TITLE I, PART D, SUBPART 1

TEXAS YOUTH COMMISSION AND WINDHAM SCHOOL DISTRICT

PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK (N OR D)

TEXAS EDUCATION AGENCY
Division of NCLB Program Coordination
http://www.tea.state.tx.us/nclb/

May 2006

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ABBREVIATIONS AND ACRONYMS

AYP	Adequately Yearly Progress
CSSO	Chief State School Officer
ED	U.S. Department of Education
ESEA	Elementary and Secondary Education Act of 1965, as amended
GED	General Education Development program
GEPA	General Education Provisions Act
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
LEA	Local Educational Agency
N or D	Neglected or Delinquent
PPE	Per-pupil expenditure
SA	State Agency (Texas Youth Commission and Windham School District)
TEA	Texas Educational Agency
TSY	Training School for Youth

INTRODUCTION

The Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk, authorized by 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 (20 USC 6421 et seq.) include two programs, one for State programs and another for local programs:

1. Subpart l establishes the State agency Neglected or Delinquent (N or D) program, through which ED provides Federal financial assistance the Texas Education Agency (TEA) to enable them to award subgrants to State agencies (SAs)–Texas Youth Commission and Windham School District– that operate educational programs for children and youth in institutions or community day programs for children who are neglected, delinquent and at-risk and for children and youth in adult correctional facilities.

2. Subpart 2 authorizes ED to award grants to TEA to enable them to award subgrants to local educational agencies (LEAs) to provide programs that serve children and youth who are in locally operated correctional facilities or are attending community day programs for delinquent children and youth. Additionally, Subpart 2 programs may provide assistance to children and youth who are neglected or at-risk of dropping out of school.

3. Subpart 3 of Part D requires the Texas Youth Commission and Windham School District and LEAs to evaluate their programs by using multiple and appropriate evaluation measures to determine the programs' effects on student achievement.

WHAT ARE THE PURPOSES OF THE TITLE I, PART D PROGRAM?

The purposes of Title I, Part D are to: (1) improve educational services for children and youth in local and State institutions for neglected or delinquent children and youth so that they have the opportunity to meet the same challenging State academic content and State student achievement standards that all children in the State are expected to meet; (2) provide these children with services to enable them to transition successfully from institutionalization to further schooling or employment; and (3) prevent at-risk youth from dropping out of school as well as to provide dropouts and children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education.

I. STATE AGENCY PROGRAMS FOR NEGLECTED AND DELINQUENT CHILDREN (PART D, SUBPART 1)

A. Federal Allocation of Funds

A-1. How does TEA allocate Subpart 1 funds to SAs?

TEA determines State allocations through a formula based on annual counts of N or D children and youth, aged 20 or younger, who are in (1) State-operated adult correctional facilities and who are enrolled in a regular program of instruction for at least **15** hours per week; and (2) State N or D institutions or community day programs for children and youth who are enrolled in a regular program of instruction for at least **20** hours per week. That count is then multiplied by 40 percent of the State's per-pupil expenditure (PPE) and proportionately reduced to the amount appropriated. The TEA is responsible for annually collecting and submitting counts of eligible children and youths from individual SAs that operate programs for N or D children and youth within the State.

In determining the count of N or D children and youth in a State for allocation purposes:

1. The Texas Youth Commission and Windham School District must specify the date on which the count was taken of children and youth who are N or D and enrolled in a regular program of education. That date must: (a) be consistent for all institutions or community day programs operated by the SA, and (b) represent a school day in the calendar year preceding the year in which funds became available.

2. The TEA must adjust the count of children and youth enrolled in a regular program of instruction to reflect the relative length of the Texas Youth Commission and Windham School District's annual programs by (a) multiplying the number of children and youth enrolled, by the number of days per year the regular program of instruction operates, and (b) dividing that number by a number that represents the number of school days in the academic year for the State (e.g., 180).

A-2. How does the Texas Youth Commission and Windham School District determine the number of children and youth to include in the annual survey of eligible children?

Exhibit 1 [Pages 3-5] illustrates (1) the steps that the Texas Youth Commission and Windham School District uses in determining the count of children and youth who are N or D enrolled in a regular program of instruction for at least 15 hours a week in adult correctional facilities, and for at least 20 hours per week in State N or D facilities and community day programs; and (2) the steps an SA should use in adjusting the count to reflect the relative length of the SA's annual program.

