



**Title I, Part D, Subpart 2 –
Prevention and Intervention
Programs for Children and Youth
Who Are Neglected, Delinquent,
or At-Risk
Program Guide**

Title I, Part D, Subpart 2 – Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

Federal Program Compliance Division

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Change History

Program guides should be reviewed at least annually and necessary changes or updates to the documentation should be recorded on the table below.

Version	Release Date	Summary of Changes	Affected Page Number(s)
2.0	7/2022	Field Trip clarification.	17
2.0	7/2022	Addition of resource link.	17
2.0	7/2022	Addition of hyperlink.	22
2.0	7/2022	Web Resources link added.	25

COVID-19

As a result of the COVID-19 pandemic, additional flexibility in the administration of federal grant programs is likely to be issued by the U.S. Department of Education. Any additional flexibility for the Title I, Part A program that is available to LEAs related to COVID19 will be provided on TEA's [COVID-19 Support: District Waivers, Finance & Grants](#) web page.

Web Resources

- TEA's [COVID-19 Support: District Waivers, Finance & Grants](#) web page

Table of Contents

COVID-19.....	4
Web Resources.....	4
I. Program Overview.....	7
Intent and Purpose.....	7
State Plan.....	7
Allocation of Funds to Local Educational Agencies (LEAs).....	8
LEA Plan and Application.....	8
Intended Program Beneficiaries.....	9
Web Resources.....	9
II. Program Description.....	10
General Program Requirements.....	10
Program Requirements for Correctional Facilities Receiving Title I, Part D, Subpart 2 Funds.....	11
III. Formal Agreements.....	13
Web Resources.....	13
IV. Parent and Family Engagement.....	14
Family Engagement.....	14
Web Resources.....	14
V. Fiscal Requirements.....	15
Supplement, Not Supplant.....	15
Accountability.....	15
VI. Use of Funds.....	16
Allowable Activities and Use of Funds.....	16

Recommended Use of Funds	16
Out-of-State Travel	17
Field Trips	17
Web Resources	17
VII. Private School Equitable Services	18
VIII. Program Evaluation, Title I, Part D, Subpart 3	12
Program Evaluation Exception	19
Evaluation Measures and Results	19
IX. Definitions	20
X. Carryover of Funds	21
XI. Compliance Monitoring	22
Program Compliance Random Validations	22
Program Compliance Reporting	22
Federal Fiscal Compliance Monitoring	23
Web Resources	23
XII. Ed-Flex	24
Statewide Administrative Waivers	24
Statewide Programmatic Waivers	24
Individual Programmatic Waivers	24
Web Resource	24
XIII. Web Resources	25

I. Program Overview

Unless otherwise noted, the Section numbers cited in this guidance document refer to the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA).

Intent and Purpose

The purpose of Title I, Part D, Subpart 2 is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities:

- To carry out high-quality education programs to prepare children and youth for secondary school completion, training, employment, or further education;
- To provide activities to facilitate the transition of such children and youth from the correctional program to further education or employment; and
- To operate programs in local schools, including schools operated or funded by the Bureau of Indian Education, for children and youth returning from correctional facilities, and programs which may serve at-risk children and youth.

This program guide contains basic program information, as well as direct links to related information and resources available on the Texas Education Agency web site. This resource provides general program information and should not be perceived as an all-inclusive listing of all statutory requirements. Upon certification and submission of the ESSA Consolidated Federal Grant Application, LEAs certify that they will comply with all requirements noted in statute.

All statutory requirements can be found in the Program-Specific Provisions and Assurances posted on the [TEA Grant Opportunities Page](#). For a link to the Program-Specific Provisions and Assurances, search by the grant application name and review the information located in the Application and Support Information section.

Additionally, please note that any sample language provided in sections of this guide are examples of what LEAs and/or campuses could use as a guide. It is not meant for an LEA to copy and paste verbatim as LEA policies and procedures may be different than what is provided as sample language.

State Plan

Each State that receives ESSA funds is required to submit a plan to the United States Department of Education (USDE). The preliminary Texas Consolidated State Plan was submitted to the USDE by the Texas Education Agency (TEA) on September 25, 2017. The final Texas Consolidated State Plan

was submitted on March 6, 2018. This final plan reflected the results of a series of public hearings, review by the Governor’s Office, and review by the State Board of Education, in addition to input from a peer review process and feedback from the USDE. The Plan can be viewed through the following link: [ESSA State Plan](#).

