

**Guidelines for the Implementation of  
Senate Bill 618  
Programs for Neglected, Delinquent, or  
At-Risk Children**



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# Table of Contents

|   |           |
|---|-----------|
| <b>Introduction.....</b>  | <b>3</b>  |
| Acronyms .....  | 7         |
| Eligibility .....   | 9         |
| School Lunch Program.....   | 9         |
| Memorandum of Agreement.....  | 11        |
| <br>  |           |
| <b>Georgia Department of Education Responsibilities.....</b>                            | <b>12</b> |
| Identification .....  | 12        |
| Placement.....  | 12        |
| Funding .....   | 13        |
| Accountability.....   | 14        |
| <br>  |           |
| <b>Local Educational Agency Responsibilities .....</b>                                  | <b>15</b> |
| Identification .....  | 15        |
| Placement.....  | 15        |
| Funding .....   | 16        |
| Accountability.....   | 17        |
| <br>  |           |
| <b>Residential Facility for Neglected or Delinquent Children Responsibilities .....</b> | <b>18</b> |
| Identification .....  | 18        |
| Placement.....  | 18        |
| Funding .....   | 18        |
| Accountability.....   | 19        |

## INTRODUCTION

In 2006 the Georgia Legislature passed Senate Bill 618 transferring the education responsibility for children in State custody to Local Education Agencies (LEAs). As a result of Senate Bill 618 (SB618), all students who are “in the physical or legal custody” of the Department of Juvenile Justice (DJJ) or the Department of Human Resources (DHR), or in a placement operated by the DHR, or in a residential facility (RF) for Neglected or Delinquent Children or placement paid for by the DJJ or DHR or any of its divisions and who is physically present within the geographical area served by a local school district for any length of time is eligible for enrollment in the educational programs of that local school district. This bill amends Part 1 of Article 6 of Chapter 2 of Title 20 (O.C.G.A.) regarding eligibility for enrollment in LEAs of children in the custody of the DJJ or DHR. The bill puts Georgia in line with State and Federal Law. Code Section 20-2-133 (b)(1) establishes that the responsibility for the educational program(s) for children in the physical or legal custody of the DJJ or the DHR rests with the LEA where a child is located, and that a child must be enrolled in such LEA immediately. This requirement removes the current 60-day waiting period.

SB 618 requires LEAs to enroll students meeting the State custody criteria mentioned above in its educational program and ensures that children placed by DHR and DJJ receive education services immediately. These students must be provided the opportunity to meet State standards as other students enrolled in the LEA. FTE funds will flow through the LEA where the RF for Neglected or Delinquent Children is located. Prior to the passage of SB 618, RFs for Neglected or Delinquent Children operated independent of local school districts and may not have participated in the State’s accountability program and full-time equivalent (FTE) funding provided by the Quality Basic Education Act (QBE). Refer to O.C.G.A. § 20-2-161 for information concerning the QBE formula.

SB 618, however, does not hold an LEA responsible for the educational programs of:

- Any child in the custody of the Georgia Department of Corrections (GDC) or DJJ and confined in a youth detention center (YDC) as a result of a sentence imposed by a court. YDCs are part of the DJJ school system pursuant to O.C.G.A. section 49-4A-12.
- Any child placed in a state RF for Neglected or Delinquent Children by a parent or another school district.

In order to ensure the smooth transition of the educational responsibility to LEAs, RFs for Neglected or Delinquent Children have the flexibility to determine if “school” or “program” designation best meets its educational mission and goals. Based on its educational mission and goals all RFs for Neglected or Delinquent Children must, in collaboration with the LEA, declare the RF for Neglected or Delinquent Children as either a school within the LEA or a program for neglected or delinquent children within the LEA. This determination must be made no later than the beginning of the 2007-2008 school year. This concept is not new to LEAs since Georgia’s Alternative Education Program and Psychoeducational Program operate using the same concept. (This requirement is not applicable to YDCs).

RFs for Neglected or Delinquent Children declaring its **status as a “school”** must meet the same Federal and State regulatory requirements as other schools administered by the LEA. The RF for Neglected or Delinquent Children must participate in the State’s accountability system and testing program, earn FTE at the school level, and would be eligible to be included in the rank list for Title I, Part A funds as other schools in the LEA.

