

Overview of Title I, Part D, Subpart 1

South Carolina Department of Education

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Who are you?

- How many youth do you serve in your program?



Title I, Part D Regulations

- Regulations are issued by USDE via authority granted by Congress
- Regulations have the force and effect of law
 - Therefore, you **MUST** follow regulations, just as you follow the law

Title I, Part D Regulations

- Title I, Part D Regulations: [34 CFR 200.90](#)

The following definitions apply to the programs authorized in part D, subpart 1 of Title I of the ESEA:

Institution for delinquent children and youth means, as determined by the SEA, a public or private residential facility that is operated primarily for the care of children and youth who—

- (i) Have been adjudicated to be delinquent or in need of supervision; and
- (ii) Have had an average length of stay in the institution of at least 30 days.

Title I, Part D Regulations

Institution for neglected children and youth means, as determined by the SEA, a public or private residential facility, other than a foster home, that is operated primarily for the care of children and youth who—

- (i) Have been committed to the institution or voluntarily placed in the institution under applicable State law due to abandonment, neglect, or death of their parents or guardians; and
- (ii) Have had an average length of stay in the institution of at least 30 days.

Title I, Part D Regulations

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 career and technical education, 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 Non-Regulatory Guidance

Link: <https://oese.ed.gov/files/2020/08/Neglected-Delinquent.pdf>

- Guidance is NOT law, but it does provide insight and information on USDE interpretation of statute
 - Therefore, it will help you to be prepared and answer questions
 - Even though not statute, if you rely on USDE guidance, you will be on safer ground

Title I, Part D Non-Regulatory Guidance

Selected Topics Subpart 1

A-5. Must the 15 or 20 hours of instruction that an SA is 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.

Title I, Part D Non-Regulatory Guidance

Selected Topics Subpart 1

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

To participate in the SA's N or D program, a child or youth must be:

- 21 years of age or younger;
- Entitled to free public education up to grade 12; and
- Enrolled in a regular program of instruction at either an eligible institution or community day program for the required length of time (20 hours per week if in an institution or community day program for youth who are N or D; 15 hours per week if in an adult correctional institution).

Title I, Part D Non-Regulatory Guidance

Selected Topics Subpart 1

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

Title I, Part D Non-Regulatory Guidance

Selected Topics Subpart 1

E-3. How does an SA identify and select children and youth to be served?

An SA that receives Subpart 1 funds 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 the SA 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, an SA 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.

Questions/Discussion



Title I, Part D, Subpart 1 Institution-Wide Projects

[ESEA Section 1416](#) allows for Title I, Part D, Subpart 1 programs to operate as **Institution-Wide Projects**. This means the institution may use Subpart 1 funds to serve all children in, and upgrade the entire educational effort of, that institution or program.

The State must approve an application to operate as an Institution-Wide Project.

Title I, Part D Subpart 1 Institution-Wide Projects

Becoming an Institution-Wide Project allows a Subpart 1 program 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.

Title I, Part D Subpart 1

Institution-Wide Projects

Becoming an Institution-Wide Project does not generate any additional funding, but it does allow for more flexible use of existing funds.

Discussion

- What opportunities do you see?
- What challenges do you see?

Title I, Part D Subpart 1

Institution-Wide Projects

NDTAC Toolkit: [Planning and Implementing Institution-Wide Projects](#)

Review pages 2-3: Planning for an Institution-Wide Project

Review page 12: Common Pitfalls in Operating Institution-Wide Projects

- If this is something your institution wants to consider, pages 4-8 cover the process of conducting a needs assessment and writing a plan.
 - The Toolkit you used in the previous session is also a good needs assessment
- Pages 9-11 cover implementation and evaluation
- Pages T1 – T5 provide additional tools

Questions/Discussion

