

Neglected and Delinquent Program Alignment and Updates:

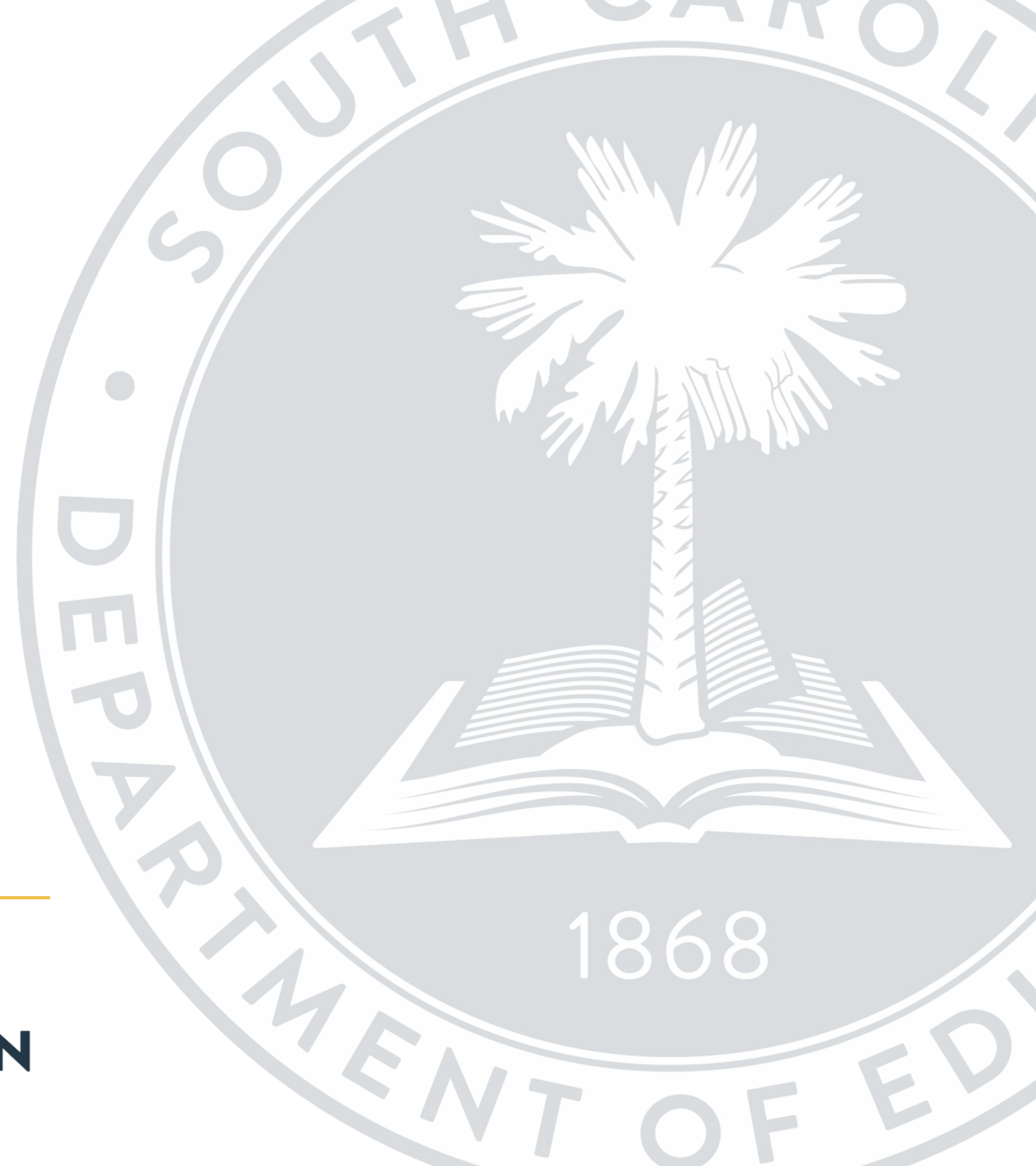
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**SOUTH CAROLINA
DEPARTMENT OF EDUCATION**





N&D Program Alignment and Updates



Review of Eligibility

- Parameters and guidelines set forth by the U.S. Department of Education on what makes a facility eligible to be deemed a Neglected or Delinquent facility.



