# The Leading Edge



# Health Services and Other Non-Resident Billings



State Aid and Financial Planning Service May 11, 2022

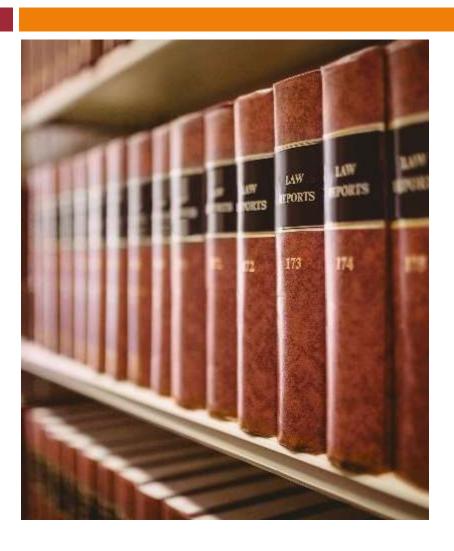


Guiding Principle for Billing for Nonresident
 Students—

"The process is more of an art than a science"

- Recommendation for:
  - Invoices for Health and Welfare Services
  - Parentally Placed SWD Billings
  - Foster Care Billings
- Review of Reimbursement for Nonresident Pupils Guidebook
- Questions and Answers

## Health and Welfare Services



### Per NYS Education Law §912:

- Requires each of the school districts in New York State to provide resident students who attend nonpublic schools with the same health and welfare services available to students who attend the public schools of the district.
- Services that may be requested include but are not limited to the services performed by a physician, dentist, dental hygienist, school nurse, school psychologist, school social worker and speech/language pathologist.

# Requirements



- In cases where students attending a nonpublic school live in another public school district, the two public school districts should enter into a written contract governing the services to be provided and the reimbursement for such services.
  - Why is a written contract recommended?
    - Dispute resolution between both districts
    - Failure to enter into a written contract <u>does not</u> release either district of their responsibilities under NYSEL §912

## How to Calculate Cost Per Student

$$Expense per Student = \frac{Total Cost of all Health Services}{Total Pupils Covered}$$

District where private school is located would bill another district for:

Cost per Student x FTE of students attending the private school(s)

6

### Direct costs related to providing services:

- School physician, physician assistant, dentist, dental hygienist contractual
- School nurses (RN, LPN, nurse practitioner) salaries and fringes
- School psychologist/ social workers salaries and fringes
- Speech therapists salaries and fringes
  - Portion related to providing health services
  - Not portion related to providing speech therapy to SWD
- Clerical staff salaries and fringes
  - e.g., assisting with student health records
- Health supplies, equipment, incidental expenses,
   e.g., travel, equipment maintenance/repairs



## What Student Count to Use?



Public School Enrollment

Fall 202X BEDS Enrollment



Private School Enrollment

For those located in the district As of the same date as the Public-School count

### Note:

If your district provides services to PreK students in your district, include them in both Public and Private Enrollment counts

## Common Issues

Verification of Students

2. Written Contracts

3. Costs included in Calculation

- Private schools provide a listing of students
  - Need to verify with public schools that students reported are their responsibility
- Written contracts not in place/collection of outstanding receivables
- Costs included in the calculation
  - Do not include the amount budgeted to pay for students in private schools outside of your district
  - Do not include speech costs that will be reimbursed under parentally placed student billing

# Frequently Asked Questions

Q: Are students enrolled in nonpublic schools who are not residents of New York State entitled to these services?

A. No. No district is required to provide health and welfare services to students who are not residents of New York State.

Q. Are the services of a speech language pathologist and school psychologist considered to be within the classification of health and welfare services?

### A. Yes

Q: We received an invoice from a neighboring district for our resident students receiving health services at charter school within the district. Charter schools are considered public schools, so do I have to pay the invoice?

#### A. Yes

Q: Why would you be required to pay a neighboring public school for providing health services to another public school?

A. NYSEL §2853(4)(a): For purposes of sections seven hundred one, seven hundred eleven, seven hundred fifty-one and nine hundred twelve of this chapter, a charter school shall be deemed a nonpublic school in the school district within which the charter school is located.

# Recommendations



- Werify students with their home districts and follow up with any issues
- Have BOE approve Health Services rate
- Prepare and issue contracts with schools timely
- Supply detailed invoices
  - Follow up with outstanding receivables and pursue collection issues timely

### Decisions of the Commissioner of Education

Do you need additional resources?

<u>Decision #13755</u>: Relates to calculating the expense per student

Find some examples here!

<u>Decision #13514</u>: Relates to determining who is responsible for payment (district where student resides, no mention of student being registered)



<u>Decision #13952</u>: Relates to calculating costs of health services

# Parentally Placed SWD Billings

Bill for
Services
Provided to
NonResident
SWD Placed
in Private
Schools
within Your
District

### District of Location (DOL)

- Public school district that private school is located within
- DOL is responsible for determining and providing the special education services needed
- District of Residence (DOR)
  - Public school district that the student reside in
  - DOR is responsible for paying for the services needed
- Individualized Education Services Plan (IESP)
  - Identifies the services the student should receive
  - Similar to an IEP

# DOL Responsibilities

- ✓ Child Find and evaluations
- ✓ Provision of special education services
- ✓ Consultation with nonpublic & parent representatives
- ✓ Due process
- ✓ Data collection & reporting
- ✓ Use of federal funds



## **DOL Process**

- DOL can bill for the following:
  - Evaluations
  - CSE Administration
  - Provision of Special Education Services
- Be mindful that costs must be:
  - Student-specific and actual
  - Supported by documents/back-up
  - Net of any State or Federal Aid



# Does Not Apply to SWDs:

- Placed in/referred to private schools by public agencies
- Enrolled in Charter Schools
- Home schooled by parents
- Private day care/preschool programs
- Enrolled by parent in public school outside DOR
- Parentally placed in drug rehab center/hospital

# Parental Consent

- DOL can <u>directly</u> bill DOR if they have parental consent to share personally identifiable special education information about the student with DOR
- DOL can submit a claim for payment to the NYS Education Department (NYSED) for cost incurred if parental consent is not granted (see SED memo)
  - http://www.p12.nysed.gov/specialed/publications/ policy/reimbursement608.htm

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# Calculating Actual Costs



### CSE Meetings

- Developing, Reviewing and Revising IESP
- Time spent in meeting by CSE (length of meeting x prorated hourly cost of participants)
- Administrative costs

### Evaluations

- Time spent on the evaluation and preparing the report
- Contracting with outside provider for the evaluation

### Provision of Special Education Services

- Actual Costs and Direct Costs
  - Shared provider –prorate across students
- Travel costs for direct purpose
  - Recommend this be included in IESP

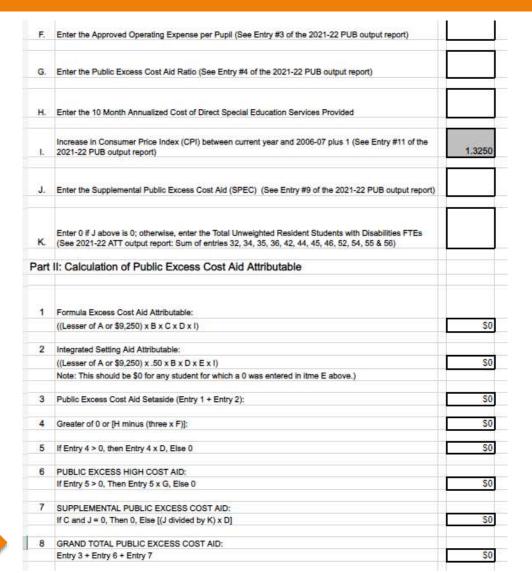
## Additional Information for Invoice

- Subtract the following from the Invoice:
  - State Aid Deduction if student spends/receives:
    - 60% or more of school day in SPED
    - 20%-59% of school week in SPED
    - Consultant teacher services (2+ Hrs./Wk.)
    - Calculation available: <a href="https://stateaid.nysed.gov/charter/">https://stateaid.nysed.gov/charter/</a>
  - Federal Aid Deduction:
    - Proportionate share of (Section 611/619) IDEA funds http://www.p12.nysed.gov/sedcar/federal.htm

## Worksheet for Deduction for State Aid

### CALCULATION OF PUBLIC EXCESS COST AID ATTRIBUTABLE TO PARENTALLY-PLACED NONRESIDENT AND CHARTER SCHOOL STUDENTS FOR THE 2021-22 SCHOOL YEAR The below worksheet is to be used to calculate the Public Excess Cost Aid to be deducted from the billing of actual costs for parentally-placed nonpublic school students receiving services during the 2021-22 school year. For additional information refer to the VESID memo titled Guidance on Reimbursement Claims for the Cost of Providing Special Education Services to Parentally-Placed Nonresident Students Pursuant to Education Law Section 3602-c dated June 2008. http://www.p12.nysed.gov/specialed/publications/policy/reimbursement608.htm Note: This worksheet can also be used to calculate State Aid attributable to a student with a disability attending a Charter School. Part I: Data Required for Calculation of Public Excess Cost Aid Attributable To complete items A and B click here Enter the 2004-05 approved operating expense (AOE) per pupil for 2006-07 aid as of SA0708 (See link A. above to complete) B. Enter the Public Excess Cost Aid Ratio for 2006-07 aid as of SA0708 (See link above to complete) C. Enter the Service Level Weighting for the 2021-22 School Year: a. Enter 1.65 for students receiving services 60% or more of the day, or b. Enter .90 for students receiving consultant teacher services or c. Enter .90 for students receiving services 20% or more of the school week, but less than 60% of the Note: If student does not meet any of the criteria in a. b. or c. above, then enter 0 for C. and no further Enter the Full Time Equivalent (FTE) Enrollment of the Student (e.g. 1.000 FTE if services were provided D. for entire Sept - June school year, 0.500 FTE for half of the school year, etc...) to three decimal places. Enter the number 1 ONLY IF service weighting in C. above equals 1.65 AND if the student receives services in a general education classroom for 60% or more of each school day. Otherwise, enter 0.

# Page Two of Template



Recommend that you include this calculation for each child with the invoice, regardless if Line 8 has a deduction listed or not.

This shows that you verified if there was a deduction needed or not.

## **Deduction for Federal Aid**

<u>Federal Allocations for Special</u> <u>Education (IDEA, Section 611</u> and 619): IRS: P-12: NYSED

Note: There are two allocations this year:

Regular Section 611/619
ARP Section 611/619

Need to offset billings by the portion of expenditures that were paid for by either the regular or ARP Section 611 or Section 619 grants

## Proportionate Share of IDEA Federal Funds for Parentally Placed Students with Disabilities in Nonpublic Schools Located in the School District For the 2021-22 School Year

IDEA requires school districts to provide special education services to students with disabilities who are parentally placed in nonpublic schools which are located in the school district. The information below is provided to assist school districts with the calculation of the proportionate share of IDEA funds under Sections 611 and 619 that should be used to provide special education services to parentally placed students in nonpublic schools which are located in the school district. The numbers of students used in this report are from the data provided by school districts through SIRS in the October 7, 2020 Special Education Snapshot template, specifically by submitting students with Primary Setting codes of SA08 and SA09. Please see memorandum on guidance and procedures for providing special education services to parentally placed students at: <a href="https://www.p12.nysed.gov/specialed/idea/home.html">https://www.p12.nysed.gov/specialed/idea/home.html</a> and guidance on reimbursement claims for the cost of providing special education services to parentally placed non-resident students in nonpublic schools pursuant to Education Law 3602-c-September 2007 at: <a href="https://www.p12.nysed.gov/specialed/publications/policy/reimbursement608.htm">https://www.p12.nysed.gov/specialed/publications/policy/reimbursement608.htm</a>.

Printer Friendly Versions: pdf (161 kb) | excel (69 kb)

		IDEA, Section 611			IDEA Section 619		
		Per- Pupil	Number of School Age Students with Disabilities in Nonpublic Schools	Total	Per- Pupil	Number of School Age Students with Disabilities in Nonpublic Schools	Total
Code	School District	Amount	(Ages 4-21)*	Amount	Amount	(Ages 4-5)**	Amount
010100010000	Albany CSD	\$2,110	12	\$25,318	\$905	1	\$905
010201040000	Berne-Knox- Westerlo C S D	\$1,814	1	\$1,814	\$771	0	\$0
010306060000	Bethlehem C S D	\$1,728	22	\$38,021	\$520	3	\$1,560
010402060000	Ravena-Coeymans- Selkirk C S D	\$1,629	0	\$0	\$1,282	0	\$0

# Foster Care – §3244 of NYS Education Law

The District Where Child Resided When They Entered Foster Care is Responsible for Educational Costs until Child Graduates/ Turns 21

### District of Origin

District child living in when entered foster care

### District of Residence

District foster care placement is located

### School of Origin

The school child was/had been attending when entered foster care

### District of Attendance

The school district where the student placed in foster care is enrolled after a Best Interest Determination (BID) is made. (Either School of Origin or District of Residence)



## Foster Care Process

- Students are placed by a public agency in a foster home
- LEAs in conjunction with LDSS makes the best interest determination (BID)
- Assuming the BID results in a foster care placement outside of the District of Origin:
  - The District of Attendance is tasked with the responsibility for educating the student.
  - The District of Origin retains the financial responsibility for the student's education.
  - The District of Attendance invoices the District of Origin based upon the foster student's FTE Enrollment and the applicable NRT Rate

### NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

#### CHILD IN FOSTER CARE - SCHOOL NOTIFICATION

This notice is being sent pursuant to section 445.1 of the Social Services Regulation on the following date: (Enter date notification is being transmitted) ☐ CHILD ENTERING FOSTER CARE Complete and transmit within 10 days ☐ CHANGE IN FOSTER CARE PLACEMENT for child entering foster care or ☐ CHILD DISCHARGED FROM FOSTER CARE if there is a change in placement Section A – see instructions for children not yet of school age (under six years old). DATE OF BIRTH OR APPARENT AGE: CHILD (Full name): 1 1 ADDRESS OF CHILD WHEN CHILD ENTERED FOSTER CARE: GENDER: DATE CHILD ENTERED FOSTER CARE: / / DATE CHILD DISCHARGED FROM FOSTER CARE: / Foster Care Placement (Choose one): \*Parent Guardian Foster Boarding Home Agency Boarding Group Home \* List parent name/address ONLY if child is home on trial discharge basis (HOTB) NAME AND ADDRESS OF PARENT(S), GUARDIAN(S), FOSTER PARENT(S) OR CHILD-CARE AGENCY (Checked above): (AREA CODE) TELEPHONE NO .: (AREA CODE) CELL PHONE NO .: ( ) -( ) NAME OF SCHOOL DISTRICT CHILD RESIDED IN AT TIME OF ENTRANCE ADDRESS OF SCHOOL DISTRICT OF ORIGIN: INTO FOSTER CARE (School district of origin): NAME OF SCHOOL DISTRICT LAST ATTENDED (If different from above. ADDRESS OF SCHOOL OF ORIGIN: school of origin): Section B NAME OF SCHOOL DISTRICT THAT CHILD WILL ATTEND PURSUANT TO ADDRESS OF SCHOOL DISTRICT OF ATTENDANCE: THE BEST INTEREST DETERMINATION (School district of attendance): Date entered this district 1 1 Does child have an IEP? ☐ NO ☐ YES SCHOOL DISTRICT OF ATTENDANCE CONTACT PERSON (Please print name): TITLE: (AREA CODE) TELEPHONE NO .: Section C NAME OF SOCIAL SERVICES COMMISSIONER CHARGED WITH CARE OF ADDRESS OF SOCIAL SERVICES COMMISSIONER CHARGED WITH CARE OF CHILD: NAME OF AUTHORIZED AGENCY ACTING FOR COMMISSIONER (If ADDRESS OF AUTHORIZED AGENCY ACTING FOR COMMISSIONER (If applicable): applicable): SIGNATURE OF COMPLETING OFFICIAL: TITLE: DATE: 1 (AREA CODE) TELEPHONE NO .: EMAIL: NAME OF CASEWORKER (Please print). (AREA CODE) TELEPHONE NUMBER:

Link to form: OCFS-LDSS-2999.docx (live.com)

# What Can You Bill For?

### **Tuition:**

- □ For in-district programs NRT Rate
  - Gen Ed student Gen Ed rate
  - Spec Ed student Spec Ed rate
    - If student spends 20% or more of their day in Spec Ed
    - Need to net High-Cost Aid generated, if any
- BOCES programs actual cost
- If bill Estimated NRT rate, you should revise to Actual NRT rate when final rates are issued the following December



# What Can You Bill For? (con't)

### **Transportation:**

Education Law §3244 -

States when a student requires transportation to attend a school of origin designated with the BID, the school district of attendance must provide this transportation and, further, that the costs incurred are aidable up to 50 miles each way.

Note: Guidance on billing for Transportation has changed!

https://www.p12.nysed.gov/sss/documents/FosterCareToolkit3. 17.22.pdf (Dated 2/7/2022)

# **Transportation Considerations**

- Requires that when a student attends the district of residence (where the foster care placement is located) that such school district, designated the district of attendance, shall provide transportation to the foster care student on the same basis as a resident student.
- Requires both the designated school district of attendance and the LDSS to split all excess transportation costs evenly and sets forth how such excess cost should be calculated.

# Local Transportation Agreement

- LDSSs and LEAs biennially prepare a Local Agreement for Students in Foster Care
  - Provides both local agencies with a list of key contacts
  - Outline the information to be provided by the school district in supporting of the BID
  - LDSS must have an agreement with each LEA in which students in foster care are attending



## LEA Assurances

### Internal Protocols

Schools must develop to ensure that the transportation office is informed immediately when the district is notified that a child have been placed in foster care or has changed placements and to arrange new transportation.

# Transportation Document for a Student Placed in Foster Care

The plan helps ensure that transportation is being provided in a timely manner that is consistent with the protocol.

### Aidable Transportation Costs

Transportation is funded by the school district of attendance and shall be aidable up to 50 miles each way.

### Excess Allowable Transportation Costs

Excess costs beyond those reimbursed as discussed above shall be shared equally between the LDSS and the designated school district of attendance.

# Helpful Resources



- NYSED Students in Foster Care Tool Kit: Foster Care Toolkit (nysed.gov)
  - Has great examples of how to calculate Transportation billings!
- NYSED Seneca Falls Formula: : Educational Management : P-12 : NYSED
- Education Responsibilities for School-Age Children in Residential Care (NYSED):

  <a href="http://www.p12.nysed.gov/specialed/publications/EducResponsSchoolAgeResidence.pdf">http://www.p12.nysed.gov/specialed/publications/EducResponsSchoolAgeResidence.pdf</a>
- SAP Guidebook: Reimbursement for Nonresident Pupils (questar.org)
- Decisions of Commissioner of Education:
  <a href="mailto:Commissioner's Decisions">Commissioner's Decisions</a> | Office of Counsel (nysed.gov)</a>

### Reimbursement For Nonresident Pupils

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We have covered three areas today, but there are many other billing opportunities covered in the guidebook

Available at sap.questar.org

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# Final Coffee Talk for 21-22 School Year

## June 1, 2022 – Joint Session with BO-Talk

### Topics:

Maximizing State Aid: Preview of June 30<sup>th</sup> and Due Dates and Preparing for Year End



# Good Luck On Your Budget **VotE**





### Contact Us!

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