RFs for Neglected or Delinquent Children declaring its **status as a “program”** must meet the same Federal and State regulatory requirements as other programs administered by the LEA. The RF for Neglected or Delinquent Children must determine a home school for each student and report assessment scores back to the home school. The FTE for the RF for Neglected or Delinquent Children would be earned at the home school and the program will not receive a Title I, Part A allocation as a school. Program status limits the level of participation in federal programs such as the teacher loan forgiveness program and funding provided under Title I, Part D.

Beginning with the 2006-2007 school year, the RFs for Neglected or Delinquent Children officially became Georgia public schools that report for FTE. Before the 2007-2008 school year begins, RFs for Neglected or Delinquent Children and LEAs will have a choice regarding school/program status for each RF for Neglected or Delinquent Children. The change from school to program is a simple one, but the consequences are many (see tables below). If the LEA and the RF for Neglected or Delinquent Children agree to change the facility’s status from school to program, the LEA will submit to the department a request to change the RF for Neglected or Delinquent Children’s FTE reporting status from “yes” to “no.”

In addition to the above obligations, the Department has responsibility for the identification, placement, funding, and accountability of students in such RFs for Neglected or Delinquent Children.

**Funding Sources Residential Facilities for Neglected or Delinquent Children:**

| <b>Source</b>                                       | <b>School</b>                         | <b>Program</b>                        |
|---|---------------------------------------|---------------------------------------|
| DHR support   | Yes                                   | Yes                                   |
| DJJ support   | Yes, *if applicable                   | Yes, *if applicable                   |
| FTE   | Yes, **if applicable                  | No                                    |
| Title I Part A<br>(Rank list)                       | Yes, **if applicable                  | No                                    |
| Title I Part A Neglected<br>Reservation (Set aside) | Yes, **if applicable                  | Yes, **if applicable                  |
| Title I Part D Subpart 2                            | Yes (anticipated to begin in<br>FY09) | Yes (anticipated to begin in<br>FY09) |
| State Grant   | Yes                                   | Yes                                   |
| Local Funding                                       | No                                    | No                                    |

**\*If applicable:** Although neglected facilities are supported by DHR, at times, DJJ places youth in these facilities. These youth may be adjudicated; however, they are considered to be “neglected” youth for reporting purposes, because they are residing in a neglected RF.

**\*\*If applicable:** Applies to RFs for Neglected or Delinquent Children that align their instruction to the Georgia Performance Standards (GPS), leading to a high school diploma. There may be some RFs for Neglected or Delinquent Children that have not completely aligned to GPS in this initial SB618 start up period; however, they should be working toward full compliance.

**Note:** If the RF for Neglected or Delinquent Children does not offer educational services on-site, then it wouldn't be a SB 618 facility eligible for funds.

**Accountability for Students Served in Residential Facilities  
for Neglected or Delinquent Children:**

|                |  | <b>Pro</b> | <b>Con</b>   |
|----------------|--|------------|--|
| <b>Program</b> | LEA option   |            | <ul style="list-style-type: none"> <li>• No accountability at the RF for Neglected or Delinquent Children</li> <li>• AYP counted to home schools thus students may be lost in the system and may cause some schools to go on the NI list</li> <li>• Schools held accountable for students they did not teach</li> <li>• Not included for rank order for Title I schools; therefore, will not be able to receive Title I funds</li> <li>• No requirements for highly qualified teachers</li> <li>• Not mandated to comply with requirements for safe and drug free schools</li> <li>• No way to identify students through current FTE to provide system funding allocation sheets for these schools and students - QBE funding would go to the LEA but may not ever get to the program to serve these kids</li> </ul> |
| <b>School</b>  | <ul style="list-style-type: none"> <li>• RF for Neglected or Delinquent Children school accountable for the academic achievement of all students in their facility</li> <li>• AYP determination for RF for Neglected or Delinquent Children, the LEA, and the state</li> <li>• May be required to comply with regulations for safe and drug free schools, if applicable</li> <li>• Will be included in rank order for receiving Title I funds (the RFs for Neglected or Delinquent Children may not have received their fair share in the past)</li> <li>• LEA and schools would have to follow federal and state laws and rules</li> <li>• Easier for LEA and GaDOE to monitor</li> </ul> |            |  |

