Title I, Part D Subpart 2 Annual Count

Institution Definitions and Counting Guidance

**Definitions of Institutions:**

The definitions of institutions (facilities) for neglected or delinquent children and youth can be found in [Section 1432](http://www.neglected-delinquent.org/nd/resources/legislate/intro.asp#sec1432) 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.”

Note that if an institution was originally chartered as a facility that serves delinquent children, yet the majority of children served in that institution are now considered neglected because they 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, then all of the children in that institution still should be counted as delinquents. The State counts all of the children in such an institution as delinquent unless its charter and purpose change.

**Counting Eligible Students:**

In order to be eligible to be counted, a child age 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 as provided in Section 1432 (above) of the Title I statute. Note that

it is not necessary to differentiate between children/youth that are ‘neglected’ versus those who are ‘delinquent’ within a given facility; it is the *facility* that gets the neglected or delinquent distinction, not the child/youth. This protects children/youth from potentially uncomfortable labeling.

As noted above, if the facility was chartered originally as either Neglected or Delinquent, then that designation should carry forward to the present.

Finally, the caseload data refers to the number of children who live in an eligible institution for at least one day during a 30 consecutive day period, at least one day of which falls within the month of October.