Allocation of Funds to Local Educational Agencies (LEAs)

Allocations to individual LEAs are determined based on statutory formulas. Several factors affect LEA eligibility for the funding, including Census updates, hold-harmless amounts, and set-asides for state activities, state-level administration, and charter school funding.

The process of determining LEA allocations is detailed in the “[ESSA Funding Formulas Reference Manual](#)” that is available in the Handbooks and Other Guidance section of TEA’s [Finance and Grants web site](#).

[Entitlement amounts](#) for the current school year for these and other grants are available on the Grants Administration Division web page. Entitlements can be found in the ESSA Consolidated Application entitlements section of the web page.

LEA Plan and Application

Local education agencies (LEAs) may apply for funding through the ESSA Consolidated Federal Grant Application that is available in the eGrants system. Information on accessing the eGrants system are detailed on the [TEA Secure Applications web page](#). General information and a sample application are available at the [TEA Grant Opportunities web page](#). For detailed information search by the grant application name.

The ESSA Consolidated Federal Grant Application incorporates the LEA Plan required by Federal statute into the annual application for funding. The ESSA Consolidated Federal Grant Application serves as a Consolidated LEA Plan and Application for the following Federal programs:

- Title I, Part A—Improving Basic Programs Operated by LEAs
- Title I, Part C—Education of Migratory Children
- Title I, Part D—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk of Dropping Out
- Title II, Part A—Supporting Effective Instruction
- Title III, Part A—English Language Acquisition, Language Enhancement, and Academic Achievement

- Title IV, Part A—Student Support and Academic Enrichment Grants

Intended Program Beneficiaries

Intended beneficiaries are LEAs with high numbers or percentages of children and youth residing in locally operated (including county-operated) correctional facilities for children and youth.

An institution for neglected or delinquent children and youth is defined as:

- 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; or
- public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

NOTE: TEA may request description of services and use of funds documentation later through compliance report or other TEA reports. LEA must keep documentation of allowable activities and expenditures locally and make such documentation available upon TEA request.

Web Resources

[ESSA State Plan](#)

[ESSA Funding Formulas Reference Manual](#)

[Entitlements](#)

[eGrants Access](#)

[TEA Grant Opportunities Page](#)

II. Program Description

This section provides program specific requirements and information related to the Title I, Part D, Subpart 2 program.

General Program Requirements

LEA assures that it will collaborate with locally operated neglected and delinquent facilities and meet the following Title I, Part D Subpart, 2 requirements [Section 1423].

The following documentation must be kept on file locally and readily available on request by auditors or TEA staff:

1. Description of the Title I, Part D, Subpart 2 program.
2. Description of the formal agreements between the LEA and the correctional facilities and alternative school programs, including Secretary of the Interior and Indian tribes.
3. Description of coordination with facilities working with delinquent children and youth ensuring their participation in comparable local school education programs.
4. Description of programs to facilitate successful transition of children and youth returning from correctional facilities and types of services offered.
5. Description of the characteristics (including learning difficulties, substance abuse problems, and other special needs) of the children and youth returning from correctional facilities. Describe how the LEA will coordinate existing education programs to meet unique educational needs of children and youth.
6. Description of how the LEA will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities - including prenatal health care and nutrition services, parenting and child development classes, childcare, targeted reentry and outreach program, referrals to community resources, and flexibility.
7. Description of partnerships with institutions of higher education or local businesses to facilitate postsecondary and workforce success for children and youth returning from correctional facilities – i.e., credit-bearing coursework, enrollment in postsecondary education, participation in career and technical education programming, and mentoring services.
8. Description of how the program will involve parents and family members to prove the educational achievement of their children, assist in dropout prevention activities and prevent the involvement in delinquent activities.

9. Description of coordination with other Federal, State, and local programs, i.e., Title I of the Workforce Innovation and Opportunity Act and career and technical education programs.
10. Description of coordination with Juvenile Justice and Delinquency Prevention Act of 1974, if applicable.
11. Description of coordination and collaboration with probation officers to assist children and youth.
12. Description of efforts to ensure correctional facilities are aware of the child's existing individualized education program.
13. Description of steps the LEA will take to find alternative placements for children and youth interested in continuing their education but unable to participate in a traditional public school program.

