



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

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Summary Response to Comments on Title I, Part D Non-Regulatory Guidance

On August 27, 2024, the U.S. Department of Education (Department) published for public comment a draft updated non-regulatory guidance document for Title I, Part D of the Elementary and Secondary Education Act of 1965 (ESEA). Fourteen (14) respondents provided comments for the Department to consider in finalizing the document. The 14 respondents included eight (8) State educational agencies (SEAs) and six (6) advocacy and nonprofit organizations. Over 130 individual comments were received. A summary of the comments and description of changes that the Department made to the draft non-regulatory guidance follow.

In general, the commenters were highly supportive of the draft guidance. Respondents felt the guidance would be helpful to the field. Many of the comments also identified topics for expansion or clarification. In response, the Department added information on the following topics:

- Added explanation to clarify that students eligible for services may be 21 or younger while only students under the age of 21 may be included in the annual count.
- Clarified that the specific components of a “regular program of instruction” are determined by each SEA consistent with State law.
- Added an example to clarify the definitions of programs eligible to receive Subpart 1 services. Specifically, provided an example of a community day program that serves youth who are adjudicated to be delinquent (to clarify that a program for delinquent youth can be non-residential).
- Clarified fiscal requirements, including the requirements related to SEA reservation of funds for administration and carryover funding.
- Added further guidance on SEA and SA monitoring responsibilities. Added further guidance regarding program evaluation and improvement, including the importance of initial and follow-up assessments to determine academic services and measure program effectiveness, and the importance of sharing program performance data publicly when possible.

In response to comments, the Department added several new questions (see G-3, J-3, O-2, O-3, and Q-2) to add clarifications regarding the use of funds to support advanced coursework, options when facilities close, transitional programs within a local educational agency (LEA), and sharing student information between LEAs and facilities.

Additionally, the Department made these general changes in response to comments.

- Added cross-references to enhance the usefulness of the document.

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- Added or revised language to increase consistency across different sections of the document.

A number of the comments related to the intersection of youth who are neglected or delinquent and youth in the foster care system. Language related to encouraging information sharing across agencies and using funds to improve access to advanced coursework and career and technical education has been added. The Department also clarified that neglected students as well as delinquent students may receive transition services under Subpart 1.

The Department appreciates the public's helpful and insightful commentary on the draft guidance and would like to convey its thanks to all those who commented.