

# **Tuited Student Census Fall Update for 2009-2010**



## **Reporting Instructions**

**DUE DATE: November 6, 2009**



**IT: Data Management & Analysis**  
**(802) 828-3777**

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## **Completing the Student Census**

The student census is a list of students in the Vermont educational system with a specific set of information about each student. This data collection allows the DOE to satisfy many state and federal reporting requirements. These requirements include the October 1 enrollment report to NCES, the allowable tuition full-time equivalent (FTE), allocation of state and federal funds based on student counts (such as Federal titles and small schools grants), and federal accountability requirements. In addition, we use the student census to create labels for the annual distribution of the student assessments. As a Business Manager you are receiving this collection because we are asking for you to report the names of students enrolled in independent schools and out-of-state schools and for whom tuition is paid by one of your school districts. This information will be used in calculating an ADM for your town districts.

### **Who belongs on Your Student Census?**

#### ***Students to include in your census***

- Any student enrolled in a Vermont approved independent school or out-of state school at a school district's expense. Please include students who were enrolled at any point during the 20-day ADM census period. These are students listed on tuition bills submitted from these schools.

#### ***Students who are NOT on your census***

- Tuitioned students attending public schools. We receive information about these students from the public schools directly. The DOE will be able to provide you with a list of these students.

## Confidentiality Issues to Consider

The student census contains confidential information about students. Accordingly, the VT Department of Education adheres to the Family Educational Rights and Privacy Act (FERPA) - 34 C.F.R. Section 99.31. FERPA allows for the collection of data required to do the work of state and educational agencies. The principle of confidentiality underlies all policies and procedures for the collection, maintenance, disclosure and destruction of education records. Schools and districts also have a responsibility to protect the confidentiality of student records. Please be sure that proper policies and procedures are in place, and followed, to successfully complete this update.

Please ***do not*** email identifiable student information to the DOE.

## Completing the School/Organizational Profile

### *Mailing and Physical Addresses*

1. Purpose:
  - The DOE is required to submit both addresses to NCES. In addition, we use this information to create mailing lists for the department.
2. Instructions:
  - The mailing and physical address of your SU will be pre-filled with the information in the current DOE database. Please verify or update your school or Supervisory Union's mailing and physical address.

### *Business Manager Information*

1. Purpose:
  - We are asking for business manager information so we know whom to call if we have questions about the submitted data. In addition, we use this information to develop up-to-date directories and mailing lists.
2. Instruction:
  - Enter the business manager name and Email address. Please enter Email address only if the address can be used for official communication. Do not send personal Email addresses.
  - If mailing and/or physical address is the same as the school please click the checkbox to have those fields automatically filled. If the person's address is different than the school please enter the appropriate address.

### *English Language Learner (ELL), previously Limited English Proficiency (LEP)*

1. Purpose:
  - We are collecting the ELL data in the Business Manager Student Census since the Aggregate ADM collection no longer exists. This data will still be computed in the same manner.
2. Instruction:
  - These are the guidelines to follow in determining who to include in the ELL section. See Appendix A for more information on the State Board rulings.

### **Definitions of Students with English Language Learner (ELL)**

A Vermont pupil who:

- Has a primary (first acquired) language or a language spoken at home that is not English, as indicated on the State of Vermont Primary Home Language survey form, AND
- Lacks the level of English proficiency in one or more of the four language skill areas of listening, speaking, reading and writing required to perform grade appropriate work comparable to native English speaking peers, AND
- Meets the criteria defined under the State Board of Education Rule 9500 (see Appendix A), “Reporting Students for Whom English is not the Primary Language,” AND
- Is NOT an exchange student.

### **Definition of Student with ELL Who Lives With Family Receiving Food Stamps**

A Vermont pupil who:

- Has been determined to be ELL and has indicated on the application for Free and Reduced Lunch that her/his family is receiving Food Stamps.

If you have any questions regarding a particular student please see the local English as Second Language (ESL) Coordinator who, according to state board rules, is responsible for defining students as having limited English proficiency.

If you need further information regarding ELL students, please contact Jim McCobb by phone at (802) 828-0185.

## **Updating/Adding Student Records**

### ***Student Identification***

1. Purpose:
  - Identifying information for students allows us to create unique student IDs. These IDs allow for matching data across student-level data collections.
2. Instruction:
  - Please enter data in all required fields for each student.

