

Recent TA Requests

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Are youth who have earned their GED eligible for TIPD services?

Yes

Per the Title I, Part D non-regulatory guidance, section E-2 (http://www.neglected-delinquent.org/title-i-part-d-nonregulatory-guidance-state-agency-programs-part-d-subpart-1#sa_eligiblechildren) a student aged 21 or younger who is otherwise eligible to receive services under Subpart 1 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. Furthermore, participation in CTE and vocational courses are explicitly allowable under Subpart 1 provided they supplement and improve the quality of educational services provided to these children and youth by the SA under the regular program of instruction (e.g., extend number of hours of instruction offered daily to students, procure needed educational materials and equipment for industrial arts and vocational training). Funds **cannot** be used to support college attendance (e.g. tuition), however they may be used to offer the following:

- **Dual Enrollment:** Nonregulatory Guidance, Sect. E-2: 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 (e.g. purchasing books) in which a student concurrently earns high school and college credit, but may not be used for courses that award college credits only.
- **College Placement Services and Fees:** Guidance Sect. E-2 does allow for the use of funds to pay for college entrance exam fees. However, while Title I, Part D funds can be used to help a youth transition into higher education, paying college tuition is NOT an allowable expense. Subpart 1 funds may also 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.
- **Transition services:** Nonregulatory Guidance, Sect. K-2 (http://www.neglected-delinquent.org/title-i-part-d-nonregulatory-guidance-state-agency-programs-part-d-subpart-1#sa_transition): Funds may be used to support student participation in:
 - local vocational education programs,
 - securing student loans or grants for postsecondary education (e.g. application fee for a scholarship program) or
 - entrance into job training programs for older youth.

Are youth who have earned a high school diploma eligible for TIPD services?

Yes

Technically to be eligible 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).

That said, per the statute, the transition services highlighted below may be offered to such students:

SUBPART 1: SEC. 1418. TRANSITION SERVICES (<http://www.neglected-delinquent.org/title-i-part-d-statute#sec1418>).

Each State agency shall reserve not less than 15 percent and not more than 30 percent of the amount such agency receives under this subpart for any fiscal year to support—

A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

a. TRANSITION SERVICES—

1. *projects that facilitate the transition of children and youth from State-operated institutions to schools served by local educational agencies; or*
2. ***the successful reentry of youth offenders, who are age 20 or younger and have received a secondary school diploma or its recognized equivalent, into postsecondary education, or vocational and technical training programs, through strategies designed to expose the youth to, and prepare the youth for, postsecondary education, or vocational and technical training programs, such as—***
 - A. *preplacement programs that allow adjudicated or incarcerated youth to audit or attend courses on college, university, or community college campuses, or through programs provided in institutional settings;*
 - B. *worksite schools, in which institutions of higher education and private or public employers partner to create programs to help students make a successful transition to postsecondary education and employment; and*
 - C. *essential support services to ensure the success of the youth, such as—*
 - i. *personal, vocational and technical, and academic, counseling;*
 - ii. *placement services designed to place the youth in a university, college, or junior college program;*
 - iii. *information concerning, and assistance in obtaining, available student financial aid;*
 - iv. *counseling services; and*
 - v. *job placement services.*

Are you aware of any pre and post-test assessments which are valid and reliable when used over a short period of time?

Yes

We get this question a lot. I'm hoping we'll get the green light from ED this year to ramp up our resources in this area. NDTAC hasn't conducted any pre-post test reviews in recent years but I can point to some resources that you can share with your sub-grantees:

- **National Reporting System (NRS) Assessment Database**
(<http://www.nrsweb.org/NRSwork/database/default.aspx>): This resource was developed by NRS (a US Department of Education funded technical assistance center housed by the American Institutes for Research (AIR) like NDTAC) for states. It includes general information about assessments that may be appropriate for adult education and English literacy students. JJ facilities have used this tool as a resource for identifying appropriate tests.
- **National Literacy Project's Resource Guide for Adolescent Literacy**
(<http://www.nationalliteracyproject.org/addRead/ResourceGuideWdate.pdf>): This guide developed with funding from the Gates Foundation includes a review of reading assessments designed for both individual and group administration.
- **National Center on Response to Intervention Screening Tools Chart**
(<http://www.rti4success.org/screeningTools>): This center, also funded by the US Department of Education and housed by AIR, developed a chart that summarizes its review of both math and reading assessments that are brief, valid, reliable, and evidence-based. These screening tools are conducted with all students or targeted groups of students to identify students who are at risk of academic failure and, therefore, likely to need additional or alternative forms of instruction to supplement the conventional general education approach.

