

Education Responsibilities for School-Age Children in Residential Care



The University of the State of New York
The State Education Department
Office of Vocational and Educational Services for Individuals with Disabilities

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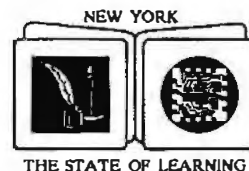
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OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES
EXECUTIVE COORDINATOR FOR SPECIAL EDUCATION SERVICES

March 1996

TO: District Superintendents
Superintendents of Schools
Principals of Public Schools
Directors of Special Education
Chairpersons of Committees on Special Education
Facility Directors of Residential Programs Operated
or Licensed by Other State Agencies

FROM: Thomas B. Neveldine *Thomas B. Neveldine*

SUBJECT: Education Responsibilities for School-Age Children in Residential Care

Over the past several years, new education laws, regulations and policies have been enacted in response to increasing numbers and types of children's residential programs licensed and/or operated by other State agencies. As school districts and agencies better understand their respective responsibilities for the education of children placed in other residences, the timely provision of appropriate education services will be promoted.

The manual, *Education Responsibilities for School-Age Children in Residential Care* outlines the programmatic and fiscal responsibilities for the education of all school-age children, including children with disabilities, placed by parents or State agencies in residential programs certified, licensed or operated by other State agencies. The document also provides the reader with specific legal and regulatory references.

Please assist us in evaluating this document by completing the "User Evaluation Form" which can be found at the end of the publication. Questions regarding this document may be directed to the VESID Special Education Regional Offices or the Office for Special Education Services at (518) 473-2878.



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EDUCATION RESPONSIBILITIES FOR SCHOOL-AGE CHILDREN IN RESIDENTIAL CARE

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EDUCATION RESPONSIBILITIES FOR SCHOOL-AGE CHILDREN IN RESIDENTIAL CARE

The attached charts summarize programmatic and fiscal responsibilities for the education of school-age children who reside in facilities operated, licensed, or certified by other State agencies. For detailed information, the relevant legal and regulatory references are noted in the summary section of each chart.

Determinations regarding programmatic and fiscal responsibilities for the education of students in the residential care of other State agencies are based on the following questions:

1. Which State agency licenses, operates, or certifies the residential program? (*e.g., Office of Mental Health, Department of Social Services*)
2. What type of program is it? (specific type of program certification) (*e.g., intermediate care facility, group home, residential treatment facility, foster family home*)
3. What public or private agency operates the program? (*e.g., United Cerebral Palsy, Randolph Union Free School District*)
4. Is this a preschool or school-age child?
5. Is the child under the care and custody of the Department of Social Services?
6. In which district did the child legally reside at the time of placement in the residential program?
7. In which district do the parents reside?
8. From what type of program was the student discharged? (*e.g., developmental center*)
9. In what type of program will the child receive education? (*e.g., State or agency facility, public school, BOCES, private approved school*)
10. Is the child eligible for special education services?

Once these questions have been answered, the charts will assist in clarifying programmatic and fiscal responsibility for the provision of education. A worksheet has been provided on page iv to assist you to collect this information.

USING PROGRAMMATIC AND FISCAL RESPONSIBILITIES CHARTS

1. **Agency:** Identify the State agency which licenses or certifies the facility in which the student resides. Turn to the table of contents section of that State agency.

Example: Student was placed in a facility licensed by the Office of Mental Health (OMH). Turn to page 1

2. **Program:** From the State agency table of contents page, select the particular program which the facility is certified as and the circumstances which apply to the particular student. Turn to the corresponding page.

Example: Student was placed in a State-Operated Psychiatric Center and has been referred to the local school district for education. Turn to page 4

3. **Programmatic Responsibility:** Read across the first half of the chart for the programmatic responsibilities of the facility, the district of location, the district of residence and the district of origin. Note that the definitions of "district of residence" and "district of origin" differ depending on the program.

Example:

District of Residence	District of Origin
<i>(District where parents reside on July 1)</i>	<i>(District where student resided when the student entered the OMRDD facility)</i>

The following information relating to programmatic responsibilities for the provision of education is provided in this section:

- Who must provide notification of admission to the district of location, district of residence, district of origin and the State Education Department?
- Who has statutory responsibility to ensure the provision of education? The agency or school with statutory responsibility to ensure the student is provided an education program may differ from the school or agency which actually provides the education program.
- Who is responsible to provide or arrange for transportation of the student to the education program?

- What are the requirements of the school district(s), if any, to participate in discharge planning from the residential facility?
4. **Fiscal Responsibility:** Read across the second half of the chart for the fiscal responsibilities of the facility, the district of location, the district of residence and the district of origin. **Note that the definitions of "district of residence" and "district of origin" differ depending on the program.** The following information relating to fiscal responsibilities for the education of students in the residential care of other State agencies is provided in this section:
- Who is responsible for the cost of education?
 - In which cases does the district providing education have statutory authority to bill another district for the cost of education?
 - Who is responsible to submit STAC forms to the State Education Department?
 - Who is responsible for transportation costs?
 - Which districts may submit State aid claims?
 - Which school may count students with disabilities to generate Federal aid?
5. **Summary:** Refer to the "Summary" section of the chart for the relevant statutory and regulatory references. It is important to note definitions of district of residence and district of origin when using the summary section of this chart.

PRESCHOOL CHILDREN WITH DISABILITIES IN RESIDENTIAL CARE

For information regarding the fiscal and programmatic responsibilities for special education services provided to preschool children with disabilities, refer to Education Law Section 4410-a, a copy of which is included in Attachment 1.

WORKSHEET

Answers to each of the following questions must be obtained prior to using the charts.

1. Which State agency licenses, operates, or certifies the residential program?
2. What type of program is it? (specific type of program certification)
3. What public or private agency operates the program?
4. Is this a school-age or preschool child?
5. Is the child under the care and custody of the Department of Social Services?
6. In which district did the child legally reside at the time of placement in the residential program?
7. In which district do the parents reside?
8. From what type of program was the student discharged?
9. In what type of program will the child receive education?
10. Is the student eligible for special education services?

EDUCATION RESPONSIBILITIES FOR SCHOOL-AGE CHILDREN IN RESIDENTIAL CARE

Definitions

For the purpose of interpreting the information presented in the attached charts, the terms used are defined as follows:

Agency	New York State agency which operates, licenses or certifies a residential facility.
Agency Boarding Home (DSS)	A family-type home for the care and maintenance of not more than six children operated by an authorized agency (18NYCRR 441.2(i)).
Article 81	Education Law Sections 4001-4006 relating to the education of children residing in child care institutions (The Institution Schools Act).
Chapter 47 (Laws of 1977)	Students from the Office of Mental Retardation and Developmental Disabilities (OMRDD) developmental centers placed in a family care home, community residence, or other institution, and receiving other public or private educational services recommended by the local school district where the family care home or community residence is located. (Education Law §3202.5(a)(b))
Chapter 66 (Laws of 1978)	Provision of public day school education for students with disabilities residing in facilities of the Office of Mental Health and the Office of Mental Retardation and Developmental Disabilities. (For STAC purposes, pertains only to students who are residing in OMRDD developmental centers and receiving public educational services provided by the local school district or BOCES where the developmental center is located.) (Education Law §3202.5(c))
Chapter 721 (Laws of 1979)	Students residing in intermediate care facilities (other than OMRDD developmental centers) and receiving public or private educational services recommended by the local public school district where the intermediate care facility is located. (Education Law §3202(5)(d))

Chapter 82 (Laws of 1995)	Students residing in "family boards at home" affiliated with a Special Act School District. (Education Law §3202.4(a), (f) and §3609-b)
Child Care Institution (DSS)	Any facility serving thirteen or more children licensed by the Department of Social Services and operated by an authorized agency pursuant to Social Services Law (18NYCRR §441.2(f)).
Children's Residential Project	Programs specifically designed to meet the educational and residential needs of children with developmental disabilities currently placed, or at risk of out-of-state placement, by the education system. CRP programs provide educational services as approved private schools under Education Law and residential services as Intermediate Care Facilities for the Developmentally Disabled certified by the Office of Mental Retardation and Developmental Disabilities.
Community Residence (OMH)	A program which provides a therapeutic environment for six to eight children and adolescents with serious emotional disturbances. (14NYCRR 594.4(a)(3))
Community Residence (OMRDD)	A facility providing housing, supplies and services for persons who are developmentally disabled: includes supervised community residences (facilities with staff on site or proximately available at all times when the persons are present) and supportive community residences (facilities providing practice in independent living under variable amounts of oversight delivered in accordance with the person's needs for such supervision). (14NYCRR 686.99(1))
Crisis Residence (OMH)	A program which provides a short-term (1-21 days) crisis residential option for children and adolescents. (14NYCRR 594.4(a)(4))
Crisis Respite (DSS)	The provision of brief and temporary care and supervision of children for the purpose of relieving parents or foster parents of the care of children or foster children at a time of need for support. (Social Services Law §435.3(d))
Developmental Center (OMRDD)	A large, State-operated intermediate care facility for the developmentally disabled. (14NYCRR)
DFY	Division for Youth
District of Location	The school district in which the residential program or facility is

located.

