



NDTAC Communities of Practice Eligibility to Receive a Subgrant CoP Agenda

Session Description

This one-hour session will provide a space where SCs can discuss the Title I, Part D statute on eligibility to receive a Title I, Part D subgrant and Title I, Part D services, and how SCs can create and improve their own tools and protocols for determining eligibility.

Resources

- [NDTAC Tip Sheet: Identifying Neglected and Delinquent Institutions with Eligible Children to be Included in the Annual Count](#)
- [August 2024 NDTAC Webinar: A Closer Look at Eligibility Requirements under Title I, Part D of the Elementary and Secondary Education Act of 1965 \(ESEA\)](#)
- Subpart 1 Statute: [Title I, Part D Statute | NDTAC: Technical Assistance Center for the Education of Youth Who Are Neglected, Delinquent, or At-Risk](#)
- Subpart 1 Non-regulatory guidance: [Title I, Part D Nonregulatory Guidance State Agency Programs \(Part D, Subpart 1\) | NDTAC: Technical Assistance Center for the Education of Youth Who Are Neglected, Delinquent, or At-Risk](#)
- Subpart 2 Statute: [Title I, Part D Statute | NDTAC: Technical Assistance Center for the Education of Youth Who Are Neglected, Delinquent, or At-Risk](#)
- Subpart 2 Non-regulatory guidance: [Title I, Part D Nonregulatory Guidance Local Programs For At-Risk Youth \(Part D, Subpart 2\) | NDTAC: Technical Assistance Center for the Education of Youth Who Are Neglected, Delinquent, or At-Risk](#)

Welcome and Introductions

Housekeeping

1. Session reminder: evaluators will be joining at the 45-minute mark to run a focus group for evaluating the CoPs
2. Office Hours reminders
3. Upcoming webinar reminder: Webinar on the Intersection of Title I, Part D and Title III, happening early July 2025.
4. Annual Meeting materials posted to SharePoint link
5. Email NDTAC for professional development certificate (ndtacccommunications@longevityconsulting.com)
6. State coordinator questions or announcements or takeaways from the Annual Meeting

Introduction of State coordinators and ice breaker

7. Poll question: *How would you rate your knowledge on a scale of 1-5 on eligibility?*

Statutory Requirements and Definitions for the Eligibility to Receive a Subgrant

Subpart 1 Eligibility

- An SA is eligible for assistance under Subpart 1 if it is responsible for providing free public education for children and youth—
 - In institutions for neglected or delinquent children and youth;
 - Attending community day programs for neglected or delinquent children and youth; or
 - In adult correctional institutions. (ESEA section 1411)
- Institution for Neglected Children and Youth: As determined by the State educational agency (SEA), a public or private residential facility, other than a foster home, that is operated primarily for the care of children who—
 - 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
 - Have had an average length of stay of at least 30 days. (34 C.F.R. § 200.90(b))
- Institution for Delinquent Children and Youth: As determined by the SEA, a public or private residential facility that is operated primarily for the care of children and youth who—
 - Have been adjudicated to be delinquent or in need of supervision; and
 - Have had an average length of stay in the institution of at least 30 days. (34 C.F.R. § 200.90(b))
 - *Note for facilitators: Reinforce that for delinquent, a judge or court has made the determination for adjudication or to send the kid to a facility.*
- Community Day Program: A regular program of instruction provided by an SA at a community day school operated specifically for neglected or delinquent children and youth. (ESEA section 1432(3)).
- Adult Correctional Institution: A facility in which persons (including persons under 21 years of age) are confined as a result of a conviction for a criminal offense. (ESEA section 1432(1)).
- Regular Program of Instruction: An educational program (not beyond grade 12) in an institution or a community day program for neglected or delinquent 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 are considered classroom instruction. (34 C.F.R. § 200.90(b))
- Students Eligible to Receive Services: To participate in the SA's N or D program, a child or youth must be—
 - 21 years of age or younger;
 - Entitled to free public education up to grade 12; and
 - Enrolled in a regular program of instruction at either an eligible institution or community day program for the required length of time (20 hours per week if in

an institution or community day program for youth who are N or D; 15 hours per week if in an adult correctional institution). (See ESEA section 1412(a)(1)(A); 34 C.F.R. §§ 200.90(a)-(b), 200.103(b)(1))