## **ACRONYMS**

**ACCESS** - English Language Proficiency Test

**AYP** - Adequately Yearly Progress

**CRCT** - Criterion-Referenced Competency Tests

**Department** - Georgia Department of Education; also known as GaDOE

**DHR** - Department of Human Resources

**DJJ** - Department of Juvenile Justice

**DOC** - Department of Corrections

**FTE** - Full Time Equivalent

**GaDOE** - Georgia Department of Education; also known as the Department

**GAPSC** - Georgia Professional Standards Commission

**GED** - General Education Development program

**GKAP-R** - Georgia Kindergarten Assessment Program – Revised

**GKIDS** - Georgia Kindergarten Inventory of Developmental Skills

**GPS** - Georgia Performance Standards

**IEP** - Individualized Education Program

**LEA** - Local Educational Agency

**MOA** - Memorandum of Agreement

**NAEP** - National Assessment of Educational Progress

**NCLB** - No Child Left Behind Act

**O.C.G.A.** - Official Code of Georgia Annotated

**QBE** - Quality Based Education

**RF** – Residential Facility

**RYDC** - Regional Youth Detention Center

**SA** - State Agency

**SB618** - Senate Bill 618

**SBOE** – State Board of Education

**SEA** - State Educational Agency

**SIS** - Student Information System

**SSAS** - Georgia's Single State Accountability System

**USDA** – United States Department of Agriculture

**YDC** - Youth Detention Center

## **ELIGIBILITY**

SB 618 legislation, defines a student eligible for enrollment in the educational programs of a LEA as:

- Students physically present within the geographical area served by a LEA for any length of time.
- Students in the physical or legal custody of DJJ or DHR.
- Students in a placement operated by the DHR.
- Students in a RF for Neglected or Delinquent Children or placement paid for by the DJJ or DHR or any of its divisions.

The LEA in which a child meeting the definition of eligibility above is present **shall be** responsible for the provision of all educational programs, including special education and related services, at no charge as long as the child is physically present in the school district.

SB 618 absolves LEAs of the educational responsibilities for students held in RFs for Neglected or Delinquent Children within their boundaries in the following cases:

- Students in the custody of the GDC or the DJJ and confined in a RF for Neglected or Delinquent Children as a result of a sentence imposed by a court **shall not** be eligible for enrollment in the education programs of the LEA where the RF for Neglected or Delinquent Children is located. This means that students who are in a YDC, prison or jail are not eligible for enrollment in the LEA.
- Students placed in a RF for Neglected or Delinquent Children by a parent or by another LEA **shall not create an obligation financial or otherwise**, on the part of the LEA in which the RF for Neglected or Delinquent Children is located.

## **PARTICIPATION IN THE SCHOOL LUNCH PROGRAM**

In an effort to safeguard the health and well-being of our Nation's children, **public** RFs for Neglected or Delinquent Children must meet the following criteria to participate in the National School Lunch Program administered by the Georgia Department of Education.

Public RFs for Neglected or Delinquent Children must have:

- An approved 501(c)(3) tax exempt nonprofit status with the Internal Revenue Service (IRS).
- An approved "Articles of Incorporation" to operate a residential child care facility in Georgia.
- An educational unit of "high school grade or under" recognized as part of the educational system in Georgia and operating under the public ownership in a single or complex of buildings or a distinct part of such institution, which operates principally for the care of children.

A residential child care institution is one that includes:

- RFs for the mentally, emotionally or physically impaired.
- Long-term care RFs for chronically ill children

- Juvenile detention centers.

In an effort to safeguard the health and well-being of our Nation's children, **private** RFs for Neglected or Delinquent Children must meet the following criteria to participate in the National School Lunch Program administered by USDA's Southeast Regional Office.

Private RFs for Neglected or Delinquent Children must have:

- An approved 501(c)(3) tax exempt nonprofit status with the IRS.
- An approved "Articles of Incorporation" to operate a residential child care facility in Georgia.
- An educational unit of "high school grade or under" recognized as part of the educational system in Georgia and operating under the private ownership in a single or complex of buildings or, distinct part of such institution, operating principally for the care of children and licensed to provide residential child care services under the appropriate licensing code of Georgia.
  - Exceptions are residential summer camps, Job Corps Centers, and private foster homes.

