

PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK

SEC. 1401. [20 U.S.C. 6421] PURPOSE AND PROGRAM AUTHORIZATION.

1. **PURPOSE.** —It is the purpose of this part—
 1. to improve educational services for children and youth in local, tribal, and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State academic standards that all children in the State are expected to meet;
 2. to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and
 3. to prevent at-risk youth from dropping out of school, and to provide dropouts, and children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education and the involvement of their families and communities.
2. **PROGRAM AUTHORIZED.** —In order to carry out the purpose of this part and from amounts appropriated under section 1002(d), the Secretary shall make grants to State educational agencies to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected, delinquent, or at-risk children and youth.

SEC. 1402. [20 U.S.C. 6422] PAYMENTS FOR PROGRAMS UNDER THIS PART.

1. **AGENCY SUBGRANTS.** —Based on the allocation amount computed under section 1412, the Secretary shall allocate to each State educational agency an amount necessary to make subgrants to State agencies under subpart 1.

2. LOCAL SUBGRANTS. —Each State shall retain, for the purpose of carrying out subpart 2, funds generated throughout the State under part A of this title based on children and youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

Subpart 1—State Agency Programs

SEC. 1411. [20 U.S.C. 6431] ELIGIBILITY.

A State agency is eligible for assistance under this subpart if such State agency is responsible for providing free public education for children and youth—

1. in institutions for neglected or delinquent children and youth;
2. attending community day programs for neglected or delinquent children and youth; or
3. in adult correctional institutions.

SEC. 1412. [20 U.S.C. 6432] ALLOCATION OF FUNDS.

1. SUBGRANTS TO STATE AGENCIES. —

1. IN GENERAL. —Each State agency described in section 1411 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this subpart, for each fiscal year, in an amount equal to the product of—

1. the number of neglected or delinquent children and youth described in section 1411 who—
 1. are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and
 2. are enrolled for at least 20 hours per week—
 1. in education programs in institutions for neglected or delinquent children and youth; or
 2. in community day programs for neglected or delinquent children and youth; and

2. 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.
 2. SPECIAL RULE. —The number of neglected or delinquent children and youth determined under paragraph (1) shall—
 1. be determined by the State agency by a deadline set by the Secretary, except that no State agency shall be required to determine the number of such children and youth on a specific date set by the Secretary; and
 2. be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.
2. SUBGRANTS TO STATE AGENCIES IN PUERTO RICO. —
 1. IN GENERAL. —For each fiscal year, the amount of the subgrant which a State agency in the Commonwealth of Puerto Rico shall be eligible to receive under this subpart shall be the amount determined by multiplying the number of children counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—
 1. the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and
 2. 32 percent of the average per-pupil expenditure in the United States.
 2. MINIMUM PERCENTAGE. —The percentage in paragraph (1)(A) shall not be less than 85 percent.
 3. LIMITATION. —If the application of paragraph (2) would result in any of the 50 States or the District of Columbia receiving less under this subpart than it received under this subpart for the preceding fiscal year, then the percentage described in paragraph (1)(A) that is used for the

Commonwealth of Puerto Rico for the fiscal year for which the determination is made shall be the greater of—

1. the percentage in paragraph (1)(A) for such fiscal year; or
 2. the percentage used for the preceding fiscal year.
3. RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS. —If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all State agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

SEC. 1413. [20 U.S.C. 6433] STATE REALLOCATION OF FUNDS.

If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this subpart for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other eligible State agencies that need additional funds to carry out the purpose of this part, in such amounts as the State educational agency shall determine.

SEC. 1414. [20 U.S.C. 6434] STATE PLAN AND STATE AGENCY APPLICATIONS.

1. STATE PLAN. —
 1. IN GENERAL. —Each State educational agency that desires to receive a grant under this subpart shall submit, for approval by the Secretary, a plan—
 1. for meeting the educational needs of neglected, delinquent, and at-risk children and youth;
 2. for assisting in the transition of children and youth between correctional facilities and locally operated programs; and
 3. that is integrated with other programs under this Act or other Acts, as appropriate.
 2. CONTENTS. —Each such State plan shall—
 1. describe the program objectives and outcomes established by the State that will be used to assess the effectiveness of the program in

improving the academic, career, and technical skills of children in the program;

