



Facility Eligibility

Q.1. - An LEA has been providing services to a local delinquent facility. The facility is a therapeutic boarding school and ranch-style program operated by a religious group that provides services to teen girls. Girls are placed in the facility by their parents, who must pay the costs of housing and educating their children in the facility. The girls receive counseling for their delinquent behaviors, including dropping out of school, rebellion, and family conflict.

Is this facility eligible under TIPD Subpart 2?

A.1. - No, this facility is not an eligible delinquent facility.

1. The facility does not provide services to adjudicated youth.

2. An eligible delinquent facility provides residential care to youth who are adjudicated – sent by the court to that facility as part of a judgement by the court.

3. There is a difference between a student who exhibits "delinquent" behaviors, and a student who has been adjudicated to be delinquent.

Q.2. - A local charter school has always been identified as a neglected facility. The charter school operates a dormitory and is specifically operated to provide education and residential care for children of single parents who work overnight/swing shifts, such as nurses, police officers, fire fighters, etc. The facility notes that these children often suffer from “neglect” due to being from a single parent household and the difficulty in finding overnight care in the community.

Is this facility an eligible neglected facility?

A.2. - No, children who are "neglected" have been placed or surrendered to a facility because their care meets the standard of neglect under State law (i.e. the neglect meets the level required to remove the child from the home and place them in a facility under State child welfare laws), have been abandoned by their parents/guardians, or been orphaned.

Neglect is not a subjective determination by an LEA.

Neglect may vary from state to state based on each state's laws.

Q.3. An LEA provides educational services to a delinquent facility located within its boundaries. The facility is a lock-down group home for males ages 12-17 with an on-site education program. Students are placed in the facility by the Office of Juvenile Justice and the OJJ contracts with the LEA to provide the education services.

Is this a Subpart 2 facility or a Subpart 1 facility?

A.3. This is a Subpart 1 facility.

Although the LEA is providing educational services to the facility, they are doing so under a contract with the OJJ, which is a State Agency. The OJJ is responsible for the education of the children in the facility.

Q.4. - A local facility operates a military boot-camp style program for students who are struggling both with their academic skills and their behaviors. This program collaborates with the state's National Guard unit, but is not operated by a state agency. The facility is an independent non-profit organization. Most students have either previously dropped out of school or are extremely credit deficient and will not be able to graduate on time. All of the students in the program are considered to be "at-risk," and many of them have had encounters with law enforcement. Some students may have previous convictions for minor offenses.

Is this facility an eligible delinquent facility under Subpart 1 or Subpart 2?

A.4. - This facility is not eligible for services under either Subpart 1 or Subpart 2.

Subpart 1 – This facility is not a state agency and is not operated by a state agency.

Subpart 2 – The students in this facility are not adjudicated to the facility. The facility does not accept students with active law enforcement cases.

Q.5. - A boarding school operated by a religious charity claims it is a neglected facility. Families place their children in the boarding school because they feel the quality of the education is better than the local school district. The students all come from the surrounding area, which suffers from generational poverty, high rates of drug abuse, and high rates of community violence, including domestic violence, murder, sexual assault, and suicide. The community is a food desert and lacks access to many basic services such as health care and mental health care. The unemployment rate is high. The dropout rate and the rate of chronic absenteeism at the local school is also high. The facility argues that the children are neglected due to the environment in which their parents are raising them; the community in which they live.

Is this facility an eligible neglected facility?

Q.5. - No, children who are "neglected" have been placed or surrendered to a facility because their care meets the standard of neglect under State law (i.e. the neglect meets the level required to remove the child from the home and place them in a facility under State child welfare laws), have been abandoned by their parents/guardians, or be orphaned. These children will return to their families at the end of the school year and for holidays or school breaks.

Note that if this facility is located on a reservation then the definition of neglect may be based on tribal law and children would be placed by tribal child welfare services.

Neglect is not a subjective determination by an LEA or facility based on the poverty of a local community.

Neglect may vary from state to state based on each state's laws.

Q.6. - The state's Department of Health and Human Services operates a number of facilities for the care of children with severe developmental delays. All costs associated with the care and education of these children are covered by the state's Medicaid program. Parents/guardians must sign over custody of their child to the state when placing them in this facility.

Is this facility an eligible neglected facility?

A.6. - Yes, in this case children who are placed in a facility of this type have been "surrendered" by their parents to the custody of the state. Legally, the child has been "abandoned."

In this case, the child will not return to the care of the family after receiving an education or treatment. They will remain in the care of the state, eventually entering a form of adult foster care based on their level of functioning.

This facility is probably a Subpart 1 facility, as the State has taken over responsibility for the care and education of the child.

Q.7. – Your state has a children’s mental health facility/psychiatric hospital that serves children from across the state. They provide services for children with suicidal ideation/attempts, severe PTSD, eating disorders, schizophrenia, and other mental health challenges. While many patients are privately placed by their families or physicians, some children are placed in the facility by your state’s child welfare authorities or by the juvenile court system.

Is this facility eligible under Subpart 1 as a delinquent or neglected facility?

A.7. - Maybe. What is the group of children "primarily" served by this facility?

1. Are the majority of children placed by the court or the juvenile justice system? - This might be a delinquent facility.

2. Are the majority of children placed by the state's child welfare system? - This might be a neglected facility.

3. Are the majority of the children placed by their families? - This facility is probably not eligible, even though they occasionally accept placements by state agencies.

Q.8. - A federal agency operates a facility in your state for unaccompanied (not with a parent or legal guardian) juveniles who have violated immigration law. Children are arrested by the federal agency and placed in the facility pending further action by the court or by the federal agency. The federal agency is contracting with a local school district to provide educational services to the children.

Is this facility an eligible local neglected facility or a Subpart 2 delinquent facility?

A.8. This facility is under the control of the federal government through one or more federal agencies or offices (CBP, CHS, ICE, OIR, etc.).

Subpart 1 programs must be operated by State governmental agencies.

Subpart 2 programs must be locally operated.

This facility is not eligible under either program.

Q.9. - A private health care company operates a 50-bed facility. Currently, 15 of their residents are placed in the program by their parents through a physician's order and funded by Medicaid. The remaining 35 residents are placed by the Department of Children and Services (DCS) for abandonment and neglect. The facility serves both residents placed by insurance and those placed by DCS, with a primary focus on supporting DCS. The residents receive mental health services and 24/7 residential care while in the program.

Would this be considered a Subpart 1 or Subpart 2 neglected program?

A.9. Who is responsible for providing education for the children in this facility?

Does DCS contract with the facility to provide care? Or does the facility bill DCS for children that are placed?

If care is provided under a contract does the contract explain how education will be provided or paid for?

If the facility provides educational services on site, who decides how that education will be provided? Does the facility itself make that decision, or does DCS make that decision?

Q.10. - We have a juvenile detention center (JDC) that is privately owned and operated. It is a small facility that only has the capacity to hold 10 youth at a time. The LEA provides all educational services to the youth. The local courts have a contract with the JDC to place youth in the facility when they are awaiting trial or have been adjudicated of a crime and are awaiting placement.

Is this program eligible, and if so, what type of program would you categorize this as (subpart 1, subpart 2)?

A.10. - This is a locally operated delinquent facility. The LEA is eligible to receive a Subpart 2 subgrant to provide additional services to these students.

Q.11. - We have a program that is supported by some of the local churches in our region. They run a 15-bed residential home for children whose parents have fallen on hard times. The children stay in the home for approximately 3 to 6 months while the parents work on creating a stable environment at home, seeking employment, or in some cases attending treatment themselves. The children are placed by the parents, and the child welfare agency is not involved.

Would this constitute a neglected program?

A.11. - No, this facility does not qualify as "neglected" because the children are not placed in the facility due to neglect as defined by state law, abandonment, or the death of their parents/guardians.

This facility is operating as a kind of "respite care" for families who are overwhelmed with life circumstances and feel they cannot provide adequate care for their child. The family is making a decision to provide the best possible care for the child through placement in this facility.