

State Aid

& FINANCIAL PLANNING SERVICE



Reimbursement For Nonresident Pupils

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Introduction

New York Education Law provides that persons between the ages of 5 and 21 are entitled to a “free and appropriate public education.” Generally, a student is educated by the student’s district of residence. There are exceptions, however, to this rule. For instance, school districts may voluntarily establish a policy to accept nonresident students and set tuition rates, according to statutory direction, for nonresident students.

The exceptions primarily addressed by this publication, though, are those provided by law to address the instances where students may be living in residences designated by state or local agencies through various social services processes. This publication will provide guidance to school officials in ascertaining their educational and financial responsibilities for such students, and in following appropriate procedures to obtain financial reimbursement for educational services provided.

The following is intended to give general guidance to school districts regarding their educational and fiscal responsibilities. It is not intended to offer legal advice relating to specific situations; readers are encouraged to seek legal counsel regarding such matters.

Educational and Financial Responsibilities for School-Age Children in Residential Care

The following questions will assist the district in determining educational and financial responsibilities for children in the residential care of other State agencies. Once these questions are answered, the district can determine its programmatic and fiscal responsibilities in relation to the child in residential care.

- 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 or Office of Children and Family 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?

SOURCE: *Education Responsibilities for School-Age Children in Residential Care* (known colloquially as the “Purple Book”), The University of the State of New York, The State Education Department, Office of Vocational and Educational Services for Individuals with Disabilities, Office of Special Education Services, March 1996, reprint January 2000:

[Education Responsibilities for School-Age Children in Residential Care \(nysed.gov\)](https://nysed.gov/education-responsibilities-for-school-age-children-in-residential-care)

Foster Care

(Education Law Section 3202 4(a), (e) and Section 3244)

1. Child is placed by public agency in a foster home.
2. The district where the child resided at the time Child and Family Services, or a state dept./agency assumed responsibility for the child's care is the **DISTRICT OF ORIGIN** for purposes of determining financial responsibility. This applies to both school-age children and those who have yet to reach the age of compulsory attendance including infants, toddlers, and pre-school age children.
3. The **SCHOOL OF ORIGIN** is the school building that the child attended when they entered foster care and then becomes the designated receiving school (the building that children from the first building get promoted to as they move up grades).
4. The district where the foster home is located is the **DISTRICT OF RESIDENCE**. The social services district, in consultation with the appropriate local educational agency or agencies, shall determine, based on the *best interest of the child*, if the child should attend the **SCHOOL OF ORIGIN** or the **DISTRICT OF RESIDENCE**. The district selected is the **EDUCATING DISTRICT** and is responsible for providing educational services to the foster child. This responsibility extends for the duration of the child's placement in foster care and until the end of the school year in which such child is no longer in foster care and for one additional year if that year constitutes the child's terminal year in such building, e.g., 11th grader could stay for his/her senior year. <https://www.p12.nysed.gov/sss/documents/FosterCareToolkit3.17.22.pdf>
5. The cost of education is the responsibility of the **DISTRICT OF ORIGIN**. If the foster care student is educated in the **DISTRICT OF RESIDENCE**, the **DISTRICT OF RESIDENCE/EDUCATING DISTRICT** may bill the **DISTRICT OF ORIGIN**.
6. The tuition is computed in accordance with the Nonresident Tuition formula established by Commissioner's Regulations Part 174.
7. If the **DISTRICT OF ORIGIN** denies payment or does not respond to repeated billing, the **EDUCATING DISTRICT** may appeal to the Commissioner of Education or pursue court action. (See Billing and Payment of Tuition for Nonresident Students).

Foster Care

(Education Law Section 3202 4(a), (e) and Section 3244)

8. If **DISTRICT OF ORIGIN** does not pay the **EDUCATING DISTRICT** the tuition within 90 days of court order or Commissioner's Decision, the **EDUCATING DISTRICT** can apply to the Commissioner to receive the tuition payment from the state aid apportionment of the resident district. The application (SA-808) and a certified copy of the court order or decision must be submitted to the State Aid Unit as well as the district of residence. If the district of origin does not make payment within 30 days of receiving such an application, SED will deduct the amount from the state aid due to the educating district.

9. A child who is placed in a foster care placement that is in a contiguous state can also be placed in either the **SCHOOL OF ORIGIN** or the **DISTRICT OF ATTENDANCE**. This responsibility extends for the duration of the child's placement in foster care and until the end of the school year in which such child is no longer in foster care and for one additional year if that year constitutes the child's terminal year in such building, e.g., 11th grader could stay for his/her senior year.

10. Children in foster care that move from one foster care placement to another shall be entitled to continue to attend the **SCHOOL OF ORIGIN** or the social services district may designate that the child attend any school that children in the attendance area that the foster care placement is located.

DETERMINING DISTRICT OF ORIGIN (Education Law §3202(f))

The identity of the school district of origin at the time the public agency placed the pupil in the foster home is determined as follows:

1. Within 10 days of placement in foster home, the public agency (Office of Children and Family Services) shall notify, in writing, the district believed to be the **DISTRICT OF ORIGIN**. The notice (Form LDSS-2999) should include the name of the pupil and any data pertaining to the identification of the district where the child is currently educated as well as the district they will be educated at due to this placement in foster care.

2. Within 10 days of receipt of the written notice, the **DISTRICT OF ORIGIN** can submit additional evidence to the public agency to establish that it was not the **DISTRICT OF ORIGIN** at the time the child was placed in foster care.

3. The public agency must consider the additional evidence and must make a final determination in writing within 5 days after receiving the additional evidence.

4. If the district does not submit additional evidence, then the original notification shall be considered the final notification.

Foster Care

(Education Law Section 3202 4(a), (e) and Section 3244)

5. If the notified district is determined not to be the **DISTRICT OF ORIGIN**, the agency will determine and notify the correct **DISTRICT OF ORIGIN** in the form described above.
6. The district determined to be the **DISTRICT OF ORIGIN** may appeal to the Commissioner of Education within 30 days of receipt of final notification.

TRANSPORTATION (Education Law §3244(4))

For nonresident students in foster care, the **district of attendance** (educating district) will be responsible for transportation and aided for these costs up to 50 miles each way. **The school district of attendance must provide transportation, regardless of the school district the foster care placement is located in.**

Where a best interest determination (BID) designates the student's school of origin as the school the student should attend, the district of attendance shall arrange for and provide transportation to and from the student's foster care placement and the school of origin. Where the BID designates the student will attend the school district of residence, the school district of residence shall provide transportation to the student on the same basis as a resident student.

Education Law §3244(4)(c) directs school districts to **split the excess transportation costs between the school district and the social services district that made the placement.** Excess costs beyond those reimbursed should be shared equally between the LDSS and the designated school district of attendance. Excess allowable transportation costs are defined as *"the difference between what a school district otherwise would spend to transport a student to his or her assigned school and the cost of transporting a child in foster care to his or her school of origin."* Excess costs would represent the unaided portion of the costs related to the first 50 miles that are aided and any costs related to additional mileage beyond the 50 miles limit that are not aidable.

Should the BID select the district of residence as the district of attendance, the excess allowable transportation costs would be related to the mileage required to transport the foster student beyond the districts of attendance's boundaries to a school building in the district of origin or a BOCES/private placement, plus any mileage beyond the aidable 50 mile limit if required. Unaided in-district transportation expenditures are to be supported by local funds. The supporting documentation provided on pages 9 6-104 includes detailed examples of how a school district should calculate unaided transportation costs, plus the sharing of these unaided costs between the district and the LDSS.

Foster Care

(Education Law Section 3202 4(a), (e) and Section 3244)

The 2018 Students in Foster Care Tool Kit for Local Education Agencies and Local Social Services Agencies provides templates for a Local Transportation Agreement for Students in Foster Care and an Individual Transportation Plan for a Student in Foster Care. These templates assist school districts formalize the process of transporting foster students and establish key contacts in both the district and the LDSS.

REVENUE (Educating District Where Foster Home is Located)

Record at A2230 – Day School Tuition – Other Districts in NYS

Record at A2304 – Transportation: Shared Services Provided to Other Districts on Contract Buses or District Owned or Operated Buses

EXPENDITURE (District of Origin)

Record tuition expense for SWD at A2250.471 – Tuition Paid to Public Districts in NYS (excluding Special Act Districts)

Record tuition expense for non-disabled students at A2110.471 – Tuition Paid to Public Districts in NYS (excluding Special Act Districts)

Record transportation expense billed by educating district at A5510.4 and report expense on State Aid Form FT, Schedule I – Contractual Transportation Expenses

Chapter Placements / Basic Contribution Pupils

CHAPTER 47 - PUPILS FORMERLY RESIDING IN OPWDD (previously OMRDD) CENTERS AND PRESENTLY IN FAMILY CARE OR GROUP HOMES

Pupils placed from a developmental center operated by the Office of Persons with Developmental Disabilities (OPWDD) into a family care home or group home.