Residential child care institutions include:

- Homes for the mentally, emotionally or physically impaired, and unmarried mothers and their infants
- Group homes
- Halfway houses
- Orphanages
- Temporary shelters for abused runaway children
- Long-term care RFs for chronically ill children
- Juvenile detention centers.

Long term care RFs that are intended for the care of children confined for 30 days or more are able to participate in the School Lunch Program. Long term care RFs are:

- Hospitals
- Skilled nursing RFs
- Intermediate care RFs.

[7 Code of Federal Regulations (C.F.R.) Part 210]

## MEMORANDUM OF AGREEMENT

The Department will develop a **Memorandum of Agreement** (MOA) in collaboration with the local school district and the RF(s) for Neglected or Delinquent children within the geographical area of the local school district. This MOA provides for collaborative procedures between the three agencies to ensure that the educational requirements for students placed by DHR and DJJ pursuant to O.C.G.A. § 20-2-133 are met while the students are receiving education services at the RF for Neglected or Delinquent Children.

The LEA must monitor implementation of the MOA and, in collaboration with the RF for Neglected or Delinquent Children and the Department, request annual review and revisions as appropriate. Any current MOA already in place may continue to be implemented, as long as it addresses all necessary provisions and does not violate Federal or State law.

The MOA must:

- Specify who will hire teachers and staff, how staff will be hired, what type of oversight will be implemented, what standards and criteria the RF for Neglected or Delinquent Children must meet.
- Be agreed upon and signed by the RF for Neglected or Delinquent Children, the LEA, and the Department.
- Be effective for an initial term of one year and shall automatically renew for additional one-year terms, subject to reevaluation/renewal/termination provisions set forth in the MOA.
- Address the agreement on the following: (Sample items)
  - Personnel
  - Student Information and Data Entry
  - Records
  - Special Education Services
  - IEP Meetings
  - Special Education Monitoring and Complaints
  - Assessments
  - Georgia's Single Statewide Accountability System
  - Non-Discrimination
  - Expenditure controls
  - Transition to public school
  - Release of Liability (hold harmless anyone acting on the RF for Neglected or Delinquent Children's behalf)
  - Non-agents (RF for Neglected or Delinquent Children not acting as agent of the LEA or Department except as required by law)
  - Title I
  - Out-of-state students
  - Severability
  - Delegation
  - Termination
  - Re-evaluation/Renewal

## GEORGIA DEPARTMENT OF EDUCATION RESPONSIBILITIES

### Identification

The Georgia Department of Education is responsible for the identification of neglected and delinquent RFs operating within the local education agencies within the state. This is accomplished by the **Annual Report of Children in Institutions for Neglected or Delinquent Children, Adult Correctional Institutions, and Community Day Programs for Neglected or Delinquent Children.**

- LEAs are required to collaborate with all eligible local institutions physically located within the boundaries of the LEA in order to obtain a count of the number of eligible children, age 5 through 17, living in a locally operated RF that meet the definition of an institution for neglected children, an institution for delinquent children, or an adult correctional institution as provided in Section 1432(1), (4), or (5) of the Title I statute. The number of children reported must live in an eligible institution for at least one day during a 30 consecutive day period, at least one day in October of each year.
- State Agencies are required to identify eligible institutions or community day programs for N or D children for which it has the responsibility for providing free public education and is actually providing a regular program of instruction as defined in §200.90(b) of the Title I regulations. The number of children reported must live in an eligible institution for at least one day during a 30 consecutive day period, at least one day in October of each year.

The GaDOE reports this information to the U.S. Department of Education. This data is used by the U.S. Department of Education to determine the LEA's Title I, Part A Reservation for Neglected as well as the Title I, Part D, Subpart 1 allocation for State Agencies; DJJ, GDC, and DHR.

### Placement

The GaDOE is responsible for providing technical assistance and oversight to ensure that children in the physical or legal custody of DJJ or DHR, or in a placement operated by DHR, or in a RF for Neglected or Delinquent Children or placement paid for by DJJ or DHR or any of its divisions are served through the RFs for Neglected or Delinquent Children in which they are placed according to the requirements of SB 618 and other federal programs as appropriate.

