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CHAPTER 9

LOCALLY-ADMINISTERED PROGRAMS
FOR NEGLECTED AND DELINQUENT CHILDREN

9.1.0 General Statement

In 1965, Congress enacted the Elementary and Secondary Education Act commonly known as ESEA. The largest funded component of this act was Title I, designed to provide financial assistance in order to meet the special educational needs of children who were educationally deprived and who resided in areas having high concentrations of children from low-income families. While Title I ESEA has since been amended, the basic "declaration of policy" remains the same, as most recently stated in the Education Amendments of 1978 (Public Law 95-561):

In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in the following parts of this title) to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means (including preschool programs) which contribute particularly to meeting the special educational needs of educationally deprived children. Further, in recognition of the special educational needs of children of certain migrant parents, of Indian children and of handicapped, neglected, and delinquent children, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in the following parts of this title) to help meet the special educational needs of such children.

Each of the key words or phrases in the declaration of policy expresses the intent of Congress.
• Support of Adequate Educational Programs to Meet Special Educational Needs: Most financing of local educational agencies (LEAs) comes from local or state revenues. However, LEAs with high concentrations of low-income families may not be able to support adequate educational programs. Hence, financial assistance is provided by the Department of Education to states on the basis of incidence of low-income families and, in turn, to counties, and to LEAs. Applications from LEAs have to be approved by the State Educational Agencies (SEAs). LEAs, however, may not use such title I funds for "general aid." Rather, these funds must provide for adequate educational programs which meet the particular educational needs of children from areas with concentrations of low-income families. The words "special educational needs" in Title I ESEA should not be confused with the phrase "special education" as it is commonly used to describe the instructional programs available to handicapped students.

• Expand and Improve: Title I funds must be used by LEAs to expand and improve educational programs and services for students eligible to be served under Title I ESEA. While LEAs must provide all children with their basic educational program, title I funds can only be used to provide extra or supplemental services to meet the particular educational needs of educationally deprived children who are otherwise eligible. Title I ESEA funds must also be used to improve the quality of educational programs for educationally deprived children through proper planning and program design.

• Educational Programs: The supplemental educational programs funded under title I must be designed to meet the specific educational needs of children selected for participation in the program. The programs must be of sufficient size, scope, and quality with stated performance objectives for each project, based upon an assessment of the needs of eligible students. Supportive services are clearly related to the educational needs of children being served and are not available from other funding sources.

• Educationally Deprived Children...in Areas with Concentrations of Children from Low-Income Families: The intended beneficiaries of Title I ESEA are educationally deprived children who reside in school attendance areas with high concentrations of children from low-income families. Eligible school attendance areas are identified and ranked on the basis of family income level or directly related information. With a few exceptions, those eligible attendance areas or schools with the highest percentage or numbers of children from low-income families are selected for Title I ESEA funding. Individual children within an eligible attendance area are eligible to receive title I services if they are educationally deprived.

• Neglected or Delinquent Children: Title I ESEA specifically provides for the provision of services to children in local or state institutions for the neglected or delinquent. An institution for neglected children is defined as a "public or private residential facility -- other than a foster home -- that is operated primarily for the care of at least 10 children who have been
committed to the institution or voluntarily placed in the institution under applicable state law because of abandonment of, or neglect by, or death of parents." An institution for delinquent children is defined as a "public or private residential facility that is operated primarily for the care of at least 10 children who have been adjudicated delinquent or in need of supervision. The term also includes an adult correctional institution in which at least 10 children reside" (116a.4(b)).

While most of this manual has discussed the general Title I ESEA program for educationally deprived children living in areas with high concentrations of children from low-income families, this chapter particularly focuses upon the provision of title I services to children living in institutions for the neglected or delinquent. Many of the provisions already discussed in terms of the general program also apply to this special group of eligible children.

9.2.0 Basic Concepts for Administering Programs for Neglected or Delinquent Children

The Title I ESEA program is designed to meet the particular educational needs of children living in state and local institutions for neglected or delinquent children (including those living in adult correctional institutions) by expanding and improving the educational program (Sec. 116a.1(b)). This chapter outlines the LEA's responsibility for administering a title I program for children living in locally-operated institutions; it does not focus upon the administration of title I programs for children in state institutions, which is not an LEA responsibility.

Of primary importance in the conduct of a title I project for neglected or delinquent children in local institutions is the establishment of a common understanding of the behavior of institutionalized children. Each child has encountered unusual problems in growing up. The child has either violated a law and been adjudicated as a delinquent, felon, or in need of supervision; or is "neglected" because of circumstances beyond his or her control. These previous experiences influence behavior and may affect educational progress. To effectively "treat" the child, the institutional staff must understand
the nature and cause of behavior, particularly delinquent behavior, and the individuality and unique character of each child.

Title I ESEA requires that children aged 5 to 17 living in locally administered institutions for neglected or delinquent children be counted as part of the title I formula population (Sec. III(C)(1)(A)(iii)). Institutionalized children's particular educational needs must be identified through a needs assessment. Supplementary educational assistance is then provided to improve their educational performance, particularly in the basic skills.

Title I programs for neglected or delinquent children in local institutions generally follow the overall title I requirements, with a few important differences which are noted under Specific Requirements. Key concepts and definitions are as follows:

- **Responsibility:** The LEA, if it chooses to serve the children, is responsible for the administration of the title I program for neglected or delinquent children in local institutions. The regulation specifies options in case the LEA does not accept this responsibility. Even if the LEA does not accept the responsibility, title I funds generated by a count of neglected or delinquent children must be used to provide title I services for them (116a.12(a)).

- **Target Population:** Children residing in local neglected or delinquent institutions are eligible for title I services (116a.75). These children are counted annually as part of the determination of the state's allocation of title I funds; in turn, each LEA's share of the state's allocation is based in part on the number of institutionalized neglected or delinquent children in that LEA.

- **Limitation on Use of Funds:** Title I funds may not be used to supplant services which are the LEA's or the institution's responsibility and which are normally funded by state and local sources (Sec. 126(d)). The funds must be spent on services that meet the particular educational needs of neglected or delinquent children who currently reside in the institutions. Services should be directed at meeting the special needs which may result from their residing in an institution.

- **Sites of Service Delivery:** LEAs have several options as to the site of the Title I program, as long as they can maintain effective administrative control (116a.75(c)).
9.3.0 General Requirements for Administering Programs for Neglected or Delinquent Children

Children aged 5 to 17 living in locally operated institutions for the neglected or delinquent are counted in determining the amount of an LEA's title I grant. Unlike other children who are counted for allocation purposes, however, Title I ESEA requires that the portion of the LEA's grant related to institutionalized children be used to provide services to those children.

In planning a program which meets the needs of institutionalized children, LEA officials must consider the educational needs of the children, including noninstructional needs such as social and behavioral problems, which have an affect of educational performance. All program design requirements outlined in Chapter 3, including needs assessment and the use of performance objectives and individualized education plans, must be followed in planning a title I program for institutionalized children.

However, there are also specific requirements, as set forth in the following sections, which relate only to programs for institutionalized children.

9.4.0 Specific Requirements for Administering Programs for Neglected or Delinquent Children

9.4.1 Counting Neglected or Delinquent Children

Title I regulations require the use of October caseload data as the basis for counting neglected and delinquent children in local institutions (116a.12(a)(1)(i)). Each year during October, the SEAs conduct a survey of the number of such children who have lived in local institutions for at least 30 consecutive days. The forms must be completed by the institutions' staffs and promptly returned to the SEA. The data from this survey form part of the basis for the state's title I allocation. All eligible institutions may participate in the survey.
To be counted, neglected/delinquent children must meet the following criteria:

1. Each child must have been in the institution during the month of October of the calendar year preceding the count. That is, if the SEA computes the allocation of title I funds in calendar 1980, it must count the children who were in N or D institutions in October 1979.

2. Each child counted must have resided in the institution for at least 30 consecutive days.

3. Each child must live in an institution which has at least ten children who satisfy criteria 1 and 2.

4. Each child must be 5 to 17 years of age.

5. To be counted, neglected/delinquent children do not need to reside in project areas and average daily attendance has no bearing on the counting of these children.

6. Each child must live in the institution; children receiving only day care services should not be counted for this purpose.

The following children are not eligible to be counted:

1. Children living in institutions operated by the United States government.

2. Children who are supported with public funds in foster homes.

3. Children who are counted as part of the population of state-operated institutions for neglected/delinquent children.
Examples/Illustrations

The following examples illustrate the rules for counting neglected/delinquent children:

<table>
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<tr>
<th>Situation</th>
<th>Is the Child Eligible to be Counted?</th>
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<tr>
<td>(1) A child is released from the institution on October 2. He had resided in the institution for six months.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Explanation:</strong> The child had resided in the institution for more than 30 consecutive days and did live in the institution during October.</td>
<td></td>
</tr>
<tr>
<td>(2) A child enters the institution on October 3.</td>
<td>No</td>
</tr>
<tr>
<td><strong>Explanation:</strong> The child would not have been in the institution for 30 consecutive days as of October 31.</td>
<td></td>
</tr>
<tr>
<td>(3) A child is transferred to the institution on October 5 from another institution where she had been held for three months.</td>
<td>No</td>
</tr>
<tr>
<td><strong>Explanation:</strong> The child must have resided for 30 days in the institution which is submitting the count.</td>
<td></td>
</tr>
<tr>
<td>(4) A child enters the institution on October 2 and stays for the rest of October.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Explanation</strong> The child will have lived in the institution for 30 days at the end of October.</td>
<td></td>
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9.4.2 Sub-County Allocations Partially Based on Neglected or Delinquent Children

The SEA is responsible for determining how much of each county's title I allocation will go to individual LEAs within the county. The Title I regulation requires that the SEA first determine the allocation due each LEA on the basis of the number of children aged 5 to 17 (if any) in institutions for neglected or delinquent children (116a.12(1)). If the local institutions
submitted a count of such children in the annual survey, then part of that LEA's title I allocation will have been generated by those children. (See Chapter 7.4.1 on title I allocations.)

9.4.3 General Use of Title I Funds Attributable to Neglected or Delinquent Children

All neglected or delinquent children under 21 years of age and in grade 12 or below are eligible for title I services if they live in an institution. The regulations are very specific in requiring that title I funds generated by neglected/delinquent children in institutions be used for title I services for those children. If funds are generated based on the numbers of N or D children in two or more institutions, services must be provided to children from each institution.

If no services are provided, funds generated by these children must not be made available for reallocation except for the purpose of serving other N or D children in local institutions. This situation may arise, for example, if children attend school within the institution, but the institution does not comply with federal civil rights requirements. The LEA, as the recipient of title I funds, is responsible for making sure that no discriminatory practices occur in the program of the institution. The LEA must not provide title I services to neglected/delinquent children who receive education in institutions that practice discrimination. However, if the children live in such an institution but receive educational services in another setting (such as a public school) which does not discriminate, the LEA may provide title I services. Funds generated by these children may then be used only for serving other children in institutions for neglected/delinquent children.

9.4.4 LEA Unwilling/Unable to Provide Services

It may be that the LEA is unwilling or unable to provide title I services to children in institutions for neglected or delinquent children. For example, the LEA may have intentionally excluded these children in its application to
the SEA, in which case the SEA would find the LEA unwilling to provide services. Or, the LEA may have included institutionalized children in its application, but the SEA finds the application inadequate to meet the particular educational needs of these children. In this case, the SEA might, after negotiation, determine the LEA unable to provide services. Under either circumstance, the law specifies means for these children to receive title I services from another public agency:

1. If the LEA is unwilling or unable to provide services, the SEA must reduce the LEA's allocation by the amount attributable to children in institutions. The SEA shall then either assume responsibility for delivery of title I services or assign the responsibility to another state agency or other public agency willing to accept it. In either case, the public agency accepting responsibility shall receive the title I funds forfeited by the LEA (116a.12(a)(2)).

2. If no public agency is willing to accept responsibility, the SEA shall not allocate funds to another agency, except for the purpose of serving children in eligible institutions.

9.4.5 LEA Applications: Content and Approval Criteria

The proposed title I program for neglected or delinquent children in local institutions becomes part of the LEA application to the SEA. Institutions may not apply directly to the SEA. Therefore, it is essential that the LEA develop a cooperative working relationship with institution officials.

In its application, the LEA must describe its assessment of the particular educational needs of the institutionalized children, as well as the title I services to be provided to these children. The LEA must also include its plans for evaluating the effectiveness of title I projects serving neglected or delinquent children (116a.75(d)).

Needs Assessment

For the purpose of the title I program for neglected or delinquent children, needs assessment is defined as a process through which the present
academic status of the institutionalized child is determined in relation to established goals or norms for the purpose of identifying existing learning gaps and deficiencies. Thus, it is important to identify precisely the specific educational needs as the basis for project focus. (See Chapters 2.4.5 and 3.4.1.)

The LEA is responsible for the needs assessment, although the actual assessment may be conducted at the institutional level. The LEA, therefore, needs to work with staff of the institution to conduct the needs assessment. Each child under 21 years of age and not beyond grade 12 who is served by an institution must be included in the needs assessment process. The assessment should include consideration of support services, such as services to improve behavioral or attitude problems, which will improve educational achievement.

In reviewing the needs assessment component of the LEA application, the LEA must approve only applications which meet these criteria:

1. The LEA must have considered the particular educational needs of institutionalized children without regard to age or grade levels.