Program Requirements for Correctional Facilities Receiving Title I, Part D, Subpart 2 Funds

Each correctional facility entering into an agreement with a local educational agency under section 1423(2) to provide services to children and youth under this subpart shall—

1. Ensure educational programs are coordinated with the student's home school, particularly with respect to a student with an individualized education program under Part B of the Individuals with Disabilities Education Act;
2. Notify LEA if the child or youth is identified as in need of special education services while in the correctional facility;
3. Provide transition assistance to help the child or youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;
4. Provide support programs that encourage children and youth who have dropped out of school to reenter school and attain a regular high school diploma or provide children and youth with the skills necessary to gain employment or seek a regular high school diploma or high school equivalency certificate;
5. Ensure correctional facility is staffed with teachers and other qualified staff who are trained to work with children and youth with disabilities;
6. Ensure educational programs are related to assisting students to meet the challenging State academic standards;
7. To the extent possible, use technology to assist in coordinating educational programs between the correctional facility and the community school;

8. Where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of delinquent activities;
9. Coordinate funds with other local, State, and Federal funds available to provide services (i.e., Title I of the Workforce Innovation and Opportunity Act, and career and technical education funds);
10. Coordinate programs with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974, if applicable;
11. Develop training, curriculum-based youth entrepreneurship, education, and mentoring programs for children and youth;
12. Work with the child's or youth's family members and the LEA that most recently provided services to the child or youth to ensure relevant and appropriate academic records and plans are shared jointly between the correctional facility and the LEA in order to facilitate the transition of such children and youth between the LEA and the correctional facility; and
13. Consult with the LEA for a period jointly determined necessary by the correctional facility and the LEA upon discharge from that facility, to coordinate educational services so as to minimize disruption to the child's or youth's achievement.

III. Formal Agreements

The purpose of a formal agreement is to keep expectations clear and create lines of accountability for services. Each locally operated correctional facility that receives assistance under Subpart 2 must have a formal agreement with the LEA outlining the programs and services to be provided to its population with Subpart 2 funds. This section provides a list of components of a comprehensive formal agreement that LEAs may consider when drafting formal agreements with Neglected and Delinquent facilities that are receiving Title I, Part D funds. LEAs may choose to use some or all the criteria when creating their agreements. This list represents guidance for LEAs and is not intended to serve as legal advice.

1. The purpose of Title I, Part D, Subpart 2.
2. A description of the LEA's responsibilities under the agreement.
3. A description of the facility's responsibilities under the agreement.
4. The award amount and/or other fiscal requirements.
 - a. Budget tracking and financial reporting requirements.
 - b. The process for redistributing funds/materials if a facility closes.
5. The related data collection and reporting expectations.
 - a. Federal reporting requirements.
 - b. Annual Count.
 - c. Timelines for reporting the data requested.
6. The requirements for testing/assessing children and youth upon enrollment.
7. The monitoring process and expectations.
8. Any consequences for not meeting the requirements of the agreement.
9. The timeframe for when the agreement is in effect.
 - a. Deadlines for renewing/reviewing agreements.

Web Resources

[Region 20 Capacity Building Initiative Formal Agreement Resources](#)

IV. Parent and Family Engagement

Family Engagement

The LEA is required to describe how the Title I, Part D, Subpart 2 program will involve parents and family members to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities, when feasible. [ESSA, Section 1423(8)]

Web Resources

[The National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth: Family and Community Engagement](#)

V. Fiscal Requirements

Supplement, Not Supplant

Supplement not supplant requirement does not apply to this program.

Accountability

The TEA may:

- Reduce or terminate funding for projects under this subpart if an LEA does not show progress in the number of children and youth attaining a regular high school diploma or high school equivalency certificate; and
- Require correctional facilities or institutions for neglected or delinquent children and youth to demonstrate, after receiving assistance for 3 years, that there has been an increase in the number of children and youth returning to school, attaining a regular high school diploma or high school equivalency certificate, or attaining employment after such children and youth are released.

VI. Use of Funds

This section provides information related to the Use of Funds associated with the Title I, Part D, Subpart 2 program. See [the Allowable Cost and Budgeting Guidance](#) section of the Administering a Grant page for general guidance on allowable activities and use of funds.