The Texas Youth Commission and Windham School District are responsible for totaling the adjusted enrollment counts for children and youth in all of the N or D institutions, adult correctional facilities, or community day programs that it operates and then for providing the adjusted count to the TEA.

Exhibit 1: OMB Number 1810-0060:

Sample for Windham Schools and Texas Youth Commission

ANNUAL REPORT OF CHILDREN IN STATE AGENCY INSTITUTIONS FOR NEGLECTED OR DELINQUENT CHILDREN, ADULT CORRECTIONAL INSTITUTIONS, AND COMMUNITY DAY PROGRAMS FOR NEGLECTED OR DELINQUENT CHILDREN

PART I - INSTITUTION AND STATE AGENCY

1. Name and address of institution, community day program, or adult correctional institution	2. Name and address of State agency

PART II - BASIS FOR ELIGIBILITY

	YES	NO
1. Is a regular program of instruction provided for the children in the institution or community day school?		
2. Is the State agency responsible for providing free public education for the children in the institution or community day program?		
3. Is the average length of stay in the institution or community day program at least 30 days?		

IF ANSWER TO ALL THREE QUESTIONS ABOVE IS YES, PROCEED TO PART III.

PART III - TYPE OF INSTITUTION AND ENROLLMENT

CATEGORY (Check one)		NUMBER OF CHILDREN UNDER 21 ENROLLED IN A REGULAR PROGRAM OF INSTRUCTION SUPPORTED BY STATE FUNDS FOR AT LEAST 20 hours per week	15 hours per week
[ ]	INSTITUTION FOR NEGLECTED CHILDREN 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.		
[ ]	INSTITUTION FOR DELINQUENT CHILDREN AND YOUTH A public or private residential facility that is operated primarily for the care of children who have been adjudicated to be delinquent or in need of supervision.		
[ ]	COMMUNITY DAY PROGRAM A regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children.		
[ ]	ADULT CORRECTIONAL INSTITUTION A facility in which persons are confined as a result of a conviction for a a criminal offense, including persons under 21 years of age.		

PART IV - ADJUSTED ENROLLMENT TO REFLECT THE RELATIVE LENGTH OF THE STATE AGENCY'S ANNUAL PROGRAM

Enrollment (from Part III)		No. of Days Per Year Educational Program Operates				Adjusted Enrollment
	X		DIVIDED BY	180	=	

PART V - CERTIFICATION

I certify that the information provided meets the requirements of Title I, Part D, Subpart 1 and is, to the best of my knowledge, complete and accurate.

(Typed name of institution official) (Signature and date)

Exhibit 1 (continued)

WORKSHEET INSTRUCTIONS

PART I - INSTITUTION AND STATE AGENCY
Enter the names of the institution and State agency. A separate form must be completed for each institution.

PART II - BASIS FOR ELIGIBILITY
Respond "yes" or "no" to each of the three questions. If the answer is no to any one of these questions, the institution or community day program does not qualify.

I. In question 1 a "**regular program of instruction**" means an education 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 is considered classroom instruction.

II. In question 2 a "**State agency**" means an agency of State government responsible for providing free public education for children in institutions for neglected or delinquent children, community day programs for neglected or delinquent children, and adult correctional institutions.

III. In question 3 an "**average length of stay**" is calculated by determining the length of time each child entering the institution stays and dividing that number by the total number of children passing through that institution during a given year. The average length of stay for all children in the institution must equal at least 30 days. An individual child in an institution, however, would not necessarily have to stay for 30 days.

PART III - TYPE OF INSTITUTION AND ENROLLMENT

Category
Check the category that fits the definition of the institution. Do not report institutions that do not meet any of the four definitions.

Enrollment
For the category of institution checked, furnish the number of children under 21, through age 20, enrolled in a State-funded regular program of instruction on a date in calendar year 2004, specified by the State agency. The date specified by the State agency must be consistent for all institutions or community day programs operated by the Sate agency, and the date must represent a school day within calendar year 2004.