2. The LEA must have assessed those needs using appropriate objective measures of educational achievement.

3. The LEA must have considered the particular educational needs the children may have because they are institutionalized. The experiences of these children may have social and behavioral impact that must be dealt with in conjunction with their educational program. (See Chapter 7.4.1.)

Services to be Provided

Title I services must be designed to meet the particular educational needs of the children to be served, particularly with respect to improvements in educational performance in the basic skills of reading, oral and written communication, and mathematics. Support services may be provided in order to eliminate physical, emotional or social problems that impede the ability of the children to acquire such skills. (See Chapter 3.4.1, Sufficient Scope, for a
discussion of support services.) It is not necessary that title I programs be limited to special instruction in the basic skills, but the needs of the institutionalized children as indicated by their performance levels in the basic skills must be the prime consideration in the planning of title I activities and in setting objectives. It is possible that these objectives could be met in vocational programs which are not simple work programs, but programs which include education and training components. A program such as a recreational program, which provides general school assistance but was not designed to meet the individual educational needs of children as identified in the needs assessment, might be considered "general aid." Such a program should not be approved.

The title I administrator should carefully review Chapter 3.4.1, describing services which can be provided under title I. Because institutionalized children reside away from their families, there may be a tendency to expend title I funds for purposes other than meeting special educational needs. For example, field trips, dinners and similar cultural enrichment activities can be approved only if it can be shown that they directly improve the educational growth of children in institutions. It is important to note that services to institutionalized children are not limited according to the grade span or categories of need requirements which the LEA sets for its general title I program.

In reviewing the LEA application, the SEA shall approve applications which meet the following criteria:

1. The LEA must have performance objectives and appropriate plans for evaluating the educational achievement of the children to be served.

2. The LEA must show that the title I services to be provided were planned in consultation with the staff of the institution.

3. The title I services to be provided must be designed to meet the objectives of the project for the institutionalized children to be served.
4. If the LEA plans to provide certain title I services in the public schools for both institutionalized children and educationally deprived children from project areas, the LEA must show that it will also provide title I services to meet special needs that the neglected or delinquent children may have because they are institutionalized. This provision reinforces the importance of providing children who live in institutions with a title I program of similar quality to that of the LEA as a whole.

**Non-Supplanting**

As is the case for all of title I, the use of title I funds in institutions must be supplementary to state and local funds. (See Chapter 5.3.)

**9.4.6 Location of Title I Services for Neglected or Delinquent Children**

The LEA may provide its title I services for neglected or delinquent institutionalized children at the institution, at a public school, at a private school, or at another location where services can be provided effectively under the LEA's administration and control (116a.75(c)).

**Examples/Illustrations**

For example, suppose an institution has a group of participating title I children, most of whom are in grade school. A handful of these children, however, are ungraded. The LEA, with the agreement of the institution staff, may decide to serve the ungraded students in a remedial program located in the institution (but under LEA administrative control). The students in grade school, however, might be served in the public schools.

Or, if an institution has the capability and appropriate facilities, the title I program for institutionalized children could be provided in the institution itself. The program would be administered by the LEA, through cooperation with the institution.
An LEA may also meet its title I responsibility for providing services to neglected and delinquent children by contracting with another agency, as long as the LEA maintains administrative responsibility and all applicable regulatory requirements are reflected in the contract.

9.4.7 LEA Reports

In its reports to the SEA, the LEA shall include specific information on the types of services provided and the effectiveness of the title I project in meeting the particular educational needs of the institutionalized children. (See Chapter 6.4.1-4.)

9.5.0 Summary of Requirements for Administering Programs for Neglected and Delinquent Children

All children in institutions for the neglected or delinquent have special needs. In many cases, those special needs may have been related to their institutionalization. The special needs may include educational needs, and, therefore, institutionalized children are one of the specific categories of children identified by law as eligible to receive title I services.

LEAs must use that portion of their title I grant related to a count of children in locally operated institutions for the neglected or delinquent to serve institutionalized children. If the SEA, on the basis of the LEA's title I application, determines that the LEA is not going to, or cannot, provide services for institutionalized children, then the SEA will arrange to provide title I services to these children, using the title I funds that would otherwise have gone to the LEA for this purpose.

In planning programs for institutionalized children, LEAs must follow all title I requirements, with the exception of those related to designing schools and school attendance areas for title I projects, identifying and selecting children to be served, participation of children enrolled in private schools, and parental involvement. Particularly important in the planning process are coordination with institutions' officials for the purpose of needs assessment,
identification of special needs institutionalized children may have, and
decisions as to what means to use to best provide services to institutionalized
children.