

The Annual Child Count

FREQUENTLY ASKED QUESTIONS

The Annual Child Count is a survey of the number of students who lived in State or local institutions for children and youth who were enrolled in neglected or delinquent (N or D) programs during the previous year. The purpose of this survey is to collect information about student enrollment. This information is then used to generate Title I, Part D, Subparts 1 and 2 funding allocations for States for the upcoming school year (SY).

These questions were presented to NDTAC through technical assistance communications with States and question and answer sessions during NDTAC events. In some cases, questions and responses were revised to provide context or clarification. The questions are organized by the two separate child count sections in the survey: State agencies (SAs) and local education agencies (LEAs). NDTAC welcomes any additional questions from the field.

Important Reminders:

Student Eligibility. Be sure not to confuse eligibility to be counted and eligibility to receive funding and services. There are key differences between these two types of eligibility requirements, and just because a student can be counted to generate funds, does not necessarily mean that the student meets the requirements to be served under Title I, Part D and vice versa. These responses relate to counting eligibility ONLY.

Increases or Decreases in Counts. The U.S. Department of Education (ED) compares count data from the current and previous years. If there is a large increase or decrease in the student count from the previous year, then the SEA should indicate the reason when it submits the survey. It is not necessary to provide additional documentation with the submission; however, ED may contact States for more information during the verification process, so it is important to understand the reason for the change and have related records available.

GENERAL QUESTIONS

1. Q: When are the child counts due to the U.S. Department of Education?

A: Historically, child counts have been due at the beginning of the calendar year. For 2009, child counts are due to ED on January 15, 2009. The same date applies to SAs (Subpart 1) and LEAs (Subpart 2 and Part A).

2. Q: Are only students that have been served in the current year included in the count? What about institutions that State's plan to serve in the upcoming year?

A: For counting purposes (to generate funds for SY 2009-2010), you should count all eligible students in all eligible institutions or programs. Facilities and the students within those facilities are determined to be eligible based on criteria outlined for SAs and LEAs. Having received Part D funding during the 2008 calendar year is not part of the eligibility requirement as long as the other criteria are met.

3. Q: Can a child that was supposed to have been assigned to a facility and was released 4 hours after intake be counted?

A: If the intake process was completed, technically the facility or community day program intended to admit or enroll the child. Thus, you can count a child based on his or her intake completion.

STATE AGENCIES / PART D, SUBPART 1

SA Child Count Reporting Window

4. **Q: For SAs, what period of time should States use to count children and youth who are N or D?**

A: For the Subpart 1 count, the SA must (1) specify a single date during the previous calendar year and (2) report the number of eligible children and youth who were N or D and enrolled in a regular program of education on that date in an eligible institution. (For example, for the 2009 child count, any applicable days between January 1 and December 31, 2008, could be selected.)

Additionally, the date selected must (a) be consistent for all institutions or community day programs operated by the SA and (b) represent a school day (not a weekend or holiday) within the previous calendar year.

For information about what constitutes "eligible children and youth," please see the official *Title I, Part D Nonregulatory Guidance*. The guidance can be downloaded from ED at <http://www.ed.gov/programs/titlepartd/legislation.html>.

5. **Q: Can the SEA dictate the date that all SAs must use for the annual count?**

A: No. Each SA must set its own date to conduct the annual count. That is, each SA dictates the date that its respective facilities and programs must use for the annual count.

SA Student Eligibility

6. **Q: What students are eligible to be counted under Subpart 1?**

A: As noted in *USED Nonregulatory Guidance for State Agencies in Identifying Eligible Institutions and Counting Children*, a child must be enrolled in an eligible institution, and be:

- (1) Under 21 years of age
- (2) One for whom a State agency is providing a free public education
- (3) Enrolled in a *regular program of instruction* supported by non-Federal funds for at least 20 hours per week if in an institution for neglected or delinquent children or a community day program for neglected or delinquent children, or 15 hours per week if in an adult correctional institution

7. **Q: The annual count for SAs/Subpart 1 requires that counted students be enrolled in a regular program of instruction for at least 15 hours per week if in an adult correctional facility or 20 hours per week if in a juvenile facility or community day program. How are hours of instruction defined?**