District of Residence	Definition varies by type of program. Refer to the definitions provided in the chart under the heading "District of Residence."
District of Origin	Definition varies by type of program. Refer to the definitions provided in the chart under the heading "District of Origin."
DOH	Department of Health
Domestic Violence Shelter (DSS)	A congregate residential facility with a capacity of 10 or more persons, including adults and children organized for the exclusive purpose of providing temporary shelter, and emergency services and care to victims of domestic violence and their minor children. (18NYCRR §453.2(b))
DSS	Department of Social Services
Ed.L.	Education Law
Emergency Foster Family Boarding Home (DSS)	Care provided in a home certified and designated by an authorized agency exclusively for emergency use by children to provide temporary care and services to children who enter foster care in a crisis situation which is expected to be resolved within 60 days so that the children can be reunited with their family. (18NYCRR §446.2)
Facility	The type of residential program operated, licensed or certified by a State agency.
Family Based Treatment Program (OMH)	A family-care program which provides care and treatment to children and adolescents with serious emotional disturbances. (14NYCRR 594.4(a)(7))
Family Care Program (OMRDD)	A residential program using certified family care homes to provide care for clients in a family-oriented setting. (14NYCRR 687.99)
Family Homes at Board	For purposes of education, this term as used in §3202.4 of the Education Law includes community residences, agency-operated boarding homes, group homes, foster homes, family-based treatment programs, family care homes, therapeutic foster homes, and family homes.

Fiscal Responsibility Responsibility to pay for education services.

Foster Family Free Home (DSS) Care provided to a child by an authorized agency, by a family other than that of the child's relatives for the purpose of adoption or for the purpose of providing care. (18NYCRR 441.2(j))

Group Home (DSS) A family-type home for the care and maintenance of not less than seven, nor more than 12, children who are at least five years of age, operated by an authorized agency. (18NYCRR 441.2(h))

Homeless Children Includes children placed by the Department of Social Services or the Division for Youth in temporary shelters or runaway and homeless youth housed in residential runaway homeless youth shelters. Also includes those children who lack a fixed, regular and adequate nighttime residence; and those whose primary nighttime location is a supervised publicly or privately operated shelter designed to provide temporary living accommodations or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. The definition includes homeless children whose last permanent residence was outside the State. (§3209(1)(9))

Individualized Residential Alternative (IRA) (OMRDD) A facility providing room, board and individualized protective oversight. (14NYCRR 686.99(l)(2)(iii))

Intermediate Care Facility (ICF) (OMRDD) Housing providing each person receiving services with room and board, continuous 24-hour-a-day intensive support with medical and/or behavioral services, and training in daily living skills. (Part 681 of Mental Hygiene Law)

MHL Mental Hygiene Law

NYCRR New York Code of Rules and Regulations

OASAS Office of Alcoholism and Substance Abuse Services

OMH Office of Mental Health

OMRDD Office of Mental Retardation and Developmental Disabilities

Programmatic Responsibility	Responsibility to assure the provision of education, including CSE responsibility, as appropriate; responsibility to provide notice to State agencies; responsibility to participate in discharge planning, provide transportation and provide education directly or through contract.
Residential Respite (OMRDD)	The provision of short-term overnight stays in an OMRDD operated, certified, or approved site that is not a private residence. (14NYCRR 686.99(ag))
Residential Treatment Facility (RTF) (OMH)	A community-based psychiatric inpatient facility designed to provide the level of supervision, medical oversight, and psychiatric treatment required by children and adolescents with severe emotional disabilities. (13 NYCRR Part 589)
SED	State Education Department
STAC	System to Track and Account for Children
Temporary Use Beds (TUBS) (OMRDD)	Beds designated on a facility operating certificate as temporary use bed(s) for time-limited stays of developmentally disabled persons. (14NYCRR 686.15))

STACS AND NOTIFICATION FORMS

STAC 1	Request for Commissioner's Approval of Services for Students with Disabilities (Initial placements pursuant to Chapters 47, 66, and 721).
STAC-2	Request for Commissioner's Approval of Services (Reapplication for continuing placements pursuant to Chapters 47, 66, 721).
STAC 200	<p>Notice of Other State Agency Placement of Children with Handicapping Conditions.</p> <ul style="list-style-type: none"> ● Identifies and notifies district at time of admission to care of basic contribution deduction. ● Provides notice to SED, public school district certifying disability, and public school district at time of admission to care. ● Submitted for students in child care institutions, residential treatment facilities, intermediate care facilities, individualized residential alternatives, Chapter 66 developmental centers, and Chapter 47 group homes. ● Submitted by other State agency program.

DSS-2999	<p>School District Notification of Foster Child Placed in a Foster Family, Agency Boarding, or Group Home.</p> <ul style="list-style-type: none"> ● Provides name/address of school district last attended and district of origin. ● Notice to school district child is attending. ● Submitted by county department of social services.
DSS- 3424	<p>School District Notification of Financial Responsibility for Educationally Handicapped Foster Child Placed in a Child Care Institution</p> <ul style="list-style-type: none"> ● Identifies and notifies district at time of admission to care of basic contribution deduction. ● Provides notice to SED, public school district certifying handicapping condition, and public school district at admission to care. ● Submitted for students in child care institutions or Residential Treatment Facilities (RTFs). ● Submitted by other State agency program.
STAC-201	<p>Request for Educational Services to an Incarcerated Youth</p> <ul style="list-style-type: none"> ● Provides notice to public school district of residence at admission, public school district in which the facility is located, and SED. ● Submitted by correctional facility.
STAC-202	<p>Designation of School District of Attendance for a Homeless Child</p> <ul style="list-style-type: none"> ● Provides notice to SED, designated school district of attendance, public school district of attendance before the student became homeless, and parents. ● Submitted by local Department of Social Services.
STAC 202A	<p>Designation of School District of Attendance for a Runaway and Homeless Child</p> <ul style="list-style-type: none"> ● Provides notice to SED; designates school district of attendance, public school district of attendance before the student became homeless, and parents. ● Submitted by Division for Youth.
STAC-202-SD	<p>Designation of School District of Attendance for a Homeless Child</p>

- Provides notice to SED, the public school district of attendance before the student became homeless, and the parent or child.
- Submitted by attending school district when student not placed by DSS or DFY.

STAC 4

Request for Commissioner's Approval of Services for Children in Temporary Housing

- Generates reimbursement, identifies education service period at the school and, for students with disabilities, type of disability, annual costs, and intensity of special education services.
- Submitted by school district of attendance when different than district of origin.

Office of Mental Health

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AGENCY: Office of Mental Health (OMH)

PROGRAMS: State-Operated Psychiatric Center (Student attends psychiatric center's education program)
 State-Operated Psychiatric Center (Student recommended for placement in a non-residential private school)
 State-Operated Psychiatric Center (Student referred to the local school district)
 Private Psychiatric Hospitals; Private Psychiatric Units within General Hospitals
 Residential Treatment Facility (Where the facility operates an approved school)
 Residential Treatment Facility (Where the facility refers a student to the public school)
 Community Residence
 Family Based Treatment Program
 Crisis Residences

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
State-Operated Psychiatric Center (Student attends psychiatric center's education program)	OMH is responsible for the provision of education and for CSE responsibilities for students with disabilities.	None	(District where parents reside) Provides education records; discharge planning with the facility.	None	OMH is responsible for the cost of education. OMH counts student with disability for purposes of Federal aid.	None	None	None	OMH is programmatically and fiscally responsible for the education of students attending facility education programs. Reference: Ed.L. §112 MHL §33.11 MHL §29.15 8NYCRR Part 116

AGENCY: Office of Mental Health (OMH)

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
<p>State-Operated Psychiatric Centers</p> <p>(Student referred to the local school district and recommended for placement in the local district, neighboring district, or BOCES.)</p> <p>(Chapter 66)</p>	<p>The facility CSE refers the student to the local school district.</p> <p>OMH issues a "Notice of Provision of Community Education Services" form to the district of origin and district of location.</p> <p>OMH arranges for transportation.</p>	<p>If a public school or BOCES program is determined to be appropriate by the school district CSE, the district of location assures the provision of education and, if appropriate, develops the IEP.</p>	<p><i>(District where parents reside)</i></p> <p>Provides records and participates in discharge planning with the facility.</p>	None	OMH is responsible for the cost of transportation.	<p>Claims student for all State aid.</p> <p>Bills district of origin for cost of education less State Aid.</p> <p>Counts student with disability for purposes of Federal aid.</p>	None	<p><i>(District where student resided when the student entered the OMH facility)</i></p> <p>Reimburses the district of location for cost of education (less State aid provided to the district of location).</p>	<p>When a facility CSE determines a student can benefit from education in a public school, the district of location reviews the student and, where appropriate, provides education and bills the district of origin. OMH pays for the cost of transportation.</p> <p>Reference: MHL §33.11 MHL §29.15 8NYCRR 200.11 SED Memo 10/78</p>

AGENCY: Office of Mental Health (OMH)

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
State-Operated Psychiatric Centers (Student referred to the local district and is recommended for a non-residential private school placement.)	The facility CSE refers the student to the local school district and reviews the recommendation of the district of location CSE. OMH may place the student in a private approved school. The facility CSE is responsible for the IEP. OMH arranges for transportation.	CSE reviews student; forwards recommendation of approved private school placement to OMH facility.	<i>(District where parents reside)</i> Provides records and participates in discharge planning with the facility.	None	OMH is responsible for the cost of education at the private approved school and the cost of transportation. Private approved school counts student with disability for purposes of Federal aid.	None	None	None	When a local CSE recommends placement in a non-residential private school, the recommendation is forwarded to the OMH facility. OMH is responsible for placement and the cost of education and transportation. Reference: MHL §33.11 MHL §29.15 8NYCRR 200.11 SED Memo 10/78

AGENCY: Office of Mental Health (OMH)