2. provide that, to the extent feasible, such children will have the same opportunities to achieve as such children would have if such children were in the schools of local educational agencies in the State;
 3. describe how the State will place a priority for such children to attain a regular high school diploma, to the extent feasible;
 4. contain an assurance that the State educational agency will—
 1. ensure that programs assisted under this subpart will be carried out in accordance with the State plan described in this subsection; and
 2. ensure that the State agencies receiving subgrants under this subpart comply with all applicable statutory and regulatory requirements; and
 5. provide assurances that the State educational agency has established—
 1. procedures to ensure the timely re-enrollment of each student who has been placed in the juvenile justice system in secondary school or in a re-entry program that best meets the needs of the student, including the transfer of credits that such student earns during placement; and
 2. opportunities for such students to participate in credit-bearing coursework while in secondary school, postsecondary education, or career and technical education programming.
3. DURATION OF THE PLAN. —Each such State plan shall—
1. remain in effect for the duration of the State's participation under this part; and

2. be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

2. SECRETARIAL APPROVAL AND PEER REVIEW. —

1. SECRETARIAL APPROVAL. —The Secretary shall approve each State plan that meets the requirements of this subpart.
2. PEER REVIEW. —The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

3. STATE AGENCY APPLICATIONS. —Any State agency that desires to receive funds to carry out a program under this subpart shall submit an application to the State educational agency that—

1. describes the procedures to be used, consistent with the State plan under section 1111, to assess the educational needs of the children to be served under this subpart and, to the extent practicable, provide for such assessment upon entry into a correctional facility;
2. provide an assurance that in making services available to children and youth in adult correctional institutions, priority will be given to such children and youth who are likely to complete incarceration within a 2-year period;
3. describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;
4. describes how the program will meet the goals and objectives of the State plan;
5. describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1416 are of high quality;

6. describes how the State agency will use the results of the most recent evaluation under section 8601 will be used to plan and improve the program;
7. includes data showing that the State agency has maintained the fiscal effort required of a local educational agency, in accordance with section 8521;
8. describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of the Workforce Innovation and Opportunity Act, career and technical education programs, State and local dropout prevention programs, and special education programs;
9. describes how the State agency will encourage correctional facilities receiving funds under this subpart to coordinate with local educational agencies or alternative education programs attended by incarcerated children and youth prior to and after their incarceration to ensure that student assessments and appropriate academic records are shared jointly between the correctional facility and the local educational agency or alternative education program in order to facilitate the transition of such children and youth between the correctional facility and the local educational agency or alternative education program;
10. describes how appropriate professional development will be provided to teachers and other staff;
11. designates an individual in each affected correctional facility or institution for neglected or delinquent children and youth to be responsible for issues relating to the transition of such children and youth between such facility or institution and locally operated programs;
12. describes how the State agency will endeavor to coordinate with businesses for training and mentoring for participating children and youth;
13. provides an assurance that the State agency will assist in locating alternative programs through which students can continue their education

- if the students are not returning to school after leaving the correctional facility or institution for neglected or delinquent children and youth;
14. provides assurances that the State agency will work with parents to secure parents' assistance in improving the educational achievement of their children and youth, and preventing their children's and youth's further involvement in delinquent activities;
 15. provides an assurance that the State agency will work with children and youth with disabilities in order to meet an existing individualized education program and an assurance that the agency will notify the child's or youth's local school if the child or youth—
 1. is identified as in need of special education services while the child or youth is in the correctional facility or institution for neglected or delinquent children and youth; and
 2. intends to return to the local school;
 16. provides an assurance that the State agency will work with children and youth who dropped out of school before entering the correctional facility or institution for neglected or delinquent children and youth to encourage the children and youth to reenter school and attain a regular high school diploma once the term of the incarceration is completed or provide the child or youth with the skills necessary to gain employment, continue the education of the child or youth, or attain a regular high school diploma or its recognized equivalent if the child or youth does not intend to return to school;
 17. provides an assurance that certified or licensed teachers and other qualified staff are trained to work with children and youth with disabilities and other students with special needs taking into consideration the unique needs of such students;
 18. describes any additional services to be provided to children and youth, such as career counseling, distance learning, and assistance in securing student loans and grants;

19. provides an assurance that the program under this subpart will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) or other comparable programs, if applicable; and
20. describes how the State agency will, to the extent feasible—
 1. note when a youth has come into contact with both the child welfare and juvenile justice systems; and
 2. deliver services and interventions designed to keep such youth in school that are evidence-based (to the extent a State determines that such evidence is reasonably available).

SEC. 1415. [20 U.S.C. 6435] USE OF FUNDS.

1. USES. —

1. IN GENERAL. —A State agency shall use funds received under this subpart only for programs and projects that—
 1. are consistent with the State plan under section 1414(a); and
 2. concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, career and technical education, further education, or employment.
2. PROGRAMS AND PROJECTS. —Such programs and projects—
 1. may include—
 1. the acquisition of equipment;
 2. pay-for-success initiatives; or
 3. providing targeted services for youth who have come in contact with both the child welfare system and juvenile justice system;
 2. shall be designed to support educational services that—
 1. except for institution-wide projects under section 1416, are provided to children and youth identified by the State

agency as failing, or most at-risk of failing, to meet the challenging State academic standards;

2. respond to the educational needs of such children and youth, including by supplementing and improving the quality of the educational services provided to such children and youth by the State agency; and
3. afford such children and youth an opportunity to meet challenging State academic standards; and

3. shall be carried out in a manner consistent with section 1118 and part F (as applied to programs and projects under this part).