### ***Enrollment Information***

1. Purpose:
  - This information allows the DOE to know where tuitioned students are enrolled. This is a common request from the Vermont Legislature.
2. Instruction:
  - For students in Vermont Approved Independent Schools - Please select the name of the Vermont Independent School where the student was enrolled during this school year. If a student was enrolled in more than one school during the ADM census period please make two records for that student.
  - For students in Out of State Independent Schools - When a student is tuitioned to an out-of-state school please provide the name and address of the school if known. These fields are not required for export so just give us the information you have.

### ***Average Daily Membership***

1. Purpose:

- To allow the DOE to calculate a 20-day Average Daily Membership (ADM) for Vermont's town districts. This information is used in the state aid calculation. Please remember that the ADM census period for most students is the 11<sup>th</sup> through the 30th day of school. The information on this tab only applies to those days. In this collection we are not requesting information about students with a different ADM census period (i.e., home school students taking extra-curricular activities and state placed students). We receive information about those students directly from Vermont public schools.

2. Instruction:

- Select the student's town district of residence. See Title 16, Section 1075 for more information (copied below in Appendix A).

***Definition of Resident***

In the case of a minor:

- Legal residence is where his or her parents reside. If the parents live apart, legal residence can be where either parent resides. HOWEVER, if a parent with sole custody lives outside the State of Vermont, the student does not have legal residence in Vermont.
- If the student is in the custody of a legal guardian appointed by a Vermont court, legal residence is where the guardian resides.
- If the student is married, legal residence is where the student lives.

In the case of a student who has reached the age of majority:

- The legal residence is where the student resides.

- Please indicate whether the student is a resident or state-placed student. Please see Title 16 Section 11 for more information (copied below in Appendix A).

***Examples of State-Placed Students***

- An 8th grade student in SRS custody placed into a foster home in Newport when the mother lives in Burlington and the father resides in Bennington.
- A female student living at the Lund Home.
- A 19-year-old student placed by Casey Family Services into a group home in Montpelier. Mental Health is paying for part of the cost of the student's residence. Both parents live in Hartford.

***Examples of Students Who are NOT State-Placed***

- A student living with an aunt in Rutland, placed there by their parents who live in Arlington.
- A student placed in Randolph by the State of New Hampshire.
- A student placed into a foster home by SRS, who then turns 18 and SRS closes their case. There is no other agency involvement.
- An adopted student.

- Select Part-time or Full-time student. If you select Part-time you will be asked for the number of hours a student is expected in school in a given week during the 20-day census period.
- ADM Days: Enter the number of days you believe the student was enrolled in this school during the ADM census period. If you do not know for certain but believe the student was enrolled at the beginning of the school year and continues to be enrolled please enter 20.

- October 1 snapshot, you will need to indicate whether each student was enrolled on this day by placing a Y, and if the town district of residency information has changed, you will need to report this here.

**NOTE:** If the student stays in this school but changes town district of residence during the 11<sup>th</sup> through the 30th days of school click the “Additional ADM” button and enter the information related to the move. If a student withdraws and transfers to another independent or out-of-state school within the 11<sup>th</sup> through the 30th days a second student record is required. If a student changes town district of residence more than three times during the census period or if you have any questions about reporting a particular student, contact the IT Team Helpdesk (802) 828-3777.

### **Due Date**

*The Student Census is due November 6<sup>th</sup>, 2009.*

**Vermont Department of Education  
IT Team: Data Management & Analysis  
120 State Street  
Montpelier, VT 05620  
(802) 828-3777**

**APPENDIX A: RELEVANT VERMONT STATUTES**

**16 V.S.A. § 1075. Legal residence defined; responsibility and payment of education of pupils**

(a) For the purpose of this title, except as otherwise set forth herein, the legal residence or residence of a pupil shall be as follows:

- (1) in the case of a minor, legal residence is where his or her parents reside, except that:
  - (A) if the parents live apart, legal residence is where either parent resides, but if a parent with sole custody lives outside the state of Vermont the pupil does not have a legal residence in Vermont;
  - (B) if the minor is in the custody of a legal guardian appointed by a Vermont court or a court of competent jurisdiction in another state, territory or country, legal residence is where the guardian resides;

(2) in the case of a student who has reached the age of majority, legal residence is where the student resides;

(3) for the purposes of this title, "resident" of the state and of a school district means a natural person who is domiciled in the school district and who, if temporarily absent, demonstrates an intent to maintain a principal dwelling place in the school district indefinitely and to return there, coupled with an act or acts consistent with that intent. The term "temporarily absent" includes those special cases listed in 17 V.S.A. § 2122(a). The term "residence" is synonymous with the term "domicile." A married person may have a domicile independent of the domicile of his or her spouse. If a person removes to another town with the intention of remaining there indefinitely, that person shall be considered to have lost residence in the town in which the person originally resided even though the person intends to return at some future time. A person may have only one residence at a given time.