A: The Code of Federal Regulations for the Title I, Part D program indicates that a "regular program of instruction" should consist of classroom instruction. According to CFR § 200.90, a regular program of instruction is defined as:

"An educational program (not beyond grade 12) in an institution or a community day program for neglected or delinquent children that consists of classroom instruction in basic school subjects such as reading, mathematics, and vocationally oriented subjects,

and that is supported by non-Federal funds. Neither the manufacture of goods within the institution nor activities related to institutional maintenance are considered classroom instruction.”

8. **Q: What about students who have a diploma? For example, we have a 17-year old with a high school diploma, but the student is still attending education in the youth correctional facility to get further education.**

A: Students in facilities run by an SA (Subpart 1) cannot be counted. According to EDs *Guidance for Identifying Eligible Institutions and Counting Children*, students who have already earned a high school diploma cannot be counted in the annual count for Subpart 1, because, having already passed Grade 12, they would no longer be enrolled in what is defined as a “regular program of instruction” (as defined in question 7).

9. **Q: Can students be counted if they have received their GED and are still receiving educational services?**

A: Students in facilities run by an SA (Subpart 1) can be counted if they meet the criteria for eligible students, including being under 21 years of age and enrolled in a regular program of instruction, even if they have already earned their GED.

10. **Q: Can students be counted if they attend a community day program at an SA-run facility but do not reside overnight?**

A: Students enrolled in community day programs can be counted as long as the average length of stay (i.e., enrollment) for the community day program is at least 30 days and the other eligibility criteria are met; students need not reside in the community day program to be counted.

11. **Q: Can all students, including those who are not N or D, be counted if they are enrolled in a community day program at a State-run facility?**

A: Section 1432 of the statute defines a community day program to mean a regular program of instruction provided by an SA at a community day school operated specifically for children and youth who are N or D. If the community day school is specifically established to serve children and youth who are N or D, as documented by its charter, then the children in that program or school should be included in the adjusted count submitted to ED, provided those children are enrolled for the required hours per week in a regular program of instruction.

SA Reporting Format

12. **Q: For Subpart 1, should SAs/SEAs submit fractions of students created by the adjustment (e.g., 122.2), or should the number round to the nearest whole number?**

A: SEAs may do it either way. If an SEA chooses to round the value, it should follow the usual rules for rounding.

LOCAL EDUCATION AGENCIES / PART D, SUBPART 2 (AND PART A)

LEA Student Count Reporting Window

13. Q: Can LEAs count students if they were enrolled for only 1 day within the count period, or is the count restricted to students who have been in the facility for 30 consecutive days or more?

A: Students do not need to be enrolled for 30 consecutive days to be counted for local programs; students are only required to reside in an eligible facility for 1 day or more during the consecutive 30-day reporting period, one day of which must be in October.

14. Q: When did ED change the Part D Nonregulatory Guidance to clarify that students need not be enrolled for 30 days in order to be counted?

A: The language in the Nonregulatory Guidance was clarified in June 2006. An e-mail announcing the change was sent to the Title I, Part D e-mail list on June 19, 2006. Details were also provided on ED's Web site and are available at <http://www.ed.gov/programs/titleipartd/legislation.html>.

15. Q: Are all LEAs required to use the same 30-day period for their student counts?

A: The statute, regulations, and guidance are silent about whether the 30-day window for tabulating the caseload counts for N or D institutions must be the same for all facilities across the State. A State educational agency could determine how it wants to apply the 30-day window. For example, an SEA could establish a uniform 30-day window for reporting caseload data that applies to all local N or D facilities across the State. The SEA could also establish that the window for reporting caseload counts be consistent for all facilities within an LEA. In this case, the 30-day window could vary from LEA to LEA. Or, depending on the situation, a State could allow a parent organization that operates several local N or D facilities in different LEAs across the State to use a uniform 30-day period for the facilities it operates. This means that other N or D facilities in the State or even in the same LEA could use a different 30-day window for reporting their caseload counts.

