

Overview of Title I, Part D, Subpart 2

South Carolina Department of Education

September 5, 2023

Jonas Zuckerman, Presenter

Zuckerman Education Consulting

Who are you?

- How many youth do you serve?



Purpose of Title I, Part D

It is essential to start with the **purpose**.

- The law is written to achieve the purpose.

For Title I, Part D, need to consider:

- Purpose of Title I
- Purpose of Title I, Part D
- **Purpose of Title I, Part D, Subpart 2** (covered in breakout session)

Purpose of Title I, Part D, Subpart 2

ESEA Section 1421

The purpose of this subpart is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities—

- (1) to carry out high quality education programs to prepare children and youth for secondary school completion, training, employment, or further education;
- (2) to provide activities to facilitate the transition of such children and youth from the correctional program to further education or employment; and
- (3) 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.

Purpose of Title I, Part D, Subpart 2

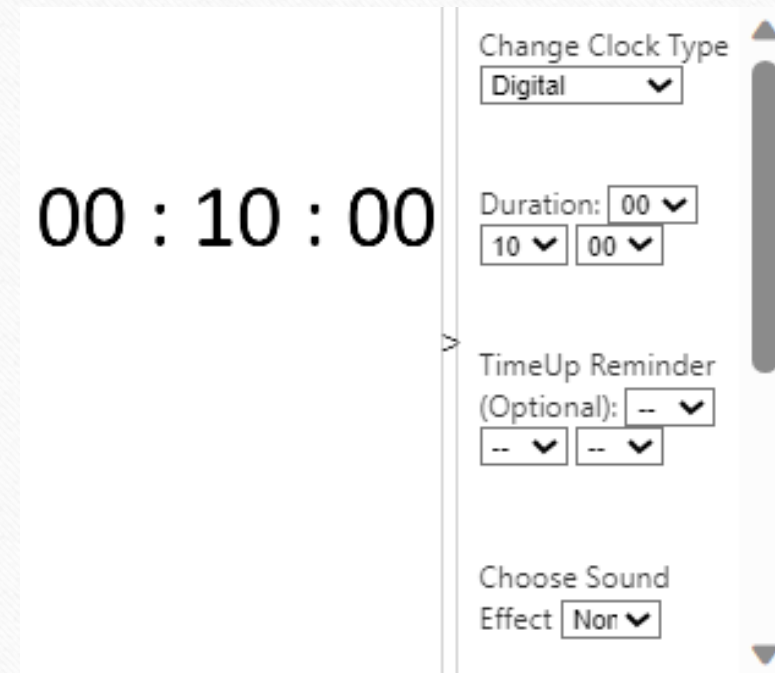
The purpose of Title I, Part D consists of:

- Purpose of Title I - [ESEA Section 1001](#)
- Purpose of Title I, Part D - [ESEA Section 1401\(a\)](#)
- Purpose of Title I, Part D, Subpart 2 - [ESEA Section 1421](#)

Purpose of Title I, Part D, Subpart 2

Review the Statements of Purpose:

- How do they fit together to define the purpose of this Subpart?
- What questions/ideas/thoughts do you have?
- Think/Write – 2 mins
- Pair – 3 mins
- Table – 5 mins



00 : 10 : 00

Change Clock Type
Digital

Duration: 00
10 00

TimeUp Reminder
(Optional): --
-- --

Choose Sound
Effect Non

Questions/Discussion



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\(c\)](#)

The following definition applies to the local agency program authorized in part D, subpart 2 of title I of the ESEA:

Locally operated correctional facility means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age. The term also includes a local public or private institution and community day program or school not operated by the State that serves delinquent children and youth.

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 2

N-3. How does the LEA determine the eligibility of children and youth to receive services under Subpart 2?

All children and youth in local correctional facilities are eligible to be served through the age of 21. In local participating schools, all youth who are eligible for services under Title I, Parts A or C of ESEA are eligible if the school receives Title I funds.

If a school receiving Subpart 2 funds is not a Title I, Part A school, the LEA may identify the at-risk youth enrolled in the school for Part D services by such categories as:

- Children and youth who have been adjudicated within the juvenile justice system but have returned to a school operated by the school district (using the best available records and data available to identify these individuals);
- Migrant children or youth (based on their eligibility for services under Title I, Part C of ESEA);
- Immigrant children or youth;
- Gang members (based on definitions established by the SEA or LEA);
- Pregnant and parenting youth through the age of 21;
- Children who are at-risk of school failure or who have failed before;
- Children who have limited English proficiency; and
- Children who have dropped out of school.