Allowable Activities and Use of Funds

Each LEA must be able to respond appropriately to and maintain documentation for each of the following questions to determine whether an expenditure would be allowable:

1. How is the expenditure reasonable and necessary to carry out the intent and purpose of the program?
2. What need, as identified in the comprehensive needs assessment, does the expenditure address? Explain how the expenditure addresses this need.
3. How will the expenditure be evaluated to measure a positive impact on student achievement?

Recommended Use of Funds

The Title I, Part D, Subpart 2 statute specifically authorizes the following types of activities under ESSA, Section 1424:

1. Programs that serve children and youth returning to local schools from correctional facilities and assist in the transition;
2. Dropout prevention programs serving at-risk children and youth;
3. Coordination of health and social services for youth to improve likelihood of youth completing education;
4. Special programs to meet unique academic needs, including career and technical education, special education, career counseling, curriculum-based youth entrepreneurship education, and financial aid assistance for postsecondary education;
5. Mentoring and peer mediation programs;
6. At-risk Indian children and youth in correctional facilities in LEA's served area operated by the Secretary of the Interior or Indian tribes; and
7. Pay for success initiatives.

Out-of-State Travel

Out-of-state travel costs are allowable. Out-of-state travel costs should be minimal, reasonable, and meet the intent and purposes of the program. Grantees must retain documentation that participation of a staff member in the conference is necessary for the project. Travel costs are allowable if the expenses for transportation, lodging, subsistence, and related items are only incurred by employees on official business of the grantee and follow the grantee's regular business operations and written travel policy.

If an LEA plans to use grant funds for out-of-state travel, it will be required to complete the appropriate [TEA justification form\(s\)](#) and retain the documentation at the local level. LEA must keep and maintain form so that it may be provided to an independent auditor or to TEA monitors if selected for a review.

See the Allowable Cost and Budgeting Guidance section of the Administering a Grant page for general guidance on allowable activities and use of funds.

Field Trips

TEA requires that an LEA follow the best practices and requirements for use of Title I, Part D, Subpart 2 funds that are identified in the [Best Practices for Using Title I, Part D Subpart 2 Funds](#) document for planned expenditures. There are some EDGAR-related expenditure forms that can be found on the TEA Forms for Prior Approval Disclosure, and Justification webpage.

Web Resources

[TEA Budgeting Costs Guidance Handbook](#)

[Best Practices for Using Title I, Part D, Subpart 2 Funds](#)

VII. Private School Equitable Services

Title I, Part D, Subpart 2, programs may not be operated in private schools.

VIII. Program Evaluation, Title I, Part D, Subpart 3

Each LEA that conducts a program under Title I, Part D, Subpart 2 shall evaluate the program, disaggregating data on participation by gender, race, ethnicity, and age while protecting individual student privacy, not less than once every 3 years, to determine the program's impact on the ability of participants.

1. To maintain and improve educational achievement and to graduate from high school in the number of years established by the TEA;
2. To accrue school credits that meet State requirements for grade promotion and high school graduation;
3. To make the transition to a regular program or other education program operated by an LEA or school operated or funded by the Bureau of Indian Education;
4. To complete high school (or high school equivalency requirements) and obtain employment after leaving the correctional facility or institution for neglected or delinquent children and youth; and
5. To participate in postsecondary education and job training programs.

Program Evaluation Exception

The disaggregation required under section 1431(a) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information.

Evaluation Measures and Results

In conducting each evaluation under section 1431(a), an LEA shall use multiple and appropriate measures of student progress. Each LEA shall:

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

IX. Definitions

Adult Correctional Institution – Facility in which persons (including persons under 21 years of age) are confined as a result of a conviction of a criminal offense.

At-Risk – School-aged individual who is or meets the following risk factors:

- academic failure
- dependency adjudication, or delinquency adjudication
- drug or alcohol abuse
- pregnant or a parent
- contact with the juvenile justice system or child welfare system in the past
- at least 1 year behind the expected grade level for the age of the individual
- English learner
- gang member
- dropped out of school in the past
- high absenteeism rate at school.

Institution for Neglected or Delinquent Children and Youth

- 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 State law, due to abandonment, neglect, or death of parents or guardians;
or
- a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

X. Carryover of Funds

Title I, Part D, Subpart 2 funds remaining at the end of a grant period are made available to grant recipients during the following grant year through a carryover process. This allows grant recipients to use unobligated balances from the prior fiscal year in the current grant year, giving the LEA 27 months to expend the funds. TEA grant staff calculate carryover amounts after the grant has closed and made the funds available to eligible grant recipients through their current approved applications. There is no percent limitation on the amount of Title I, Part D, Subpart 2 funds that may be carried over into the following year's grant. However, any carryover funds that are remaining at the end of the 27-month period will lapse.