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Private Psychiatric Hospitals; Private Psychiatric Units within General Hospitals	None	None	<p><i>(District where parents reside, or for students in DSS care, district where student resided at time DSS placed student in the facility)</i></p> <p>CSE responsibilities for students with disabilities. For all students, assures the provision of education by providing education directly through a tutor; through contract with the district of location or BOCES; or a school associated with the facility.</p>	None	DSS is responsible for the cost of education for students in their care.	If providing education through contract with the district of residence, claims transportation aid where appropriate.	<p><i>(District where parents reside)</i></p> <p>Responsible for the cost of education (except for students in the care of DSS).</p> <p>Claims student for all appropriate State aid.</p> <p>Counts student with disability for purposes of Federal aid, except if the student attends a private approved school.</p>	None	<p>The district of residence is programmatically and fiscally responsible for the provision of education.</p> <p>Reference: Ed.L. §3202(6) MHL §29.15</p>

AGENCY: Office of Mental Health (OMH)

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Residential Treatment Facility (RTF) (Where the student attends the SED-approved school affiliated with the RTF) (Chapter 947)	Where the student attends the SED-approved school affiliated with the RTF, that school is responsible for the provision of education and CSE functions, including development of the IEP. The RTF notifies the school district of origin through the STAC 200 form for students not in DSS custody. For students in DSS custody, DSS notifies the district of origin through DSS form 3424.	None	<i>(District where student resides at time of referral or placement in the RTF)</i> Upon request by a Preadmission Certification Committee, conducts an evaluation for special education eligibility, provides written recommendations, and forwards to requesting agency.	None	OMH is responsible for the cost of the student's education; except DSS is responsible for the cost of education for students placed by DSS, DFY or Family Court. Private approved school counts student with disability for purposes of Federal aid.	None	None	<i>(District where student resided at the time of placement into the care and custody of a public agency)</i> Basic contribution deduction for students with disabilities; except, for students in DSS custody, basic contribution is for school year program.	The RTF school is program-matically responsible for the education of students in RTFs. OMH or DSS is responsible for the cost of education. The basic contribution is deducted from the district of origin for students with disabilities. Upon request, the district of residence must provide an evaluation of students for special education eligibility. Reference: Ed.L. §4001-§4006 (Article 81) MHL §9.51 MHL §1.03(33) 8NYCRR 200.4(f) 14NYCRR Parts 583 & 584

AGENCY: Office of Mental Health (OMH)

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
<p>Residential Treatment Facility (RTF)</p> <p>(For RTFs without a school or for students referred to the local public schools)</p> <p>(Chapter 947)</p>	<p>The facility refers the student to the district where the facility is located.</p> <p>RTF notifies school district of origin through STAC 200 form for students not in DSS custody.</p> <p>For students in DSS custody, DSS notifies district of origin through DSS form 3424.</p>	<p>For students who can benefit from education in a public school or BOCES, the district of location is responsible for the provision of education. For students with disabilities, responsible for CSE functions including development of the IEP.</p>	<p><i>(District where student resides at time of referral or placement in the RTF)</i></p> <p>Upon request by a Pre-admission Certification Committee, conducts an evaluation for special education eligibility, provides written recommendations, and forwards to requesting agency.</p>	None	<p>OMH is responsible for the cost of education and transportation, except that DSS is responsible for the cost of the student's education and transportation if the student was placed in the RTF by DSS, DFY or Family Court.</p> <p>RTF submits STAC 200 form for notification of financial information.</p>	<p>The district of location bills the RTF or DSS for the cost of education and transportation.</p> <p>Counts student with disability for purposes of Federal aid, except if student attends a private approved school.</p>	None	<p><i>(District where student resided at the time of placement into the care and custody of a public agency)</i></p> <p>Basic contribution deduction for students with disabilities; except, for students in DSS custody, basic contribution is for school year program.</p>	<p>For students referred from the RTF to the public school, the district of location is responsible for the provision of education. Upon request, the district of residence provides an evaluation for special education eligibility. The cost of education and transportation is billed to the RTF or DSS. The basic contribution for students with disabilities is deducted from the district of origin.</p> <p>Reference: Ed.L. §4001-4006 (Article 81) MHL §9.51(d) MHL §1.03(33) 8NYCRR 200.4; 200.11 14NYCRR Parts 583 & 584</p>

AGENCY: Office of Mental Health (OMH)

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Community Residences (CR)	<p>The CR informs the school district of location that the student was admitted to the CR.</p> <p>OMH provides notice of a student's placement in a CR to the district of origin.</p>	Responsible for the provision of education and for students with disabilities, CSE functions including the IEP.	None	None	<p>If the student resides in a facility affiliated with a Special Act School District, the Special Act School District submits a STAC-1 to the State Education Department.</p>	<p>Bills district of origin for cost of education; except where the student is residing in a home affiliated with a Special Act School District, SED provides current year reimbursement.</p> <p>Claims transportation aid.</p> <p>Claims all appropriate State aid.</p> <p>Counts student with disability for purposes of Federal aid, except if student is placed in a private approved school.</p>	None	<p><i>(District where student resided when DSS or OMH assumed responsibility for the student's care)</i></p> <p>Reimburses district of location for cost of education less State aid collected by district of location. If the student resides in a facility affiliated with a Special Act School District, SED provides payment to district of location and deducts cost of education from district of origin.</p>	<p>The district of location is responsible for the provision of education and bills the district of origin; except, SED provides payment to the district of location and deducts the cost from the district of origin if the facility is affiliated with a Special Act School District.</p> <p>Reference: Ed.L. §3202(4) (Chapter 82 of the Laws of 1995) MHL § 1.03(28)</p>

AGENCY: Office of Mental Health (OMH)

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Family Based Treatment Program (FBTP)	<p>The FBTP informs the school district of location that the student was admitted to the FBTP.</p> <p>OMH provides notice of a student's placement in a FBTP to the district of origin.</p>	Responsible for the provision of education and, for students with disabilities, CSE functions including the IEP.	None	None	<p>None</p> <p>If the student resides in a facility affiliated with a Special Act School District, the Special Act School District submits a STAC-1 to SED.</p>	<p>Bills district of origin for cost of education; except where the student is residing in a home affiliated with a Special Act School District, SED provides current year reimbursement.</p> <p>Claims transportation aid.</p> <p>Claims all appropriate State aid.</p> <p>Counts student with disability for purposes of Federal aid, except if student is placed in a private approved school.</p>	None	<p><i>(District where student resided when DSS or OMH assumed responsibility for the student's care)</i></p> <p>Reimburses district of location for cost of education less State aid collected by district of location. If student resides in a facility affiliated with a Special Act School District, SED provides payment to the district of location and deducts cost of education from district of origin.</p>	<p>The district of location is responsible for the provision of education and bills the district of origin; except, SED provides payment to the district of location and deducts the cost from the district of origin if the facility is affiliated with a Special Act School District.</p> <p>Reference: Ed.L. §3202(4) (Chapter 82 of the Laws of 1995)</p>

AGENCY: Office of Mental Health (OMH)

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Crisis Residences (short-term programs)	None	None	<p><i>(District where parents reside or, for DSS students, the district where the student resided when the student entered the crisis residence)</i></p> <p>CSE responsibilities for students with disabilities and, for all students, assures the provision of education by providing education directly, through a contract with a neighboring school, through a school associated with the facility, or through a tutor.</p>	None	For students in DSS custody, DSS is responsible for the cost of education and transportation.	None	<p><i>(District where the parents reside)</i></p> <p>Responsible for the cost of instruction; except for students in DSS custody.</p> <p>Claims appropriate State aid and transportation aid.</p> <p>Counts student with disability for purposes of Federal aid, except if student attends a private approved school.</p>		<p>The district of residence is programmatically responsible for the provision of education. Fiscal responsibility lies with the district of residence or DSS.</p> <p>Reference: Ed.L. §3202(6)</p>

Office of Mental Retardation and Developmental Disabilities

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AGENCY: Office of Mental Retardation and Developmental Disabilities (OMRDD)

PROGRAMS: Developmental Centers (DC) - DC's education program including Temporary Use Beds (TUBs)
 - Placement in public school or BOCES
 - Placement in private school
 Intermediate Care Facility - including Temporary Use Beds (TUBs)
 Individualized Residential Alternative
 Community Residences - including Temporary Use Beds (TUBs)
 Family Care Homes
 Children's Residential Project
 Residential Respite Programs

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Developmental Centers (DC) (Student attends DC's education program)	OMRDD is responsible for the provision of education and for CSE responsibilities.	None	(District where parents reside) Provides education records and participates in discharge planning with the facility.	None	OMRDD is responsible for the cost of education. OMRDD counts student with disability for purposes of Federal aid.	None	None	None	OMRDD is programmatically and fiscally responsible for the education of students attending facility education programs. Reference: Ed.L. §112 MHL §33.11 8NYCRR Part 116

AGENCY: *Office of Mental Retardation and Developmental Disabilities (OMRDD)*

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
<p>Developmental Centers (DC)</p> <p>(Student referred to the local district)</p> <p>(Chapter 66)</p>	<p>The facility CSE refers the student to the local school district.</p> <p>OMRDD DC submits a STAC 200 with copies to the district of origin and district of location and SED.</p> <p>OMRDD arranges for transportation.</p>	<p>If a public school or BOCES program is determined to be appropriate by the school district CSE, the district of location is responsible for the provision of education.</p>	<p><i>(District where parents reside)</i></p> <p>Provides records and participates in discharge planning with the facility.</p>	<p>None</p>	<p>OMRDD is responsible for the cost of transportation.</p>	<p>Cost of education is reimbursed by SED.</p> <p>Counts student with disability for purposes of Federal aid.</p>	<p><i>(District where parents reside on July 1)</i></p> <p>For July and August programs, 20% of the cost of education and transportation is deducted from State aid.</p>	<p><i>(District where student resided when the student entered the OMRDD facility)</i></p> <p>Basic contribution deduction for school year program.</p>	<p>The district of location is programmatically responsible for education of students placed in the local or neighboring district or BOCES and is reimbursed by SED. OMRDD is responsible for the cost of transportation. The basic contribution is deducted from the district of origin for the school year program.</p> <p>Reference: Ed.L. §3202(5)(c) Ed.L. §4408 MHL §33.11 MHL §29.15 8NYCRR 200.11 SED Memo 10/78</p>

