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Community Day Programs

Introduction

Community day programs are one of many options available to administrators of the juvenile justice system to support justice-involved youth. While these programs are frequently referenced in the Title I, Part D (Part D) statute and nonregulatory guidance, they are not well-known component of the program. To shed light on these important programs, the National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth (NDTAC) has written two briefs on community day programs.

The two briefs cover the basics about community day programs and drill deeper by sharing profiles of individual programs. This brief covers the basics, including a broad overview of a typical community day program (not inclusive of all types of community day programs), followed by a short description of the statutory and regulatory relevance of community day programs to the Part D program. In the second brief, NDTAC provides a detailed profile of currently operating community day programs in several states, including Idaho, Montana, and Tennessee. The individual profiles provide a glimpse into how these programs operate, including their vision and mission; the youth population(s) they serve; their administration and structure; and their relationship to Part D. Through this profile series, NDTAC highlights how these programs serve the complex needs of youth who are neglected or delinquent (N or D).

Overview

Community day programs come in a wide variety of types and serve a diverse group of youth who are N or D. These programs are often located in a residential neighborhood or on the grounds of a school or governmental complex, such as a juvenile services center. Courts, States, and local agencies have traditionally placed youth who may be considered N or D in community day programs if the youth do not pose a threat of harm or violence to the community. Such programs are also used to support transition from a secure facility (i.e., state operated secure care center) to a nonsecure setting, such as a residential or non-residential treatment facility. The courts and agencies generally use an evidence-based risk and needs assessment to place youth in these programs, providing a less restrictive setting where the youth receive needed supports and services, including education. These mostly nonresidential programs can be highly structured, offering delinquency prevention or diversion programs that primarily serve to prevent youth who come into contact with the justice system from entering secure juvenile justice or adult correctional facilities.

This dual purpose of providing education and additional support services allows community day programs to fulfill one of the primary Part D goals, that of serving youth at risk for high school dropout and assisting youth with transition back into the community to ensure their continued education and reduce the

likelihood of recidivating. Community day programs include a regular program of instruction focusing on academic skill development and achievement, as well as social skill development and mastery, to divert the youth from penetrating deeper into the juvenile justice system or reentering the system after discharge. Not only have programs structured like this been effective at preventing youth from further involvement with the system, but they also reduce the number of youth in costly secure placement.¹

A Day in the Life of a Youth at a Community Day Program

The following description is based on individual program profiles and conversations with coordinators who administer N or D programs. It describes a typical day for a youth, called "Jamie," at a community day program.

Jamie's route to school is different from his neighborhood friends'. He takes the bus to the neighborhood high school just like everyone else on his block. When he arrives, however, he boards another bus that takes him to the local community day program located at the county youth services bureau. After arriving, Jamie has a normal high school experience, although his classes include only a handful of other youth. Most of Jamie's classmates have been to the local juvenile detention center on more than one occasion. Jamie was most recently in the detention center for a drug-related offense several months before. The class of 10 young women and men settles in for a full day of classes, including English 11, business math, world history, shop, and chemistry. The classes are credit bearing and allow Jamie and his classmates to stay on track for high school graduation.

After classes are finished for the day, the students stay in the room for a group counseling session on managing substance abuse led by a mental health professional. On the basis of a mental health assessment, Jamie also attends an individual counseling session to work on social-emotional skills. The counselor talks with Jamie about his progress in the program and provides input from his teachers and other staff on his behavior and participation in the program. When his individual session is over, he goes back into the larger classroom to meet with a tutor for assistance with his homework. Later that afternoon, the whole group of students goes to the gym and plays basketball. The day ends after 6 p.m., when Jamie travels by bus back home for the evening.

Serving as both a less-expensive alternative to confinement and a means to prevent youth from further penetrating the juvenile or adult justice systems make them attractive programs for administrators throughout the nation.



Community Day Programs in Federal Statutes and Regulations

Section 1432 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended, defines a community day program as a “regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.”² This definition applies to both Subparts 1 and 2 of the Part D program. While clearly defined as a State agency–operated program, these programs appear in both Subparts 1 (for State agencies) and 2 (for local educational agencies (LEAs)) of Part D. For example, community day programs are listed in Federal regulations, such as CFR § 200.90(c), as a locally operated correctional facility not operated by the State.³ Section 1113(c)(3) of ESEA gives State agencies and LEAs the option to set aside funds to ensure that educational programs being provided to students attending community day programs offer the same opportunities for students to meet challenging State academic achievement standards.⁴ Even though “community day program” is defined in the statute as a State-operated program, the Federal statutes and regulations recognize the broad use of community day programs at both the State and local levels.

In NDTAC’s “Annual Count Toolkit: Determining Formula Counts for Title I, Part D, Funding Allocations,”⁵ community day programs are identified as a type of program eligible to generate a count under Subpart 1, as well as a type of program that is eligible to receive funding under both Subparts 1 and 2. Under Subpart 1, a community day program is eligible to generate a count of neglected or delinquent youth as either a program of a State agency or a facility. Children enrolled in such programs are eligible to receive Part D funding, provided that they participate in a minimum of 20 hours of education per week. Nonregulatory guidance question O-6⁶ specifies that under Subpart 2, LEAs are allowed to provide services to neglected or delinquent youth at community day programs.

Conclusion

Community day programs are integral to the education and juvenile justice systems as an alternative to sending youth who are N or D to secure confinement. These programs are a source of challenging academic and social skills development in settings in which the pupil–teacher ratio is lower, and more intensive supports and services are provided when compared with the traditional public school setting. Community day programs are used at both the State and local levels to provide high-quality education as a key component of the Title I, Part D program, and to address the program’s goal of preventing youth who are at risk from experiencing further involvement with the juvenile justice system. In a subsequent brief, NDTAC will provide specific examples of the ways these programs serve youth who are N or D.

¹ Source: <https://youth.gov/youth-topics/juvenile-justice/diversion-programs>

² Source: <https://www2.ed.gov/policy/elsec/leg/esea02/pg11.html#sec1432>

³ Source: <https://www.govinfo.gov/content/pkg/CFR-2010-title34-vol1/pdf/CFR-2010-title34-vol1-sec200-90.pdf>

⁴ Source: https://neglected-delinquent.ed.gov/sites/default/files/docs/NDTAC_CoordinatorsHandbook.pdf

⁵ https://neglected-delinquent.ed.gov/sites/default/files/docs/AnnualCountToolkit_DeterminingFormulaCounts.pdf

⁶ Source: https://neglected-delinquent.ed.gov/title-i-part-d-nonregulatory-guidance-local-programs-risk-youth-part-d-subpart-2#lea_funds