In order to be counted as enrolled, a child must be enrolled in a State-funded regular program of instruction for at least:

IV. 20 hours per week if in an institution for neglected or delinquent children or a community day program for neglected or delinquent children; or

V. 15 hours per week if in an adult correctional institution.

PART IV - ADJUSTED ENROLLMENT TO REFLECT THE RELATIVE LENGTH OF THE STATE AGENCY'S ANNUAL PROGRAM

Multiply the enrollment determined in Part III by the number of days in the year that the educational program operates. Divide that number by 180 (or the number of school days for your State) to determine the adjusted enrollment.

PART V - CERTIFICATION

The appropriate institution and State agency official should sign certifying that the information provided meets the requirements of Title I, Part D, Subpart 1 and is complete and accurate. (Note, because these data will generate Federal funds, they are subject to audit and must be supportable from documented records.)

A-3. May Texas Youth Commission and Windham School District include out-of-State children in annual survey counts for the Subpart 1 fund allocation?

Yes. If out-of-State N or D children and youth reside in an institution located within a State, those children are eligible to be included in the State's count, provided those children and youth are under the age of 21 and are enrolled in a regular program of instruction operated or supported by SAs in institutions or community day programs for N or D children and youth and adult correctional institutions as specified in 34 CFR 200.91(a) and (b) of the Title I, Part D regulations.

A-4. How is a "regular program of instruction" defined?

As noted in item A-1, Subpart 1 allocations are based on counts of children and youth who are N or D and who are in a "regular program of instruction." Section 200.90(b) of the Title I, Part D regulations defines a "regular program of instruction" as an educational program (not beyond grade 12) that is in an institution or in a community day program for children who are N or D and that consists of classroom instruction in basic school subjects, such as reading, mathematics, and vocationally-oriented subjects, and is supported by non-federal funds. Neither the manufacture of goods within the institution or program nor activities related to institutional maintenance are considered classroom instruction.

A-5. Must the 15 or 20 hours of instruction Texas Youth Commission and Windham School District are required to provide to qualify for Subpart 1 funds be entirely from State funding, or could the instruction time include education programs funded by other Federal agencies?

The State's regular program of instruction must be State funded and must meet the required number of hours; the instructional program cannot include additional instructional time provided with Title I of ESEA or other Federal funds.

A-6. May the Texas Youth Commission and Windham School District transfer funds from Subpart 1 to Subpart 2?

No. Subpart 1 and Subpart 2 have separate authorizations. Only SAs are eligible to receive funds from TEA under Subpart 1, and only LEAs are eligible to receive funds from TEA under Subpart 2.

B. State Subgrants to Eligible State Agencies

B-1. How does the TEA make subgrants to the Texas Youth Commission and Windham School District ?

Once ED determines a State's Subpart 1 allocation, the TEA makes subgrants to each SA on the basis of its proportionate share of the State's adjusted enrollment count of children and youth who are N or D.

B-2. What are the eligibility requirements for the Texas Youth Commission and Windham School District to receive Subpart 1 funds?

An SA is eligible to receive Subpart 1 funds if it is responsible for providing free public education for children and youth who are in educational programs in N or D institutions, who attend community day programs for children who are N or D, or who are in adult correctional institutions. To receive funds, the SA must apply to the TEA.

B-3. In order to receive a subgrant under Subpart 1, must the Texas Youth Commission and Windham School District directly operate schools for children and youth who are N or D?

No. The Texas Youth Commission and Windham School District may provide educational services directly in State-operated schools, through contracts or other arrangements with another SA, an LEA, a junior or community college, a private provider, or a university. Whether or not services are provided directly by the Texas Youth Commission and Windham School District SA, they are responsible for ensuring that the program operates in accordance with all applicable statutory and regulatory requirements.

B-4. Is TEA eligible to receive Subpart 1 funds as an SA?

Yes. TEA may be an eligible SA if it receives a specific State appropriation for the education of children who are N or D and provides educational services to children and youth who are N or D, either directly or through another agency, such as an LEA, another SA, or an institution of higher education. Regardless of whether the TEA is an eligible SA, the TEA has administrative responsibility for ensuring that the program operates in accordance with all applicable statutory and regulatory requirements.

B-5. Can Texas Youth Commission and Windham School District allocate its Subpart 1 funds to one facility rather than to each facility that generated a count?