Neglected Facilities vs Delinquent Facilities

- **An institution for neglected children and youth** is, as determined by the State educational agency (SEA), a public or private residential facility, other than a foster home, that is **operated primarily** for the care of children and youth who (1) 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 (2) have had an average length of stay in the institution of at least 30 days.
- **An institution for delinquent children and youth** is, as determined by the SEA, a public or private residential facility that is **operated primarily** for the care of children and youth who (1) have been adjudicated to be delinquent or in need of supervision and (2) have had an average length of stay in the institution of at least 30 days.
- **Operated primarily:** At least 50% of the student population must be placed by a State Agency (for Neglected facilities) or by Court order (for delinquent facilities).



Eligibility Determinations/Neglected Facilities

- In order for a facility to be deemed a Neglected Facility, there are certain criteria that must be met. These questions are asked to help determine eligibility.

1. Are students placed in the institution under applicable State law due to abandonment, neglect, or death of their parents or guardians?
2. Does the institution serve students aged 5-17?
3. Do the students live in the facility?
4. Is the program locally operated (public or private)?

Programs where students are placed privately by their parents or guardians do not meet the definition of a neglected institution.



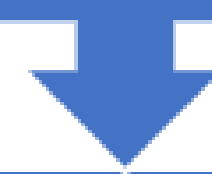
Eligibility Determinations/Delinquent Facilities

- In order for a facility to be deemed a Delinquent Facility, there are certain criteria that must be met. These questions are asked to help determine eligibility.
 1. Is the State agency responsible for providing free public education to the children and youth in this program?
 2. Have the students in the institution been adjudicated to be delinquent or in need of supervision?
 3. Do the students live in the facility?
 4. Are the students enrolled in a regular program of instruction for at least 20 hours per week?
 5. Does the program serve students who are under the age of 21?



Adult Corrections Requirements

Adult Correctional Institution, The term “adult correctional institution” refers to a facility in which persons, including persons under 21 years of age, are confined as a result of conviction for a criminal offense.



1. Is a State agency responsible for providing free public education to the children and youth in this program?



2. Are the students enrolled in a regular program of instruction for at least 15 hours per week?



3. Does the program serve students who are under the age of 21?



Helpful Tips in Determining which Institutions Have Eligible Children

- Many institutions have evolved over time from caring for children to treating children. As a result, the term “**treatment**” may appear in their mission, charter, or purpose statements, rather than terms like “delinquent” or “neglected.” **This is allowable as long as the primary purpose of the institution is to provide care for neglected or delinquent children and youth, as defined above.**
- It is important to **re-evaluate institutions annually to ensure they continue to meet the criteria for inclusion** in the annual count. The purpose of an institution can change over time. This means that although an institution may have been included in the count for many years, it may change its purpose and no longer meet the criteria for inclusion. In other words, just because an institution has historically been included in the count does not guarantee it can be included in the future. It must continue to meet the criteria of a neglected or delinquent institution annually.



