



# Title I-D

## Local Education Agency Annual Count Requirements & Eligibility Checklist

The Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA) in 2015, requires all local education agencies (LEAs), regardless of subgrantee status, to report reliable, valid, and comprehensive annual counts of eligible children and youth in locally operated neglected, delinquent, and adult correctional institutions within their boundaries. The U.S. Department of Education utilizes the reported annual count data to calculate each LEA's Title I-A allocation and the State's Title I-D Subpart I and Subpart II allocations. The ADE subgrants the annual Title I-D allocations to State agencies (SAs) and LEAs responsible for providing free public education for children and youth in neglected and delinquent institutions, community day programs, and adult correctional facilities.

The purpose of this guidance is to support LEAs and other stakeholders in identifying eligible locally operated institutions for children and youth who are neglected and delinquent to include in the LEA Annual Count. Please note that the Annual Count eligibility requirements differ from the eligibility requirements to be served through Title I-A neglected set-asides and Title I-D, Subpart II allocations.

### **Title I-D LEA Annual Count Requirements**

**Eligibility Requirements for Children and Youth:** Children and youth included in the LEA Annual Count must qualify as neglected or delinquent, be 5 to 17 years of age, and residing in locally operated neglected, delinquent, or adult correctional institutions within the LEA's boundaries ([20 U.S.C. §§ 6333-6337](#); [34 C.F.R. § 200.90](#)).

- **Neglected Counts:** The annual counts of children and youth in locally operated neglected institutions within the LEA's boundaries generate Title I-A funds for the LEA ([34 C.F.R. § 200.70 \(b\)\(4\)](#)).
  - **Title I-A Neglected Set-Aside Requirement:** LEAs with locally operated neglected institutions (Neglected Count) within their boundaries are required to reserve sufficient Title I-A neglected set-aside funds to provide comparable supplementary academic and support services to the children and youth residing in such institutions ([20 U.S.C. § 6313\(c\)\(3\)\(A\)\(ii\)](#); [34 C.F.R. § 200.77\(a\)\(2\)](#)).
- **Delinquent Counts:** The annual counts of children and youth in locally operated delinquent and adult correctional institutions determine the amount the State must reserve from its annual Title I-A allocation to subgrant to LEAs under Title I-D, Subpart II ([20 U.S.C. § 6422\(b\)](#)).

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**LEA Identification Requirements of Eligible Institutions:** All LEAs, regardless of subgrantee status, are required to identify eligible neglected, delinquent, and adult correctional institutions with eligible children and youth within their boundaries to include in the LEA Annual Count.

The resources provided below are to serve as a starting point to identify locally operated neglected, delinquent, and adult correctional institutions within the LEA's boundaries. As such, the lists are not comprehensive and may include ineligible institutions. It remains the LEA's responsibility to conduct due diligence to identify and report all eligible neglected, delinquent, and adult correctional institutions with eligible children and youth within its boundaries. Utilize the [Title I-D LEA Annual Count Eligibility Checklist](#) to determine the eligibility of a locally operated institution to be included in the LEA's Annual Count.

- **Arizona Department of Child Safety (DCS)**
  - **List of Group Homes & Qualified Residential Treatment Programs (QRTPs)**
    - Utilize this list of congregate care agencies with DCS contracts to identify those located within the LEA's boundaries.
  - **List of Division of Development Disabilities Group Homes**
    - Review this list to identify specialized congregate care agencies with DCS contracts located within the LEA's boundaries.
- **Arizona Department of Corrections, Rehabilitation & Re-Entry (ADCRR)**
  - **Private Adult Correctional Institutions**
    - Visit this website to identify privately owned adult correctional institutions located within the LEA's boundaries.
- **Arizona Department of Health Services (DHS)**
  - **AZ Care Check**
    - This searchable database lists the DHS licensing history of facilities and providers.
    - Records may be searched by facility/provider name, address, license type/subtype, and licensing status by using the search bar and filters.
  - **Adult Correctional Institutions**
    - This database is updated annually, and provides the name, phone number, and locations of all active adult correctional institutions provided by the Arizona Department of Corrections, Rehabilitation, and Reentry (ADCRR).
    - Select "View data table" to identify county and regional jails, detention centers, and adult correctional institutions located within the LEA's boundaries.

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- **Public Health Licensing Database**
  - This database is updated on the first business day of each month.
  - To utilize this resource, download the most recent files for applicable categories, such as those listed below:
    - Developmentally Disabled Group Homes
    - Behavioral Health Residential Facilities
    - Behavioral Health Supported Group Homes
    - Child Care Group Homes
- **Remaining Locally Operated Facilities**
  - Conduct internet searches to locate all other neglected, delinquent, and adult correctional institutions located within the LEA's boundaries, but not included in the lists above, such as those that are privately operated or located on Tribal land.