## FUNDING

### Full Time Equivalent (FTE)

The Quality Basic Education (QBE) Act requires local school districts to report student enrollment in terms of Full-Time Equivalent (FTE) students. State funding for the operation of instructional programs are generated from FTE data reported by local school systems. Through the Office of Technology Services, the Georgia Department of Education (GaDOE) provides local school districts with technical assistance and support in reporting Full-Time Equivalent (FTE) data.

### FTE Cycles

The table below describes the three FTE data collection “cycles” that occur during a school year.

- **Cycles 1 and 3** are different in *population*. FTE funds are earned based on the segments reported in Cycle 1 and Cycle 3.
- **Cycle 2** is different in *population, purpose* and *data elements* reported. The information reported in Cycle 2 is unrelated to the FTE weights formula for funding. Cycle 2 provides information for the federal December 1 count only. The December 1 count of students with disabilities is conducted to fulfill federal reporting.

In the 2006-2007 school year, students placed by DHR or DJJ in therapeutic RFs, were enrolled in the LEA and the LEA in which the students were enrolled began receiving Full Time Equivalent (FTE) funding for those children. Beginning in the 2007-2008 school year, FTE for eligible students will be included in the LEA’s allotment sheet provided by the Georgia Department of Education. The Georgia Department of Education will train local school districts and/or RFs for Neglected or Delinquent Children to collect the enrollment information required for reporting FTE. RFs for Neglected or Delinquent Children designated as schools should have:

- Facility Code assignment for RF for Neglected or Delinquent Children (if applicable).
- Georgia Testing Identifier (GTID) for each student in a RF for Neglected or Delinquent Children.

### State Grant

The Georgia Department of Education in consultation with the Office of the Governor and Office of Budget and Planning (OPB) is responsible for the administration of the annual grant provided for in O.C.G.A. 20-2-133(b)(5). This grant will begin in the 2007-2008 school year for eligible children placed in RFs for Neglected or Delinquent Children. This funding will assist the RF for Neglected or Delinquent Children as it operates within the LEA and will provide the funding needed that is necessary to make up the difference between the actual state funds received for each child pursuant O.C.G.A. Section 20-2-161 and the reasonable and necessary expenses incurred in educating that child, calculated pursuant to regulations adopted by the State Board of Education (SBOE). LEA local funding cannot be used for the RF for Neglected or Delinquent Children. The General Assembly appropriated funds for the grant in O.C.G.A. Section 20-2-133(b)(5) and the Governor has approved this portion of the midyear budget that included \$1.4 million in the supplemental 2007 budget for the grant and \$4 million in the 2008 budget for the grant.

## **Federal Title Programs**

The Georgia Department of Education must ensure that local school districts with RFs for Neglected or Delinquent Children receive funding under the No Child Left Behind Act of 2001 (NCLB). The Department uses the Consolidated Application process to approve LEA plans and budgets. Title I Area Specialists assist LEAs in this process and ensure LEAs' compliance.

The purpose of Title I part D subpart 2 is to support the operation of LEA programs. Prior to the passage of SB618, RFs for Neglected or Delinquent Children were not LEA schools or programs; therefore, RFs for Neglected or Delinquent Children in Georgia were ineligible for Title I part D Subpart 2 funding. After the passage of SB618, RFs for Neglected or Delinquent Children became schools or programs of the LEA; thus becoming eligible for Title I Part D Subpart 2 funding. Funding for a given fiscal year beginning on July 1 is generated from an annual neglected survey taken one day in the previous October. Due to the SB618 implementation schedule, RFs for Neglected or Delinquent Children were not reported on the October 2006 annual survey; therefore, funds were not generated for the 2007-2008 school year. Title I Part D Subpart 2 funding may be available to eligible RFs for Neglected or Delinquent Children beginning in the 2008-2009 school year. The Georgia Department of Education is responsible for administering the funding process for this program.