Helpful Tips in Determining which Institutions Have Eligible Children

- Institutions should not change their categorization from neglected to delinquent, or vice versa, unless there is an official change in the institution's operational purpose. **To determine if an institution is eligible to be included in the annual count, review their charter or purpose, mission statement, and website to ensure their overall purpose aligns with that of a neglected or delinquent institution.** For instance, if a neglected institution has an unusually high number of delinquent students at the time of the annual count, it should still be classified as a neglected institution unless there has been an official change in its purpose.
- State agencies with children and youth that can be included in the annual count will vary from State to State, but some common examples of State agencies to include are the Department of Corrections, Department of Juvenile Justice, and the State child welfare agency. A State educational agency (SEA) itself may also operate facilities with children and youth that may be included in the annual count if the SEA is responsible for educating children and youth in such facilities. If the SEA is serving as a State agency, you are strongly encouraged to contact your program officer at the Department for further guidance. SEAs serving as State agencies encounter unique challenges that are best discussed with your program officer at the Department



Helpful Tips in Determining which Institutions Have Eligible Children

- As noted earlier in the document, the term “**adjudicated**” generally means that an official judicial determination has been made (e.g., by a court or other tribunal), rather than a determination by a parent or guardian, that a child is delinquent or in need of supervision. **Additionally, the adjudication requirement applies to both delinquency and in need of supervision.**





SCDE Eligibility Review Outcome



SCDE Eligibility Review Process

- Reviewed the submitted eligibility review documentation
- Conducted interviews with facility personnel
- Reached out to DSS regarding placement questions
- Reached out to ICPC regarding delinquent placements (Interstate compact)
- Consulted with other states regarding eligibility questions
- Consulted with NDTAC regarding eligibility questions
- Consulted with USDE regarding eligibility questions
- Provided LEAs with results via telephone/email to communicate to their facilities



SCDE Eligibility Review Outcome

- 5 Districts will no longer have N&D sites for FY27 (Greenwood 50, Lexington 2, Newberry, Oconee, and Williamsburg).
- 12 Facilities deemed ineligible based upon USDE requirements
- An eligibility review will take place annually going forward, beginning in August/September (once the official residential DSS/DHEC list is provided).
- A facility deemed ineligible based on the September 2025 audit may participate in the upcoming review in August/September. But please be advised that whatever caused them to be deemed as ineligible will have to be remedied.
- Be on the lookout in August/September for information regarding eligibility audit training.





GEMS Application Updates



GEMS Application

Things to be mindful of when submitting plans:

- Do not use outdated forms from prior years. Please utilize the updated forms. This will ensure that you meet the new requirements set out in the updated forms.
- Your narrative in your budget and your activity summary page MUST mirror each other.
- A Needs assessment is now required for N&D. This is a separate upload from the Facility Site Narrative.
- MOE (Maintenance of Fiscal Effort) has been removed from the N&D application.
- Please do not alter N&D forms and use the template provided.
- Please review all documents you are submitting for your facilities. This will reduce the number of returns for corrections needed.



GEMS Application

- **Things to be mindful of when submitting plans:**
 - Review your facility Site Narrative.
 - #12 (IEP) yielded my highest returns on corrections.





October Count Updates



October Count

Things to be mindful of when submitting data:

1. October count data (double-check birthdays to ensure that students listed meet the criteria). Additionally, please also do not list any student outside of the current year being reported. For example, if the reporting year is 2025 and the student **exited** in 2024 or earlier, that student should not be reported in the 2025 October count. Nor should they be counted if they exited prior to your 30-day count window.
2. Your student count data must match on both forms submitted: the LEA Survey Data Reporting Form and the LEA Annual Count Verification Form.
3. State Agencies forms are a bit different.





CSPR Updates



New Data Collection Tool for CSPR

- [Subpart 1 Data Collection tool](#)
- [Subpart 2 Data Collection tool](#)





Use of Funds Alignment and Justification



NDTAC Use of Funds Justification Training

NDTAC has requested that SEAs review this presentation with our LEAs to ensure that The use of funds is being adequately justified within our program.

[Use of Funds Justification](#)

Presentation provided by NDTAC neglected-delinquent.ed.gov



Resources

- [Subpart 1 Data Collection tool](#)
- [Subpart 2 Data Collection tool](#)
- [NDTAC Use of Funds Justification Training](#)
- [South Carolina Department of Education ESEA Title 1 Neglected and Delinquent LEA Program SEA Part D](#)



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