LEA Eligible Students

16. Q: What students are eligible to be counted by LEAs?

A: To be eligible to be counted by an LEA, a child or youth must:

- Be 5- to 17-years old
- Not be counted in the Subpart 1/SA section of the survey
- Reside at a live-in institution or facility for at least 1 day within the 30-day count window (of which 1 day must be in October)

17. Q. Can students that have a diploma be counted? For example, we have a 17-year-old with a high school diploma who still attends education in our youth correctional facilities to get further education.

A: If the student is 5- to 17-years old and meets the eligibility criteria outlined in ED's instructions ([see also Section L of the Nonregulatory Guidance](#)), then the student may be counted under the Subpart 2 section. The "regular program of instruction" requirements do not apply in this section in order for students to be counted to generate funding.

18. Q: Can students be counted if they reside in local facilities, have already obtained their GED, and are under 18-years of age?

A: If a student is 5- to 17-years old and meets the eligibility criteria outlined in ED's instructions ([see also Section L of the Nonregulatory Guidance](#)), then the student may be counted under the Subpart 2 section.

19. Q: Can homeless students be counted if they are not residing in an identified institution?

A: No, although these students should be eligible for Title X, Part C, the Homeless Education Act. To be eligible for the Part D count, students must live in a locally operated facility that meets the definition of an institution for delinquent children and youth or an adult correctional institution as provided in Section 1432(1) or (4)(B) of the Title I statute. (See citation: <http://www.neglected-delinquent.org/nd/resources/legislate/intro.asp#sec1432>.)

20. Q: Can students be counted if they attend a community day program at the facility but do not reside overnight?

A: No. The count only includes youth residing in local institutions. Community day school students who do not reside at the facility may not be part of the Subpart 2 count for generating funding. However, once funding is determined, community day school students may be served by the LEA with a Subpart 2 grant.

21. Q: May an SEA include out-of-State children and youth who reside in locally operated institutions in the count?

A: Yes. The count is based on the October caseload count of any children who reside in the facility regardless of their State of origin.

22. Q: Should a private facility count all the children who are N or D in the facility, or just those students who are from that particular school division?

A: An LEA should count all *eligible* children that reside in a facility within its catchment or attendance zone, whether the students are originally from there (see also [L-4 of the Non-Regulatory Guidance](#)). Whether the student will be counted as neglected or delinquent depends on the facility's charter, or how the facility has counted students in the past (regardless of individual status). If it is designated as a neglected facility, then count all eligible students within the facility as neglected, and vice versa for a delinquent facility.

23. Q: How should a student be counted if he or she was attending a program and then terminated from that program and transferred to a separate program provided within the same location?

A: In this instance, because the youth remained in the facility, only transferring programs, you would count this student once, as one case.

24. Q: What if a youth is enrolled in an eligible institution during the 30-day count window, runs away, and then returns on the same committal? Would this student be counted twice per the caseload count instructions?

A: No. The caseload count refers to unique committals and not to each physical entry of the youth. For a youth to be counted twice, he or she would have to have gone through a formal exit process, followed by a subsequent formal entry process.

LEA Eligible Facilities

25. Q: How should a local institution categorize itself when some of its students are considered neglected and others are considered delinquent?

A: The SEA should look at the purpose of the institution. For example, if the institution is chartered as a facility that serves delinquent children, yet the majority of children served in that institution are considered neglected because they were committed to the institution or voluntarily placed in the institution under applicable State law due to abandonment, neglect, or death of their parents or guardians, then all of the children in that institution still should be counted as delinquents. The SEA should continue to count all of the children in such an institution as delinquent unless its charter and purpose change. It is important that the SEA be consistent in how it reports these data every year. A change in an institution's categorization without a change in its charter and purpose would improperly affect the LEA eligibility and allocations under Title I, Part A and Part D, Subpart 2 formulas.

26. Q: It has been our understanding that school districts not receiving Title I, Part D, funds do not have to respond to the Annual Count survey. Is this correct, or should all school districts include a response?