## **ACCOUNTABILITY**

The Georgia Department of Education must ensure that LEAs with students enrolled pursuant to O.C.G.A. 20-2-133 test students in local RFs for Neglected or Delinquent Children and include their performance in the Georgia Adequate Yearly Progress (AYP) Report as any other student enrolled in a public school. AYP data for children in programs will be maintained by the students' home schools. If the RF for Neglected or Delinquent Children is a school, then that RF for Neglected or Delinquent Children is the home school; however, if the RF for Neglected or Delinquent Children is a program, then the student's home school will be the school that the student would attend based on the address of the RF for Neglected or Delinquent Children and the attendance zone school for that address. These students are also included in Georgia's Single State Accountability System (SSAS). The Department will provide training and required information to the LEAs through technical assistance. The Georgia Department of Education is responsible for monitoring the accountability of each local school district's Title Programs administration.

In addition, the Department uses student achievement data to complete school report cards. Student data on school report cards for children in programs will be maintained by the students' home schools.

## LOCAL EDUCATION AGENCY RESPONSIBILITIES

RFs for Neglected or Delinquent Children designated as **schools** within the LEA are eligible for Title I Part A resources. The LEA will rank the RF for Neglected or Delinquent Children with the other schools in the district according to Title I requirements in the LEA consolidated application process for funding. Title I area specialists are responsible for approving the LEA funding application. The LEA will collect data for the Annual Report of Children in Institutions for Neglected or Delinquent Children, Adult Correctional Institutions, and Community Day Programs for Neglected or Delinquent Children.

In addition to the above obligations, the LEA has responsibility for the identification, placement, funding, and accountability of students in such RFs for Neglected or Delinquent Children.

### IDENTIFICATION

A child will be considered in the physical or legal custody of DJJ or DHR or any of its divisions if custody has been awarded either temporarily or permanently by court order or by voluntary agreement, or if the child has been admitted or placed according to an individualized treatment or service plan developed by DHR. (Provisions in this guidance exclude children, regardless of his or her custody status, in Youth Detention Centers or the Department of Corrections.)

### PLACEMENT

**Records** – When the custodian of the child or agency placing the child in the RF for Neglected or Delinquent Children notifies the LEA that the child is eligible for enrollment in that LEA, the LEA shall request the transfer of educational records, individualized education programs, and all education related evaluations, assessments, social histories, and observations of the child from the appropriate LEA no later than ten days after receiving notification.

**SIS** – Every student eligible under SB 618 must be enrolled in the LEA, placed in the LEA's Student Information System (SIS), and all data elements must be entered for each student. Accordingly, each LEA must either work with the RF for Neglected or Delinquent Children to obtain all data elements to enter student information into the LEA SIS, or provide each RF for Neglected or Delinquent Children within the LEA access to the SIS software. If the LEA requires the RF for Neglected or Delinquent Children to input student information in the LEA's SIS, the LEA must provide training to the RF for Neglected or Delinquent Children on how to enter the student information into the system.

**Tuition Grant** - If an LEA applies for and receives a tuition grant or grant for residential and reintegration services for a student, that student will be funded through the tuition grant and will not be enrolled by the RF for Neglected or Delinquent Children in the LEA in which the student is located. Instead, that student will remain enrolled in the LEA that placed the child pursuant to

the tuition grant program and that LEA will maintain responsibility for that student. The student's test scores will be reported back to the home school.

**IEP** - If a student is placed by another LEA pursuant to an IEP in a RF for Neglected or Delinquent Children, the placing LEA will maintain responsibility and accountability for that student. The student does not need to be enrolled in the LEA in which the RF for Neglected or Delinquent Children is located. O.C.G.A. Section 20-2-133(a) anticipates this type of situation and states that “[a] local school [district] is authorized to contract with a nonresident student’s system of residence for payment of tuition. The amount of tuition paid directly by the district of residence shall be limited only by the terms of the contract between [districts].”

**Parental Placement** - If a parent directly places a student into a RF for Neglected or Delinquent Children, that student does not need to be enrolled in the LEA in which the RF for Neglected or Delinquent Children is located. Placement in a RF for Neglected or Delinquent Children by a parent or another local unit of administration shall not create an obligation, financial or otherwise, on the part of the local unit of administration in which the RF for Neglected or Delinquent Children is located to educate the child.

