

Tool 4: Formal Agreement Resources

This tool provides two resources focused on developing formal agreements. The first resource is a checklist summarizing the program requirements for locally-operated correctional facilities¹ entering into formal agreements with local educational agencies (LEAs) under Subpart 2. The second is a list of **optional** items to include in any formal agreement (or contract) with those hired to provide educational services using Title I, Part D, funds.

Purpose of the Tools

The Formal Agreement Checklist is intended to be used as a quick, easy-to-read reference to help ensure that all program requirements under Title I, Part D, Subpart 2 are included and met in the formal agreements that exist between LEAs and local correctional facilities.

Components of a Comprehensive Formal Agreement can help State Part D coordinators and administrators think through the components of a formal agreement that are most important to them and to help address issues that may need to be explicitly spelled out or clarified.

How to Use the Tools

The Formal Agreement Checklist can be used by **State Part D coordinators and LEA administrators** to help ensure that program requirements are included in the agreements they distribute to facilities; when reviewing applications and agreements from correctional facilities; and/or as a resource when providing T/TA. Similarly, the checklist can be used by **locally-operated correctional facility administrators** to help ensure their agreement has addressed all the Federal program requirements under Title I, Part D, Subpart 2. Prior to using or distributing the checklist, users may expand it to include any additional requirements/components of the formal agreement (see [Components of a Comprehensive Formal Agreement](#) for suggestions). Space is provided to include notes as to why a requirement may not be included, or other relevant information.

The Components of a Comprehensive Formal Agreement table can be used to serve as the basis for developing a formal agreement template or form, or the topic areas included in the tool can be integrated into already existing forms or templates. **Note:** Use of this list or the items identified in it is not required.

¹ Per Section 200.90(c) of the Federal regulations, a locally-operated correctional facility is defined as a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age. It includes a local public or private institution or community day program or school not operated by the State that serves delinquent children and youth.

Formal Agreement Checklist for LEAs and Locally-Operated Correctional Facilities

Included?	Element	Notes
<p>Per Title I, Part D, Subpart 2 (Section 1425), locally-operated correctional facilities entering into a formal agreement with an LEA to provide educational services should identify how the facility will ensure that Federal program requirements are being met.</p> <p>The program requirements have been abridged from the Federal statute in the text below.</p>		
<input type="checkbox"/>	<p>Where feasible... Provide information on how the educational programs in the facility will coordinate with the student's home school, particularly in relation to students with individualized education programs (IEPs).</p> <p>(As in Part B of the Individuals with Disabilities Education Act (IDEA))</p>	
<input type="checkbox"/>	<p>Provide information on how a child's or youth's local school will be made aware if he or she is identified as needing special education services while in the facility.</p>	
<input type="checkbox"/>	<p>Where feasible... Include information on how the facility will provide transition assistance to help children and youth stay in school.</p> <p>(May include coordination of services for the family, counseling, accessing drug and alcohol abuse prevention programs, tutoring, and family counseling).</p>	
<input type="checkbox"/>	<p>Include information on the support programs the facility will provide for children and youth who have dropped out to:</p> <ol style="list-style-type: none"> 1. encourage them to reenter school once their enrollment at the facility is completed, OR <p>develop the skills necessary to gain employment or seek a secondary school diploma or its recognized equivalent.</p>	
<input type="checkbox"/>	<p>Include information on how the facility will work to ensure it is staffed with teachers and staff who are trained to work with children and youth with disabilities.</p>	

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<p>Per Title I, Part D, Subpart 2 (Section 1425), locally-operated correctional facilities entering into a formal agreement with an LEA to provide educational services should identify how the facility will ensure that Federal program requirements are being met.</p> <p>The program requirements have been abridged from the Federal statute in the text below.</p>		
<input type="checkbox"/>	Provide information on how the facility will ensure that the educational programs assist students in meeting high academic achievement standards .	
<input type="checkbox"/>	To the extent possible... Provide information on how the facility will use technology to help coordinate educational programs between the facility and the community school?	
<input type="checkbox"/>	Where feasible... Provide information on how the facility will involve parents , with a focus on improving the educational achievement of their children and preventing future delinquent activities.	
<input type="checkbox"/>	Provide information on how the facility will coordinate funds received under Title I, Part D, Subpart 2, with other available local, State, and Federal funds. (Such as funds made available under Title I of Public Law 105-220, and vocational and technical education funds).	
<input type="checkbox"/>	If applicable... Explain how the facility will coordinate programs operated under Subpart 2 with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs.	
<input type="checkbox"/>	If appropriate... Provide information on how the facility will work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth.	