Yes. With TEA approval, the Texas Youth Commission and Windham School District determines the facilities to which it allocates Subpart 1 funds. The Texas Youth Commission and Windham School District has the discretion, based on its needs assessment, to concentrate Subpart 1 services on those institutions that have children and youth with the greatest need.

B-6. If the Texas Youth Commission or Windham School District does not submit an application for Subpart 1 funds, should the TEA return Subpart 1 grant funds to ED?

The TEA should consider providing these funds to one or more SAs, or use the funds directly to provide services, with the TEA serving as an SA. However, if the funds cannot be used in these ways, they must be returned to ED.

C. Carryover of Subpart 1 Funds

C-1. Can the TEA allow the Texas Youth Commission and Windham School District to carry over Subpart 1 funds?

Yes. If the TEA determines that the amount of the Texas Youth Commission and Windham School District subgrant exceeds the amount needed, it may allow them to carry over the excess funds for use in subsequent years.

C-2. Is there a carryover limitation for the Texas Youth Commission and Windham School District?

No. There is no carryover limitation. With TEA approval, the Texas Youth Commission and Windham School District may carry over funds from one fiscal year to the next. However, under section 421(b) of the General Education Provisions Act (GEPA), both the TEA and the Texas Youth Commission and Windham School District must obligate all funds made available in a given fiscal year within 27 months.

D. Eligible Institutions under Subpart 1

D-1. What types of institutions are eligible to receive Subpart 1 funds from SAs?

Once an SA receives Subpart 1 funds, it distributes the funds to eligible institutions within its jurisdiction in accordance with the needs assessment described in its application submitted to the TEA. An eligible institution generally is a public or private facility that operates for the care of children who are N or D and that provides free public education and a regular program of instruction to the children and youth who are in the institution. Eligible institutions may vary from facilities for orphans to minimum-security facilities for juvenile delinquents to maximum-security facilities in adult correctional institutions or prisons. Institutions must be one of the four following types:

- An *adult correctional institution* is a facility in which persons (including persons under 21 years of age) are confined as a result of conviction for a criminal offense. An adult correctional institution that confines persons under 21 years of age is eligible to receive Subpart 1 funds if it provides them with a regular program of instruction (not beyond grade 12) by using State funds.

- An *institution for delinquent children and youth* is, as determined by the TEA, a public or private residential facility, other than a foster home, that is operated primarily for the care of children and youth who have been adjudicated delinquent or in need of supervision and have had an average length of stay in the institution of at least 30 days.

- An *institution for neglected children and youth* is, as determined by the TEA, a public or private residential facility, other than a foster home, that is operated primarily for the care of children and youth who have been committed to the institution or voluntarily placed in the institution under applicable State law due to (1) abandonment; (2) neglect; or (3) death of their parents or guardians and have had an average length of stay in the institution of at least 30 days.

- A *community day program* is a regular program of instruction provided by an SA at a community day school operated specifically for neglected or delinquent children and youth.

D-2. Are short-term institutions (those with an average length of stay of fewer than 30 days) eligible to receive Subpart 1 funds?

No. Although some short-term institutions, such as detention, diagnostic, and reception centers, provide basic education services for youth, Subpart 1 services are most effective in institutions where the duration of the stay is longer. Therefore, the average length of stay or participation in an institution for delinquent children and youth, an institution for neglected

children and youth or an adult correctional facility should be at least 30 days for these institutions to be eligible to receive Subpart 1 funds (see 34 CFR 200.90(b) of the Title I, Part D regulations). This average length of stay requirement does not apply to community day school programs serving neglected or delinquent children and youth.

D-3. May the Texas Youth Commission and Windham School District use its Subpart 1 allocation to serve children and youth in privately operated facilities?

Yes. Subpart I authorizes the TEA to provide financial support to the Texas Youth Commission and Windham School District that operate educational programs for children and youth in institutions or community day programs for children who are N or D as well as for children or youth in adult correctional facilities. The Texas Youth Commission and Windham School District may contract with private facilities to serve N or D children and youth; however, they are responsible for ensuring that a private facility operates a program in accordance with all applicable statutory and regulatory requirements.

D-4. May TEA include Texas Youth Commission and Windham School District —N or D children and youth served in private facilities in the annual count of eligible children submitted to ED for Subpart 1 allocation purposes?

