



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION  
WASHINGTON, DC 20202-6100

# ESEA, TITLE I

## PROGRAM GUIDANCE

<b>SUBJECT</b>  Annual Report of Children in Institutions for Neglected or Delinquent Children, Adult Correctional Institutions, and Community Day Programs for Neglected or Delinquent Children Used to Allocate Title I, Part A and Title I, Part D, Subparts 1 and 2 Funds for School Year 2020-2021	<b>TYPE AND NUMBER OF DIRECTIVE OR GUIDANCE</b> FM/ND-29  <b>DATE SIGNED</b> September 9, 2019  <b>ISSUING OFFICE</b> Office of School Support and Accountability
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**REFERENCE:** Part A and Part D, Subparts 1 and 2, of Title I of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, Sections 1124, 1402, 1411 and 1412

**TO:** State Title I Coordinators

**PURPOSE:** Transmittal of ED Form 4376 Needed to Collect Information for the Annual Report on Neglected or Delinquent Children

The purpose of the annual report on ED Form 4376 (Attachment 1) is to provide the U.S. Department of Education (ED) with accurate information on (1) the location and number of children who live in local institutions for neglected or delinquent (N or D) children or who are in local adult correctional facilities; and (2) the number of children enrolled in a regular program of instruction in eligible State-operated institutions for N or D children, adult correctional institutions, and community day programs for N or D children. ED needs this information to calculate:

- School year (SY) 2020-2021 school district allocations for the Grants to Local Educational Agencies (LEAs) program authorized by Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA);
- State allocations for the State agency N or D program authorized by Title I, Part D, Subpart 1 of the ESEA; and
- The amount of Title I, Part A funds the ESEA requires State educational agencies (SEAs) to make available for LEAs to operate local programs for at-risk children authorized by Title I, Part D, Subpart 2 of the ESEA.

ED expects to announce final Title I SY 2020-2021 allocations in June 2020. In order to meet this schedule, we must receive accurate data on the number of children in State and local N or D institutions by **January 15, 2020**. The attached ED Form 4376 and the instructions for completing that form are virtually identical to those used last year.

To assist you in completing this annual report, Attachment 2 provides guidance on how to identify eligible institutions and count children. This guidance is similar to that provided last year. Our

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office will also transmit electronically a list of LEAs for your State, along with the caseload data that your SEA submitted to us last year. Attachment 3 provides an optional worksheet that your SEA may use to collect enrollment data for the State agency N or D program. This worksheet is provided for your convenience. An SEA is not required to use this optional worksheet or to submit it to ED.

The information provided on ED Form 4376 is subject to audit and must be certified for completeness and accuracy by the appropriate official in the SEA.

SEAs are encouraged to submit electronically the information requested in the survey to Todd Stephenson of my staff. When submitting electronically please send to:

[NorD-DataFY2020@ed.gov](mailto:NorD-DataFY2020@ed.gov).

If submitting electronically, please provide us with a signed certification page, which can be sent electronically to the above e-mail address or mailed separately to the address below.

If submitting a paper version of this form, please send a signed original of the certification page and the other requested information provided in accordance with the above instructions to:

Patrick Rooney, Director  
Office of School Support and Accountability  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-6132

Attention: Todd Stephenson (LBJ, Room 3C156)

**The due date for an SEA to submit the survey data to ED is January 15, 2020.** This will give ED sufficient time to process these data and announce SY 2020-2021 Title I allocations in June 2020.

Please contact Todd Stephenson with any questions regarding the completion of this survey at (202) 205-1645 or [NorD-DataFY2020@ed.gov](mailto:NorD-DataFY2020@ed.gov).

Sincerely,

/s/

Patrick Rooney  
Director  
School Support and Accountability

Attachments

Attachment 1 - ED Form 4376

Attachment 2 - Guidance on how to identify eligible institutions and count children

Attachment 3 - Optional worksheet used to collect State agency enrollment data for the State Agency Neglected or Delinquent program

cc: Chief State School Officers

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

FORM APPROVED: 9/21/2017  
OMB NO 1810-0060  
EXPIRATION DATE: 9/30/2020

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0060. The time required to complete this information collection is estimated to average 42 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202-4651. If you have any comments or concerns regarding the status of your individual submission of this form, write directly to: Office of School Support and Accountability, U.S. Department of Education, 400 Maryland Avenue, SW (Room 3C156, LBJ), Washington, DC 20202-6132. The Department encourages States to use electronic means to collect and transmit the information requested in this survey in order to reduce burden.

**PURPOSE:** The purpose of this annual report is to provide the Department with data required by Title I, Parts A and D, of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESEA), for use in the computation of grants to local educational agencies (LEAs) and State agencies responsible for providing free public education for children in institutions or community day programs for neglected or delinquent children.

**REQUIREMENTS:** This report is required annually for all State educational agencies (SEAs). No sampling or estimating is to be used in preparing this report. Since these data will generate Federal funds, they are subject to audit and must be supportable from documented records.

**INSTRUCTIONS**

**SECTION A - FORMULA DATA AND REPORTING FORMAT SHEET**

State educational agency - Enter name.

**PART I INSTRUCTIONS (LOCAL INSTITUTIONS): REPORTING THE NUMBER OF NEGLECTED OR DELINQUENT CHILDREN IN LOCAL INSTITUTIONS AND ADULT CORRECTIONAL INSTITUTIONS BY LEA**

1. State and LEA codes - Identify the State code and LEA code. This information is required for data processing purposes. A list showing these data is attached.
2. October 2019 caseload data - Enter separately the number of children, ages 5-17, inclusive, who live in (1) local institutions for neglected children and (2) local institutions for delinquent children, including children in local adult correctional institutions, for at least one day during a 30 consecutive day period, at least one day of which falls within the month of October 2019.

Please furnish a total for each LEA only and provide a grand total for the State. It is not necessary to furnish data for each individual institution.

**PART II INSTRUCTIONS (STATE-OPERATED OR STATE SUPPORTED INSTITUTIONS): REPORTING THE ENROLLMENT OF CHILDREN IN A REGULAR PROGRAM OF INSTRUCTION IN STATE-OPERATED INSTITUTIONS FOR NEGLECTED OR DELINQUENT CHILDREN, COMMUNITY DAY PROGRAMS FOR NEGLECTED OR DELINQUENT CHILDREN, OR ADULT CORRECTIONAL INSTITUTIONS**

1. State Agency - Furnish the name of the State agency eligible to receive a Title I, Part D, Subpart 1 (Title I, Part D) subgrant. "State agency" means an agency of State government responsible for the free public education of children in institutions for neglected or delinquent children, attending community day programs for neglected or delinquent children, or in adult correctional institutions.
2. Enrollment - Report the number of children enrolled in the educational programs of State-operated or supported institutions for neglected or delinquent children, community day programs for neglected or delinquent children, or adult correctional institutions on a date during calendar year 2019 selected by the State agency.

Provide only a total for each State agency. It is not necessary to furnish data for each institution or community day program or to separate the data by category of children.

## ART II INSTRUCTIONS (STATE-OPERATED OR STATE SUPPORTED INSTITUTIONS) CONTINUED

To be eligible to be counted as enrolled, a child must be:

- (1) Under 21 years of age;
- (2) One for whom a State agency is providing a free public education; and
- (3) Enrolled in a regular program of instruction supported by non-Federal funds for at least:
  - 20 hours per week if in an institution for neglected or delinquent children or a community day program for neglected or delinquent children; or
  - 15 hours per week if in an adult correctional institution.

A "regular program of instruction" means 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.

Title I, Part D funds generated by eligible children in an institution or community day program for neglected or delinquent children or in an adult correctional institution must supplement the number of hours of instruction they receive from State resources. If these children participate in other programs funded from Federal sources, Title I, Part D funds must be accounted for separately but should be coordinated with other Federal funds to avoid duplication. If an institution operates an institutionwide project, however, Title I, Part D funds may be used to upgrade the entire educational program of the institution.

Adjustment in enrollment to reflect the relative length of the State agency's annual program - For each institution, multiply the enrollment of children eligible to be counted by the number of days in the year the institution operates an educational program and divide that number by 180.

State total - Provide a State total for all State agencies.

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### SECTION B - CERTIFICATION BY SEA

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Complete the certification portion of the report. This report must be signed by the appropriate official in the SEA to certify that the information reported is complete and accurate. The information provided is subject to audit, and the SEA should maintain documentation.

#### UBMITTAL PROCEDURE

The information for this survey is due **January 15, 2020**.

EAs are encouraged to submit the information requested in the survey electronically. When submitting electronically please send to: [forD-DataFY2020@ed.gov](mailto:forD-DataFY2020@ed.gov). Please provide us with a signed certification page, which can be sent to the same e-mail address as the data or mailed separately to the address below.

If submitting a paper version of this form, please send a signed original of the certification page and the other requested information provided in accordance with the above instructions to:

Patrick Rooney, Director  
Office of School Support and Accountability  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-6132

Attention: Todd Stephenson (LBJ, Room 3C156)

**Annual Report of Children In Institutions for Neglected or Delinquent Children, Adult Correctional Institutions, and Community Day Programs for Neglected or Delinquent Children**

**NOTICE:** This report is required by sections 1124, 1402, 1411, and 1412 of the ESEA. The completion of this report is required to obtain or retain benefits. Failure to submit the report will result in the inability of the U.S. Department of Education to carry out legislative requirements and the loss of funds to SEAs and LEAs to provide compensatory education services for children in institutions and community day programs for neglected or delinquent children.

**SECTION A - FORMULA DATA AND REPORTING FORMAT SHEET**

Children in Locally Operated Institutions for Neglected or Delinquent Children and Adult Correctional Institutions, Children in State-Operated Institutions for Neglected or Delinquent Children, and Community Day Programs for Neglected or Delinquent Children, and Adult Correctional Institutions

State educational agency \_\_\_\_\_  
 (Name)

**PART I --** Number of neglected or delinquent children, ages 5 - 17, inclusive, in local institutions by LEA

State Code	LEA Code	Name of LEA	Neglected Caseload Count for October 2019 *	Delinquent Caseload Count for October 2019 **	Total
<b>Total for the State</b>					

\* Count children residing in institutions for neglected children in this column.

\*\* Count children residing in institutions for delinquent children and adult correctional institutions in this column.

**PART II** -- Number of children under 21 years enrolled in a regular program of instruction in State-operated or supported institutions for neglected or delinquent children, community day programs for neglected or delinquent children, or adult correctional institutions. Enrollments must be adjusted to reflect the relative length of the State agency's annual program.

Name of State Agency	2019 Enrollment In A Regular Program of Instruction (Adjusted to Reflect the Relative Length of the State Agency's Annual Educational Program)
<b>Total for the State</b>	

**SECTION B - CERTIFICATION BY SEA**

I certify that the SEA has implemented a system of internal controls and taken the steps necessary to ensure that the data provided in Parts I and II meet the requirements of Title I of the ESEA and are, to the best of my knowledge, valid and reliable. I understand that any knowingly and willingly submitted false statement provided herein that I have made is subject to fine or imprisonment pursuant to 18 U.S.C. 1001.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date Signed

\_\_\_\_\_  
 Typed name and title

## Guidance for Identifying Eligible Institutions and Counting Children

### Part I - Local Institutions

1. Identify eligible institutions. In order to be eligible to be counted, a child age 5 through 17 must live in a locally operated facility that meets the definition of an institution for neglected children, an institution for delinquent children, or an adult correctional institution as provided in section 1432(1) and (4) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA).
2. Report the October 2019 caseload data for children in eligible institutions. The State educational agency (SEA) must report only the number of children who were not counted in the enrollment data for the State agency Neglected or Delinquent (N or D) program under Title I, Part D, Subpart 1 of the ESEA and live in an eligible institution for at least one day during a 30 consecutive day period, at least one day of which falls within the month of October 2019.
3. Submit a separate count of children for each local educational agency (LEA) in the following categories of institutions: (A list of LEAs for your State showing identification codes will be sent to you electronically.)
  - Local institutions for neglected children (as defined in section 1432(4)(A) of the ESEA).
  - Local institutions for delinquent children (as defined in section 1432(4)(B) of the ESEA), including local adult correctional institutions (as defined in section 1432(1)).

Although detailed information for each institution is not required, it may be helpful to provide this guidance to the individual institutions to assist them with their reporting.

Please note that the category of an institution should not change from year to year unless there has been an official change in the purpose for which the institution is operated. For example, if an institution is operated for the care of neglected children, but the majority of the children residing in the institution during October are children adjudicated to be delinquent, the children in that institution should still be reported as neglected children until the institution's charter or purpose is officially changed to show that it is an institution operated for the care of delinquent children. Consistency in reporting from year to year is necessary because changing the category of an institution each year based on the category of the majority of children served affects the hold-harmless allocations and eligibility under the Title I, Part A formulas.

4. Count only children ages 5 through 17, inclusive.
5. Verify the accuracy of the data to be submitted. Compare the October 2019 data to the data that were submitted last year. If there is a large increase or decrease in an LEA count, the SEA should identify the reason. For example, did a new institution begin operation? Did an institution close? Do new institutions meet eligibility requirements? Were October caseload

## Guidance for Identifying Eligible Institutions and Counting Children (continued)

data reported correctly? Were only children ages 5 through 17 reported in the count? While it is not necessary to submit documentation to support the accuracy of the data, the SEA should be prepared to respond if questions arise when the U.S. Department of Education (ED) verifies the counts.

### Part II - State-Operated or Supported Institutions

1. Identify eligible institutions or community day programs for N or D children for which a State agency is responsible for providing free public education and is providing a regular program of instruction as defined in 34 C.F.R. §200.90(b). Institutions for neglected children and institutions for delinquent children are also defined in 34 C.F.R. §200.90(b). The average length of stay in an institution for neglected or delinquent children must be at least 30 days. Adult correctional institutions and community day programs are defined in section 1432(1) and (3) of the ESEA, respectively. A child must be in an eligible institution or community day program in order to be counted.
2. Submit data on the number of children enrolled in a regular program of instruction for each eligible institution and community day program for the date specified by the State agency during calendar year 2019 in accordance with 34 C.F.R. §200.91(a)(2). To be counted, a child or youth must be enrolled in a regular program of instruction provided by the State agency for at least--
  - 20 hours per week if in an institution for N or D children or a community day program for N or D children; or
  - 15 hours per week if in an adult correctional institution.

The SEA must adjust the enrollment data for each institution to account for the relative length of a State agency's annual educational program in such institution in accordance with 34 C.F.R. §200.91(b) before submitting the data to ED.

3. Count only children under 21 years of age (i.e., through age 20).
4. Verify the accuracy of the data to be submitted. Compare each State agency's enrollment data to the data that were submitted last year. If there is a large increase or decrease in a State agency's count, the SEA should identify the reason. For example, did a new institution begin operation or did an institution close? Were the enrollment data reported correctly and were data reported only for children and youth? Were the enrollment data adjusted correctly? While it is not necessary to submit documentation to support the accuracy of the data, the SEA should be prepared to respond if questions arise when ED verifies the counts.

To assist you in collecting the data needed to complete Part II, we have attached a worksheet (with instructions) that an SEA can use to gather the enrollment data from State-operated programs for N or D children, community day programs, or adult correctional institutions within your State (Attachment 3). SEAs are **not required** to use this optional worksheet or submit it to ED.



## ATTACHMENT 3: SAMPLE 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.

- 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 are considered classroom instruction.
- 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.
- In question 3, which applies only to institutions for neglected children and institutions for delinquent children, 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 (i.e., through age 20) enrolled in a State-funded regular program of instruction on a date in calendar year 2019 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 State agency, and the date must represent a school day within calendar year 2019.

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

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

**SAMPLE WORKSHEET**

**ANNUAL REPORT OF CHILDREN IN STATE-OPERATED INSTITUTIONS FOR NEGLECTED OR DELINQUENT CHILDREN, COMMUNITY DAY PROGRAMS FOR NEGLECTED OR DELINQUENT CHILDREN, OR ADULT CORRECTIONAL INSTITUTIONS**

**PART 1- INSTITUTION AND STATE AGENCY**

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

**PART II – BASIS FOR ELIGIBILITY (CHECK YES OR NO)**

1. Is a regular program of instruction provided for the children in the neglected or delinquent institution, community day program, or adult correctional institution?
  - Yes
  - No
  
2. Is the State agency responsible for providing free public education in the neglected or delinquent institution, community day program, or adult correctional institution?
  - Yes
  - No
  
3. In the case of a neglected or delinquent institution, is the average length of stay at least 30 days? (Please note that this question does not apply to community day programs or adult correctional facilities.)
  - Yes
  - No

*FOR A NEGLECTED OR DELINQUENT INSTITUTION, IF THE ANSWER TO THE THREE QUESTIONS IS YES, GO TO PART III.*

*FOR A COMMUNITY DAY PROGRAM OR ADULT CORRECTIONAL INSTITUTION, IF THE ANSWER TO THE FIRST TWO QUESTIONS IS YES, GO TO PART III.*

**PART III – TYPE OF INSTITUTION AND ENROLLMENT**

		Number of children under 21 years of age enrolled in a regular program of instruction supported by State funds for at least:	
		20 hours per week	15 hours per week
<b>(Check one)</b>	<b>Type of Institution</b>		
	<i>Institution for neglected children: a public or private residential facility, other than a foster home, that is operated 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.</i>		
	<i>Institution for delinquent children: a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.</i>		
	<i>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 and youth.</i>		
	<i>Adult correctional institution: facility in which persons (including persons under 21 years of age) are confined as a result of a conviction for a criminal offense.</i>		

**PART IV – ADJUSTED ENROLLMENT TO REFLECT THE RELATIVE LENGTH OF THE  
STATE AGENCY’S ANNUAL PROGRAM**

Enrollment (from Part III):

Multiplied by the number of days per year that program operates:

Divided by:

Equals the adjustment enrollment:

**PART V – CERTIFICATION**

I certify that the State agency has implemented a system of internal controls and taken the steps necessary to ensure that the data provided meet the requirements of Title I, Part D, Subpart 1 of the ESEA and are, to the best of my knowledge, valid and reliable. I understand that any knowingly and willingly submitted false statement provided herein that I have made is subject to fine or imprisonment pursuant to 18 U.S.C. 1001.

\_\_\_\_\_  
(Typed name of institution official)

\_\_\_\_\_  
(Signature and date)



WASHINGTON, D.C. 20202 - 6132

**OFFICIAL BUSINESS**  
PENALTY FOR PRIVATE USE, \$300

The Honorable Mike Morath  
Commissioner of Education  
Texas Education Agency  
1701 North Congress Ave.  
Austin, TX 78701-1494

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