EDUCATIONAL RESPONSIBILITY

The public school district where the family care or group home is located provides educational services.

FINANCIAL RESPONSIBILITY

SED will reimburse the educating district 100% of tuition costs for educating pupils.

The “Purple Book” uses the term district of residence (now referred to as the **DISTRICT OF ORIGIN**) to define which party pays the basic contribution that is automatically deducted from the district’s state aid.

DETERMINING DISTRICT OF RESIDENCE (ORIGIN)

The public school district where the child’s parents or legal guardian resided at the time the child was admitted into care and custody of OPWDD is the **DISTRICT OF RESIDENCE (ORIGIN)**.

TRANSPORTATION

The district of the current location must provide transportation to and from the site where the child is educated. The transporting district may claim transportation aid and bill the **DISTRICT OF RESIDENCE (ORIGIN)** for any unreimbursed transportation expenses.

REVENUE (Educating District Where Family Care or Group Home is Located)

Record at A3104 – Tuition for Students with Disabilities – (Chapters 47, 66, 721)

Record at A2304 – Transportation: Shared Services Provided to Other Districts on Contract Buses or District Owned or Operated Buses

EXPENDITURE (District of Origin)

Education – Basic Contribution deducted directly from State Aid the year following attendance. See General Formula Aid Output Report (GEN) Entries 63 through 74.

Laws and Regulations: Education Law: Section 3202, Subdivision 5a & b; Chapter 47 of the Laws of 1977; Regulations of the Commissioner: Part 200, Part 175, Section 175.6.

CHAPTER 47 - PUPILS PLACED IN FAMILY CARE HOMES BY OFFICE OF CHILDREN AND FAMILY SERVICES OR A STATE DEPARTMENT OR STATE AGENCY

Pupils placed in Family Care Homes from a residence other than a developmental center operated by OPWDD

See: NYS Office of Children and Family Services Form LDSS-2999 "School District Notification of Foster Child Placed in a Foster Family, Agency Boarding or Group Home" appended to the end of this publication

EDUCATIONAL RESPONSIBILITY

The public school where the family care or group home is located provides educational services.

FINANCIAL RESPONSIBILITY

The District of Origin shall reimburse the educating district for the cost of education less state aid.

DETERMINING DISTRICT OF ORIGIN

The public school district where the student resided at the time Office of Children and Family Services, or a State Agency assumed responsibility for child.

TRANSPORTATION

The district of current location must provide transportation to and from the site where the child is educated. The transporting district may claim transportation aid and bill the district of residence for any unreimbursed transportation expenses.

REVENUE (Educating District)

Record at A2330 – Day School Tuition – Other Districts in NYS (excluding Special Act districts)
Record at A2304 – Transportation: Shared Services Provided to Other Districts on Contract Buses or District Owned or Operated Buses

EXPENDITURE (District of Origin)

Record at A2250.471 – Tuition Paid to Public Districts in NYS (excluding Special Act Districts)

Laws and Regulations: Education Law: Section 3202, Subdivision 4; Chapter 47 of the Laws of 1977; Regulations of the Commissioner: Part 200, Part 175, Section 175.6.

CHAPTER 66 - PUPILS WITH DISABILITIES RESIDING IN OPWDD CENTER

EDUCATIONAL RESPONSIBILITY

The public school district where the center is located provides educational services.

FINANCIAL RESPONSIBILITY

SED will reimburse the educating district 100% of tuition costs for educating pupils.

The district of residence pays a basic contribution which is automatically deducted from the district's state aid.

DETERMINING DISTRICT OF RESIDENCE

The public school district where the child resided at the time OPWDD assumed responsibility for the support and maintenance of the child is the **DISTRICT OF RESIDENCE**.

TRANSPORTATION

The cost of transporting pupils from the OPWDD center to the public school is paid by OPWDD.

The OPWDD center may contract with the school district to provide transportation services.

REVENUE (Educating District)

Education - Coded to A3104 – Tuition for Students with Disabilities (Chapters 47, 66, 721)

Transportation - Coded to A2440 – Rental of Buses – If OPWDD contracts with educating district to provide student transportation.

EXPENDITURE (District of Residence)

Basic Contribution deducted directly from State Aid the year following attendance. See General Formula Aid Output Report (GEN) Entries 63 through 74.

Laws and Regulations: Education Law: Section 3202, Subdivision 5, Paragraph C; Chapter 66 of the Laws of 1978; Regulations of the Commissioner: Part 200 & Part 175, Section 175.6

CHAPTER 721 - CHILDREN RESIDING IN INTERMEDIATE CARE FACILITIES FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES (ICF/OPWDD)

Pupils with disabilities residing in Intermediate Care Facilities licensed by OPWDD who receive educational services by the school district where the ICF is located.

EDUCATIONAL RESPONSIBILITY

The school district where the ICF is located is responsible for providing educational services.

FINANCIAL RESPONSIBILITY

SED will reimburse the educating district 100% of tuition costs for educating pupils.

The district of residence pays a basic contribution which is automatically deducted from the district's state aid.

DETERMINING DISTRICT OF RESIDENCE

The district where the child resided at the time OPWDD assumed responsibility for the support and maintenance of the child is the **DISTRICT OF RESIDENCE**.

TRANSPORTATION

Transportation for students residing in an ICF is provided by the school district where the ICF is located. The district must report transportation expenses to STAC and is reimbursed by NYS for these expenses.

REVENUE (Educating District)

Education - Coded to A3104 – Tuition for Students with Disabilities (Chapters 47, 66, 721)

Coded to A3104 – Transportation for Students with Disabilities in an ICF (Chapter 721)

EXPENDITURE (District of Residence)

Basic Contribution deducted directly from State Aid the year following attendance.

Laws and Regulations: Education Law, Section 3202, Subdivision 5, Paragraph d;
Regulations of the Commissioner: Part 175, Section 175.6 & Part 200

CHAPTER 947 - PUPILS WITH DISABILITIES PLACED IN A RESIDENTIAL TREATMENT FACILITY BY A PUBLIC AGENCY

Pupils with disabilities placed by a public agency in a Residential Treatment Facility (RTF) for children and youth under age 21.

EDUCATIONAL RESPONSIBILITY

The child may be served in a public school district, BOCES or private school. The child may also be served in a special act district operated by the childcare institution.

FINANCIAL RESPONSIBILITY

If the student was placed in the RTF by a public agency, and is served by a public school district, BOCES or private school, the tuition is paid by the LDSS or the NYS Office of Mental Health (OMH). The district of residence pays a Basic Contribution which is automatically deducted from the district's state aid.

DETERMINING DISTRICT OF RESIDENCE

The district where the child resided at the time Office of Children and Family Services assumed responsibility for the child is the **DISTRICT OF RESIDENCE**.

TRANSPORTATION

Transportation for students residing in an RTF is provided by the school district where the RTF is located. The transporting district bills the RTF or Office of Children and Family Services (OCFS) for the cost of transportation.

REVENUE (Educating District)

Code to A2440 – Rental of Buses – RTF or OCFS if District Billed for Transportation

EXPENDITURE (District of Residence)

Basic Contribution deducted directly from State Aid the year following attendance.

Laws and Regulations: Education Law: Chapter 947 of the Laws of 1981, Sections 4001-4006; Regulations of the Commissioner: Part 200 & Part 175, Section 17

Incarcerated Youth

The Incarcerated Youth Program provides educational services to pupils under 21 who have not received a high school diploma and are incarcerated in a correctional facility maintained by a county or by the City of New York.

EDUCATIONAL RESPONSIBILITY

The child may request educational services from the public school district where the correctional facility is located. The public school district may contract with BOCES or another public school district for the provision of the services.

FINANCIAL RESPONSIBILITY

The educating district is reimbursed on the following aid formula for 10-month placements. The lesser of: $(AOE/TAPU \times 1.25) \times FTE$ or Annualized Instructional Costs for Incarcerated Youth plus administrative costs. Minimum of \$15,000 per year for each participating district.

The educating district is reimbursed on the following aid formula for 12-month placements. The lesser of: $(AOE/TAPU \times 1.50) \times FTE$ or Annualized Instructional Costs for Incarcerated Youth plus administrative costs. Minimum of \$15,000 per year for each participating district.

District of residence pays a basic contribution equal to the $FTE \times \text{Basic Contribution}$ for 10-month programs or a basic contribution equal to the $FTE \times \text{Basic Contribution} \times 1.20$ for 12-month placements.

DETERMINING DISTRICT OF RESIDENCE

The district where the child resided at the time of incarceration is the **DISTRICT OF RESIDENCE**.

TRANSPORTATION

Transportation is not provided. Pupils are educated at the correctional facility site.

REVENUE (Educating District)

Code to A3289 – Other State Aid (specify)

EXPENDITURE (District of Residence)

Basic Contribution deducted directly from State Aid in the subsequent school year.