Yes, provided that the N or D children and youth counted are (1) the responsibility of the Texas Youth Commission and Windham School District ; (2) under the age of 21; and (3) enrolled in a regular program of instruction operated or supported by the Texas Youth Commission and Windham School District in institutions or community day programs for N or D children and youth and adult correctional institutions as specified in 34 CFR 200.91 of the Title I, Part D regulations.

E. Eligible Children and Youth

E-1. Which children and youth are eligible for services under Subpart 1?

To participate in the Texas Youth Commission and Windham School District '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).

E-2. Is a youth who has completed the General Education Development (GED) program eligible to receive Subpart 1 services?

Yes. A student aged 21 or younger who is otherwise eligible to receive services under Subpart 1 (see item E-1 above) and who has earned a GED, but takes courses that lead to a high school diploma, is eligible to receive Subpart 1 services. Earning a high school diploma would fall within the definition of "regular program instruction" found in 34 CFR 200.90(b) of the Title I, Part D regulations, that is limited to an educational program not beyond grade 12. Subpart 1 funds

also may be used for dual-enrollment courses in which a student concurrently earns high school and college credit, but may not be used for courses that award college credits only. Additionally, Subpart 1 funds may be used for placement services designed to place the youth in a university, college, or junior college program, such as SAT and ACT preparation courses, as well as for fees associated with college applications.

E-3. How does the Texas Youth Commission and Windham School District identify and select children and youth to be served?

Texas Youth Commission and Windham School District must assess, on the basis of educationally objective criteria, the educational needs of all eligible children and youth in eligible institutions and community day programs. The needs assessment enables them to identify the unique educational needs of these children and youth and the general instructional areas on which the program will focus. Using the assessment data, the Texas Youth Commission and Windham School District can select those most in need of special assistance and determine the specific needs of participating children and youth to ensure that the services provided will be of sufficient size, scope, and quality to enable the participants to make significant progress toward meeting State performance standards. If available funds are insufficient to meet the needs of all eligible youth, those most in need should be served first.

F. State Plan

F-1. What is required in the Subpart 1 State plan?

To receive Subpart 1 funds, the TEA must submit for ED approval either (1) an individual State plan in accordance with section 1414(a) of ESEA; or (2) a *consolidated plan* that meets the requirements of section 9302 of ESEA. Whether the State plan is submitted individually or as part of a consolidated plan, it must describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving the academic, vocational, and technical skills of children in the program. The TEA must also provide assurances that the agency will both monitor and evaluate subgrantees.

F-2. May a State plan be revised?

Yes. The statute allows for plans to be reviewed and revised periodically by States. However, if substantive changes are made to a State plan, those changes must be submitted to ED for approval.

G. State Agency Applications

G-1. What are the requirements of a Subpart 1 Texas Youth Commission and Windham School District application?

Section 1414 of ESEA enumerates the 19 required elements of the Texas Youth Commission and Windham School District applications to TEA. For example, the applications must describe the procedures to be used to assess the educational needs of the children to be served; how the they will carry out the program evaluation requirements of section 9601 of ESEA; how the results of the most recent evaluation will be used to plan and improve the program; and how they will coordinate with businesses for training and mentoring of participating children and youth.

G-2. May the TEA approve the Texas Youth Commission and Windham School District application for more than 1 year?

No.

G-3. When must an SA submit its application to the TEA?

The TEA sets the deadline for submission of applications, no later that September 1st of each school year.

G-4. Does the Texas Youth Commission and Windham School District apply to the TEA for Subpart 1 funds when a contractor or other party provides the education services to children in institutions or community day programs?

Yes. The Texas Youth Commission or Windham School District, not the contractor, must apply to the TEA for funds because the SA is responsible for providing a free public education to the children in the institutions and community day programs. The Texas Youth Commission and Windham School District may contract with or arrange for another agency (such as an LEA, a junior or community college, a private provider, or a university) to provide the education services either at the institution or off-site. The Texas Youth Commission and Windham School District, however, are responsible for exercising administrative control over the program and ensuring that the contractor or other party complies with all applicable statutory and regulatory requirements.

G-5. May the Texas Youth Commission and Windham School District allow individual institutions to apply directly to the TEA for a Subpart 1 grant?

No. Only an Texas Youth Commission and Windham School District may apply to the TEA for Subpart 1 funds.