2. SUPPLEMENT, NOT SUPPLANT. —A program under this subpart that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1118 (as applied to this part) without regard to the subject areas in which instruction is given during those hours.

SEC. 1416. [20 U.S.C. 6436] INSTITUTION-WIDE PROJECTS.

A State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community-day program for such children and youth may use funds received under this subpart to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

1. provides for a comprehensive assessment of the educational needs of all children and youth in the institution or program serving juveniles;
2. provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a 2-year period;

3. describes the steps the State agency has taken, or will take, to provide all children and youth under age 21 with the opportunity to meet challenging State academic standards in order to improve the likelihood that the children and youth will attain a regular high school diploma or its recognized equivalent, or find employment after leaving the institution;
4. describes the instructional program, specialized instructional support services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for the children and youth described in paragraph (1), and how relevant and appropriate academic records and plans regarding the continuation of educational services for such children or youth are shared jointly between the State agency operating the institution or program and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the State agency;
5. specifically describes how such funds will be used;
6. describes the measures and procedures that will be used to assess and improve student achievement;
7. describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and youth, and with personnel from the State educational agency; and
8. includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

SEC. 1417. [20 U.S.C. 6437] THREE-YEAR PROGRAMS OR PROJECTS.

If a State agency operates a program or project under this subpart in which individual children or youth are likely to participate for more than 1 year, the State educational

agency may approve the State agency's application for a subgrant under this subpart for a period of not more than 3 years.

SEC. 1418. [20 U.S.C. 6438] TRANSITION SERVICES.

1. TRANSITION SERVICES. —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—
 1. projects that facilitate the transition of children and youth between State-operated institutions, or institutions in the State operated by the Secretary of the Interior, and schools served by local educational agencies or schools operated or funded by the Bureau of Indian Education; or
 2. the successful reentry of youth offenders, who are age 20 or younger and have received a regular high school diploma or its recognized equivalent, into postsecondary education, or career and technical training programs, through strategies designed to expose the youth to, and prepare the youth for, postsecondary education, or career and technical training programs, such as—
 1. 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;
 2. 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
 3. essential support services to ensure the success of the youth, such as—
 1. personal, career and technical, and academic, counseling;
 2. placement services designed to place the youth in a university, college, or junior college program;

3. information concerning, and assistance in obtaining, available student financial aid;
 4. counseling services; and
 5. job placement services.
2. CONDUCT OF PROJECTS. —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.
3. RULE OF CONSTRUCTION. —Nothing in this section shall be construed to prohibit a school that receives funds under subsection from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

SEC. 1419. [20 U.S.C. 6439] TECHNICAL ASSISTANCE.

The Secretary may reserve not more than 2.5 percent of the amount made available to carry out this subpart for a fiscal year to provide technical assistance to and support the capacity building of State agency programs assisted under this subpart.

Subpart 3—General Provisions

SEC. 1431. [20 U.S.C. 6471] PROGRAM EVALUATIONS.

1. SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under subpart 1 or 2 shall evaluate the program, disaggregating data on participation by gender, race, ethnicity, and age while protecting individual student privacy,, ^[18A] not less than once every 3 years, to determine the program’s impact on the ability of participants—
 1. to maintain and improve educational achievement and to graduate from high school in the number of years established by the State under either the four-year adjusted cohort graduation rate or the extended-year adjusted cohort graduation rate, if applicable;

2. to accrue school credits that meet State requirements for grade promotion and high school graduation;
 3. to make the transition to a regular program or other education program operated by a local educational agency or school operated or funded by the Bureau of Indian Education;
 4. to complete high school (or high 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 postsecondary education and job training programs.
2. EXCEPTION. —The disaggregation required under subsection (a) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.
1. EVALUATION MEASURES. —In conducting each evaluation under subsection (a), a State agency or local educational agency shall use multiple and appropriate measures of student progress.
2. EVALUATION RESULTS. —Each State agency and local educational agency shall—
1. submit evaluation results to the State educational agency and the Secretary; and
 2. use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

SEC. 1432. [20 U.S.C. 6472] DEFINITIONS.

In this part:

1. ADULT CORRECTIONAL INSTITUTION. —The term “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.

2. 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, 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 1 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.
3. 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.
4. INSTITUTION FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH. —The term “institution for neglected or delinquent children and youth” means—
 1. 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
 2. a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.