## **FUNDING**

The Facilities Coordinator for each LEA will submit a request to receive a school number for each RF for Neglected or Delinquent Children located within the LEA. The Department will assign a school number for the RF for Neglected or Delinquent Children. FTE funds for students enrolled in the fall of 2006 will go to the LEA in which the student was enrolled in the spring of 2007. Furthermore, LEAs are held harmless by the state from expending local funds for educating students; however, this will apply only to students that are unable to leave the RF for Neglected or Delinquent Children in which they have been placed. Conversely, LEAs are responsible for expending local funds for students that are able to leave the RF for Neglected or Delinquent Children.

**Title I, Part A School Allocation** – If a RF for Neglected or Delinquent Children is designated as a school, it is eligible for Title I, Part A resources. The RF for Neglected or Delinquent Children must be included in the rank list for Title I, Part A and be in the funding range. If the school operates a schoolwide program and there are students placed in the school by guardians that pay tuition and do not meet to poverty definition, then the RF for Neglected or Delinquent Children must follow the same procedures of a traditional schoolwide program.

**Title I, Part A Support** - Title I, Part A, regulations allow an LEA, where appropriate, to reserve funds that are reasonable and necessary to provide services to children in local RFs for Neglected or Delinquent Children or children in community day programs. LEAs must consult with neglected and delinquent RFs to plan services. If the LEA chooses to use additional Title I, Part A funds to support neglected or delinquent children, LEAs should use the “other” category on the consolidated application set asides tab to list the proposed amount and activities.

## ACCOUNTABILITY

**AYP data** – The LEA must ensure that RFs for Neglected or Delinquent Children operating as schools have an AYP determination. In addition, the LEA must institute, when appropriate, NCLB consequences in accordance with SBOE Rule 160-7-1-.04. AYP data for children in programs will be generated by the students' home schools.

**District and School Report Card** – The LEA must verify that RFs for Neglected or Delinquent Children operating as schools are included in the LEA report card. Student data on school report cards for children in programs will be generated by the students' home schools.

**Special Education** - The LEA must work with neglected and delinquent RFs in its jurisdiction to ensure that all students with disabilities receiving educational services within the RF for Neglected or Delinquent Children receive a free and appropriate public education as provided to other students with disabilities within the LEA. The LEA must:

- Provide technical assistance.
- Assist the RF for Neglected or Delinquent Children in completing evaluations, eligibility determinations, triennial reviews, IEP development, and IEP implementation.
- Monitor the RF for Neglected or Delinquent Children to ensure that it follows the LEA procedures associated with referrals to special education, vision/hearing screenings and provision of all related services.

**Transition to public school** – The LEA will enroll students into the appropriate school and allow the student to attend the appropriate school within the LEA as determined by DHR Level of Care continuum (LOC). The LOC is comprised of six levels of care that cover the entire continuum of out-of-home care provided by the private sector from basic institutional Foster Care through Intensive Residential Treatment. This determination will be made by either the student's IEP team or, if the student is not a student with a disability, by the teacher(s) and caseworker(s) most familiar with the student. Upon transition to the appropriate school within the LEA, the LEA will ensure a smooth and seamless transition and will work with the RF for Neglected or Delinquent Children to provide any services necessary to transition the student in an effective and appropriate manner. (See ESEA, Sections 1418, 1421(3), 1423, and 1424.)

## **RESIDENTIAL FACILITY FOR NEGLECTED OR DELINQUENT CHILDREN RESPONSIBILITIES**

RFs for Neglected or Delinquent Children must collaborate with the local school district responsible for the educational program of students in its RF for Neglected or Delinquent Children and the Georgia Department of Education to develop a memorandum of agreement (MOA).

Under state law, the Georgia Professional Standards Commission (GAPSC) is the state entity responsible for teacher quality and, as such, is the agency in charge of establishing and enforcing professional teaching standards and certifying and licensing teachers. The GAPSC is one of the lead agencies responsible for implementing the state's No Child Left Behind initiatives to identify "highly qualified" teachers, working in collaboration with the Department.

While all of the teachers in the RFs for Neglected or Delinquent Children will not be expected to meet the highly qualified requirements in the 2006-2007 school year, as with all other schools within the LEA, a plan must be in place to ensure all teachers meet the highly qualified requirements as determined by the GAPSC. However, any teacher or paraprofessional paid with Title I funds must meet the highly qualified requirements when hired.

In addition to the above obligations, the RF for Neglected or Delinquent Children has the responsibility for the identification, placement, funding, and accountability of students in such RFs for Neglected or Delinquent Children.