G6. If the subgrantee under Subpart 1 is the TEA, does the TEA compute maintenance of effort, and how should it monitor itself to ensure compliance?

Like other SAs, the TEA must compute maintenance of effort, and the CSSO should monitor the Subpart 1 program for compliance with all statutes and regulations.

G-7. What are the monitoring responsibilities of TEA for the Texas Youth Commission and Windham School District under Subpart 1?

TEA is required to monitor their grantees for implementation of requirements of the program statute and regulations. Those requirements include monitoring the implementation of the program. Additionally, the Texas Youth Commission and Windham School District are responsible for monitoring every facility or institution with which they have contracted for services.

H. Use of Funds

H-1. What activities may Subpart 1 funds support?

Under the authorizing statute, the Texas Youth Commission and Windham School District must use Subpart 1 funds to support educational services that (1) except for institution-wide projects (see section 1415(a)(2)(B)(i)), are provided to children and youth identified as failing, or most at-risk of failing, to meet the State's challenging academic content and student academic achievement standards; and (2) supplement and improve the quality of educational services provided to these children and youth. The statute further provides that Subpart 1 funds may be used to acquire equipment that will be used to help the children and youth to meet challenging State academic content and student academic achievement standards, and to cover the costs of meeting the evaluation requirements of section 9601 of ESEA.

Projects may use Subpart 1 funds to pay the necessary and reasonable costs that provide a variety of services, including reading, mathematics, language arts, and vocationally oriented programs that include academic classroom instruction so long as these are supplementary services and materials. For example, past Subpart 1 projects have used funds to:

- Hire additional teachers, aides, educational counselors, and other staff members to provide additional instruction in areas of greatest need;
- Train teachers, aides, and other staff members who are actively involved in providing Title I services;
- Procure needed educational materials and equipment for Title I instruction, including books, computers, audiovisual equipment and supplies, and classroom materials for industrial arts and vocational training; and
- Hire transition coordinators or buy new equipment to assist students' transitions (e.g., purchasing scanners to scan individualized education program (IEP) documents).

H-2. May Subpart 1 funds be used for regular education instructional activities?

No. The Texas Youth Commission and Windham School District must use Subpart 1 funds to provide services that supplement, not supplant, those services that would, in the absence of Subpart 1 funds, be provided to children participating in the regular school educational program. However, Subpart 1 funds may be used to increase the total number of hours of instruction in any subject area that students receive with State or local funds.

H-3. May the TEA reserve 1 percent from its Subpart 1 allocation for State administration activities?

Yes. Section 1004 of ESEA authorizes the TEA to reserve for State administration up to 1 percent from funds allocated to the State under Title I, Part A (Grants to LEAs), Part C (Migrant Education), and Part D, Subpart 1 (State Agency Neglected or Delinquent Program). The 1 percent reservation is a maximum. The TEA may reserve less than 1 percent from each of Parts A, C, and D (Subpart 1) of Title I of ESEA. Moreover, the TEA does not need to reserve the same percentage from each part.

I. Parental Involvement

I-1. What are the SA's parental involvement requirements?

In its application, the Texas Youth Commission and Windham School District must assure that it will work with parents to secure their assistance in improving their children's and youth's educational achievement and, as appropriate, preventing further involvement in delinquent activities. Although distance and other factors may limit the involvement of parents, to the extent possible, must give parents the opportunity to participate in their children's and youth's educational plans. In cases where such an arrangement may not be practicable, a person such as an instructional staff member or someone who is responsible for the individual's education may act in place of that person's parent.

J. Institution-wide Projects

J-1. What are institution-wide projects (Pertains to Texas Youth Commission–only)?

Section 1416 of Title I, Part D, Subpart 1 of ESEA authorizes the Texas Youth Commission use Subpart 1 funds to serve all children in, and upgrade the entire educational effort of, that institution or program, provided the TEA has approved the SA's comprehensive plan for that institution or program. (Requirements for the comprehensive plan are specified in section 1416(1) through (8) of ESEA.) The purpose of the institution-wide approach is similar to that of school-wide programs operated under Title I, Part A. The authority enables the Texas Youth Commission to:

- Focus on strategies built on institution-wide reforms that improve the overall educational program of an institution, rather than on add-on services for individual students;
- Combine Part D, Subpart 1 funds with other State and Federal funds for education programs to support comprehensive approaches that meet the educational needs of all children and youth in N or D institutions; and
- Use Part D, Subpart 1 funds more flexibly.