Laws and Regulations: Education Law: Section 3602: Subdivision 35, Section 3202: Subdivision 7, Chapter 683 of the Laws of 1986; Regulations of the Commissioner: Sections 175.37 & 175.6

Homeless Pupil Education

A homeless child between the ages 5 and 21 who has not received a high school diploma shall be entitled to attend a public school appropriately designated without paying tuition.

Homeless child is defined Education Law Section 3209 as:

1. A child who lacks a fixed, regular, and adequate nighttime resident, including a child who is:
 - i. Sharing the house of other persons due to loss of housing, economic hardship, or a similar reason.
 - ii. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations.
 - iii. Abandoned in hospitals; or
 - iv. A migratory child, as defined in subsection two of section 1309 of the Elementary and Secondary Education Act of 1965, as amended by Every Student Succeeds Act of 2015, who qualifies as homeless under any of the provisions of clauses (i) through (iii) of this subparagraph or subparagraph two of this paragraph;
 - v. An unaccompanied youth, as defined in section seven hundred twenty-five of subtitle B of the Title VII of the McKinney-Vento Homeless Assistance Act; or
2. A child who has a primary nighttime location that is:
 - i. A supervised publicly or privately-operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to article 19-H of the executive law; or
 - ii. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train stations or similar settings.

EDUCATIONAL RESPONSIBILITY

The parent, person in parental relation, the homeless child (where there is no parent) or the director of a home for runaway or homeless children may designate one of the following to be the school district responsible for providing educational services:

- The school district of current location (the school district where the homeless child is currently living in temporary shelter).
- The school district of origin (the school district attended by the homeless child when the child became homeless where this is different than the school district of current location).
- A school district participating in a regional placement plan.

Homeless Pupil Education

In addition, the designator also has the right to designate one of the following school buildings where a homeless child seeks to attend for instruction:

- The school of origin; or
- Any school that non-homeless children or youth who live in the attendance area in which the child or youth is living are eligible to attend, including a preschool.

FINANCIAL RESPONSIBILITY

The educating district is reimbursed by SED at the final Nonresident Tuition Rate for any homeless child that resided in another district within NYS at the time they went homeless. Claim aid for nonresident homeless students through the System to Track and Account for Children (STAC). The District of Origin pays the Basic Contribution which is automatically deducted from state aid.

*DETERMINING DISTRICT OF ORIGIN**

The district in which the homeless child attended school (including preschool) when he or she became homeless, which is different from the school district of current location.

TRANSPORTATION

Students experiencing homelessness, including preschoolers, are entitled to transportation to school of origin. Students who move into permanent housing are entitled to transportation through the remainder of the school year and an additional year if it is the child's terminal grade in the school. Students who enroll locally are entitled to comparable transportation as their permanently housed peers receive, and elimination of barriers to enroll in and attend school. Local DSS is responsible for transporting students who meet criteria (Local DSS placed in temporary housing outside the school district where student is enrolled + Emergency Assistance for Families (EAF) eligible student). The types of students affected include students with individualized education programs (IEPs) and/or specialized transportation services and preschool students. If Local DSS requests that the designated school district of attendance provides or arranges for this transportation, Local DSS should reimburse the school district for the cost as determined by the school district. Students are entitled to transportation to their school of origin through the remainder of the school year, and an additional year if it is the child's terminal year in the school. Remainder of school-year transportation is provided by the *district of attendance*, even if student was previously transported by Local DSS. The district of attendance is responsible for transportation and may bill the new district of residence for the transportation costs left over after receiving State Aid.

Homeless Pupil Education

*Residency Determinations pertaining to Homeless Students

The McKinney-Vento Homeless Education Assistance Act, as re-authorized under Every Student Succeeds Act (ESSA), ensures certain educational rights and protections for children and youth who are homeless. This Act requires, among other things, every school district to have a liaison designated for this population. NYS regulations authorize the parents of homeless children (or others, where parents are not present) to designate their school district of choice, from among the district of origin, the district of current location or a district participating in a regional placement plan.

In 2017, the state regulations relating to the education of homeless children (described in the 1992 SED memo *Guidelines Pertaining to Residency Determinations* found in Supporting Documentation) were amended (see pages 69-79).

Districts may consult the New York Technical and Educational Assistance Center for Homeless Students for additional information at: <http://www.nysteachs.org/>

REVENUE (Educating District)

Code to A3289 – Other State Aid (specify)

EXPENDITURE (District of Residence)

Basic Contribution deducted directly from State Aid

Laws and Regulations: Education Law: Section 207, 305 1 & 2, Section 3202: Subdivisions 1 & 8, Section 3209, Subdivision 1-5, Chapter 348 of the Laws of 1988, Chapter 569 of the Laws of 1994, Regulations of the Commissioner: Sections 174.5 & 175.6, & 100.2 (x).

Information regarding state aid for the education of nonresident homeless students may be found on the SED STAC Office webpage at:

http://www.oms.nysed.gov/stac/schoolage/schoolage_placement_summary/homeless/home.html

Unaccompanied Children and Youth

An unaccompanied youth is a student who is not in the physical custody of their parent or legal guardian; this includes young people who have run away from home, have been kicked out of their homes, or have been abandoned by parents. There is no age limit for unaccompanied youth, but these students are most often in their teens. Unaccompanied youth are protected under the McKinney-Vento Act when the student also does not have a fixed, adequate, and regular nighttime residence. In New York State, all students have the right to a free public education until they graduate, or until the school year when they turn twenty-one, whichever comes first. Education Law § 3202(1).

There are several SED and federal resources available to address issues and questions regarding unaccompanied children and youth:

- May 26, 2021, SED “Provision of Educational Services for Recently Arrived Unaccompanied Children and Youth”
<http://www.nysed.gov/common/nysed/files/programs/coronavirus/provision-educational-services-recently-arrived-unaccompanied-children-youth-5-26-21.pdf>
- September 2014 SED “Educational Services for Recently Arrived Unaccompanied Children”
<http://www.p12.nysed.gov/sss/documents/EducationalServicesforRecentlyArrivedUnaccompaniedChildren.pdf>
- August 2010 SED “Student Registration Guidance”
<https://www.p12.nysed.gov/sss/documents/studentregistrationguidance082610.pdf>
- HHS General Information – Unaccompanied Children
<https://www.hhs.gov/programs/social-services/unaccompanied-children/index.html>

Parentally Placed Pupils with Disabilities in Non-Public Schools

Education Law section 3602-c, as amended by Chapter 378 of the Laws of 2007, states that NYS resident students placed by their parents in non-public schools are entitled to receive special education services in accordance with an Individualized Education Services Program (IESP) from the public school district the non-public school is located within, while they receive general education from the non-public school.

The actual cost for Committee on Special Education (CSE) administration, evaluations and special education services provided to a disabled student who is a resident of NYS, but a nonresident to the district of location (DOL), may be recovered from the student's school district of residence (DOR). Additional guidance can be found using the following link under the Provision of Special Education Services:

[Summary and Guidance on Parentally Placed Nonpublic Elementary and Secondary School Students with Disabilities Pursuant to the Individuals with Disabilities Education Act \(IDEA\) 2004 and New York State \(NYS\) Education Law Section 3602-c | New York State Education Department \(nysed.gov\)](#)

See Guidance on Reimbursement Claims for the Cost of Providing Special Education Services to Parentally Placed Nonresident Students:

[Guidance on Reimbursement Claims for the Cost of Providing Special Education Services to Parentally-Placed Nonresident Students Pursuant to Education Law Section 3602-c \(nysed.gov\)](#)

EDUCATIONAL RESPONSIBILITY

The public school district where the non-public school is located (District of Location (DOL)).

FINANCIAL RESPONSIBILITY

The District of Residence (DOR) shall reimburse the District of Location (DOL) for actual net cost of CSE administration, evaluations, and special education services.

DETERMINING DISTRICT OF RESIDENCE

The public school district where the student resides while enrolled in the non-public school.

TRANSPORTATION

The district of residence remains responsible to provide transportation to parentally placed non-public school students to and from the student's home. However, the school district of location is required to provide a parentally placed non-public elementary or secondary school student with a disability with transportation from the student's school or home to a service site other than the non-public school and from the service site back to the non-public school or home, depending on the timing of such services, if necessary for the student to receive special education services.

Parentally Placed Pupils with Disabilities in Non-Public Schools

REVENUE (Educating District)

Record at A2330 – Day School Tuition – Other Districts in NYS (excluding Special Act Districts)

Record at A2304 – Transportation: Shared Services Provided to Other Districts on Contract Buses or on District Owned or Operated Buses

EXPENDITURE (District of Residence)

Record at A2250.471 – Tuition Paid to Public Districts in NYS (excluding Special Act Districts)

Record transportation expense billed by educating district in A5510.4

Laws and Regulations: Education Law: Section 3602-c, as amended by Chapter 378 of the Laws of 2007, Section 4402(4)(d)

Billing procedures:

- Costs for evaluations should be calculated using the actual costs for the prorated time of the evaluator for the time spent to administer the evaluation and prepare written report.
- Costs for CSE administration should be calculated using the actual costs for the actual time spent in a CSE meeting by the CSE participants based on the hourly cost of their actual salaries and benefits and reasonable administrative costs.
- Costs for the provision of special education services should be calculated using actual costs for the prorated time of the services provided to the student, including travel costs for the direct purpose of providing services, less state and federal aid (and any public or third-party insurance benefits collected).
- Parental consent to share personally identifiable information about the student relating to special education between the DOL and DOR is required before the DOL can directly bill the DOR.

