

## Virginia Department of Education

### Guidance for Identifying Eligible Institutions and Counting Children Who are Neglected or Delinquent

#### Instructions

##### Local Institutions

1. In **Section A** of *Attachment B* (Formula Data and Reporting), report the total number of neglected and delinquent children. ***Only count the number of children who are residents of a live-in institution or facility for at least one day within the 30 consecutive day count window, one day of which must be in October.***
  - In order to be eligible to be counted, a child aged 5 through 17 must live in a locally-operated facility that meets the definition of an institution for neglected children, an institution for delinquent children, or an adult correctional institution as provided in Section 1432(1) and (4) of the Title I statute.
  - It is not necessary to designate a child as neglected or delinquent because, if he or she is between ages 5 and 17, and is in an institution that meets the definitions, that child would be eligible to be counted.
2. In **Section B** of *Attachment B* (Classification and Breakdown of Eligible Local Institutions in School Division), report the total number of neglected and delinquent children by facility.
  - A. Identify eligible local public or private institutions as either a neglected facility or a delinquent facility. *A facility cannot report both neglected and delinquent students.*

Eligible institutions can be defined as:

- Local institutions for neglected children (see the definition cited on the next page).
- Local institutions for delinquent children. In this category, also include children in local adult correctional institutions (see the definition of the term cited on the next page).
  - Please note that the category of an institution should not change from year to year unless there has been an official change in the purpose for which the institution is operated.
  - For example, if an institution is operated for the care of neglected children, but the majority of the children residing in the institution during October are children adjudicated to be delinquent, the institution should still be reported as an institution for neglected children until its charter or purpose is officially changed to show that it is an institution operated for the care of delinquent children.
  - Consistency in reporting from year to year is necessary because changing the category of an institution each year based on the category of the majority of children served affects the hold-harmless allocations and eligibility under the Title I, Part A, formula.
- B. Each eligible facility must provide documentation to identify their facility type to the Local Education Agency (LEA), by providing a copy of their governing document such as a charter, constitution, by-laws or official mission statement. Each facility should highlight the language in the document that defines the facility as a neglected or delinquent facility. The LEA will submit the governing document to VDOE at the same time that *Attachment*

October 6, 2017

*B* is submitted. The governing document determines the type of facility regardless of the type of students served by the facility. Please submit the document even if it does not clearly identify the facility as neglected or delinquent. The number of students submitted and the designation of the facility should then reflect the majority of children served by the facility. (See the examples below to determine the how to classify a facility).

- C. Complete the table in **Section B**, indicating the name, address, classification of the institutions in your division, and the number of children and youth living in that facility.
  - D. Verify the accuracy of the data to be submitted and complete **Section C** of *Attachment B*, (Data Verification).
    - Compare the October 2017 data to the data that were submitted last year.
    - If there is a large increase or decrease in an LEA count, identify and provide the reason. For example:
      - Did a new institution begin operation?
      - Did an institution close?
      - Were only children 5 through 17 reported in the count?
      - While it is not necessary to submit documentation to support the accuracy of the data, the VDOE may contact your school division if USED has questions related to verifying the counts.
  - E. Certify the data in **Section D** of *Attachment B* as complete and accurate by obtaining the school division superintendent's or their designee's signature and the date the document was signed. Also include the name and contact information for the Title I, Part D, contact for the school division. This will be the person who will be called upon to answer questions about the data.
3. Report the October 2017 caseload data for children in eligible institutions to the VDOE. Transmit the form and all supporting documents electronically to Gloria Torrens-Billings, Administrative Assistant, at [Gloria.Torrens-Billings@doe.virginia.gov](mailto:Gloria.Torrens-Billings@doe.virginia.gov) **on or before Wednesday, November 15, 2017.**

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### Definitions and Examples

#### Definitions

Source:

Public Law 114-95 – *Elementary and Secondary Education Act of 1965*, as amended  
Title I, Part D – Prevention and Intervention Programs for Children and Youth Who Are Neglected,  
Delinquent, or At-Risk; Subpart 3 – General Provisions; Section 1432 - Definitions

- **“Adult correctional institution”** means a facility in which persons (including persons under 21 years of age) are confined as a result of a conviction for a criminal offense.
- **“At-risk”** when used with respect to a child, youth, or student, means a school aged individual who is at-risk of academic failure, dependency adjudication, or delinquency adjudication, has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system or child welfare system in the past, is at least one year behind the expected grade level for the age of the individual, is an English learner, is a gang member, has dropped out of school in the past, or has a high absenteeism rate at school.

Source:

34 CFR Part 200  
Regulations for Title I  
Section 200.90 – Program Definitions

- **“Institution for neglected children and youth”** means a public or private residential facility, other than a foster home, that is operated primarily for the care of children and youth who (a) 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 (b) have had an average length of stay in the institution of at least 30 days.
- **“Institution for delinquent children and youth”** means a public or private residential facility that is operated for the care of children and youth who (a) have been adjudicated to be delinquent or in need of supervision; and (b) have had an average length of stay in the institution of at least 30 days.

## Supporting Documents

Examples of supporting documents that should be submitted to VDOE include documents that identify the institution as a neglected or delinquent facility such as

- a charter,
- constitution,
- by-laws, or
- official mission statement.

## Examples of How to Count Students

### Example 1:

6 neglected students and 6 delinquent students reside at the facility. The facility's constitution identifies the facility as a delinquent facility. The facility is classified as a delinquent facility and 12 delinquent students are reported. Neglected students are not reported.

### Example 2:

10 neglected students and 50 delinquent students reside at the facility. The facility's charter does not provide wording to identify the facility as neglected or delinquent; however, the 5 of the students' parents have died and 5 students were removed from their home for abuse, classifying those students as neglected. The 50 students that live in the facility were placed there because they have had experience in the juvenile justice system for some form of misconduct are categorized as delinquent. Therefore, the facility is classified as a delinquent facility and 60 delinquent students are reported. Neglected students are not reported.

### Example 3:

7 neglected students and 12 delinquent students reside at the facility. The facility's charter identifies the facility as neglected even though more delinquent students reside there. Therefore, the facility is classified as a neglected facility and 19 neglected students are reported. Delinquent students are not reported.