We know from our work in the field that BEST, TABE, BASI and DAR are commonly in use in JJ facilities but apart from that, I cannot offer any evaluative feedback on these assessments

I have a school district that operates an alternative high school. This district would like this alternative program to be considered an agency that generates Title I Part D funding. How do we determine if a program qualifies for Title I Part D funds?

Here are the most useful references from the statute and non-regulatory guidance:

M-1. How does an SEA make Subpart 2 subgrants to LEA s (http://www.neglected-delinquent.org/nd/resources/guidance/local.asp#lea_subgrants)?

From funds retained by the State for Subpart 2 purposes, the SEA awards subgrants to eligible LEAs with high numbers or percentages of children and youth in locally operated correctional facilities for children and youth not operated by the State, including public or private institutions and community day programs or schools that serve delinquent children and youth.

The SEA has the option of awarding subgrants to eligible LEA s by formula or through a discretionary grant process. If an SEA chooses to award Subpart 2 subgrants on a discretionary basis, it may establish criteria or priorities or both, consistent with State requirements for awarding grants. If an SEA distributes funds through a formula, it may allocate funds proportionately among the eligible LEA s based on each LEA 's proportionate share of children in correctional facilities or delinquent institutions. In either case, the SEA must develop procedures for determining and notifying LEA s within the State that they are eligible to receive Subpart 2 funds.

M-2. How does an SEA determine LEA eligibility for a Subpart 2 subgrant (http://www.neglected-delinquent.org/nd/resources/guidance/local.asp#lea_subgrants)?

The SEA has broad discretion in determining LEA eligibility. For example, in defining high numbers of children and youth residing in locally operated correctional facilities, an SEA might choose to aggregate the number of children and youth residing in locally operated correctional facilities and institutions, community day programs and schools that serve delinquent children across the State and divide by the numbers of LEA s containing such institutions or facilities. Any LEA with a number higher than the State average, or a minimum number established by the State, could be considered to have a high number. In determining what represents a high percentage, an SEA might, for example, consider an LEA in which the locally operated correctional facilities and institutions, community day programs and schools that serve delinquent children, serve children totaling more than 10 percent of the LEA 's total school-age population as having a high percentage.

O-6. May LEA s provide services to delinquent children in community day programs under Subpart 2 (http://www.neglected-delinquent.org/nd/resources/guidance/local.asp#lea_funds)?

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.

For your reference, here are some important definitions per subpart 3, section 1432 of the statute (<http://www.neglected-delinquent.org/nd/resources/legislate/intro.asp#sec1432>):

- AT-RISK—The term 'at-risk,' when used with respect to a child, youth, or student, 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 come into contact with the juvenile justice system in the past, is at least 1 year behind the expected grade level for the age of the individual, has limited English proficiency, is a gang member, has dropped out of school in the past, or has a high absenteeism rate at school.
- COMMUNITY DAY PROGRAM—The term 'community day program' means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.
- INSTITUTION FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH—The term 'institution for neglected or delinquent children and youth' means—
 - 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

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

May an LEA, having received S2 funds, use the funds at their discretion as a generic funding source to serve the needs of “at-risk” youth attending a local alternative school?

No

Per section 1421 of the Title I, Part D (<http://www.neglected-delinquent.org/nd/resources/legislate/intro.asp#sec1421>), the purpose of subpart 2 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 for children and youth ***returning from correctional facilities***, and programs which may serve at-risk children and youth.

Correctional facilities are public or private residential facilities for the care of children who have been adjudicated to be delinquent or in need of supervision. Per section 1422(d) (<http://www.neglected-delinquent.org/nd/resources/legislate/intro.asp#sec1422>),

Transitional and supportive programs operated in local educational agencies under this subpart ***shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities.*** Services to students at-risk of dropping out of school ***shall not have a negative impact on meeting the transitional and academic needs of the students returning from correctional facilities.***

Per section 1423, in their applications for S2 funds, LEAs are required to address 13 requirements (<http://www.neglected-delinquent.org/nd/resources/legislate/intro.asp#sec1423>). Having received an award, LEAs are required to demonstrate (i.e., with documentation and program evaluation data indicated progress towards improving academic and transitional outcomes for N or D youth) that they have faithfully carried out the activities they describe in the application (see Section 1431: <http://www.neglected-delinquent.org/nd/resources/legislate/intro.asp#sec1431>). Among these requirements, seven address correctional facilities:

- (2) a description of formal agreements, regarding the program to be assisted, between—
 - (A) the local educational agency; and
 - (B) ***correctional facilities and alternative school programs serving children and youth involved with the juvenile justice system;***

(3) as appropriate, a description of how participating schools **will coordinate with facilities** working with delinquent children and youth to ensure that such children and youth are participating in an education program comparable to one operating in the local school such youth would attend;

(4) a description of the program operated by participating schools for children and youth **returning from correctional facilities** and, as appropriate, the types of services that such schools will provide such children and youth and other at-risk children and youth;

(5) a description of the characteristics (including learning difficulties, substance abuse problems, and other special needs) of the children and youth who will be **returning from correctional facilities** and, as appropriate, other at-risk children and youth expected to be served by the program, and a description of how the school will coordinate existing educational programs to meet the unique educational needs of such children and youth;

(6) as appropriate, a description of how schools will coordinate with existing social, health, and other services to meet the needs of students **returning from correctional facilities**, at-risk children or youth, and other participating children or youth, including prenatal health care and nutrition services related to the health of the parent and the child or youth, parenting and child development classes, child care, targeted reentry and outreach programs, referrals to community resources, and scheduling flexibility;

(11) as appropriate, a description of how schools **will work with probation officers** to assist in meeting the needs of children and youth **returning from correctional facilities**;

(12) a description of the efforts participating schools will make to **ensure correctional facilities** working with children and youth are aware of a child's or youth's existing individualized education program;

Furthermore, per the non-regulatory guidance on uses of subpart 2 funds (http://www.neglected-delinquent.org/nd/resources/guidance/local.asp#lea_funds),

“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”

Per section 1426 (<http://www.neglected-delinquent.org/nd/resources/legislate/intro.asp#sec1426>), when an LEA fails to comply with these requirements, fails to provide the SEA with supporting program evaluation results and uses S2 funds in a way that is inconsistent with the law, it puts the SEA in jeopardy of negative findings resulting from a federal monitoring visit. The SEA, is therefore, within its rights to reduce or terminate funding particularly if the LEA does not show progress in reducing dropout rates for male students and for female students over a 3-year period. However, it is recommended that the SEA provide the LEA with technical assistance prior to terminating funding.

Do paraprofessionals hired with Title I Part D subpart 2 funds have the same highly qualified requirements as Title I Part A staff?

Not necessarily.

Section 1119 of Title I of ESEA requires that all SEAs that receive Title I, Part A funds develop and implement a plan to ensure that **all teachers** teaching in core academic subjects within the State are highly qualified. Per the non-regulatory guidance on this topic (P. Program Requirements for Subpart 2 Programs: http://www.neglected-delinquent.org/nd/resources/guidance/local.asp#lea_requirements):

“This requirement extends to all teachers of core academic subjects who are employed by agencies or entities under the authority of the SEA. As a result, it applies to teachers employed by LEA s that must meet annual measurable objectives for ensuring that teachers are highly qualified set by the SEA, as well as to teachers employed by the SEA or other entities under the SEA’s authority. Thus, if entities such as juvenile institutions, correctional institutions, and other alternative educational settings either are LEA s under State law or are under the authority of the SEA, teachers of core academic subjects employed by those entities must be highly qualified. If, however, the entities that employ these teachers are neither LEA s as defined under State law nor under the SEA’s authority, the section 1119 requirements regarding highly qualified teachers do not apply.”

The statute and non-regulatory guidance are comparatively silent on the topic of paraprofessional qualifications. That being said, the non-regulatory guidance does strongly advise that students have instructors with the content knowledge and skills needed to help them succeed. I would also suggest that if paraprofessionals are required to be highly qualified in the local schools, they should be highly qualified in the facilities as well.

I am looking for a sample MOU that just shows that one district is providing services and that the other district will reimburse for those expenses.

Two sample MOUs are provided below. The first is used by Iowa and the second by Virginia. The IA formal agreement sounds most aligned with your needs but the VA one also does a fine job of stipulating the responsibilities of the party providing services.

Sample MOU: Iowa

Statement of Agreement

The ____ Community School District (CSD) and _____, a neglected/delinquent youth facility, agree to coordinate and support a PL 107-110 Title I, Part D, Subpart 2 program within the neglected/delinquent facility.

