



# Title I-D

## State Agency Annual Count Requirements & Eligibility Checklist

State agencies (SAs) are required to annually report the number of children and youth who are neglected or delinquent in locally-operated institutions to the Arizona Department of Education (ADE), as mandated by Title I-A and Title I-D of the Elementary and Secondary Education Act (ESEA), and amended by the Every Student Succeeds Act (ESSA) in 2015. The USDE utilizes the data included in the annual report to calculate the State's Title I-D Subpart I and Subpart II allocations. The ADE subgrants these annual 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 SAs and other stakeholders in identifying institutions for children and youth who are neglected or delinquent for inclusion in the Annual Count. Please note that the eligibility requirements for the Annual Count differ from those for being served.

### **Title I-D State Agency Annual Count Requirements**

**Eligibility Requirements for Children and Youth:** Children and youth included in the count must qualify as neglected or delinquent, be aged 20 or younger, and enrolled in a regular instructional program that meets one of the following criteria:

- 20 hours per week in either an institution or a community day program for neglected or delinquent, or
- 15 hours per week in an adult correctional institution ([34 C.F.R. § 200.91\(a\)\(1\)](#)).
- **Regular Program of Instruction:** An education program in an institution or a community day program for children and youth who are neglected or delinquent that consists of classroom instruction in basic school subjects, does not extend beyond grade 12, and is not supported by Federal funds. The manufacturing of goods within the institution or activities related to institutional maintenance are not considered classroom instruction ([34 C.F.R. § 200.90\(b\)](#)).

**Eligibility Requirements for State Agencies (SAs):** State agencies (SAs) are eligible to receive Title I-D, Subpart I assistance funds if they are responsible for providing free public education for children and youth in one or more of the following institutions or programs:

- Neglected or delinquent institutions,
- Community day programs for those who are neglected or delinquent, or
- Adult correctional institutions ([20 U.S.C. § 6431](#)).

**Eligibility Requirements for Institutions and Programs:** The tables below provide statutory definitions and eligibility checklists to support the identification of eligible institutions and children and youth to include in the SA's Annual Count. For children and youth in an institution to be included in the SA'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)
- [Community Day Programs](#) (Neglected or Delinquent Count)

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## Title I-D SA Annual Count Eligibility Requirements

### Institutions for Neglected Children and Youth

#### Statutory Definitions

**Federal Requirement:** The SEA determines whether an institution qualifies as an institution for children and youth who are neglected based on the following requirements:

- A public or private residential facility, other than a foster home\*, that primarily operates for the care of children and youth who meet the following two criteria:
  - 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
  - Have an average length of stay in the institution of at least 30 days ([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 SA'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 State agency responsible for providing free public education to the children and youth in this institution?  
**Select Response:**
2. Are the 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. Do the children and youth in the institution have an average length of stay of at least 30 days?  
**Select Response:**
4. Are the children and youth enrolled in a regular program of instruction for at least 20 hours per week?  
**Select Response:**
5. Does the program serve children and youth who are under the age of 21?  
**Select Response:**

**Note:** *Even if they meet the age criterion, children and youth who have earned high school diplomas cannot be included in the SA's Annual Count since they are no longer eligible to be enrolled in a regular program of instruction.*

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

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**Title I-D SA Annual Count Eligibility Requirements**  
**Institutions for Delinquent Children and Youth**

**Statutory Definition**

**Federal Requirement:** The SEA determines whether an institution qualifies as an institution for children and youth who are delinquent based on the following requirements:

- A public or private residential facility that primarily operates for the care of children and youth who meet the following two criteria:
  - Have been adjudicated to be delinquent or in need of supervision; and
  - Have an average length of stay in the institution of at least 30 days ([34 C.F.R. § 200.90\(b\)](#)).

**Note:** Behavioral-supported group homes or mental health residential facilities to include in the SA'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 State agency responsible for providing free public education to the children and youth in this institution?  
**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. Do the children and youth in the institution have an average length of stay of at least 30 days?  
**Select Response:**
4. Are the children and youth enrolled in a regular program of instruction for at least 20 hours per week?  
**Select Response:**
5. Does the program serve children and youth who are under the age of 21?  
**Select Response:**  
*Note: Even if they meet the age criterion, children and youth who have earned high school diplomas cannot be included in the SA's Annual Count since they are no longer eligible to be enrolled in a regular program of instruction.*

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

## Title I-D SA 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 ([20 USC § 6472\(1\)](#)).

#### Eligibility Checklist

1. Is a State agency responsible for providing free public education to the children and youth in this institution?

**Select Response:**

2. Are the students enrolled in a regular program of instruction for at least 15 hours per week?

**Select Response:**

3. Does the program serve children and youth who are under the age of 21?

**Select Response:**

**Note:** Even if they meet the age criterion, children and youth who have earned high school diplomas cannot be included in the SA's Annual Count since they are no longer eligible to be enrolled in a regular program of instruction.

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

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## Title I-D SA Annual Count Eligibility Requirements

### Community Day Programs

#### Statutory Definition

**Federal Requirement:** A community day program is a regular program of instruction provided by an SA at a community day school operated specifically for children and youth who are neglected or delinquent ([20 USC § 6472\(3\)](#)).

#### Eligibility Checklist

1. Is a State agency responsible for providing free public education to the children and youth in the community day program?  
**Select Response:**
2. Is the community day school specifically established to serve children and youth who are neglected or delinquent?  
**Select Response:**
3. Are the children and youth enrolled in a regular program of instruction for at least 20 hours per week?

#### Select Response:

**Note:** *Children and youth who are enrolled in a community day program at an SA-operated facility, and do not reside in the facility, should be included in the SA's Annual Count, as long as all other eligibility criteria are met.*

4. Does the community day program serve children and youth who are under the age of 21?

#### Select Response:

**Neglected Count:** For children and youth in a community day program to be included in the SA's Neglected Count, responses to each of the above questions must be "Yes", and question 2 must be "Yes, Neglected".

**Note:** *All children and youth, including those who are not neglected, must be included in the SA's Neglected Count if they are enrolled in the SA-operated community day program established for children and youth who are neglected for the required hours per week in a regular program of instruction.*

**Delinquent Count:** For children and youth in a community day program to be included in the SA's Delinquent Count, responses to each of the above questions must be "Yes", and question 2 must be "Yes, Delinquent".

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**Note:** *All children and youth, including those who are not delinquent, must be included in the SA's Delinquent Count if they are enrolled in the SA-operated community day program established for children and youth who are delinquent for the required hours per week in a regular program of instruction.*

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