- SEAs serving as SAs: State Educational Agencies (SEAs) are sometimes tasked with directly providing educational services to students eligible for Title I, Part D, subpart 1 funding [[34 CFR 76.50\(b\)\(1\)](#)]. Usually this occurs because the custodial SA does not have responsibility under State law to provide educational services to students in its care. An SEA may be an eligible SA if it meets the SA eligibility requirements of being responsible for providing free public education for children and youth in institutions for neglected or delinquent children and youth, attending community day programs for children and youth who are neglected or delinquent, or in adult correctional institutions.
- Subpart 1 Non-regulatory guidance: [Title I, Part D Nonregulatory Guidance State Agency Programs \(Part D, Subpart 1\) | NDTAC: Technical Assistance Center for the Education of Youth Who Are Neglected, Delinquent, or At-Risk](#)

Subpart 2 Eligibility

- The SEA shall award subgrants to LEAs 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). (ESEA section 1422).
- For an LEA to be eligible to receive Subpart 2 funds, the LEA must have an eligible locally operated correctional facility, including community day programs that serve delinquent children and youth, within its boundaries.
- Locally Operated Correctional Facility: Locally operated correctional facility means 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. (34 C.F.R. § 200.90(c))
- Eligible Community Day Programs: LEAs that receive a Subpart 2 grant may also fund a locally operated community day program or school not operated by the State that serves delinquent children and youth who do not live in a facility.
- Students Eligible to Receive Services—
- All children and youth ages 21 and younger who reside in locally operated correctional facilities, including children and youth who attend locally operated community day programs.
- Children and youth returning from correctional facilities to a school in the LEA.
 - Other at-risk children and youth in local schools. (ESEA sections 1421 and 1424; 34 C.F.R. § 200.90(a))

- Eligible At-Risk Programs— LEAs that receive a Subpart 2 grant may choose to operate at-risk programs for students who meet the statutory definition of “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, dependency adjudication, or delinquency adjudication
 - Has a drug or alcohol problem
 - Is pregnant or is a parent
 - Has come into contact with the juvenile justice system or child welfare system in the past
 - Is at least 1 year behind the expected grade level for the age of the individual
 - Is an English learner, is a gang member, has dropped out of school in the past, or has a high absenteeism rate at school. (ESEA section 1432(2)).
- Services to students at-risk of dropping out of school shall not have a negative impact on meeting the transitional and academic needs of the students returning from correctional facilities. (ESEA section 1422(d)).
- Subpart 2 Non-regulatory guidance: [Title I, Part D Nonregulatory Guidance Local Programs For Delinquent and At-Risk Youth \(Part D, Subpart 2\) | NDTAC: Technical Assistance Center for the Education of Youth Who Are Neglected, Delinquent, or At-Risk.](#)

Related Information

- Title I, Part A neglected reservation
 - Children in locally operated neglected institutions must be served through an LEA’s Title I, Part A (Title I) neglected reservation.
 - Section 1113(c)(3)(A) of the ESEA and 34 C.F.R. § 200.77(a)(2) require an LEA to reserve Title I funds to provide services comparable to those provided to children in Title I schools to children in local institutions for neglected children.
 - An LEA must determine the amount of these reservations based on its total Title I allocation prior to any allowable expenditures or transfers of funds. (ESEA section 1113(c)(3)(B); 34 C.F.R. § 200.77(a)(4)).
 - In addition to the required Title I reservation for children in a local neglected facility, an LEA, at its discretion, may reserve funds for:
 - Children in local institutions for delinquent children, and neglected or delinquent children in community day programs. (ESEA section 1113(c)(3)(A)(iii); 34 C.F.R. § 200.77(a)(3)).

Common Eligibility Missteps

- Ensuring all neglected and delinquent facilities are identified in your state.

- Including ineligible facilities (private pay programs or programs that serve students placed through a school system decision)
- Identifying neglected facilities as delinquent or identifying delinquent facilities as neglected
- When the SEA is responsible for serving as an SA, ensuring the funding is going to the SEA and the SEA is completing the application (as opposed to an LEA or private provider that is providing services completing a Subpart 1 application).

The Identification and Decision Process

- What is your process to assess eligibility to receive TIPD subgrants? How often are you assessing eligibility? Are there any risk factors that you look out for?
- What are the most common eligibility issues for your subgrantees?
- Are there any grey-area eligibility issues that you have come across? How have you handled those?
- Any challenges that you are having with eligibility?
- Are you running any at-risk programs? How is it structured?

Support on Identifying Eligibility for Services (Optional)

- a. What types of training do you provide to your subgrantees on maintaining eligibility?
- b. What types of resources do you provide for LEAs and SAs to assist with eligibility questions?
- c. What can NDTAC provide you with in order to facilitate this process?

Closing

- a. Questions and Answers
- b. Reminder of evaluation