1. Parent gives consent to share information between DOL & DOR - Process for DOL to recover its costs from DOR for NYS residents:

- If parental consent is granted, the DOL is entitled to directly bill the DOR for costs of evaluations, CSE administration & for provision of special education services.
- The amount charged by the DOL cannot exceed the actual costs to the DOL, after deducting any costs paid for by federal or state funds. See “2008 Guidance on Reimbursement Claims for the Cost of Providing Special Education Services to Parentally Placed Nonresident Students Pursuant to Education Law Section 3602-c” (link below).

Parentally Placed Pupils with Disabilities in Non-Public Schools

- EXCEL spreadsheets to determine state aid attributable to parentally placed non-public school students with disabilities are prepared annually by the SED State Aid Office and may be found at: <https://stateaid.nysed.gov/speced/>.

2. Parent refuses consent to share information between DOL & DOR – Process for submission for reimbursement of claims to the NYS Education Department (NYSED) for payment of a nonresident parentally placed non-public school student with a disability:

- If a parent refuses to give consent for information to be shared between DOL and DOR, the DOL may submit a claim to NYSED for reimbursement of costs incurred to provide special education services. See NYSED June 2008 guidance memo for conditions that apply for submissions of claims to NYSED. See attachment #2 in NYSED memo for prescribed form to be used. This guidance memo may be accessed at the following link: [Guidance on Reimbursement Claims for the Cost of Providing Special Education Services to Parentally-Placed Nonresident Students Pursuant to Education Law Section 3602-c \(nysed.gov\)](#)
- Upon approval of the claim NYSED will submit the claim to the State Comptroller's office for an intercept of funds from the DOR to the DOL.

This memo referenced in Items 1 and 2 above also provides useful general guidance on the allowable costs and offsetting revenues associated with DOL to DOR billing procedures for parentally placed non-public school students with disabilities.

Non-public School Health & Welfare Services

Section 912 of the Education Law requires public school districts to provide students who attend non-public schools located within the boundaries of the school district with the same health and welfare services that are available to students attending the public schools of the district when non-public schools request such services. When a student attending a non-public school lives in another public school district the Commissioner strongly recommends that the district where the non-public school is located, and the district of student residence are to *enter into a written contract* governing the services to be provided and the reimbursement for such services.

Services that may be requested include but are not limited to all the services performed by a physician, dentist, dental hygienist, school nurse, school psychologist, school social worker and speech/language pathologist.

- Services provided may include:
 - Dental prophylaxis
 - Vision hearing and scoliosis screening tests
 - Recording health histories
 - Physical examination and in-school immunizations
 - Maintaining cumulative health records; and
 - Administering emergency care programs for ill or injured students
- Please note that Section 912 of the Education Law is silent on the question about Occupational Therapy and Physical Therapy costs being included in the Health Welfare Services calculation. As such, we do not recommend their inclusion in the calculation of costs attributable to providing Health and Welfare Services.

Reimbursement for Health & Welfare Services

The district of location may seek reimbursement for the costs of providing the health and welfare services from the district where the child resides.

Reimbursement should be based on an expense per student.¹

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

Total Cost of all Health Services

- May be based initially on the total amount appropriated in the annual budget of the school district for health and welfare services ²

¹ Decision by Commissioner of Education #13,755

² 1984 SED Health Services Guidance

Non-public School Health & Welfare Services

- Should be recomputed based on actual expenditures for all health and welfare services divided by the same pupil count noted above at the conclusion of the school year. Refunds or additional charges should be made based on this re-computation.
- Additional expenses that may be included in the cost of health and welfare services and billed to other school districts:
 - Health related consumable supplies and materials, travel for health services staff, equipment maintenance and repair fees ³
 - Share of the cost of a Director of Pupil Personnel Services based upon the amount of time devoted to the health services program and related matters ⁴
 - Costs for health service clerical salaries and benefits ⁵

Total Pupils Covered

- Includes resident and nonresident public and non-public school enrollment within the school district (as of BEDS Day).⁶ SED has stated there is no requirement that a student attending a non-public school register with the district where they reside. It is therefore not a valid reason for a district to deny payment for health and welfare services.
- SED has stated that if a public school district operates a state funded full or half-day Pre-K program and a non-public school that receives health and welfare services from the public school district also offers a Pre-K program like the state grant programs, it is appropriate to include both the public school and non-public school Pre-K enrollment (as of BEDS Day) in the student count used to determine the per student cost for health and welfare billing purposes.
- Students who are legal residents of other states as well as foreign exchange students attending non-public schools in NYS should not be included in the BEDS Day enrollment count used to determine the per student cost of health and welfare services.
- Public school districts are not required to provide health and welfare services to students attending non-public schools who are not legal residents of NYS. The non-public school is responsible for providing health and welfare services to any student enrolled who is not a resident of New York State.

³ 1984 SED Health Services Guidance

⁴ Decision by the Commissioner of Education # 13,952

⁵ 1984 SED Health Services Guidance

⁶ Ibid.

Non-public School Health & Welfare Services

- Public school health and welfare service providers may also provide special education services to parentally placed non-public school students. Thus, there is a potential of including expenses in the calculation of the cost of health and welfare services and billing certain of the same expenses as special education services provided to parentally placed non-public school students. The Commissioner of Education has ruled repeatedly that: “No school district should be allowed to profit in any manner from health services rendered to children by charging therefor at a rate in excess of the cost of providing the same or its own pupils.” While the overlap of health services with non-public school special education services and related billing procedures have not been the subject of an appeal to the Commissioner of Education, we recommend school officials take steps to separate costs to avoid billing the same expense as both a health service and a special education service.

Additional Information

- Appeals to the Commissioner of Education regarding claims for reimbursement of student health services furnished to private school students who reside in another school district must be filed within thirty days of the end of the school year. See Appeal of the Bd. Of Educ. Of the New Hyde Park UFSD, 57 Ed Dept Rep, [Decision #17397](#).
- If a school district refuses to enter into a contract for the provision of health services to its resident students enrolled in non-public schools located in another school district, they still are required to pay for such services. “Although contracts have not been entered into, the Commissioner has repeatedly held that even if there has not been compliance with the technical requirements of Section 912, boards of education are not absolved of their statutory duties to provide and pay for (health) services.”⁷
- §912 of Education Law does not mention whether Pre-K students should be included in the enrollment numbers used to determine the cost per student for billing purposes. This raises the question “should districts bill other districts for health service provided to non-residents students enrolled in Pre-K programs in non-public schools?”
 - The costs for health services to a non-public with Pre-K are the responsibility of the district of location if they have an entry level of Pre-K in their public school. Usually this is a UPK program, even if the district contracts with a CBO to provide the program they are still public school students. What compounds this is the fact that the district of residence is only responsible for health services to Pre-K students if it has an entry level that is Pre-K.