The Texas Youth Commission operating an institution-wide project is not required to identify particular children in an institution as eligible for services, or to show that Subpart 1 funds pay for supplemental services that would otherwise not be provided, or to account for Federal dollars separately. Instead, they may use these funds in any manner it chooses, so long as the use is consistent with the comprehensive plan approved by the TEA.

J-2. May an adult correctional institution (Windham School District) use its funds for an institution-wide project?

No. Institution-wide programs may only be operated in an institution for neglected or delinquent children and youth, or for neglected or delinquent children and youth attending a community day program.

J-3. Must the Texas Youth Commission's plan for institution-wide projects include a comprehensive assessment of the educational needs of children who are neglected in a program to be conducted in an institution specifically for these children?

Yes.

K. Transition Services

K-1. What are Texas Youth Commission and Windham School District requirements for providing transition services?

Helping institutionalized children and youth who are N or D and those in adult correctional facilities to make the transition into the community for further education or employment is an important element in the success of the Subpart 1 program. Section 1418 of ESEA requires that each Texas Youth Commission and Windham School District to reserve not less than 15 percent or more than 30 percent of the amount it receives in any year under Subpart 1 to support "transition services" for these children and youth. They may also use the reserved funds to provide transition educational services to children and youth in schools other than State-operated institutions.

K-2. What are examples of transition services?

Transition services focus on helping children and youth who are N or D to reenter school successfully or to find employment after they leave the institution and return to the local community. Allowable activities include but are not limited to:

- Pupil services, including counseling, psychological, and social work services designed to meet the needs of children and youth who are N or D;
- Services of in-school advocates to act on behalf of individual children and youth who are N or D;
- Tutoring and mentoring;
- Reentry orientation programs, including transition centers and reentry centers in high schools;
- Instruction and training at alternative schools and learning centers; and
- Parental involvement activities and parent counseling.

The Texas Youth Commission and Windham School District may carry out transition activities in a variety of settings. For example, they may provide alternative schooling in group homes and transition centers or through a contract. Group homes might care for the released youth 24 hours a day; provide classroom instruction; arrange for work-study programs, parent consultation, and counseling; and act as a liaison to the local school system.

The Texas Youth Commission and Windham School District could also use a wide range of local resources and placements to provide transition activities. For example, they could arrange for children and youth leaving a facility to 1) attend public or private institutions with LEAs paying assessment or application fees; or 2) participate in local vocational education programs,

GED preparation programs offered by community colleges, or entrance into job training programs for older youth.

Transition Activities—Example

A State's Transition Program for Juvenile Offenders provides a modified teaching schedule that facilitates transitional support, a structured student/teacher interview process, and systemic and continual monitoring of student progress. The modified teaching schedule allows all housing unit and special education teachers to devote one day a week to transition activities. The housing unit teachers use their "transition day" to interview and advise students in the institutions and the community, while each special education teacher acts as an education liaison between the housing unit teacher and the parole officer. Permanent substitute teachers are assigned to the teachers' classrooms on those days.

Structured student/teacher interviews assist students in making a successful transition back to school, work, or the community. This ongoing interaction between student and teacher also allows teachers to help students develop academic and vocational goals and objectives that focus on activities the students will undertake once they return to the community. To ensure that students are making progress toward their academic and vocational goals, systemic and continual monitoring is conducted as part of the overall transition program. The housing unit teacher responsible for monitoring student progress works with both the student and parole officers throughout the transition process.

K-3. Do pre-release activities, as well as post-release activities, count as transition services?

Yes. "Transition" includes within-institution pre-release activities as well as post-release activities.

K-4. Do activities undertaken with the 15–30 percent transition reservation have to be transition activities not in any way already provided by the institution's school program?

No. The list of activities suggested in section 1418 of ESEA includes many activities that institutional programs already provide. However, transition activities, like other activities funded by Subpart 1, must supplement and not supplant services that would in the absence of Subpart 1 funds be provided through State or local funds.