(b) The commissioner shall determine the legal residence of all state-placed students. In all other cases, the board of school directors of the district in which the pupil is living shall determine the pupil's legal residence. If a pupil is denied enrollment at any stage, the pupil and his or her parent or guardian shall be notified in writing, within 24 hours, of the provisions of this section. If the pupil is not in attendance as a result of a preliminary decision by school officials and a decision from the board of school directors will not be available by the end of the second school day after the request for enrollment is made, the commissioner may issue a temporary order requiring enrollment. Any interested person or taxpayer who is dissatisfied with the decision of the board as to the pupil's legal residence may appeal to the commissioner of education, who shall determine the pupil's legal residence, and the decision of the commissioner shall be final. Pending appeal under this subsection, the commissioner shall issue a temporary order requiring enrollment.

(c) A state-placed student, other than one placed in a 24-hour residential facility, shall be educated by the school district in which the pupil is living, unless an alternative plan or facility for the education of the pupil is agreed upon by the commissioner of education. In the case of a dispute as to where a state-placed student is living, the commissioner shall conduct a hearing to determine which school district is responsible for educating the pupil. The commissioner's decision shall be final.

(e) For the purposes of this title, the legal residence or residence of a child of homeless parents is where the child temporarily resides unless the parents and another school district agree that the child's attendance in school in that school district will be in the best interests of the child in that continuity of education will be provided and transportation will not be unduly burdensome to the school district. A "child of homeless parents" means a child whose parents;

- (1) lack a fixed, regular and adequate residence; or
- (2) have a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations such as public assistance hotels, emergency shelters, battered women's shelters, and transitional housing facilities, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

(f) For the purposes of this title, the legal residence of an alien, immigrant or refugee child shall be determined in the same manner as in subsection (e) of this section, unless the child's parents have established a residence in the state.

(h) For the purposes of this title, the legal residence or residence of an independent student is where the independent student resides. "Independent student" as used in this subsection means a child between the ages of 14 and 18 years who by the acts and expressions of the child and his or her parents or legal

guardian has demonstrated that he or she is living separate and apart from his or her parents or legal guardian, is independent of the authority of his or her parents or legal guardian, and is not economically dependent upon his or her parents or legal guardian. For the purposes of this subsection, the term "independent student" shall also include "emancipated minor" as that term is defined in section 7151(a) of Title 12.

(i) The commissioner of social and rehabilitation services shall continue to provide social services and financial support in accordance with 16 V.S.A. § 2950 on behalf of individuals under his or her care and custody while in a residential placement, until they reach their nineteenth birthday.

(j) A claim or statement of fact bearing on residency shall be subject to 13 V.S.A. § 3016.

### **16 V.S.A §11 (28): Definition of State Placed Student**

(A) A Vermont pupil who has been placed in a school district other than the district of residence of the pupil's parent, parents, or guardian or in an approved residential facility by a Vermont state agency, or any other agency as defined by the commissioner, or

(B) A Vermont pupil who:

(i) is 18 years of age or older,

(ii) is living in a community residence as a result of placement by a Vermont state agency, a Vermont licensed child placement agency or a designated community mental health agency, and whose residential costs are paid for in whole or in part by one of these agencies, and

(iii) resides in a school district other than the district of the pupil's parent or parents, or

(C) A pregnant or postpartum pupil attending school at an approved education program in a residential facility or outside the school district of residence pursuant to subsection 1073(b) of this title.