### **IDENTIFICATION**

A child will be considered in the physical or legal custody of DJJ or DHR or any of its divisions if custody has been awarded either temporarily or permanently by court order or by voluntary agreement, or if the child has been admitted or placed according to an individualized treatment or service plan developed by DHR. (Provisions in this guidance exclude children, regardless of his or her custody status, in Youth Detention Centers or the Department of Corrections.)

### **PLACEMENT**

In agreement with DJJ or DHR, children are placed in RFs for Neglected or Delinquent Children based on court order, voluntarily, or placed according to an individualized treatment or service plan.

### **FUNDING**

**Title I Eligible Schools-** RFs for Neglected or Delinquent Children designated as schools will be considered for participation under Title I of the No Child Left Behind Act (NCLB). A RF for

Neglected or Delinquent Children with a school code must be included on the Title I, Part A section of the LEA Consolidated Application rank list of schools. Actual Title I, Part A funding is determined by the LEA in accordance with Title I, Part A, Section 113. For RFs for Neglected or Delinquent Children meeting eligibility requirements for Title I participation, the LEA will meet all the requirements for the inclusion and participation of RFs for Neglected or Delinquent Children in accordance with Title, Part A of NCLB. These requirements include, but are not limited to:

- Provisions for high-quality academic assessments.
- Highly qualified teachers.
- Professional development.
- Poverty criteria.
- Ranking order.
- Allocations.
- School improvement.
- Parental involvement.

**Use of Title I, Part D, Subpart 2 Funds** - An LEA receiving Subpart 2 funds may use the funds to operate programs that involve collaboration with locally operated RFs for Neglected or Delinquent Children with which the LEA has established formal agreements regarding the services to be provided to carry out high-quality education programs that prepare children and youth to complete high school, enter training or employment programs, or further their education.

## **ACCOUNTABILITY**

**Testing** – Students enrolled pursuant to O.C.G.A. Section 20-2-133 must participate in the State’s testing program as other students enrolled in a public school. Accordingly, students must take, among other tests, the Georgia Kindergarten Assessment Program – Revised (GKAP-R), the Criterion-Referenced Competency Tests (CRCT), the Norm-Referenced Test, the National Assessment of Educational Progress (NAEP), the Writing Assessments, End-of-Course Tests, the English Language Proficiency Test (ACCESS), and the Georgia High School Graduation Tests (GHS GT), or the Georgia Alternate Assessment (GAA), when applicable. Please note that in the 2008-2009 school year, GKAP-R will be replaced with the Georgia Kindergarten Inventory of Developmental Skills (GKIDS).

In the 2006-2007 school year, each RF for Neglected or Delinquent Children received a school code. This school code allows testing program scores to be reported back to the RF for Neglected or Delinquent Children. Each RF for Neglected or Delinquent Children must:

- Designate a School Test Coordinator at the testing site. Each RF for Neglected or Delinquent Children must provide the name and contact information (name, address, telephone, and e-mail) for the School Test Coordinator to their District Test Coordinator by July 30, 2006.
- Ensure that Testing Coordinators are trained and attend all LEA announced meetings for School Test Coordinators. The RFs for Neglected or Delinquent Children and those who handle the tests must be trained as to the protocols and requirements for receiving,

securely storing test materials, and distributing, and administering tests.

- Ensure that at least one certified educator is present to administer the required test(s).  
The number of required certified educators depends upon the number of students taking the test and the number of grades to be tested.

RFs for Neglected or Delinquent Children receiving funds under Title I, Part D must implement programs that are designed with the expectation that children and youth will have the opportunity to meet the same challenging State academic content and academic achievement standards that all children in the State are expected to meet. To the extent feasible, evaluations should be tied to the standards and assessment system that the State or LEA has developed for all children.

RFs for Neglected or Delinquent Children must:

- Adjust their QBE allotment sheet for projected QBE earnings in October.
- Submit student FTE information to LEA on October 2007-1 FTE count.
- Account for expenditures as determined by MOA.
- Record the QBE payment through each category and function utilizing object 596, if payments are treated as a pass through. If there are no pass through payments, RFs for Neglected or Delinquent Children should follow the same process as any other school.