

Your Question

You requested information on state policy and regulations regarding funding of education services in juvenile justice facilities.

Our Response

The state funding allocation process for education services in juvenile justice facilities, including the distribution of federal funds, varies across the states. Approaches to state funding include reimbursements, base funding and per-pupil funding.

Federal Grants

The federal government [provides](#) most of the juvenile justice funding to states for redistribution to local entities. The use of federal grant dollars is determined by state and local policymakers and may or may not include educational services. For example, **Colorado** follows federal policy in the Juvenile Accountability Block Grant to [distribute](#) 75% of the money to local communities through a non-competitive formula based on law enforcement data. To receive the federal grant moneys, the local government must provide a 10% match and use the funds for developing programs, which can include educational services, for juveniles currently or at risk of being involved in the justice system.

Local entities can use federal [delinquency block grant money](#) to encourage students to stay in school; assist transitional services; identify disabilities and learning challenges; and coordinate services across local educational, justice and social service providers. The 2018 reauthorization of the [Juvenile Justice and Delinquency Prevention Act](#) provides support to states and local entities, including grant funding for education services for students in juvenile justice facilities, students at risk for delinquent behavior, and mentoring programs to increase educational success and skill attainment.

Reimbursement Process

Some states allocate funds to local education agencies and the associated juvenile justice facility through a reimbursement process. For example, **Arkansas** [requires](#) the school district where the juvenile justice facility is located to apply for funding from the state department of education. A district is deemed [eligible](#) to apply when a district's youth shelter facility — supervised by the [Division of Youth Services](#) in the department of human services — provides educational services for students in the juvenile justice system. The amount of a local district's reimbursement is calculated based on the total number of available beds in youth shelters and the available appropriation. Reimbursements are prorated if the requests exceed the amount of funds available in the appropriation.

States can appropriate money for local districts to be reimbursed over time. For the 2019-20 fiscal years, **Michigan** [appropriated](#) \$7.1 million for distribution to school districts educating students assigned by a court or the department of health and human services to reside in or to attend a juvenile justice facility. The department of education must pay the district an amount equal to the lesser of the district's added cost or the department's approved per-pupil allocation for the district.

Base Amount

Some states require counties with education programs at juvenile justice facilities to allocate a base amount. For example, **Arizona** [allows](#) a county to operate its juvenile justice facility education program through an existing accommodation school. However, a county school superintendent can establish a detention center education fund to provide financial support to the program. For fiscal year 2019-20, the base amount is \$100,000 and beginning with fiscal year 2020-21, the base is the amount for the prior year adjusted by the growth rate prescribed by law. The base and variable amounts are funded with state general fund money, subject to appropriation.

Per-Pupil Funding

In some states that allocate education funding on a per-pupil basis, the funding can follow a student to a juvenile justice facility. For example, **Tennessee** [requires](#) the department of education to provide a report that includes recommendations to allocate [basic program funding](#) for the education of youth in these facilities. The department of education [requires](#) the funds for a juvenile justice facility to equal the per-pupil state and local funds generated through the basic education program funding formula on a prorated daily basis for the length of the student's incarceration. These funds must be used for the student's education. The department is responsible for transferring funds if a student is transferred to a different local education entity.

In **Texas**, [students confined](#) in a juvenile justice facility operated by a [juvenile board](#) count in the district's average daily attendance for purposes of receipt of state funds under the Foundation School Program. If a student is transferred to a juvenile justice facility in a district without sufficient revenue, then the district of origin must transfer money to the receiving district in the amount equivalent to the costs per student under the Foundation School Program.