### **State Board Rule 9500: Reporting Students for Whom English is not the Primary Language**

9501 Each school district shall report, as part of its average daily membership count, pursuant to 16 V.S.A. § 4010(e), the number of students for whom English is not the primary language. A student shall be determined to be a "student for whom English is not the primary language," for purposes of this rule if:

(a) the student

(i) has a primary or home language that is not English as indicated on the State of Vermont, Primary/ Home Language Survey form and,

(ii) within the preceding twelve months has been assessed for and found to be English Language Learner (ELL) by a qualified professional using an appropriate English as a second language assessment including but not limited to, Maculaitis Assessment; or

(b) the student after having been identified in accordance with subparagraph (a), continues to be eligible for and receive ESL services in the district. Students in this subparagraph (a); or

(c) the student has received over five years of ESL services but remains ELL because in the opinion of a qualified professional, he or she has not demonstrated English proficiency in all basic skill areas, as measured by multiple means, and as a result, has not demonstrated acceptable performance in content subjects; or

(d) the student is, in the opinion of a qualified professional, unable to be assessed through the assessment mechanisms set forth in subdivision (1)(a) due to non-English proficiency.

9502 A student shall not be determined to be a "student for whom English is not the primary language" if:

(a) the student although otherwise qualified to receive ESL services, is not legally entitled to receive such services because the student is a foreign exchange student or for other legally cognizable reasons; or

(b) the student because of successful completion of ESL services is English proficient in all basic skill areas, as measured by multiple means, and demonstrates acceptable performance in content subjects.

9503 For purposes of this rule, until June 30, 2000, “qualified person” means a person who has an understanding of first and second language acquisition, understands the cultural issues associated with second language acquisition, and has the ability to select, administer, and interpret appropriate procedures for identification, screening, assessment and monitoring of progress of ESL students. On or after July 1, 2000, a qualified persona is one who holds an English as Second Language (ESL) K-12 endorsement.

**Sec. 16. 16 V.S.A. § 4001(1) is amended to read:**

(1) “Average daily membership” of a school district, or if needed in order to calculate the appropriate homestead tax rate, of the municipality as defined in 32 V.S.A. § 5401(9), in any year means:

(A) the full-time equivalent enrollment of pupils, as defined by the state board by rule, who are legal residents of the district or municipality attending a school owned and operated by the district, attending a public school outside the district under an interdistrict agreement, or for whom the district pays tuition to one or more approved independent schools or public schools outside the district during the annual census period. The census period consists of the ~~first 40 days~~ 11th day through the 30th day of the school year in which school is actually in session; and

(B) the full-time equivalent enrollment in the year ~~between the end of~~ before the last census period ~~and the end of the current census period~~, of any state-placed students as defined in subdivision 11(a)(28) of this title. A school district which provides for the education of its students by paying tuition to an approved independent school or public school outside the district shall not count a state-placed student for whom it is paying tuition for purposes of determining average daily membership. A school district which is receiving the full amount, as defined by the state board by rule, of the student’s education costs under subsection 2950(a) of this title, shall not count the student for purposes of determining average daily membership. A state-placed student who is counted in average daily membership shall be counted as a student for the purposes of determining weighted student count.

**Sec. 17. 16 V.S.A. § 4001(1) is amended to read:**

(1) “Average daily membership” of a school district, or if needed in order to calculate the appropriate homestead tax rate, of the municipality as defined in 32 V.S.A. § 5401(9), in any year means:

(A) the full-time equivalent enrollment of pupils, as defined by the state board by rule, who are legal residents of the district or municipality attending a school owned and operated by the district, attending a public school outside the district under an interdistrict agreement, or for whom the district pays tuition to one or more approved independent schools or public schools outside the district during the annual census period. The census period consists of the ~~11th day through the 30th day~~ first 40 days of the school year in which school is actually in session; and

(B) the full-time equivalent enrollment in the year ~~before~~ between the end of the last census period ~~and the end of the current census period~~, of any state-placed students as defined in subdivision 11(a)(28) of this title. A school district which provides for the education of its students by paying tuition to an approved independent school or public school outside the district shall not count a state-placed student for whom it is paying tuition for purposes of determining average daily membership. A school district which is receiving the full amount, as defined by the state board by rule, of the student’s education costs under subsection 2950(a) of this title, shall not count the student for purposes of determining average daily membership. A state-placed student who is counted in average daily membership shall be counted as a student for the purposes of determining weighted student count.

**Sec. 18. EFFECTIVE DATES**

(a) Sec. 16 shall take effect on July 1, 2007.

(b) Sec. 17 shall take effect on July 1, 2009.