https://www.p12.nysed.gov/mgtserv/faq/docs/health_and_welfare_services.html

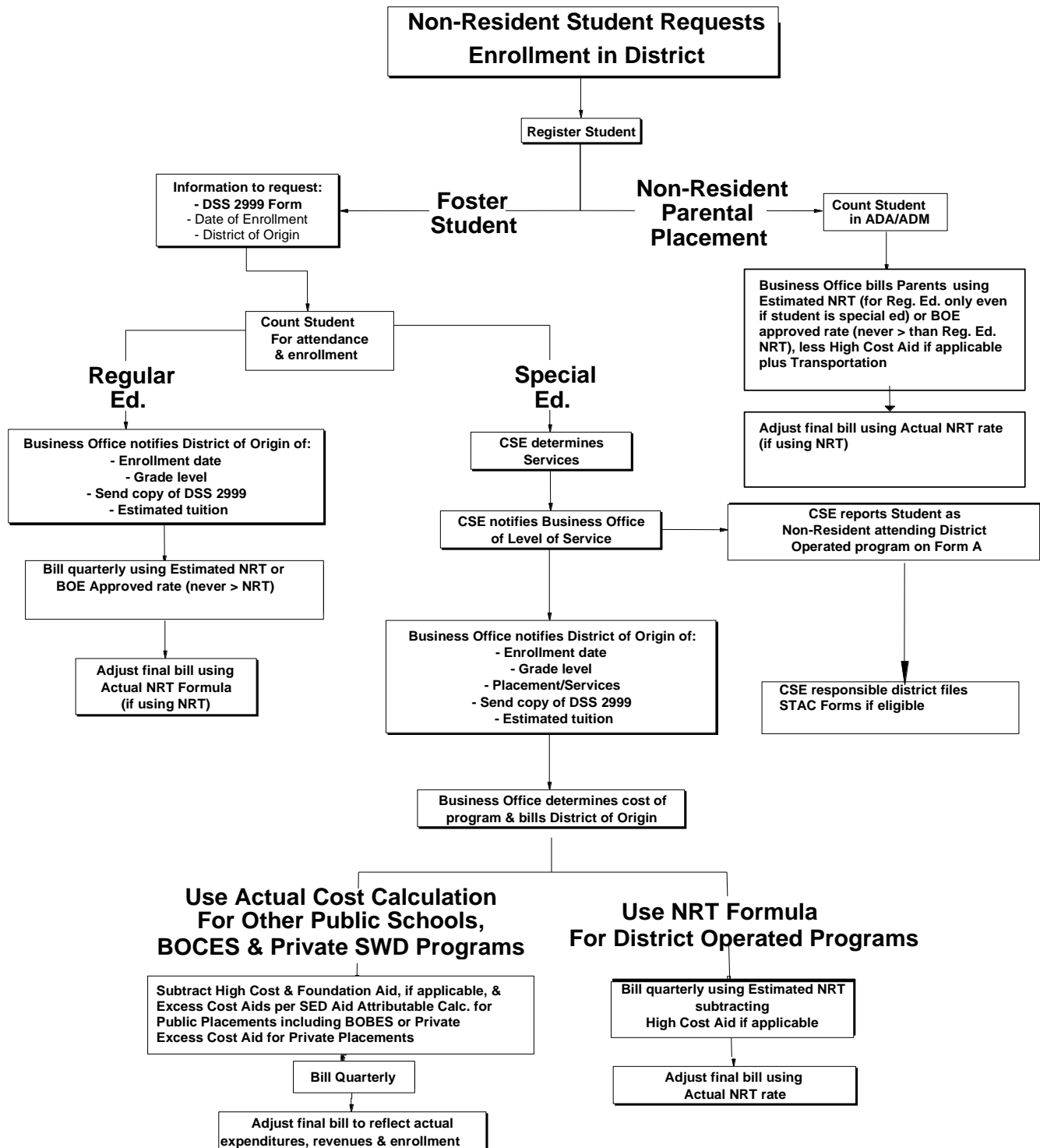
⁷ Decision by Commissioner of Education #13,755

Non-public School Health & Welfare Services

Additional Resources

- Educational Management Services - Homepage:
https://www.p12.nysed.gov/mgtserv/health_services/home.html
- Educational Management Services - Contracts for Health and Welfare Services:
http://www.p12.nysed.gov/mgtserv/health_services/home.html
- Decisions of the Commissioner of Education cited in this document:
[Decision #13755](#): Relates to calculating the expense per student
[Decision #13514](#): Relates to determining who is responsible for payment (district where student resides, no mention of student being registered)
[Decision #13952](#): Relates to calculating costs of health services.
- SED Health Services Guidance:
<http://www.p12.nysed.gov/nonpub/handbookonservices/healthservices.html>
- State Office of Religious and Independent Schools (SORIS): (518) 473-8202

Non-Resident Student Billing & Claim Process



Billing Procedures for Nonresident Pupils Enrolled in a Public School (Foster, District to District Placements, Parental Placement, Certain Chapter Placements)

School districts have the option to provide instruction to nonresident pupils and are entitled to charge a net cost tuition for the instruction of nonresident pupils. Part 174 of the Commissioner's Regulations prescribes the methodology to be used by public school districts in determining the maximum tuition rate to be charged for a nonresident pupil attending a public school district. The regulations state that the charge shall not exceed the net cost of educating nonresident pupils. In simple terms, the net cost is determined by taking the expenses associated with educating a nonresident pupil, less revenue generated by that pupil.

There are two methods used to determine the net cost:

Nonresident tuition formula (Seneca Falls Formula)

https://www.p12.nysed.gov/mgtserv/faq/docs/non-resident_tuition_charges.html

- This method is used to compute nonresident tuition charges when the accounting records of the school district providing the instruction are not maintained in a manner which would indicate the net cost of educating such pupil. (Generally used for all regular education and special education nonresident students educated in programs within the school district.)
 - Computes a basic grade level cost of educational services (excluding special education services) for a nonresident pupil in three grade categories (1/2-day K, Full Day K- 6, Secondary 7-12). The basic grade level cost takes into consideration district expenditures, revenues, and attendance data. The basic grade level cost can be used to bill other public schools/agencies for regular education pupils and to bill the parents of both nonresident general education students and nonresident students with disabilities.
 - Computes an incremental cost for nonresident students with disabilities receiving special education services in a district-operated program. A base amount for K-12 Students with Disabilities (SWD) is computed and considers Foundation Aid that is paid to the educating district on behalf of nonresident pupils. Special education pupils are weighted the same regardless of their level of special education services (1.41) under Foundation Aid, therefore only 1 special education NRT rate applies for students receiving services 60% or more of the day, 20% or more of the week or consultant teacher services.* This incremental cost is added to the grade level cost when determining the net cost for a special education pupil. **

Billing Procedures for Nonresident Pupils Enrolled in a Public School

(Foster, District to District Placements, Parental Placement, Certain Chapter Placements)

- The Office for Civil Rights of the U.S. Department of Education rendered an opinion in August 1994 indicating that parents of nonresident students with disabilities may not be charged a higher tuition than parents of nondisabled nonresident students. SED recommends that the incremental cost for SWD be used only in computing costs under contracts between a school district and another public agency. SED recommends that the tuition charged under contracts with parents of nonresident SWD not exceed the grade level nonresident tuition rate or the net cost to the district for educating a nondisabled student using the SED Nonresident Tuition Formula (NRT).
 - The State Education Department produces a Nonresident Tuition (NRT) Output Report for both the previous and the current school year. The estimated tuition rate (based on reported budget figures) for the current year can be used to bill during the current year but **the tuition rates should be adjusted when the final tuition rates (based on actual expenditures) are issued in the following year.**
 - The rates calculated on the NRT reports are an average net cost of educating a nonresident pupil. When using the NRT rates, districts should not add any additional educational costs to these rates.
 - The NRT rates represent a net cost and have already considered any aid generated by a nonresident pupil, except for High Cost Aid. If the educating district is the CSE district (foster placements), and the nonresident pupil is eligible for High Cost Aid (direct special education costs exceed 3 x AOE/TAPU), then the High Cost Aid generated via the STAC process should be deducted from the NRT rate.
- * **Please note:** The consultant teacher services must be rendered for 2 hours per week (except that the CSE may recommend that a SWD who also needs resource room services in addition to consultant teacher services, may receive a combination of such services consistent with the student's IEP for not less than three hours each week).
- ** **Please note:** The Tuition for Special Education Pupils calculated on the Nonresident Tuition Output Report (NRT) is the sum of the Tuition for Regular Education Pupils plus the incremental cost related to providing special education services.

Sample Estimated Nonresident Tuition Report

District Name:State Aid: 2024-2025

District Code:Today's Date: 04/23/2025

Data as of: 04/23/2025 12:00 AM

ESTIMATED NONRESIDENT TUITION REPORT (NRT EST)
FOR 2024-25 SCHOOL YEAR ATTENDANCE

[Glossary](#)

The nonresident tuition rates below are estimated rates for billing during the 2024-25 school year. When the actual 2024-25 nonresident tuition rates are available in the 2025-26 school year, refunds or additional charges are to be made in accordance with Section 174.2 (a) (6) of the Regulations of the Commissioner of Education.

TUITION CHARGE FOR REGULAR EDUCATION
STUDENTS BASED ON NET COST PER STUDENT:

HALF DAY K TUITION FOR REGULAR EDUCATION PUPIL (ENT 82)	0
FULL DAY K-6 TUITION FOR REGULAR EDUCATION PUPIL (ENT 83)	12,522
GRADE 7-12 TUITION FOR REGULAR EDUCATION PUPIL (ENT 84)	16,946
TUITION FOR STUDENTS WITH DISABILITIES WHO ARE ELIGIBLE FOR PUBLIC EXCESS COST AID:	
HALF DAY K TUITION FOR SPECIAL EDUCATION PUPIL (ENT 86)	0
FULL DAY K-6 TUITION FOR SPECIAL EDUCATION PUPIL (ENT 87)	50,737
GRADE 7-12 TUITION FOR SPECIAL EDUCATION PUPIL (ENT 88)	55,161

- Part 174.2(a)(6) of the Commissioner’s Regulations states that refunds or additional charges shall be made after the conclusion of the school year based upon actual revenues, expenditures, and average daily attendance. SED calculates actual nonresident tuition rates for the prior school year using actual data. The NRT Output Report provides actual nonresident tuition rates for the prior school year while the NRT-EST Output Report portrays estimated rates for the current school year. These reports are made available in December each year and bills for the prior school year issued to other public schools and parents/guardians of nonresident pupils should be adjusted when the prior year actual tuition rates become available. Go to the State Aid webpage at <https://stateaid.nysed.gov/> to access school district specific State Aid Output Reports including the NRT and NRT-EST.