The ____ CSD will act as the fiscal agent and program monitor of the Title I program identified below.

The _____ facility provides assurance and documentation, upon request, that the Title I, Part D, Subpart 2 funds are being used in one or more of the following ways:

- 1) For programs that serve children and youth returning to local schools from correctional facilities, to assist in the transition of such children and youth to the school environment and help them remain in school in order to complete their education;
- 2) For dropout prevention programs which serve at-risk children and youth, including pregnant and parenting teens, children and youth who have come in contact with the juvenile justice system, children and youth at least 1 year behind their expected grade level, migrant youth, immigrant youth, students with limited English proficiency, and gang members;
- 3) For the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care, drug and alcohol counseling, and mental health service, will improve the likelihood such individuals will complete their education;
- 4) For special programs to meet the unique academic needs of participating children and youth, including vocational and technical education, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education; and
- 5) For programs providing mentoring and peer mediation.

The _____ facility provides assurance and documentation, upon request, that the following services are being made available, when and where applicable, to neglected/delinquent residents at the facility:

- 1) Transition planning
- 2) Coordination of social, health, and other services
- 3) Business partnerships
- 4) Parental involvement
- 5) Coordination with federal, state, and local programs
- 6) Coordination with juvenile justice programs
- 7) Work with probation officers
- 8) Individualized education programs
- 9) Alternative placements

The ____ CSD shall evaluate the program and, where the number of students is sufficient, disaggregating data on participation by gender, race, ethnicity, and age, to determine the program's impact on the ability of participants —

- 1) to maintain and improve educational achievement;
- 2) to accrue school credits that meet State requirements for grade promotion and secondary school graduation;

3) to make the transition to a regular program or other education program operated by a local educational agency;

4) to complete secondary school (or secondary school equivalency requirements) and obtain employment after leaving the correctional facility or institution for neglected or delinquent children and youth; and

5) as appropriate, to participate in post-secondary education and job training programs.

The result of this evaluation shall be used to plan and improve subsequent programs for participating children and youth.

Describe how the services provided to any local delinquent facility with Title I local delinquent funding will be used to meet the transitional and academic needs of students so that they may return to local district or alternative education programs.

The _____ facility will provide the following service(s) using Title I, Part D, Subpart 2 funds:

1)

2)

(to be reviewed annually)

Authorized Signatures for LEA and facility and dates

Sample MOU: Virginia

School
Division:

Division Number:

Section 2 (a)

Program Narrative for LEA Agreements with Correctional Facilities

(Complete this section for each correctional facility entering into an agreement with a school division.)

Please list the section as “not applicable” or complete the information below.

	Not applicable		
Facility Name:		Contact Person:	
Address:		City/Zip Code:	
Phone (ext)		E-mail:	

Indicate type of facility:

Residential

County Correctional Facility

Identify students served:

Neglected

Delinquent

Each correctional facility entering into an agreement with the school division to provide services to children and youth under Title I, Part D Subpart 2, Section 1425, must meet specific requirements. If such agreements have been made, type the response to each area listed below:

1. Individualized Education Program – Where feasible, ensure that educational programs in the correctional facility 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 Act.

2. Notification of Special Education Need – If the child or youth is identified as in need of special education services while in the correctional facility, notify the local school of the child or youth of such need.

3. Transition Assistance – Where feasible, 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.

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School
Division:

Division Number:

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4. Dropout Re-entry, School Completion, Employment – Provide support programs that encourage children and youth who have dropped out of school to re-enter school once their term at the correctional facility has been completed, or gain employment or seek a secondary school diploma or its recognized equivalent.

5. Qualified Staff – Work to ensure that the correctional facility is staffed with teachers and other qualified staff who are trained to work with children and youth with disabilities taking into consideration the unique needs of such children and youth.

6. High Academic Achievement Standards – Ensure that educational programs in the correctional facility are related to assisting students to meet high academic achievement standards.

7. Technology for Coordination – To the extent possible, use technology to assist in coordinating educational programs between the correctional facility and the community school.

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School
Division:

Division Number:

8. Parental Involvement – Where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities.

9. Coordination of Federal, State, and Local Funds – Coordinate funds received under this subpart with other local, state, and federal funds available to provide services to participating children and youth, such as funds made available under Title I of P.L. 105-220, and career and technical education funds.

10. Coordination with Juvenile Justice Programs – Coordinate programs operated under this subpart with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable.

11. Business Partnerships – If appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth.