

## FY09-10 Title I, Part D Survey Definitions

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The definition of institutions for neglected or delinquent children and youth can be found in [Section 1432](#) of the federal statute.

- **An institution for neglected children and youth** is “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.”
- **An institution for delinquent children and youth** is “a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.”

For additional information the U.S. Department of Education’s (ED’s) National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At Risk (NDTAC) Clearinghouse has posted an [Annual Counts Webinar](#) and an [Annual Counts FAQs](#). The FAQs contain valuable information about categorizing students and facilities, especially Questions 25 and 28 below:

**25. Q: How should a local institution categorize itself when some of its students are considered neglected and others are considered delinquent?**

A: The state should look at the purpose of the institution. For example, if the institution is chartered as a facility that serves delinquent children, yet the majority of children served in that institution are considered neglected because they were 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, then all of the children in that institution still should be counted as delinquents. The state should continue to count all of the children in such an institution as delinquent unless its charter and purpose change. It is important that the state be consistent in how it reports these data every year. A change in an institution’s categorization without a change in its charter and purpose would improperly affect the district’s eligibility and allocations under Title I, Part A and Part D, Subpart 2 formulas.

**28. Q: Can an institution change its charter if it no longer reflects the population it currently serves?**

A: If there are more than 50 percent of either children or youth who are N or D, then there *may* be grounds to change the facility’s charter or categorization. Thus, if the student population has fluctuated for the past 4 years, count the students for that facility as you have in the past. If the student population has changed and you anticipate that it will remain consistent for an extended period of time, then you can consider changing your charter and counting accordingly.

When such a change is made, there needs to be some type of formal documentation maintained by the institution recognizing the change that has occurred and indicating that the institution is changing its charter to reflect the changed circumstances. ED expects that changing of the status of local institutions is fairly rare. Changes in the classification of institutions as either a neglected or delinquent institution will significantly affect the Title I, Part A allocations to LEAs and the

amount made available for Title I, Subpart 2 purposes. As such, ED recommends keeping funding streams consistent.