Sample Estimated Nonresident Tuition Report

- School districts may adopt policies for accepting nonresident students voluntarily placed by parents or guardians and may set tuition rates for those students, in accordance with state regulations. Tuition rates may not exceed those described by Part 174 of the SED regulations governing the formulation of tuition rates. School districts accepting parental placements would bill the parent/guardian directly. Note that Section 3202 (3) of Education Law states that school districts must deduct from the tuition of the nonresident pupil any school taxes paid on real property within the district owned by the parent/guardian.
- **Net Cost Calculation** – This method is used to compute a nonresident tuition charge for a student for which the district can identify a direct cost of educational services. This billing method is generally used for students in BOCES placements and approved private school placements for students with disabilities. The Net Cost calculation is equal to the tuition cost minus any state aid generated by the pupil (See page 46). For students with disabilities placed by the resident district CSE in another public school program, the educating district sometimes bills the actual net cost of special education and related services in lieu of using an SED calculated nonresident tuition rate (NRT). The billing method for a SWD placed by the District of Residence's CSE in another public school's program is reviewed on pages 39-41.

Allowable Expenditures for Determining Per Pupil Special Education Costs

Allowable expenditures are those for direct services provided to a special education pupil as specified on that pupil's IEP. Such expenses are to be reported by the educating/CSE district using the STAC Online System to claim High Cost Aid, if applicable, for services provided to a nonresident disabled student. Allowable expenditures include:

SALARIES & BENEFITS

Classroom special education teacher (divided by # of students with an IEP in the class)
Classroom teaching assistant (divided by # of students with an IEP in the class)
One on one teacher aide assigned to a disabled student

COST OF PROVIDING THE FOLLOWING:

Related services specified on the pupil's IEP including audiology, counseling services, occupational therapy, physical therapy, psychological services, speech pathology, medical services, and other appropriate related services

Adaptive physical education

Special equipment – must be owned by the district and used by a student with disabilities

Questar III BOCES' Special Education Aid Assistance (STAC) Service has an Excel spreadsheet that may be used to summarize the actual cost of special education services including related services provided to a student enrolled in a district-operated special education program. It is found at the following website: <https://www.questar.org/services/financial/stac/resources/> under the title “**Annual Tuition Summary Worksheet**”

DO NOT INCLUDE:

Special education transportation costs (except summer which is reported on STAC)
CSE or Pupil Personnel services expenses
Regular education teacher salary and benefits
Any non-special education services

Allowable Expenditures for Determining Per Pupil Special Education Costs

In most instances, a proration of supplies, operations and maintenance, supervisor's salaries and evaluation costs are not to be included. However, if your district experiences a significant increase in these costs due to an influx of students requiring special education services, you may wish to contact NYSED regarding possible inclusion of these costs.

LAWS AND REGULATIONS:

Part 200 Regulations of the Commissioner
Section 4002 (g) Education Law
Section 4401 Education Law

Note: The STAC process should be completed for students with disabilities educated in-district for whom direct educational expenses specified on the IEP exceed three times the district's Approved Operating Expense (AOE)/TAPU found at Entry 5 of the Public Excess Cost Aid Output Report (PUB). Access school district specific State Aid Output Reports including the Excess Cost Aid & Excess Cost Aid Set-Aside Output Report (PUB) at <https://stateaid.nysed.gov/>.

Protecting a School District's Right to Collect Nonresident Tuition

The following is excerpted from Decision #14,079 "Appeal of the Board of Education of the Hilton Central School District from action of the Board of Education of City School District of the City of Dunkirk relating to foster care tuition reimbursement".

The Superintendent of Dunkirk City SD informed Hilton CSD that Dunkirk would not pay foster tuition bills for the 1995-96 school year that were received from Hilton CSD after June 30, 1996. On April 30, 1996, a letter from Dunkirk cited rulings of the Commissioner of Education requiring a school district to bill by June 30th of the school year in which services are rendered. Dunkirk subsequently refused, in a letter dated November 1, 1996, to pay 1995-96 foster tuition bills it received from Hilton after June 30, 1996, contending such bills were untimely. The Commissioner of Education ruled in favor of Dunkirk City SD on tuition billing requirements as follows:

"Tuition claims pursuant to Education Law 3202(4)(a) become due at the conclusion of the school year for which such claims are made (Matter of Sanfilippo, 24 Ed. Dept. Reports 81). An appeal involving tuition payments must be commenced within 30 days of the close of the school year for which reimbursement is sought (Appeal of the Board of Education of the Marcellus CSD, et al., 26 Ed. Dept. Reports 510; Matter of the Board of Education of the Walton CSD, 23 Ed. Dept. Reports 216). Therefore, petitioner should have commenced this appeal no later than July 30, 1996 with respect to tuition payments for the 1995-96 school year. This appeal was not commenced until January 21, 1997."

The Commissioner also cited an August 7, 1996 memorandum from then Acting Commissioner Thomas E. Sheldon recommending that to minimize delays in receiving foster care reimbursements from the district of origin, the educating district should submit invoices at least quarterly during the school year and include a copy of Local Department of Social Services Form 2999.

Maximum Tuition Rates to Charge Other School Districts

Upon appeal, the Commissioner of Education has clarified the maximum amount of tuition that may be charged to another school district for a nonresident student educated in a district-operated program. The following is quoted from Decision No. 14,610 “Appeal of the Board of Education of the East Moriches Union Free School District from action of the Board of Education of the Center Moriches Union Free School District regarding the payment of nonresident tuition”:

“Having failed to enter into a written agreement (nonresident tuition contract) for the 1999-2000 school year, the rate of tuition must be established pursuant to the provisions of 8 NYCRR Part 174. Section 174.2 provides: “...The charge for the instruction of each nonresident pupil shall not exceed the actual net cost of educating such pupil, a board of education...shall compute the tuition to be charged for the instruction of each nonresident pupil admitted to the schools of such district..., in accordance with... (8 NYCRR 174.2). The use of a particular formula is not necessarily required... Rather, the regulations of the Commissioner provide that a receiving district may utilize its own formula, provided that: (1) its accounting records are maintained in such a manner as would indicate the net cost of educating each nonresident pupil, and (2) the amount charged is not in excess of the actual net cost of educating each such pupil. If, however, these two criteria are not met, a receiving district may charge no more than the formula rate, as published on SED’s web site.

“Gregory Illenberg, formerly SED’s Coordinator of State Aid, provided guidance to the parties indicating that a district must maintain its (accounting) records on a per pupil basis in order to charge a rate higher than the formula rate – and that it was highly unlikely that a district would maintain its records in such a manner. Nothing in the affidavit provided by Superintendent Donovan (of respondent Center Moriches UFSD), or any other materials submitted, indicates that respondent did, in fact, maintain its records on a per pupil basis. Accordingly, unless respondent (Center Moriches UFSD) can demonstrate that it has maintained its records on a per-pupil basis, the rate of tuition for the 1999-2000 school year must be computed in accordance with the formula prescribed in 8 NYCRR”174.2 as published on SED’s web site.” (The NRT Rate)

Checklist for Districts with Resident Students in Foster Care Educated in Another School District

Information the District of Origin should receive from the Educating District:

- ✓ Letter from educating district indicating:
 - ✓ student is now living in foster care in another district
 - ✓ copy of LDSS 2999 Form
 - ✓ dates of student's enrollment in the educating district
 - ✓ grade level and program type
 - if student is receiving special education services, indicate type of program and level of service
 - ✓ estimated cost of educational services

State Aid Form A Entries to be completed by District of Origin:

Form A - Selected entries as follows:

If a student is receiving special education services, the FTE should be reported at one of the following Entries:

Entries 28-30 - 60% or more of the day – Resident pupil attending another public school

Entries 40-42 - 20% of the week - Resident pupil attending another public school

Entries 52-54 - Consultant teacher services - Resident pupil attending another public school

The special education student's FTE should also be reported at:

Entries 55-57 - FTE of Resident Students with Disabilities in Other Public school District

See: "Time Requirements for Reporting Students with Disabilities - Form A Entries #19 - #58" appended to the end of this document as part of "Supporting Documentation".

A non-disabled student's FTE should be reported at:

Entries 59-61 - FTE of Resident Students in Other Public Schools or BOCES

Checklist for Districts with Nonresident Foster Care Students Attending this School District

The Educating District should send the following information to the District of Origin (district where child lived at the time of social services placement in foster care)

- ✓ Letter to district of origin indicating:
 - ✓ student is now living in foster care in this district
 - ✓ copy of LDSS 2999 Form
 - ✓ dates of student's enrollment in district
 - ✓ grade level and program type
 - if student is receiving special education services, indicate type of program and level of service
 - ✓ estimated cost of education services
 - ✓

State Aid Form Entries to be completed by the Educating District:

Student Information Repository System (SIRS) Enrollment Data

Form A - Selected entries as follows:

Students' attendance should be included in Average Daily Attendance (ADA) and reported on Form A, Schedules A2 (first semester attendance) and A4 (second semester attendance). ADA for the entire school year is summarized on Part II of Schedule A4, Entries 21-24.