XI. Compliance Monitoring

Upon certification and submission of the ESSA Consolidated Federal Grant Application, LEAs certify that they will comply with all requirements noted in statute. All requirements can be found in the Program-Specific Provisions and Assurances posted on the [TEA Grant Opportunities Page](#). For a link to the Program-Specific Provisions and Assurances, search by the grant application name and review the information located in the Application and Support Information section.

The Federal Program Compliance Division monitors the program requirements through random validations and compliance reporting. The Federal Fiscal Monitoring Division monitors the fiscal requirements as noted.

Program Compliance Random Validations

To monitor the compliance of each eligible entity receiving ESSA funds, the State conducts an annual validation process for LEAs. The annual validation process for LEAs addresses the statutory requirements based on program implementation and effectiveness for the current grant year. During the annual validation process, the State randomly selects LEAs to submit documentation for the program compliance requirements.

The State reviews the documentation to determine if the subgrantee met the statutory requirements as noted in the validation guidance documents. LEAs that submit insufficient documentation will be offered technical assistance by their regional Education Service Centers (ESCs). These LEAs will be required to submit compliance documentation for the subsequent application year to ensure full compliance of program requirements.

For validation specific information, see [the TEA webpage on Federal Program Compliance Random Validations](#).

Program Compliance Reporting

The ESSA Consolidated Compliance Report is completed by LEAs annually to document that LEAs complied with the program-specific provisions and assurances in the preceding application year. LEAs are responsible for indicating the sources of documentation used to establish compliance. The documentation is to remain on file at the LEA. However, it must be readily available upon request from the Texas Education Agency for audit and/or validation monitoring purposes. The ESSA Consolidation Compliance Report will assess specific statutory requirements.

General Samples of Compliance Reports, instructions for completing the Compliance Reports, as well as related resources are [available online](#).

Federal Fiscal Compliance Monitoring

The Federal Fiscal Monitoring Division is responsible for monitoring the expenditures of federal grant subrecipients to ensure federal funds are used for authorized purposes in compliance with federal statutes, regulations, and the terms and conditions of federal awards.

For additional information on the federal fiscal monitoring processes and procedures, see the TEA webpage on [Federal Fiscal Monitoring](#).

Web Resources

[Federal Program Compliance Random Validation Monitoring](#)

[TEA Grant Opportunities Page](#)

[Federal Fiscal Monitoring](#)

XII. Ed-Flex

By taking advantage of Ed-Flex, LEAs can design and implement programs in ways that best meet the needs of their students and communities. Texas has been approved as an Ed-Flex State under the Every Student Succeeds Act of 2015 (ESSA). The state's Ed-Flex authority has been renewed through the 2023-2024 school year.

There are three types of Ed-Flex waivers as described below.

Statewide Administrative Waivers

Statewide administrative Ed-Flex waivers address regulations governing applications for funds and certain record-keeping provisions. These administrative waivers are automatically granted to LEAs applying for federal funds covered by Ed-Flex.

Statewide Programmatic Waivers

Statewide programmatic waivers address design and delivery of federal programs covered under Ed-Flex. Statewide programmatic waivers must be applied for through the Local Education Agency's original ESSA Consolidated Application for Federal Funds. The two statewide programmatic waivers are:

- Threshold eligibility to implement Title I, Part A Schoolwide Programs
- Waiver of Title I, Part A 15% Roll Forward Limitation

Individual Programmatic Waivers

Individual programmatic waivers may be requested by an LEA for the district as a whole or for an individual campus. The application forms and information concerning deadlines and start dates are posted annually on [TEA's Ed-Flex web page](#).

Web Resource

[TEA's Ed-Flex web page](#)

XIII. Web Resources

This section provides web resources that are specific to the Title I, Part D, Subpart 2 program.

[TEA Title I, Part D Program](#)

[Texas Juvenile Justice Department](#)

[ESC 20 Capacity Building Website Title I, Part D](#)

[USDE Webpage Title I, Part D, Subpart 2 Program](#)

[USDE Legislation, Regulations, and Guidance](#)

[The National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth \(NDTAC\)](#)