**Eligibility Requirements for Institutions:** The tables below provide statutory definitions and eligibility checklists to support the identification of eligible institutions and children and youth to include in the LEA Annual Count. For children and youth in an institution to be included in the LEA's Annual Count, responses to each question must be answered as "Yes".

**Navigate to specific eligibility checklists by clicking on the applicable institutions listed below:**

- [Institutions for Neglected Children and Youth](#) (Neglected Count)
- [Institutions for Delinquent Children and Youth](#) (Delinquent Count)
- [Adult Correctional Institutions](#) (Delinquent Count)

## Title I-D LEA Annual Count Eligibility Requirements

### Institutions for Neglected Children and Youth

#### Statutory Definitions

**Federal Requirement:** A public or private residential facility, other than a foster home\*, that primarily operates for the care of children and youth 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 ([34 C.F.R. § 200.90\(b\)](#)).

**\*Foster homes are classified as individual placements** managed by the licensed foster parent(s) living in the home to replicate a traditional home and family setting ([A.R.S. § 36-1201 \(F\)\(3\)\(b\)\(2025\)](#)). **Foster homes are not included in the Annual Count.**

**Note:** Behavioral-supported group homes or mental health residential facilities to include in the LEA's Neglected Count are those that meet both of the following requirements:

- The facility or institution satisfactorily addresses each eligibility checklist item, and
- The primary purpose of the facility or institution is to serve children and youth who are neglected rather than provide therapeutic health services.

#### Eligibility Checklist

1. Is the institution located within the LEA's service boundaries?

**Select Response:**

2. Are children and youth placed in the institution under applicable State law due to abandonment, neglect, or death of their parents or guardians?

**Select Response:**

3. Does the institution serve children and youth between 5-17 years of age?

**Select Response:**

**Note:** *The institution does not have to serve students of all ages 5-17, nor does it have to serve only students aged 5-17. The institution does have to serve students within this age range.*

4. Do the children and youth live in the institution?

**Select Response:**

5. Is the institution locally operated (i.e., public or private)?

**Select Response:**

**For children and youth in an institution to be included in the LEA's Neglected Count, responses to each of the above questions must be "Yes".**

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## Title I-D LEA Annual Count Eligibility Requirements

### Institutions for Delinquent Children and Youth

#### Statutory Definitions

**Federal Requirement:** A public or private residential facility that primarily operates for the care of children and youth adjudicated to be delinquent or in need of supervision ([34 C.F.R. § 200.90\(b\)](#)).

**Note:** Behavioral-supported group homes or mental health residential facilities to include in the LEA's Delinquent Count are those that meet both of the following requirements:

- The facility or institution satisfactorily addresses each eligibility checklist item, and
- The primary purpose of the facility or institution is to serve children and youth who are delinquent, rather than provide therapeutic health services.

#### Eligibility Checklist

1. Is the institution located within the LEA's service boundaries?

**Select Response:**

2. Have the children and youth in the institution been adjudicated to be delinquent or in need of supervision?

**Select Response:**

**Note:** The term "adjudicated" generally refers to a judicial determination (e.g., by a court or other tribunal), rather than a determination by a parent or guardian that a child is delinquent or in need of supervision.

3. Does the institution serve children and youth between 5-17 years of age?

**Select Response:**

**Note:** The institution does not have to serve students of all ages 5-17, nor does it have to serve only students aged 5-17. The institution does have to serve students within this age range.

4. Do the children and youth live in the institution?

**Select Response:**

5. Is the institution locally operated (i.e., public or private)?

**Select Response:**

**For children and youth in an institution to be included in the LEA's Delinquent Count, responses to each of the above questions must be "Yes".**

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## Title I-D LEA Annual Count Eligibility Requirements

### Adult Correctional Institutions

#### Statutory Definition

**Federal Requirement:** An adult correctional institution is a facility in which persons are confined due to convictions for criminal offenses, including those under the age of 21 ([34 C.F.R. § 200.90\(c\)](#)).

**Note:** Although students up to the age of 21 can be served in a locally operated adult correctional facility, **only students aged 5 to 17 are counted.**

#### Eligibility Checklist

1. Is the adult correctional institution located within the LEA's service boundaries?

**Select Response:**

2. Have the children and youth in the adult correctional institution been adjudicated to be delinquent or in need of supervision?

**Select Response:**

**Note:** The term "adjudicated" generally refers to a judicial determination (e.g., by a court or other tribunal), rather than a determination by a parent or guardian that a child is delinquent or in need of supervision.

3. Does the adult correctional institution serve children and youth between 5-17 years of age?

**Select Response:**

**Note:** The institution does not have to serve students of all ages 5-17, nor does it have to serve only students aged 5-17. The institution does have to serve students within this age range.

4. Do the children and youth live in the adult correctional institution?

**Select Response:**

5. Is the adult correctional institution locally operated (i.e., public or private)?

**Select Response:**

**For children and youth in an adult correctional institution to be included in the LEA's Delinquent Count, responses to each of the above questions must be "Yes".**

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