If a nonresident student is receiving special education services in a district operated program, the FTE should be reported at one of the following Entries on Form A:

Entries 22-24 - 60% or more of the day – Nonresident pupil in district operated program

Entries 34-36 - 20% of the week – Nonresident pupil in district operated program

Entries 46-48 - Consultant teacher services - Nonresident pupil attending district operated program

Report FTE of Nonresident students including pupils with disabilities on Form A as follows:

Entries 62-64 - FTE of Nonresident Students in this district

Report foster student to STAC Online for Public High Cost Aid (if student's program cost exceeds 3 x AOE/pupil on Line 5 PUB Report)

Checklist for Districts with Nonresident Foster Care Students Attending this School District

Form A – Reporting FTE of Nonresident Foster Students Attending BOCES Special Education Programs

Although there are no separate entries on Form A to report nonresident students with disabilities enrolled in BOCES special education programs, SED has determined that if a school district has nonresidents (typically foster students) and the district CSE has placed these students in BOCES operated special education programs, they may be reported on the Form A entries for resident students enrolled in BOCES SWD programs (see specific entries below). By reporting nonresident students on the Form A entries shown below, they will be included in the pupil count for Foundation Aid - Total Aidable Foundation Pupil Units (TAFPU) and will generate Foundation Aid for the district of location. When billing the district of origin (resident district) for such students, deduct Foundation Aid paid on behalf of all students (disabled and non-disabled) that is found at Entry 115 of the General Aid Output Report (GEN) as well as aid attributable to students with disabilities calculated using the EXCEL spreadsheet prescribed by SED and found on the State Aid webpage.

Entries 25-27 - 60% or more of the day – Resident pupil in a BOCES program

Entries 34-36 - 20% of the week – Resident pupil in a BOCES program

Entries 46-48 - Consultant teacher services- Resident pupil in a BOCES program

Educating district records revenue related to Nonresident Foster Tuition and Transportation as follows:

- A2230 Day School Tuition – Other Districts in NYS – tuition paid by another school district
- A2304 Transportation: Shared Services Provided to Other Districts on Contract Buses – transportation paid by another school district
- A2304 Transportation: Shared Services Provided to Other Districts on District Owned or Operated Buses – transportation paid by another school district

District of Origin records expense related to Nonresident Foster Tuition and Transportation for nondisabled students as follows:

- A2110.471 Tuition Paid to Public Districts in NYS (excluding Special Act School Districts)
- A5510.4 Transportation Contractual Services. Report detail of expense on Schedule I of Form FT

Checklist for Districts with Nonresident Foster Care Students Attending this School District

Record expense related to Nonresident Foster Tuition and Transportation for students with disabilities as follows:

- A2250.471 Tuition Paid to Public Districts in NYS (excluding Special Act School Districts)
- A5510.4 Transportation Contractual Expenses. Report detail of expense on Schedule I of Form FT

NOTE: If your school district accepts nonresident students with tuition paid by parents or guardians record this tuition revenue in revenue code A1311 - Other Day School Tuition (from individuals).

Sample Letter to Notify the District of Origin for the 2024-25 School Year

September 15, 2024

Superintendent of Schools
Tiny Town Central Schools
8 Small St.
Tiny Town, NY 55555

Dear Superintendent,

This letter is to inform you that we have a nonresident pupil(s) placed in foster care in our district. The district the child resided in at the time of placement in foster care was *Tiny Town Central School District* as listed on the enclosed LDSS 2999 form. In accordance with Section 3202(4) (a) of the Education Law, the cost of instruction shall be borne by the school district where the child resided at the time the social services district or state agency assumed responsibility for the placement, support, and maintenance of such pupil.

The name(s) of the pupil(s) are listed below:

Name:

Date of Birth:

Date of Placement:

Grade:

Special Education Services: *(List type of program and level of service)*

Estimated Tuition:

The tuition will be calculated using the *(nonresident tuition formula)*, *(the actual cost of special education services including related services less applicable state aid claimed by this district)*, *(the net cost of BOCES tuition less state aid claimed by this district)* or *(private special education school tuition less state aid claimed by the district)*. A copy of the applicable *(Nonresident Tuition (NRT) Output Report)* or *(net cost tuition calculation)* is attached. The cost to this district for nonresident student transportation after deducting Transportation Aid will be added to the tuition bill. A copy of form LDSS 2999 for the student noted above is included for your reference.

Sample Letter to Notify District of Origin for the 2024-25 School Year

Tuition bills will be sent *quarterly* commencing *November 30, 2024*, and the last bill of the 2024-25 school year will be sent before June 30, 2025. This practice is followed as the Commissioner of Education has consistently ruled upon appeal that tuition becomes due and owing at the close of each school year (June 30, 2025 for the 2024-25 school year) and that appeals to the Commissioner related to contested or unpaid bills, in most instances, must be commenced within **30 days** of the close of the school year.

Your district will receive a final adjusting bill reflecting any refunds or additional charges based on actual expenditures, revenues, and enrollment as soon as practical after the close of the 2024-25 school year in accordance with Section 174.2 (a) (6) of the Regulations of the Commissioner of Education. Please be aware that the State Aid Output Report (NRT) reflecting actual (not estimated) tuition rates for those nonresident students educated, in a particular school year in district-operated programs, is not made available by SED until late November or early December of the subsequent school year. This means the final adjusted bill for nonresident students enrolled during the 2024-25 school year, with tuition charges based upon the NRT, cannot be issued to district of origin/residence before December of 2025. Final adjusted Current Year bills for all other nonresident students including those in BOCES programs or private special education programs will also be issued before the end of December 2025.

If you have any questions, please feel free to contact me.

Sincerely,

School Business Administrator
Utopia Central School District

District to District Placement of Students with Disabilities

In lieu of using a nonresident tuition rate (NRT), some school districts that accept students with disabilities (SWD), placed by the CSE of another school district, calculate the direct cost(s) of providing special education and related services specified on student IEP's and offset such costs with the applicable categories of State Aid (Foundation and Excess Cost Aid Attributable). This billing procedure is most often used when the actual net cost of special education and related services for a specific student exceeds the applicable NRT rate for a student with a disability (as determined by SED, using the Seneca Falls formula calculated pursuant to Part 174.2 of the Regulations of the Commissioner of Education). (The NRT rates for students with disabilities include both the average net per pupil cost of providing both general education as well as special education to all students educated in district operated programs, by grade level. These rates also reflect the allocation of many other district level operating costs in addition to the direct costs of instruction for all students and related services for students with disabilities.)

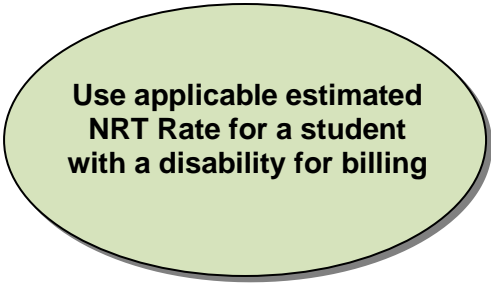
While we cannot cite specific policy guidance or reference specific decisions of the Commissioner of Education regarding the use of this billing method for district to district placement of nonresident SWD, we offer the following as advice:

- Using district payroll and other records, aggregate the actual cost of special education services and related services provided to individual students with disabilities educated in district operated programs. School districts routinely aggregate such costs for the purpose of claiming High Cost Aid through the System to Track and Account for Children (STAC).
- The cost of special education and related services specified on a student IEP should be reduced by the applicable categories of State Aid attributable to a child placed by the CSE in another public school district. These include Foundation Aid per pupil found at Entry 115 of the General State Aid Output Report (GEN) and aid attributable to students with disabilities educated in a public school program. When placing a disabled child in another public school, the district of residence (sending district) retains CSE responsibility and claims High Cost Aid. Therefore, the educating district should not claim or deduct High Cost Aid from their tuition bill. See pages 48-49 of this publication or the web address below for the SED prescribed excel worksheet used to determine aid attributable to SWD in public schools, charter schools or parentally placed in non-public schools including High Cost Aid. <https://stateaid.nysed.gov/speed/>