AGENCY: *Office of Mental Retardation and Developmental Disabilities (OMRDD)*

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Developmental Centers (DC) (Student placed in a private nonresidential school).	The facility CSE reviews the recommendation of the local school district and, if appropriate, arranges for placement in a private nonresidential school. OMRDD arranges for transportation.	Local district CSE recommends placement in a private nonresidential school.	<i>(District where parents reside)</i> Provides education records and participates in discharge planning with the facility.	None	OMRDD is responsible for the cost of education and transportation. Private approved school counts student for purpose of Federal aid.	None	None	None	OMRDD is responsible for the cost of education and transportation for students residing in a DC and attending a private nonresidential school program. Reference: Ed.L. §3202(5)(c) MHL §29.15 8NYCRR 200.11 SED Memo 10/78

AGENCY: *Office of Mental Retardation and Developmental Disabilities (OMRDD)*

Facility	Programmatic Responsibility				Fiscal Responsibility				Summary
	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Intermediate Care Facilities (ICF) including Temporary Use Beds (TUBs) located in ICFs (Chapter 721)	<p>The ICF notifies the district of location and district of origin.</p> <p>The ICF contracts with the district for the provision of education and transportation.</p> <p>The ICF submits a STAC 200 with copies to the district of location, district of origin, and SED.</p>	<p>Responsible for CSE functions and the provision of education.</p> <p>Annually, provides a report on the status of the student to the CSE of the district of origin, to the child's parents, and to OMRDD.</p>	None	None	<p>If the district of location is not the same district where the student's parents resided at the time the student was placed in the care of OMRDD, SED reimburses the district of location for the cost of education services and transportation.</p>	<p>Applies for reimbursement from SED.</p> <p>Submits STAC 1 form.</p> <p>Counts student with disability for purposes of Federal aid, except if student is placed in a private approved school.</p>	<p><i>(District where parents reside on July 1)</i></p> <p>For July/August program, 20% of the cost of education and transportation is deducted from State aid.</p>	<p><i>(School district in which the student resided at the time of placement in the ICF)</i></p> <p>Basic contribution deduction for school year program.</p>	<p>The ICF provides notice to the district of origin and to the school district of location which is responsible to assure the provision of education. SED reimburses the district of location for cost of education services and transportation. The basic contribution is deducted from the district of origin for the school year program.</p> <p>Reference: Ed.L. §3202(5)(d) Ed.L. §4408</p>

AGENCY: *Office of Mental Retardation and Developmental Disabilities (OMRDD)*

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
<p>Individualized Residential Alternative (IRA)</p> <p>(Note: For purposes of education, IRAs are treated as ICFs).</p> <p>(Chapter 721)</p>	<p>The IRA notifies the district of location and district of origin.</p> <p>The IRA contracts with the district for the provision of education and transportation.</p> <p>The IRA submits a STAC 200 with copies to the district of location, district of origin and SED.</p>	<p>Responsible for CSE functions and assures the provision of education.</p> <p>Annually, provides a report on the status of the student to the CSE of the district of origin, to the child's parents, and to OMRDD.</p>	None	None	<p>If the district of location is not the same district where the student's parents resided at the time the student was placed in the care of OMRDD, SED reimburses the district of location for the cost of education services and transportation.</p>	<p>Applies for reimbursement from the SED.</p> <p>Submits STAC 1.</p> <p>Counts student with disability for purposes of Federal aid, except if student is placed in a private approved school.</p>	<p><i>(District where parents reside on July 1)</i></p> <p>For July/August program, 20% of the cost of education and transportation is deducted from State aid.</p>	<p><i>(School district in which the student resided at the time of placement in the IRA)</i></p> <p>Basic contribution deduction for school year program.</p>	<p>The IRA provides notice to the school district of origin and the school district of location which is responsible to assure the provision of education. SED reimburses the school district of location for the cost of education services and transportation. The basic contribution is deducted from the district of origin for the school year program.</p> <p>Reference: Ed.L. §3202(5)(d)(2) Ed.L. §4408</p>

AGENCY: *Office of Mental Retardation and Developmental Disabilities (OMRDD)*

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
<p>Community Residences (CR)</p> <p>(For students admitted to a CR from a developmental center including a Temporary Use Bed (TUB) at a developmental center)</p> <p>(Chapter 47)</p>	<p>The community residence informs the school district of location that a student was admitted to the community residence from a developmental center.</p> <p>The OMRDD CR submits a STAC 200 to notify SED of the name of the student, the location of the community residence, and the district of origin.</p>	<p>Assures the provision of education and responsible for CSE functions including the IEP.</p>	<p>None</p>	<p>None</p>	<p>SED is responsible for the cost of education.</p>	<p>Applies for reimbursement from SED.</p> <p>Submits STAC 1 form.</p> <p>Claims transportation aid.</p> <p>Counts student with disability for purposes of Federal aid, except when the student is placed in a private approved school.</p>	<p><i>(District where parents reside on July 1)</i></p> <p>For July/August programs, 20% of the cost of education and transportation is deducted from State aid.</p>	<p><i>(District where student resided when OMRDD assumed responsibility for the student's care)</i></p> <p>Basic contribution deduction for school year program.</p>	<p>The district of location is responsible to assure the provision of education. For a student admitted to a community residence from a developmental center, SED reimburses the district of location for the cost of education. SED deducts the basic contribution from the district of origin for the school year program.</p> <p>Reference: Ed.L. §3202(5)(a)(b) Ed.L. 4408</p>

AGENCY: *Office of Mental Retardation and Developmental Disabilities (OMRDD)*

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
<p>Community Residence (CR)</p> <p>(For students admitted to a community residence, including Temporary Use Beds (TUBs) in a CR, from other than a developmental center)</p>	<p>The community residence informs the school district of location that a student has been admitted to the community residence.</p> <p>The OMRDD CR provides notice of a student's placement in a community residence to the district of origin and district of location.</p>	<p>Assures the provision of education and responsible for CSE functions including the IEP.</p>	None	None	None	<p>Bills the district of origin for the cost of education less State aid.</p> <p>Claims transportation aid.</p> <p>Claims all appropriate State aid.</p> <p>Counts student with disability for purposes of Federal aid, except if the student is placed in a private approved school.</p>	None	<p>(District where student resided when OMRDD assumed responsibility for the student's care)</p> <p>Reimburses the district of location for the cost of education less State aid claimed by the district of location.</p>	<p>The district of location provides education and bills the district of origin for the cost of education.</p> <p>Reference: Ed.L. §3202(4)</p>

AGENCY: Office of Mental Retardation and Developmental Disabilities (OMRDD)

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
<p>Family Care Homes</p> <p>(For students admitted to a family care home from a developmental center)</p> <p>(Chapter 47)</p>	<p>The family care home informs the school district of location that a student was admitted to the family care home from a developmental center.</p> <p>The OMRDD Family Care Home submits a STAC 200 to notify SED of the name of the student, the location of the family care home and the district of origin.</p>	<p>Assures the provision of education and responsible for CSE functions including the IEP.</p>	<p>None</p>	<p>None</p>	<p>SED is responsible for the cost of education.</p>	<p>Applies for reimbursement from SED.</p> <p>Submits STAC 1 form.</p> <p>Claims transportation aid.</p> <p>Counts student with disability for purposes of Federal aid, except if the student is placed in a private approved school.</p>	<p><i>(District where parents reside on July 1)</i></p> <p>For July/August programs, 20% of the cost of education and transportation is deducted from State aid.</p>	<p><i>(District where student resided when OMRDD assumed responsibility for the student's care)</i></p> <p>Basic contribution deduction for school year program.</p>	<p>The district of location is responsible for the provision of education.</p> <p>For a student admitted to family care home from a developmental center, SED reimburses the district of location for education costs. SED deducts the basic contribution from the district of origin for school year program.</p> <p>Reference: Ed.L. §3202(5)(a)(b) Ed.L. 4408</p>

AGENCY: *Office of Mental Retardation and Developmental Disabilities (OMRDD)*

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Family Care Homes (For students admitted to a family care home from other than a developmental center)	The family care home informs the school district of location that a student was admitted to the family care home. OMRDD provides notice of a student's placement in a family care home to the district of origin.	Assures the provision of education and responsible for CSE functions including the IEP.	None	None	None	Bills the district of origin for cost of education less State aid. Claims transportation aid. Claims all appropriate State aid. Counts student with disability for purposes of Federal aid, except if the student is placed in a private approved school.	None	<i>(District where student resided when OMRDD assumed responsibility for the student's care)</i> Reimburses the district of location for the cost of education less State aid claimed by the district of location.	The district of location provides education and bills the district of origin for the cost of education. Reference: Ed.L. §3202(4)

AGENCY: *Office of Mental Retardation and Developmental Disabilities (OMRDD)*

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Children's Residential Project (CRP)	OMRDD must admit the child to the ICF of the residential program.	None	<p><i>(District where parents reside)</i></p> <p>Responsible for the CSE functions and to assure the provision of education. Places the student in the education program affiliated with the CRP.</p>	None	Private SED approved school affiliated with the CRP counts student with disability for purposes of Federal aid.	None	<p><i>(District where parents reside)</i></p> <p>Responsible for the cost of education less State aid.</p> <p>Completes STAC 1.</p> <p>Claims all appropriate State aid.</p>	None	<p>CRPs are a joint OMRDD and SED residential placement. The district of residence is programmatically and fiscally responsible for the provision of education. OMRDD pays the cost of maintenance.</p> <p>Reference: Ed.L. §3202(5)(d)(14) 8NYCRR 200.6-(i)</p>

AGENCY: *Office of Mental Retardation and Developmental Disabilities (OMRDD)*

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Residential Respite Programs (other than Temporary Use Beds located in developmental centers, Intermediate Care Facilities, or Community Residences)	If the facility is located outside the district of residence, the facility or parents must provide transportation to school.	None	(District where parents reside) CSE responsibility and assures the provision of education.	None	None	None	(District where parents reside) Continues to be responsible for the cost of education. Claims all appropriate State aid. Claims transportation aid. Counts student with disability for purposes of Federal aid.	None	For students placed in respite programs, the district of residence remains programmatically and fiscally responsible for education. Reference: Ed.L. §3202(1)

Department of Social Services

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AGENCY: Department of Social Services (DSS)

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PROGRAMS: Child Care Institution (including crisis respite) - student attends SED approved school
 Child Care Institution (including crisis respite) - student attends local school or BOCES
 Out-of-State Facilities
 Group Homes/Agency Owned Boarding Homes (including crisis beds)
 Foster Family Homes (including therapeutic and emergency foster family homes)
 Residential Programs for Runaway & Homeless Youth; Domestic Violence Shelters and Homeless Shelters

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Child Care Institution (CCI) - In-State (including crisis respite in the child care institution) (Where the student attends the SED-approved school affiliated with the CCI)	Where the student attends the SED-approved school affiliated with the CCI, that school is responsible for the provision of education and CSE functions. CCI notifies the district of origin (DSS form 3424) that the student has been admitted to the CCI.	None	<i>(District where student resides at time of referral or placement in the CCI)</i> Upon request by Family Court, probation department, the CCI, or the social services district, evaluates student for special education eligibility, provides written recommendations and forwards to requesting agency.	None	DSS is responsible for the cost of education. Private approved school counts student with disability for purposes of Federal aid.	None	None	<i>(District where student resided at the time of placement in care and custody of DSS)</i> Basic contribution deduction for students with disabilities for school year program.	The CCI school is programmatically responsible for the education of students in CCIs. Upon request, district of residence provides evaluation. DSS is responsible for the cost of education. The basic contribution is deducted from the district of origin for students with disabilities. Reference: Ed.L §4001-4006 (Article 81) 8NYCRR 200.4-(f)

AGENCY: Department of Social Services (DSS)

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
<p>Child care institution (CCI) - In-State</p> <p>(including crisis respite in the child care institution)</p> <p>(For CCIs without a school or for students referred to the local public schools)</p>	<p>The CCI refers the student to the district where the CCI is located.</p> <p>CCI notifies the district of origin (DSS form 3424) that the student has been admitted to the CCI.</p>	<p>For CCIs without a school or for students who can benefit from education in a public school or BOCES, the district of location is responsible for the provision of education and CSE functions.</p>	<p><i>(District where student resided at time of referral or placement in the CCI)</i></p> <p>Upon request by a Family Court Judge, probation department, CCI or social services district, evaluates student for special education eligibility, provides written recommendations and forwards to requesting agency.</p>	None	<p>DSS is responsible for the cost of education and transportation.</p>	<p>The district of location bills DSS for the cost of education and transportation.</p> <p>Counts student with disability for purposes of Federal aid, except if student attends private approved school.</p>	None	<p><i>(District where student resided at the time of placement in the care and custody of DSS)</i></p> <p>Basic contribution deduction for students with disabilities for school year program.</p>	<p>For CCIs without a school or for students referred from the CCI to the public school, the district of location provides education. The cost of education and transportation is billed to DSS. The basic contribution for students with disabilities is deducted from the district of origin. Upon request, the district of residence must provide an evaluation of students for special education eligibility.</p> <p>Reference: Ed.L. §4001-4006 (Article 81) 8NYCRR 200.4 8NYCRR 200.11</p>

AGENCY: Department of Social Services (DSS)

Facility	Programmatic Responsibility				Fiscal Responsibility				Summary
	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
<p>Out-of-State facility placements by DSS</p> <p>(including out-of-state hospitals or other institutions for the care, custody, and treatment of children)</p>	<p>DSS notifies school district of residence of children placed in an out-of-state facility.</p> <p>If student attends an SED-approved out-of-state school affiliated with the facility, the approved school submits DSS form 3424.</p>	None	<p><i>(District where student resided at the time DSS placed the student in the out-of-state facility)</i></p> <p>Responsible for the provision of education by contract with the school where the facility is located, by contract with a school affiliated with the facility or through a tutor. For students with disabilities, responsible for CSE functions including the development of the IEP.</p>	None	<p>DSS is responsible for the cost of education and, if appropriate, transportation.</p> <p>If student attends an SED approved out-of-state school affiliated with the facility, the approved school counts student with disability for purposes of Federal aid.</p>	None	None	<p><i>(District where student resided at the time of placement in the care and custody of DSS)</i></p> <p>Basic contribution deduction for students with disabilities placed in an SED approved programs affiliated with the facility for school year program.</p>	<p>The district of residence is responsible for the provision of education services. Fiscal responsibility lies with DSS, except for students with disabilities in SED approved schools. The basic contribution is deducted from the district of origin.</p> <p>Reference: Ed.L. §3202(6) Ed.L. §4004 SED Memo 2/89</p>

AGENCY: Department of Social Services (DSS)

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
<p>Group Homes Agency Boarding Homes</p> <p>(including crisis respite located in the such homes)</p>	<p>The facility notifies the district of loca- tion and district of origin of placement in an agency boarding or group home (DSS form 2999).</p>	<p>Responsible for the pro- vision of edu- cation and, for student with disabili- ties, responsi- ble for CSE functions including the development of the IEP.</p>	<p>None</p>	<p>None</p>	<p>None</p> <p>If the student resides in a facility affiliated with a Special Act School Dis- trict, the Special Act School Dis- trict submits a STAC-1 to SED.</p>	<p>Bills district of origin for cost of education; except where the student is residing in a home affiliated with a Special Act School Dis- trict, SED pro- vides current year reimburse- ment.</p> <p>Claims all ap- propriate State aid.</p> <p>Claims transportation aid.</p> <p>Counts student with disability for purpose of Federal aid, except if the student attends a private ap- proved school.</p>	<p>None</p>	<p><i>(District where stu- dent resided at the time of place- ment in the care and custody of DSS)</i></p> <p>Reimburses district of location for cost of educa- tion less State aid collected by district of location. If the student resides in a facility affilia- ted with a Special Act school district, SED provides payment to district of location and deducts cost of education from district of origin.</p>	<p>The district of location is re- sponsible for the provision of edu- cation and bills the district of origin; except, SED provides payment to the district of loca- tion and deducts the cost from the district of origin if the facility is affiliated with a Special Act School District.</p> <p>Reference: Ed.L. §3202(4)(a) Ed.L. §3202(4)(e) (Chapter 82 of the Laws of 1995)</p>

AGENCY: Department of Social Services (DSS)

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Foster Family Homes (including therapeutic foster homes, crisis respite in foster family homes and emergency foster family homes)	The facility notifies the district of location and district of origin of placement in an agency boarding or group home (DSS form 2999).	Responsible for the provision of education and, for students with disabilities, responsible for CSE functions including the development of the IEP.	None	None	If the student resides in a facility affiliated with a Special Act School District, the Special Act School District submits a STAC-1 to SED.	Bills district of origin for cost of education; except where the student is residing in a home affiliated with a Special Act School District, SED provides current year reimbursement. Claims all appropriate State aid. Claims transportation aid. Counts student with disability for purpose of Federal aid, except if student attends a private approved school.	None	<i>(District where student resided at the time of placement in the care and custody of DSS)</i> Reimburses district of location for cost of education less State aid collected by district of location. If the student resides in a facility affiliated with a Special Act School District, SED provides payment to district of location and deducts cost of education from district of origin.	The district of location is responsible for the provision of education and bills the district of origin; except, SED provides payment to the district of location and deducts the cost from the district of origin if the facility is affiliated with a Special Act School District. Reference: Ed.L. §3202(4)(a) Ed.L. §3202(4)(c) (Chapter 82 of the Laws of 1995)

AGENCY: Department of Social Services (DSS)

Facility	Programmatic Responsibility				Fiscal Responsibility				Summary
	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Residential Programs for Runaway and Homeless Youth Domestic Violence Shelters Homeless Shelters	DSS is responsible to arrange transportation to and from school if the temporary housing location is outside the designated school district.	(School district where the temporary housing is located) Where the student designates the district of location as the district of attendance: Assures the provision of education* and, for students with disabilities, CSE functions. Provides transportation on the same basis as resident students.	None	(District of attendance before becoming homeless) Where the student designates the district of origin as the district of attendance: Assures the provision of education and, for students with disabilities, CSE functions.* Provides transportation if the housing is within the district.	DSS is responsible for the cost of transportation if the housing is outside the district of attendance.	(District where the temporary housing is located) Reimbursement by SED for the full cost of educational services provided. The district of attendance counts student with disability for purposes of Federal aid, except if student attends a private approved school.	None	(District of attendance before becoming homeless) Responsible for the cost of education if the district of attendance is the district of origin. Basic contribution deduction if the district of attendance is the district of location or a district participating in a regional placement plan.	A "homeless child" may choose to attend the district of origin, the district of location, or a district participating in a regional placement plan. Transportation is arranged by the district of attendance; if the housing is outside of such district, DSS or DFY arranges transportation. The cost of education is reimbursed by SED or borne by the district of origin. Reference: Ed.L §3209 8NYCRR 100.2-(x)

* In addition to designating the district of origin, the district of current location or a district participating in a regional placement plan, Chapter 569 of the Laws of 1994 expands the options to enable a homeless child who designates the school district of current location as the school of attendance and who relocates to another temporary housing arrangement during the course of the school year (whether in or outside the designated district) to continue to attend the same school building previously attended until the end of the school year, or for one additional school year if that constitutes the child's last year in the school building; who designates the school district of origin to return to the same school building where the child previously attended; and who designates the school district of current location, to attend the same school as resident children living in their attendance zone are entitled to attend.

Division for Youth

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AGENCY: Division for Youth (DFY)

2/96

PROGRAMS: Secure Centers
 Limited Secure Centers
 Non-Secure Residential Centers
 Community Residential Homes
 Runaway Short-Term Crisis Centers
 Homeless Transitional Independent Living Program

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Division for Youth •Secure Centers •Limited Secure Centers •Non-secure Residential Centers (Student attends DFY education program)	DFY is responsible for the provision of education and, for students with disabilities, CSE functions including the development of the IEP.	None	<i>(District where parents reside at the commencement of the school year)</i> Provides records and participates in discharge planning with the education provider.	None	DFY or DSS is responsible for the cost of education. DFY counts student with disability for purposes of Federal aid.	None	None	None	DFY is program-matically and fiscally responsibility for education except when the child is under DSS custody, in which case DSS is fiscally responsible. Reference: Ed.L §112 Ed.L. §3202(6-a) 8NYCRR Part 116

AGENCY: Division for Youth (DFY)

Facility	Programmatic Responsibility				Fiscal Responsibility				Summary
	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Division for Youth •Secure Centers •Limited Secure Centers •Non-secure Residential (Student attends public school in local district)	Where appropriate, DFY may contract with the local school district for the education of a student who resides in a DFY facility.	Where an appropriate program is available, responsible for the provision of education and, for students with disabilities, responsible for CSE functions and the development of the IEP.	<i>(District where parents reside at the commencement of the school year)</i> Provides records and participates in discharge planning.	None	None	Bills the district of residence for the cost of education. Claims all appropriate State aid. Claims transportation aid. Counts student with disability for purpose of Federal aid, except if student attends a private approved school.	<i>(District where the parents reside at the commencement of the school year)</i> Reimburses the district of location for the cost of education less State aid collected by the district of location.	None	For students residing in DFY facilities and attending a local school, the district of location provides education and bills the district of residence for the cost of education less State aid. Reference: Ed.L. §3202(6-a) Exec Law 510

AGENCY: Division for Youth (DFY)

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Community Residential Homes (group homes)	DFY contracts with the district of location for education.	Responsible for the provision of education. For students with disabilities, responsible for CSE functions including the development of the IEP.	None	None	None	<p>Bills district of residence for cost of education less State aid.</p> <p>Claims all appropriate State aid.</p> <p>Claims transportation aid.</p> <p>Counts student with disability for purposes of Federal aid, except if student attends a private approved school.</p>	<p><i>(District where the parents reside at the commencement of the school year)</i></p> <p>Reimburses the district of location for the cost of education less State aid claimed by the district of location.</p>	None	<p>The district of location is responsible for the provision of education and bills the district of residence for the cost of education less State aid.</p> <p>Reference: Ed.L. §3202(6-a)</p>

AGENCY: Division for Youth (DFY)

Programmatic Responsibility					Fiscal Responsibility				
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	Summary
Runaway Short Term Crisis Centers Homeless Transitional Independent Living Programs	DFY is responsible to arrange for transportation to and from school if the temporary housing location is outside the designated school district.	<i>(School district where the temporary housing is located)</i> Where the student designates the district of location as the district of attendance: Provides education, and, for students with disabilities, CSE functions.* Provides transportation on the same basis as resident students.	None	<i>(District of attendance before becoming homeless)</i> Where the student designates the district of origin as the district of attendance: Provide education and, for students with disabilities, CSE functions.* Provide transportation when the housing is located in the district. Provide education where the child designates the district of origin.	DFY is responsible for the cost of transportation if the housing is outside the designated school district.	<i>(District where the temporary housing is located)</i> Reimbursement by SED for the full cost of educational services provided. The district of attendance counts student with disability for purposes of Federal aid, except if student attends a private approved school.	None	<i>(District of attendance before becoming homeless)</i> Responsible for the cost of education if the district of attendance is the district of origin. Basic contribution deduction if the district of attendance is the district of location or a district participating in a regional placement plan.	A "homeless child" may choose to attend the district of origin, the district of location, or a district participating in a regional placement plan. Transportation is arranged by the district of attendance; if the housing is outside of such district, DFY arranges transportation. The cost of education is reimbursed by SED or borne by the district of origin. Reference: Ed.L §3209 8NYCRR100.2 (x)

* In addition to designating the district of origin, the district of current location or a district participating in a regional placement plan, Chapter 569 of the Laws of 1994 expands the options to enable a homeless child who designates the school district of current location as the school of attendance and who relocates to another temporary housing arrangement during the course of the school year (whether in or outside the designated district) to continue to attend the same school building previously attended until the end of the school year, or for one additional school year if that constitutes the child's last year in the school building; who designates the school district of origin to return to the same school building where the child previously attended; and who designates the school district of current location, to attend the same school as resident children living in their attendance zone are entitled to attend.

DFY Detention Services

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AGENCY: DFY Detention Services

2/96

PROGRAMS: Secure Detention Facilities
 Non-Secure Institutional Facilities
 Secure Holdover Detention Facilities
 Non-Secure Group Care
 Non-Secure Agency-Operated Detention Facilities
 Detention Facility Boarding Homes

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Detention Facilities •Secure Detention •Non-Secure Institution •Secure Holdover •Non-Secure Group Care •Non-Secure Agency-Operated Detention Facilities (Student attends education program at the detention facility)	The detention facility is responsible to assure the provision of education, and for students with disabilities, CSE functions including the development of the IEP.	None	None	None	DFY Detention and the municipality are responsible for the cost of education. DFY Detention counts students with disability for purpose of Federal aid.	None	None	None	DFY Detention is responsible for the education of students who attend education programs in facilities certified by DFY and operated by the State or county. The cost of education is the responsibility of DFY and the municipality. Reference: Ed.L. §112 Ed.L. §3202(6-a) 8NYCRR Part 116 Exec Law §510

AGENCY: DFY Detention Services

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Detention Facilities: •Secure Detention •Non-Secure Institutional •Secure Holdover Detention •Non-Secure Group Care •Non-Secure Agency-Operated Detention (Student attends local school)	The detention facility may contract with the district where the facility is located for a student to attend the local school.	Where an appropriate program is available, responsible for the provision of education and, for students with disabilities, responsible for CSE functions including development of the IEP.	None	None	None	Bills the district of residence for cost of education. Claims all appropriate State aid. Claims transportation aid. Counts student with disability for purpose of Federal aid, except if student attends a private approved school.	<i>(District where the parents reside at the commencement of the school year)</i> Reimburses the district of location for cost of education less State aid collected by the district of location.	None	For students residing in detention facilities and attending a local school, the district of location is responsible for the provision of education and bills the district of residence. Reference: Ed.L §3202(6-a)

AGENCY: DFY Detention Services

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Detention Family Boarding Homes	DFY contracts with the district of location for education.	Responsible to assure the provision of education and, for students with disabilities, CSE functions including development of the IEP.	None	None.	None	<p>Bills district of residence for cost of education less State aid.</p> <p>Claims all appropriate State aid.</p> <p>Claims transportation aid.</p> <p>Counts student with disability for purpose of Federal aid, except if student attends a private approved school.</p>	<p><i>(District where the parents reside at the commencement of the school year)</i></p> <p>Reimburses the district of location for the cost of education less State aid claimed by the district of location.</p>	None	<p>The district of location is responsible for the provision of education and bills the district of residence for the cost of education less State aid.</p> <p>Reference: Ed.L. §3202(6-a)</p>

Department of Correctional Services/Commission of Corrections

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AGENCY: Department of Correctional Services/Commission of Corrections

PROGRAMS: Correctional facilities operated by NYS
Correctional facilities maintained by a County or by the City of New York

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Correctional facilities operated by New York State	The Department of Corrections is responsible for the provision of education.	None	None	None	The Department of Corrections is responsible for the cost of education. Counts student with disability for purpose of Federal aid.	None	None	None	The Department of Corrections is responsible for the provision and payment of education services. Reference: Ed.L. §112 8NYCRR Part 116

AGENCY: Commission of Corrections/Department of Corrections

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
<p>Correctional facilities maintained by a county or by the City of New York</p> <p>(incarcerated youth)</p>	<p>The facility informs student concerning availability of education services and submits a request for education services to the school district in which the facility is located.</p> <p>Notifies district of location of district of origin.</p>	<p>Responsible for the provision of education directly or through contract with a BOCES or another school with SED program approval. For students with disabilities, responsible for CSE functions including the development of the IEP.</p> <p>Notifies SED, district of origin, and other appropriate agencies.</p>	None	Verify that they are the district of origin.	None	<p>SED provides district with an apportionment pursuant to an approved plan.</p> <p>The district providing education counts student with disability for purpose of Federal aid.</p> <p>Submits STAC.</p>	None	<p><i>(District where student resided at time of commitment to the custody of the sheriff or Commission of Corrections)</i></p> <p>Basic contribution deduction.</p>	<p>Education programs are provided by the school district or BOCES in which the correctional facility is located. An apportionment of State aid is provided to the educating school district for the costs of providing the educational program. The basic contribution is deducted from the district of origin.</p> <p>Reference: Ed.L §3202(7) 8NYCRR Part 118</p>

Office of Alcoholism and Substance Abuse Services

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AGENCY: Office of Alcoholism & Substance Abuse Services (OASAS)

2/96

PROGRAMS:

Drug Free Residential
Alcoholism Detoxification
Inpatient Rehabilitation
Primary Care Alcohol Crisis Centers
Inpatient Rehabilitation

Residential Chemical Dependency for Youth Programs
Acute Care Programs
Community Residences - Recovery Homes
Halfway Houses; Supportive Living Facilities

Facility	Programmatic Responsibility				Fiscal Responsibility				Summary
	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Drug Free Residential In-Patient Rehabilitation Alcoholism Detoxification Residential Chemical Dependency for Youth Programs Inpatient Rehabilitation Acute Care Programs Primary Care Alcohol Crisis Centers Community Residences - Recovery Homes	The facility informs the district of residence of student's admission.	None	<i>(District where parents reside, or for students in DSS care, district where student resided at the time DSS placed the student in the facility)</i> Responsible for the provision of education directly through a tutor; through contract with the district of location or BOCES; or with a school affiliated with the facility. For students with disabilities, responsible for CSE functions including the development of the IEP.	None	DSS is responsible for the cost of education for students in their care.	If providing education through contract with the district of residence, claims transportation aid where appropriate. Counts student with disability for purposes of Federal aid, except if student attends a private approved school.	<i>(District where parents reside)</i> Cost of education (except for students in the care of DSS).	None	The district of residence is programmatically responsible for the provision of education. The district of residence is responsible for the cost of education, except for students in the care and custody of DSS. Reference: Ed.L §3202(6) SED Memo 3/92

AGENCY: Office of Alcoholism & Substance Abuse Services (OASAS)

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of Origin	
Halfway Houses Supportive Living Facilities (without affiliated treatment programs)	The facility informs the district of residence of student's admission. OASAS provides notice of a student's placement in a halfway house or supportive living facility.	Responsible for the provision of education. For students with disabilities, responsible for CSE functions including the development of the IEP.	None	None	None	Bills district of origin for cost of education. Claims transportation aid. Claims all appropriate State aid. Counts student with disability for purposes of Federal aid, except if student attends a private approved school.	None	<i>(District where student resided when DSS or OASAS assumed responsibility for the student's care)</i> Reimburses district of location for cost of education less State aid collected by district of location.	The district of location is responsible for the provision of education and bills the district of origin. Reference: Ed.L. §3202-(4) SED Memo 3/92

Department of Health (DOH)

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AGENCY: Department of Health (DOH)

PROGRAMS: Pediatric Residential Health Care Facilities
Hospitals
Rehabilitation Centers
Skilled Nursing Facilities

Programmatic Responsibility					Fiscal Responsibility				Summary
Facility	State Agency or Facility	District of Location	District of Residence	District of Origin	State Agency or Facility	District of Location	District of Residence	District of origin	
Pediatric Residential Health Care Facilities Hospitals Rehabilitation Centers Skilled Nursing Facilities	The facility informs the district of residence of student's admission.	None	<i>(District where parents reside, or for students in DSS care, district where student resided at the time DSS placed the student in the facility)</i> Responsible for the provision of education and, for students with disabilities, responsible for CSE functions including the development of the IEP; provides education directly through a tutor; through contract with the district of location or BOCES; or with a school affiliated with the facility.	None	DSS is responsible for the cost of education for students in their care.	If providing education through contract with the district of residence, claims transportation aid where appropriate.	<i>(District where parents reside)</i> Cost of education (except for students in care of DSS). Counts student with disability for purposes of Federal aid, except if student attends a private approved school.	None	The district of residence is program-matically responsible for education. The district of residence is fiscally responsible except for students in DSS care. Reference: Ed.L §3202-(6)

**SCHOOL-AGE CHILDREN IN RESIDENTIAL CARE:
PROGRAMMATIC AND FISCAL RESPONSIBILITIES FOR EDUCATION**

SUMMARY CHART OF PERTINENT LAWS AND AGENCIES AFFECTED

<u>Ed.L. §112</u>	<u>Ed.L. 3202(4)</u>	<u>Ed.L. 3202(5)</u>	<u>Ed.L. 3202(5)(d)(13) & 3202(1)</u>	<u>Ed.L. 3202(6)</u>
Other State Agency has programmatic and fiscal responsibility for education	District of location provides education and bills the district of origin for the cost of education	District of location provides education; reimbursed by SED	District of residence is programmatic and fiscally responsible for the provision of education	District of residence provides education; district of residence responsible for the cost of education, except when the student is in DSS custody
OMH State-Operated Psychiatric Centers when student attends OMH education program	OMH Community Residences	OMRDD Intermediate Care Facility (ICF)	OMRDD/SED Children's Residential Project (CRP)	OMH Private Psychiatric Hospitals, Private Psychiatric Units within General Hospitals
OMRDD Developmental Centers (DC)	OMH Family Based Treatment Programs	OMRDD Individualized Residential Alternative (IRA)	OMRDD Residential Respite Programs (other than temporary use beds at a developmental center, ICF, IRA, or CR)	OMH Crisis Residences
DFY facilities when student attends DFY education program	OMRDD Community Residence, if admitted from other than a Developmental Center	OMRDD Community Residences (CR) if the student was admitted to the CR from a developmental center		DSS Out-of-State Placements
Detention facilities when student attends education at detention facility	OMRDD Family Care Homes, if admitted from other than a Developmental Center	OMRDD Family Care Home if the student was admitted to a family care home from a developmental center		OASAS Residential Programs
Correctional Facilities Operated by NYS	DSS Foster Family Homes	OMRDD Developmental Center if students attend local public school		DOH Pediatric Residential Health Care Facilities, Hospitals, Rehabilitation Centers, Skilled Nursing facilities
	OASAS Halfway Houses and Supportive Living Facilities			

<u>Ed.L. 3202(6-a)</u>	<u>Ed.L. 3202(7)</u>	<u>Ed.L. 3209</u>	<u>Article 81 (Ed.L. 4001-4006)</u>	<u>Article 81 (Ed.L. 4001-4006)</u>	<u>MHL 33.11</u>
District of location provides education and bills cost of education to the district where the parents reside at the beginning of the school year	District of location or BOCES provides education; reimbursed by SED	Homeless children may choose to attend the district of origin, the district of location, or a district participating in a regional placement plan. The cost of education is reimbursed by SED or borne by the district of origin	Other State agency program programmatically responsible; other State agency fiscally responsible	District of location provides education. Cost of education and transportation borne by other State agency	District of location provides education; bills district of origin for cost of education
DFY Secure Centers, limited secure centers, non-secure centers when a student attends a local public school program	Correctional facilities maintained by a county or by the City of New York (incarcerated youth)	DSS Residential Programs for Runaway and Homeless Youth	OMH Residential Treatment Facilities (RTF) with affiliated education programs	OMH Residential Treatment Facilities (RTF) without an affiliated education program	OMH Psychiatric Centers if student attends local public school or BOCES
DFY Community Residential Homes (group homes)		DSS Domestic Violence Shelters	DSS Child Care Institutions (in-state) with affiliated education programs	DSS Child Care Institution without an affiliated education program	
Detention facilities when student attends a local public school program		DSS Homeless Shelters			
		DFY Runaway Short-Term Crisis Centers			
		DFY Homeless Transitional Independent Living Programs			

Attachment 1

**PRESCHOOL CHILDREN IN RESIDENTIAL CARE
EDUCATION LAW SECTION 4410-a**

§ 4410

EDUCATION LAW Title 6

Legislative Histories

- L.1992, c. 705:** For memorandum of the State Executive Department, see McKinney's 1992 Session Laws of New York, p. 2668.
- L.1989, c. 558:** For memorandum of the State Executive Department, see McKinney's 1989 Session Laws of New York, p. 2200.
- L.1989, c. 243:** For memorandum of the State Executive Department, see McKinney's 1989 Session Laws of New York, p. 2120.

Library References

American Digest System

Educational programs and facilities for handicapped students; proceedings to enforce rights, see Schools C=148(2 to 4), 154(2 to 4), 155.5(1 to 5).

Encyclopedia

Educational programs and facilities for handicapped students; proceedings to enforce rights, see C.J.S. Schools and School Districts §§ 700 et seq., 704 et seq., 716 et seq.

WESTLAW Research

Schools cases: 345k{add key number}.

Notes of Decisions

Approved expenditures 2 Interim rates 3 Jurisdiction 1

1. Jurisdiction

Family Court had no jurisdiction to consider petition filed after August 1, 1989 for special education service for preschool child with handicap conditions, as exclusive jurisdiction lay with the local school district committee on preschool special education. *Matter of Martin K.*, 1989, 144 Misc.2d 819, 545 N.Y.S.2d 897.

2. Approved expenditures

Payment for services provided children with handicapping conditions due only upon receipt and audit of voucher, and not at time such services were rendered. 1991, 31 Educ.Dept.Rep. 53.

3. Interim rates

State Education Department acted arbitrarily and capriciously in denying request by providers of educational services for preschool children with handicapping conditions to annul parts of determinations which based interim tuition rate for children in certain county upon prior contracts, where new provisions of Education Law gave Commissioner authorization to set rates, and thus rates agreed to in earlier contracts were superseded, and providers had accepted and relied on initial interim rate, which was apparently set without knowledge of preexisting contracts. *Long Island Ass'n for Children with Learning Disabilities, Inc. v. Sobol* 1991, 175 A.D.2d 520, 572 N.Y.S.2d 787, appeal dismissed 78 N.Y.2d 1124, 578 N.Y.S.2d 880, 586 N.E.2d 63.

§ 4410-a. Responsibility for certain temporary-resident preschool children with handicapping conditions

1. Definitions. For the purpose of this section, the following definitions shall apply:

a. "Foster care child" shall mean a child placed in foster care by a social services district.

CHILDREN WITH HANDICAPPING CONDITIONS § 4410-a Art. 89

b. "Homeless child" shall mean a homeless child as defined in paragraph a of subdivision one of section thirty-two hundred nine of this chapter.

c. "Municipality" shall mean a county outside the city of New York or the city, in the case of a county in the city of New York.

d. "Municipality of current location" shall mean a municipality in which a child lives which is different from the municipality in which a child or such child's family lived at the time a social services district assumed responsibility for the placement of such child or family, or at the time such child was admitted for care and/or treatment in a facility licensed or operated by another state agency.

e. "Municipality of residence" shall mean the municipality in which a child or such child's family lived at the time the local social services district assumed responsibility for the placement of such child or family, or at the time such child was admitted for care and/or treatment in a facility licensed or operated by another state agency.

f. "Preschool child with a handicapping condition" shall mean a child eligible for services pursuant to section forty-four hundred ten of this chapter.

g. "School district of current location" shall mean a school district in which a child lives which is different from the school district in which a child or such child's family lived at the time a social services district assumed responsibility for the placement of such child or family, or at the time such child was admitted for care and/or treatment in a facility licensed or operated by another state agency.

h. "Child in residential care" shall mean a child residing in a facility licensed or operated by another state agency as defined by section 1.03 of the mental hygiene law or by section two of the public health law.

2. School district evaluation and placement responsibility. The school district of current location of a foster care or homeless child or child in residential care shall be responsible for the evaluation and placement procedures prescribed for a preschool child suspected of having a handicapping condition pursuant to section forty-four hundred ten of this chapter. In issuing its written notice of determination of services, the board of education of such school district shall identify the municipality of residence of a preschool child with a handicapping condition who is a foster care or homeless child or child in residential care. Such notice of determination shall be

transmitted to both the municipality of residence and the municipality of current location.

3. Contract and payment responsibility. The municipality of current location shall be the municipality of record for a preschool child with a handicapping condition who is a foster care or homeless child or child in residential care for the purposes of section forty-four hundred ten of this chapter provided, however, that, notwithstanding the provision of paragraph b of subdivision eleven of such section, the state shall reimburse one hundred percent of the approved costs paid by such municipality which shall be offset by the local contribution due pursuant to subdivision four of this section.

4. Local contribution. The municipality of residence shall be financially responsible for the local contribution which shall equal that portion of the approved costs of services to a foster care or homeless child or child in residential care with a handicapping condition which would not be reimbursed pursuant to the schedule set out in paragraph b of subdivision eleven of section forty-four hundred ten of this chapter. The commissioner shall certify to the comptroller the amount of the local contribution owed by each municipality to the state. The comptroller shall deduct the amount of such local contribution first from any moneys due the municipality pursuant to such section and then from any other moneys due or to become due such municipality.

(Formerly § 3229, added L.1990, c. 53, § 15; renumbered and amended L.1992, c. 705, §§ 1, 12; L.1994, c. 280, §§ 1, 2; L.1994, c. 569, § 6.)

Historical and Statutory Notes

1994 Amendments. Subd. 1, par. b. L.1994, c. 569, § 6, eff. Aug. 25, 1994, substituted provision defining "homeless child" as a homeless child as defined in par. a of subd. 1 of § 3209, for provision which defined "homeless child" as a child placed in a hotel, motel, shelter, or other temporary housing arrangement by social services district due to the unavailability of permanent housing.

Subd. 1, par. h. L.1994, c. 280, § 1, eff. July 6, 1994, substituted "Child in residential care" for "A facility child" and omitted provision which deemed a facility child to be a homeless child for purposes of subs. 2, 3 and 4.

Subd. 2. L.1994, c. 280, § 2, eff. July 6, 1994, extended provisions to include children in residential care.

Subd. 3. L.1994, c. 280, § 2, eff. July 6, 1994, extended provisions to include children in residential care.

Subd. 4. L.1994, c. 280, § 2, eff. July 6, 1994, extended provisions to include children in residential care.

1992 Amendments. Subd. 1, par. d. L.1992, c. 705, § 12, included within the meaning of the term "municipality of current location", that municipality in which a child lives which is different from the municipality in which a child or such child's family lived at the time such child was admitted for care and/or treatment in a facility licensed or operated by another state agency. For eff. date, see note below.

Subd. 1, par. e. L.1992, c. 705, § 12, included within the meaning of the term "municipality of residence", that municipality

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pality in which a child or such child's family lived at the time such child was admitted for care and/or treatment in a facility licensed or operated by another state agency. For eff. date, see note below.

Subd. 1, par. g. L.1992, c. 705, § 12, included within the meaning of the term "school district of current location", that school district in which a child lives which is different from the school district in which a child or the child's family lived at the time such child was admitted for care and/or treatment in a facility licensed or operated by another state agency. For eff. date, see note below.

Subd. 1, par. h. L.1992, c. 705, § 12, added par. h. For eff. date, see note below.

Effective Date of Amendment by L.1992, c. 705; Retroactive Effect; Expiration Unaffected. Amendment by L.1992, c. 705, effective July 31, 1992, and shall be deemed to be in full force and effect on and after July 1, 1992, and nothing contained therein shall be deemed to affect the application, qualification, expiration or repeal of any provision of the law amended by any section of this act, pursuant to L.1992, c. 705, § 15, set out as a note under § 4410.

Effective Date; Retroactive Effect; Expiration Cancelled. Section effective June 6, 1990, retroactive to July 1, 1989 and no longer to expire, pursuant to L.1990, c. 53, § 112, as amended, set out as a note under § 3601-a.

Derivation. Former §§ 3216-c and 3229. Said former § 3216-c, added L.1965, c. 1031, § 37; and repealed by L.1971, c. 1017, § 4, was from Penal Law of 1909 § 485-a; added L.1947, c. 815, § 3; and repealed by Penal Law § 500.05. Said former § 3229; formerly § 3212-a; added L.1947, c. 815, § 1; renumbered § 3216-a and amended L.1949, c. 687, § 47; renumbered § 3229, L.1966, c. 975, § 12; and repealed by L.1971, c. 1017, § 4.

Former § 3229. Section, added L.1971, c. 1017, § 9; amended L.1978, c. 124, § 1, related to child performers and is now covered by Arts and Cultural Affairs Law § 35.01.

Prior Sections 3229. Section 3229, formerly § 3212-a, added L.1947, c. 815, § 1; renumbered § 3216-a and amended L.1949, c. 687, § 47; renumbered § 3229, L.1966, c. 975, which related to child performers, was repealed by L.1971, c. 1017, § 4.

A prior section 3229 was renumbered 3234.

Cross References

Apportionment of public money, see Education Law § 3601 et seq.
Children; programs for, see Social Services Law § 371 et seq.
County boundaries, see Consolidators' notes following State Law § 171.
Permanent housing projects for homeless families, see Private Housing Finance Law § 63 et seq.
Residential programs for children, see Social Services Law § 462 et seq.
School districts generally, see Education Law § 1501 et seq.
Shelter and supported housing programs, see Social Services Law § 41 et seq.
Social services districts generally, see Social Services Law § 61 et seq.

Legislative Histories

L.1992, c. 705: For memorandum of the State Executive Department, see McKinney's 1992 Session Laws of New York, p. 2668.

Library References

American Digest System

Placement of handicapped students in particular schools and payment of tuition and other expenses, see Schools ¶154(2 to 4), 159.

EDUCATION RESPONSIBILITIES FOR SCHOOL-AGE CHILDREN IN RESIDENTIAL CARE

USER EVALUATION FORM

The document *Education Responsibilities for School-Age Children in Residential Care* is designed to assist school districts and agencies in understanding their respective programmatic and fiscal responsibilities for the education of children who are in residential placements certified and/or licensed by another State agency. Your comments will be considered when future revisions are made to this document and in developing other technical assistance documents.

Agency or School District _____

Position _____

Date Form Completed _____

		To a Large Extent			Not at All
1.	Is this document clearly written?	4	3	2	1
2.	Does the general organization of the document contribute to your understanding of the content?	4	3	2	1
3.	Does the document provide sufficient information to determine fiscal and programmatic responsibilities for education?	4	3	2	1
4.	Please make any other comments you may have about the document.				

Thank you for helping to evaluate the effectiveness of this publication.

Please return this questionnaire to:

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New York State Education Department
VESID Special Education Services
Room 1624
One Commerce Plaza
Albany, NY 12234