Funds reserved for transition purposes do not need to be broken out for each activity on a cost basis. A statement of activities is sufficient to demonstrate compliance with section 1418 of ESEA.

K-5. May TEA waive the transition reservation requirement if the Texas Youth Commission and Windham School District have an existing comprehensive transition system?

No. Subpart 1 funds may be used only to supplement the existing system.

L. Program Requirements for Subpart 1 Programs

L-1. Do the requirements for highly qualified teachers apply to teachers who work in such entities as juvenile institutions, correctional institutions, and other alternative educational settings?

It depends. Section 1119 of Title I of ESEA requires the TEA, which receives Title I, Part A funds, to develop (and implement) a plan to ensure that all teachers teaching in core academic subjects within the State are highly qualified. This requirement extends to all teachers of core academic subjects who are employed by agencies or entities under the authority of the TEA. As a result, it applies to teachers employed by the Texas Youth Commission and Windham School District must meet annual measurable objectives for ensuring that teachers are highly qualified set by the TEA, as well as to teachers employed by the TEA or other entities under the TEA's authority. Thus, if entities such as juvenile institutions, correctional institutions, and other alternative educational settings either are SAs under State law or are under the authority of the TEA, teachers of core academic subjects employed by those entities must be highly qualified.

If, however, the entities that employ these teachers are neither SAs as defined under State law nor under TEA's authority, the section 1119 requirements regarding highly qualified teachers do not apply. Nevertheless, it is critical that all students, regardless of school setting, are able to achieve to the State's academic content and academic achievement standards. Therefore, all educational entities—whether covered by the highly qualified teacher requirements or not—are urged to ensure that students have teachers with the content knowledge and skills needed to help them succeed.

II. PROGRAM EVALUATIONS

M. Evaluation Requirements

M-1. What are program evaluation requirements For Subpart 1 Programs?

The Texas Youth Commission and Windham School District must evaluate the program, disaggregating data on participation by gender, race, ethnicity, and age to determine the program's effect on the ability of participants to maintain and improve educational achievement; accrue school credits that meet State requirements for grade promotion and secondary school graduation; make the transition to a regular program or other education program operated by an LEA; 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, an SA shall use multiple and appropriate measures of student progress.

The Texas Youth Commission and Windham School District must:

- Submit evaluation results to the TEA.
- Use the results of evaluations to plan and improve subsequent programs for participating children and youth.

Part D programs should be designed with the expectation that children and youth will have the opportunity to meet the same challenging State academic content and academic achievement standards that all children in the State are expected to meet. To the extent feasible, evaluations should be tied to the standards and assessment system that the State or school district has developed for all children.

M-2. In assessing the effect of Title I, Part D State and local programs for children and youth who are N or D or at-risk, must the Texas Youth Commission and Windham School District use the same State or local assessment system developed for all children?

The Texas Youth Commission and Windham School District must determine which tests are the most appropriate assessments of its N or D students' progress. For example, tests designed to be administered as pre- and post-tests at the time a youth enters a facility and then, again, when he or she leaves, may be more appropriate measures of progress than annual State assessments. If it is determined that the State assessments are not available or would not provide accurate information about the progress of children in institutions, they may select other assessments (as well as any additional indicators to measure the progress of these programs) that are more appropriate and reflect the progress of those children toward meeting the State's standards.

M-3. Are the same criteria for adequate yearly progress (AYP) that the TEA has defined in its State Accountability Plan applied to the Texas Youth Commission and Windham School District programs for children and youth who are neglected, delinquent, or at-risk when evaluating these programs?

In many cases, State definitions of AYP may not provide an appropriate indication of progress for programs that serve children and youth in institutions for children who are N or D. Because of high turnover and limited length of stay of children and youth in many of these institutions, the Texas Youth Commission and Windham School District may not be able to use the same measures as are applied to children who attend school in a more traditional setting. Frequently, most students in these institutions who receive instruction for different lengths of stay are not available during the time period in which the assessments are given, and it is therefore very difficult to measure progress over time. In addition, many of the students do not reside in an institution for a full academic year, and the AYP provisions of Title I of ESEA are based on assessment results for students who are in the schools of an LEA for at least one full academic year. However, programs serving the population of children and youth who are neglected, delinquent or at-risk must develop State-approved criteria by which the effects of these programs on participants will be evaluated.