A: States should report the number of eligible children in locally operated delinquent institutions for all LEAs within the State even if the LEA ultimately does not receive funds under Title I, Part D, Subpart 2. Once the funding is generated, the State would then distribute the total amount that the Part D, Subpart 2 record receives under each of the four Title I formulas to LEAs with high numbers or percentages of delinquent children in accordance with [section 1422](#) of the Title I statute. (See also Question 2)

27. Q: What can cause a fluctuation in the child count?

A: There are a number of valid reasons for a change to the child count from one year to the next. Examples include the opening or closing of eligible facilities or a clarification to the count procedure, as outlined in the questions below. However, individual facilities should not be reclassified (from neglected to delinquent and vice versa) from one year to the next without a valid reason (see more on LEA-eligible facilities below).

28. Q: Can an institution change its charter if it no longer reflects the population it currently serves?

A: If there are more than 50 percent of either children or youth who are N or D, then there *may* be grounds to change the facility's charter or categorization. Thus, if the student population has fluctuated for the past 4 years, count the students for that facility as you have in the past. If the student population has changed and you anticipate that it will remain consistent for an extended period of time, then you can consider changing your charter and counting accordingly.

When such a change is made, there needs to be some type of formal documentation maintained by the institution recognizing the change that has occurred and indicating that the institution is changing its charter to reflect the changed circumstances. ED expects that changing of the status of local institutions is fairly rare. Changes in the classification of institutions as either a neglected or delinquent institution will significantly affect the Title I, Part A allocations to LEAs and the amount made available for Title I, Subpart 2 purposes. As such, ED recommends keeping funding streams consistent.

29. Q: Can students be counted if they reside in a group home where they were placed voluntarily by their parents?

A: If the group home fits the definition of an eligible institution per [Section 1432 of the Title I, Part D, Statute](#), then eligible students that reside there can be counted. Please note that children and youth residing in neglect institutions cannot be counted under the delinquent count (for Part D, Subpart 2). If students and the facility meet the criteria for being reported under the neglected count (for Part A funding purposes), then the students may be counted there.

30. Q: Can students be counted if they reside in religiously affiliated facilities?

A: For the delinquent count, the answer is yes (if the facility is a delinquent institution); private facilities are eligible under the definition of "delinquent institution" as defined in [Section 1432 of the Title I, Part D, Statute](#). No exception is made for faith-based institutions.

31. Q: Can the county jail be considered a local institution for delinquent children? Five- to 17-year-old children can be held in the county jail pending judicial decisions on placement.

A: Yes, a county jail can be considered a juvenile detention center (JDC) and is eligible to submit a count through the LEA in which it is located. In some States, there is direct SA oversight of all JDCs, and the count would go through the SA (Subpart 1) instead.

32. Q: We have a facility that is considered a regional facility; it serves a consortium of counties that include a number of school districts. The physical address of the facility is located in the city LEA; however, the facility falls in the attendance zone of the county LEA. The attendance zone is a designated geographical area in which its students reside, and the attendance zones often shift. Should the city or the county LEA report the count for this facility?

A: A facility should be counted by the LEA in which the facility's attendance zone lies. In this case, since the regional facility is in the attendance zone of the county LEA, the county LEA should count the eligible students residing in this facility.

33. Q: Any advice on what to do with an LEA that does not want to submit a count for a qualifying institution because it does not want to be responsible for the facility? Past guidance was that the SEA must find another LEA for the facility.

A: It is important to make a distinction between counting and serving. While LEAs are not required to provide a count, it should be communicated to them the importance of the count in order to generate funds that serve students who are neglected, delinquent, or at risk. LEAs that submit a count do not necessarily have to serve the facility that was counted, depending on how the SEA awards funds and the information included in the LEA application (See sections M and N of the Nonregulatory Guidance: http://www.neglected-delinquent.org/nd/resources/guidance/local.asp#lea_subgrants). In fact, depending on how SEAs award funds, the following are potential possibilities:

- The LEA may determine that the students in the facility are not of greatest need.
- The LEA itself could support an LEA-run program.
- The SEA can see if another LEA would apply for the funds.
- The SEA can directly provide educational services to the youth at the facility.