Components of a Comprehensive Formal Agreement

Formal agreements need not be exclusive to LEA’s and correctional facilities in Subpart 2. This table provides a list of **optional** areas to consider including in **any** agreement or contract in order to clarify expectations and responsibilities. The ability to integrate this information in an agreement may vary by State and locality.

<p>A. Expectations and Responsibilities Upon Receipt of Funding</p>
<p><i>Consider <u>providing</u> the following types of information or documentation to the facility/education provider that offers services funded by Title I, Part D, either as supplemental materials to the agreement, or identified as requirements within the agreement itself.</i></p>
<p>1. The purpose of Title I, Part D, and all/any related statutory requirements</p> <ul style="list-style-type: none"> • Any Federal application or program requirements
<p>2. Any State and/or local requirements</p>
<p>3. The award amount and/or other fiscal requirements</p> <ul style="list-style-type: none"> • Budget tracking and financial reporting requirements • The process for redistributing funds/materials if a facility closes
<p>4. The related data collection and reporting expectations</p> <ul style="list-style-type: none"> • Federal reporting requirements <ul style="list-style-type: none"> — Consolidated State Performance Report (program performance data) — Annual Count (for generating funds) • State reporting requirements (if applicable) • Timelines for reporting the data requested
<p>5. The requirements for testing/assessing children and youth upon enrollment</p>
<p>6. The monitoring process and expectations</p>
<p>7. Any consequences for not meeting the requirements of the agreement</p>
<p>8. The timeframe for when the agreement is in effect</p> <ul style="list-style-type: none"> • Deadlines for renewing applications and/or agreements
<p>B. Information About How the Funding Will Be Used</p>
<p><i>Consider <u>asking</u> the facility/education provider offering Title I, Part D-funded services to supply information related to the manner in which the funding will be used. (Note: some of these topics overlap with the requirements for LEAs referred to in the Checklist, and are repeated here as a general reference for other subgrantees and facilities).</i></p>

<p>A description of services to be provided with the funding</p> <ul style="list-style-type: none"> • The alignment with the requirements and allowable uses of funds for the Title I, Part D, program (under Subparts 1 or 2, as applicable); for example: <ul style="list-style-type: none"> — Curriculum, hours of instruction, tutoring — Transition services — Parental involvement — Professional development <p>Note: For Subpart 2 correctional facilities and LEA subgrantees, also refer to the <i>Formal Agreement Checklist</i> for Title I, Part D, requirements.</p>
<p>A description of the children and youth that will be served</p>
<p>A description of the staff supported by Title I, Part D, funds</p> <ul style="list-style-type: none"> • Teacher / staff roles and qualifications • Part-time, full time, hours expected for teachers / staff
<p>A description or identification of the equipment/ materials to be purchased</p> <ul style="list-style-type: none"> • Purpose / relationship of materials to the services described
<p>A budget or spending plan</p> <ul style="list-style-type: none"> • Cost of services, equipment, or materials • A description of how funds will be blended or braided with other funding (if applicable)
<p>C. Accountability and Assessing Outcomes of the Funding</p>
<p><i>Consider <u>asking</u> the facility/education provider offering Title I, Part D-funded services to supply information related to program improvement and how the educational services provided with the funding will be assessed.</i></p>
<p>A description of the student and program data that will be collected</p> <ul style="list-style-type: none"> • Required data and any other (facility/program) data
<p>The frequency of data collection</p>
<p>The manner in which data will be collected (e.g., paper, electronic, longitudinal database, etc.)</p>
<p>A description of how data will be analyzed and used for program improvement</p>