Title I, Part D Non-Regulatory Guidance

Selected Topics Subpart 2

O-2. May an LEA decide that Subpart 2 funds should be targeted to a particular category of at-risk youth, such as children with limited English proficiency or immigrant youth, rather than other categories of youth, without documenting that those children have the greatest need?

Yes. An LEA may target Subpart 2 funds to meet the needs of one or more categories of children and youth who are at-risk without documenting that such a category or categories have greater needs than other categories. However, depending on SEA application requirements, an LEA might be required to explain its rationale for choosing to serve a particular category of children who are at- risk.

Title I, Part D Non-Regulatory Guidance

Selected Topics Subpart 2

O-6. May LEAs provide services to delinquent children in community day programs under Subpart 2?

Yes. 34 CFR 200.91(c) defines a “locally operated correctional facility” to include a local public or private institution and community day program or school not operated by the State that serves delinquent children and youth.

Title I, Part D Non-Regulatory Guidance

Selected Topics Subpart 2

O-7. In addition to allocating Subpart 2 funds, may an LEA reserve funds from Title I, Part A of the ESEA, to serve children and youth in local correctional facilities and institutions for youth who are delinquent?

Yes. 34 CFR 200.77(a)(3) of the Title I, Part A, regulations allows an LEA, where appropriate, to reserve funds that are reasonable and necessary to provide services to children in local institutions for delinquent children and neglected or delinquent children in community day programs.

Questions/Discussion



Title I, Part D Non-Regulatory Guidance

Use of Funds - Subpart 2

O-1. What are the requirements for the use of Subpart 2 funds?

An LEA receiving Subpart 2 funds may use the funds to operate programs that involve collaboration with locally operated facilities with which the LEA has established formal agreements regarding the services to be provided:

- To carry out high-quality education programs that prepare children and youth to complete high school, enter training or employment programs, or further their education;
- To provide activities that facilitate the transition of such children and youth from the correctional program in an institution to further education or employment; and
- To operate dropout prevention programs in local schools for children and youth who are at-risk of dropping out or youth returning from correctional facilities.

Title I, Part D Non-Regulatory Guidance

Use of Funds - Subpart 2

O-1. What are the requirements for the use of Subpart 2 funds? (continued)

An LEA also may use Subpart 2 funds, as appropriate, for:

- Dropout prevention programs that serve at-risk children and youth. An at-risk child or youth means a school-aged individual who is at-risk of academic failure, has a drug or alcohol problem, is pregnant or is a parent, has previously come into contact with the juvenile justice system, is at least 1 year behind the expected grade level for the age of the individual, is a migrant or an immigrant, has limited English proficiency, is a gang member, has previously dropped out of school, or has a high absenteeism rate at school.
- Coordination of health and social services for children and youth who are at-risk (e.g., day care, drug and/or alcohol abuse counseling and mental health services) if there is a likelihood that providing such services will help these children complete their education.

Title I, Part D Non-Regulatory Guidance

Use of Funds - Subpart 2

O-1. What are the requirements for the use of Subpart 2 funds? (continued)

An LEA also may use Subpart 2 funds, as appropriate, for:

- Special programs that meet the unique academic needs of children and youth who are at-risk, including vocational and technical education, special education, career counseling, curriculum-based entrepreneurship education and assistance in securing of student loans or grants for postsecondary education.
- Programs providing mentoring and peer mediation.

Title I, Part D Non-Regulatory Guidance

Use of Funds - Subpart 2

O-1. What are the requirements for the use of Subpart 2 funds? (continued)

An LEA receiving Subpart 2 funds must use a portion of its funds to operate a dropout prevention program for students returning from a locally operated correctional facility. However, an LEA that serves a school operated by a locally operated correctional facility, in which more than 30 percent of the children and youth attending the school will reside outside the boundaries served by the LEA upon leaving the facility, is not required to operate a dropout prevention program within the school and may use all of its Subpart 2 funds for programs in locally operated correctional facilities, provided that those facilities have a formal agreement with the LEA.

.

Title I, Part D Non-Regulatory Guidance

Use of Funds - Subpart 2

Reflection

What do you notice?

What do you wonder?

Where do you see alignment/misalignment?

Questions/Discussion



Needs Assessment - Activity

- The first step in the South Carolina Title I, Part D application is completing a Needs Assessment.
- Keeping in mind the Purpose of Title I, Part D, Subpart 2
- Use the NDTAC [Needs Assessment tool](#)
 - Go through the tool as best you can and begin to complete the sections.
 - The information from this morning is a resource

Agenda

Time	Subpart 1	Subpart 2
10:00 - 11:00	Needs Assessment activity	Overview of TI-D, Subpart 2
11:00 - 12:00	Overview of TI-D, Subpart 1	Needs Assessment Activity