

Considerations when Working with Neglected and Delinquent (“N&D”) Facilities

The following is a list of program requirements that LEAs may consider in any Formal Agreement with N&D facilities that are receiving Title I, D funds. LEAs may choose to use some or all of the criteria when creating their Agreements. This document represents guidance for LEAs and is not intended to serve as legal advice. As always, any agreement should be reviewed by your local attorney.

1. Program Requirements

- a. Assurance and evidence of a Basic Educational Program (“BEP”).
- b. Evidence of Appropriately Certified Teachers for a Category 1-special purpose school.
- c. Accreditation letter from the Tennessee Department of Education (“TDOE”).
- d. Assurance and evidence that the program is compliant with all requirements of state laws, ESEA, and IDEA, including staff certifications, procedures for identifying students with special needs, procedures for serving students with special needs, etc.
- e. Assurance and evidence that the program is compliant with all requirements of ESSA, including the provision of Title III services.
- f. Assurance and evidence of procedures for effectively communicating with school districts when a student enters or exits their program.
- g. A professional development schedule for the school year.
- h. Assurance and evidence that pre- and post-tests will be administered for each youth served (upon 90 days of residency or upon discharge, whichever happens last).

2. Communication

- a. Facility and LEA should work collaboratively;
- b. Facility will respond to all communications (email, phone, fax) within five business days;
- c. Facility will have at least one representative at all mandatory trainings provided by either the LEA or TDOE;
- d. Facility will notify the LEA and TDOE immediately upon knowledge of any significant staff, program or budget changes that could impact the Title I, D program.
- e. LEA has the right to monitor the educational program at a time that is reasonable for both parties.

3. Data Collection and Reporting

- a. Complete the Annual Count each year in compliance with guidance administered by TDOE;
- b. Collect and report CSPR data on all eligible students each year and provide such information to the LEA;
- c. Complete an annual needs assessment in conjunction with the LEA;
- d. Submit an application for Title I funds to the LEA each year; and
- e. Participate in the monitoring process administered by the LEA and/or TDOE.

4. Utilizing Funds

- a. Spend funds on pre-approved, allowable expenses authorized by the LEA. Any purchases made without the approval of the LEA will become the financial responsibility of the Facility.
- b. If using funds for a position, approximately \$_____ will be used to fund a position at (insert percentage). This position will be responsible for (list general responsibilities here). The Facility provides assurance that the position will only be used for the responsibilities listed above at the agreed upon percentage of time. A detailed job description should also be provided.
- c. Keep an accurate and comprehensive inventory list of all equipment to the LEA's specifications, such as serial number, model, year purchased, and more. (LEA should list what types of equipment should be tracked.) This inventory list will be provided to the LEA on at least a quarterly basis with changes made annually. The LEA will tag and identify all purchased equipment and materials.
- d. Develop a spending plan for Title I funds in conjunction with the LEA which includes spending money on a regular basis and requesting reimbursements on a monthly basis (if applicable).

Any formal agreement with N & D facilities should also include provisions including but not limited to the following topics. Please consult your board attorney to determine specific language:

- Discrimination based on race, color, religion, or natural origin
- FERPA – Protection of sensitive, confidential student information
- Staff requirements including background checks