice Education Programs, 2006-2007 School Year](http://www.myfloridaeducation.com/commhome/pdf/y2006-17.pdf) [<http://www.myfloridaeducation.com/commhome/pdf/y2006-17.pdf>]
- ❖ [Information on the Common Assessment for Use in Department of Juvenile Justice Education Programs](http://www.myfloridaeducation.com/commhome/pdf/y2006-14.pdf) [<http://www.myfloridaeducation.com/commhome/pdf/y2006-14.pdf>]
- ❖ [Highly Qualified Teacher Requirements for Special Programs under the No Child Left Behind Act](http://www.jjeep.org/pdf/y2004-8.pdf) [<http://www.jjeep.org/pdf/y2004-8.pdf>]
- ❖ [Juvenile Justice Cooperative Agreements and Contracts TAP](http://www.jjeep.org/pdf/contract_tap.pdf) (PDF) [http://www.jjeep.org/pdf/contract_tap.pdf]

Report to the Legislature, No Child Left Behind in Juvenile Justice Education, February 2005. [<http://www.firn.edu/doe/commhome/pdf/djj-all.pdf>]. In accordance with the 2004 law titled Laws of Florida 2004-333, Section 6 which required the Department of Education (DOE) and the Department of Juvenile Justice (DJJ), in collaboration with the school districts, juvenile justice education providers, and the Florida Juvenile Justice Association, to convene a workgroup to make recommendations for meeting the requirements of the federal *No Child Left Behind Act* and for rewarding juvenile justice education programs for high performance based on positive outcomes. This report outlines the findings of the workgroup and provides implementation strategies to address the requirements of No Child Left Behind.