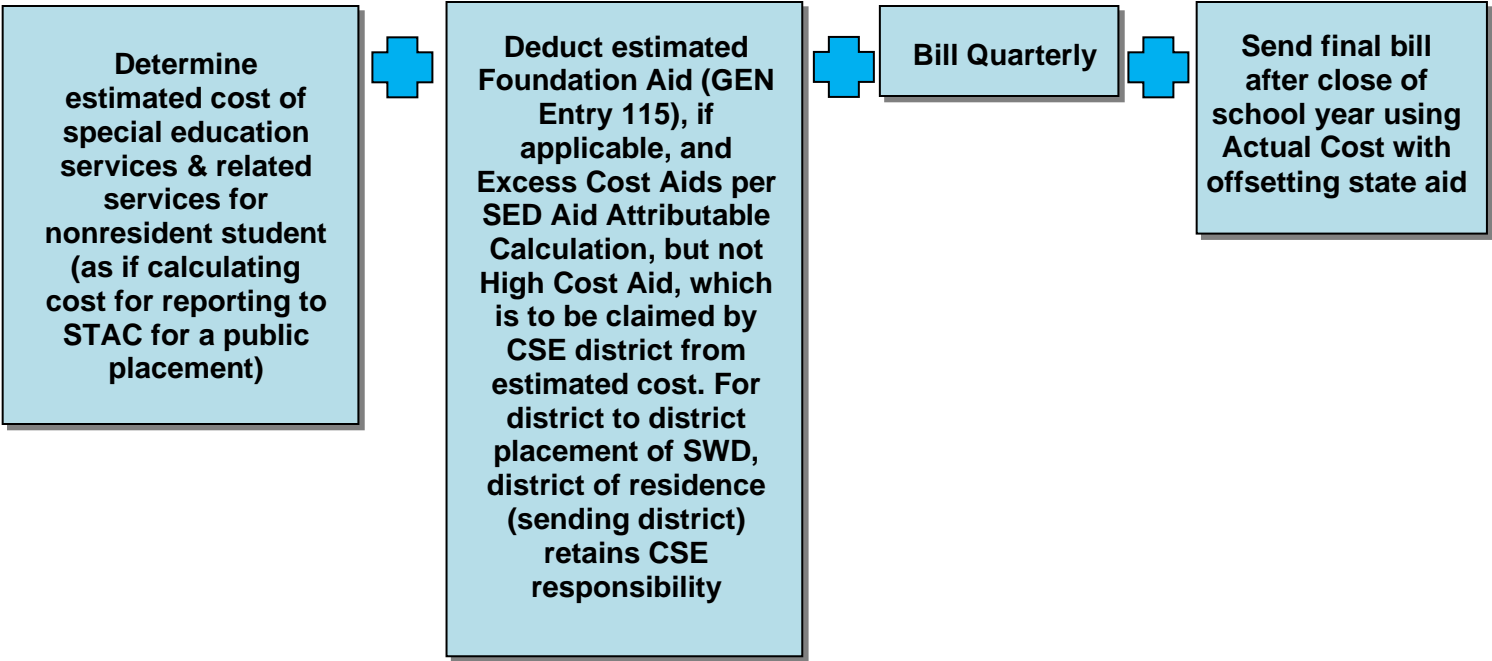
District to District Placement of Students with Disabilities

- Billing special education program costs less applicable State Aid attributable to students with disabilities appears to be consistent with Part 174.2 of Commissioner's Regulations requiring school districts to bill actual net cost. However, school district accounting records are not universally maintained to indicate a cost per pupil. Thus, to bill for additional costs associated with students educated in district operated programs, the Commissioner of Education has ruled that the nonresident tuition formula (NRT) represents the maximum amount that should be billed to another school district.
- To avoid possible disputes regarding tuition charges and subsequent appeals to the Commissioner of Education, we recommend an educating district enter into a written agreement with a sending school district that specifies how tuition will be determined particularly if the NRT is not used for billing purposes. The Commissioner of Education typically does not invalidate previously approved and executed contracts between school districts through the appeal process.
- We recommend consistently using either a direct cost billing methodology as noted above or the applicable average NRT rate(s) when billing other school districts for nonresident students with disabilities placed in your school district. Using the most advantageous rate on a case by case basis could be interpreted as seeking to profit from the education of nonresident students with disabilities.

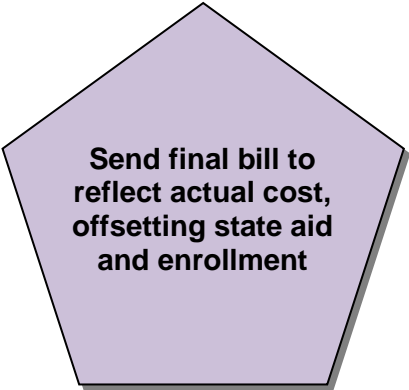
Billing and Claim Process: District to District Placement of Students with Disabilities



OR



OR



Sample 2024-25 School Year Invoice for Nonresident Special Education Student Educated in a District Operated Program (Contract Tuition Paid by the Parents)

Utopia Central School District
Invoice for Nonresident Special Education Student
Educated in a District Operated Program

Name of Student: Mary Smith
Date of Placement: 9/8/2024
Type of Program: In district 6:1:1 special class + related services per IEP
Grade Level: Grade 2
10 Month Annualized Cost: \$25,800.00

10 Month Tuition Rate – Regular Education*
From Nonresident Tuition Output Report (NRT-EST)

Education Law §3202(4)(ii)(d) requires that tuition from nonresident pupils be computed in accordance with a formula established by the Commissioner of Education (NRT Rate). *SED recommends that the tuition charged under contracts with parents of nonresident SWDs not exceed the grade level nonresident tuition rate or the net cost to the district for educating a nondisabled student using the SED Nonresident Tuition Formula (NRT) to comply with the opinion of the Office for Civil Rights of the U.S. Department of Education.

Applicable Nonresident Tuition Rate: Full Day K-6 (NRT-EST Entry 82)	\$7,749.00
Student FTE	<u>1.0</u>
Annualized 10 Month Tuition Rate Adjusted by Student FTE	<u>\$7,749.00</u>
Grand Total Tuition	\$7,749.00

Note:

A school district can elect to accept students from another school district on a tuition basis. Tuition charges may not exceed the actual net cost of educating nonresident pupils (NRT Rate).

*When a district is billing the parent of a nonresident student, the parent should not be charged more if the student is a SWD, even if it costs the district more to educate such students (1994 opinion letter from the Office for Civil Rights of the U.S. Department of Education). When the billing is between districts either the appropriate NRT Rate (pg. 55) or actual net costs can be invoiced (pg. 56).

http://www.p12.nysed.gov/mgtserv/faq/docs/non-resident_tuition_charges.html

Sample 2024-25 School Year Invoice for a Nonresident Regular Education Student Educated in District Operated Program (Foster Student)

Utopia Central School District
Invoice for Nonresident Regular Education Student
Educated in a District Operated Program

Name of Student: John Doe
Date of Placement: 9/8/2024
Type of Program: Regular Education
Grade Level: 5
10 Month Annualized Cost: \$7,500.00

**10 Month Tuition Rate – Regular Education
From Nonresident Tuition Output Report (NRT-EST)**

Education Law §3202(4)(ii)(d) requires that tuition from nonresident pupils be computed in accordance with a formula established by the Commissioner of Education (NRT Rate). Choose the appropriate regular education rate based upon the grade level or grade level equivalent of the nonresident student.

Applicable Nonresident Tuition Rate: Full Day K-6 (NRT-EST Entry 82)	\$7,749.00
Student FTE	<u> x 1.0 </u>
Annualized 10 Month Tuition Rate Adjusted by Student FTE	<u>\$7,749.00</u>
Grand Total Tuition	\$7,749.00

Notes:

There is no excess cost aid attributable to a regular education student, as such, no deduction for public excess cost attributable is taken from the district's NRT Rate.

Unaided transportation costs are to be split between the district of attendance and the LDSS per EL §3244(4). No charge back for transportation expenditures is computed for the invoice to the student's district of origin.

Sample 2024-25 School Year Invoice for a Nonresident Special Education Student Educated in District Operated Program (Foster Student)

Utopia Central School District
Invoice for Nonresident Special Education Student
Educated in a District Operated Program

Name of Student: John Doe
Date of Placement: 9/8/2024
Type of Program: In district 6:1:1 special class + related services per IEP
Grade Level: 5
10 Month Annualized Cost: \$45,000.00 (for the calculation of State Aid Attributable)

**10 Month Tuition Rate – Special Education
From Nonresident Tuition Output Report (NRT-EST)**

Education Law §3202(4)(ii)(d) requires that tuition from nonresident pupils be computed in accordance with a formula established by the Commissioner of Education (NRT Rate). Choose the appropriate special education rate based upon the grade level or grade level equivalent of the nonresident student. (NOTE: There is only 1 special education rate for each grade level regardless of level of service since special education students are all weighted the same in Foundation Aid)

Applicable Nonresident Tuition Rate: Full Day K-6 SWD (NRT-EST Entry 86)	\$24,220.00
Student FTE	<u> x 1.0 </u>
Annualized 10 Month Tuition Rate Adjusted by Student FTE	\$24,220.00
Less: State Aid Attributable - Student with a Disability * (See Page 49 - Part II for the calculation)	<u>-\$11,078.00</u>
Net Cost Tuition to Bill the District of Origin	\$13,142.00

Notes:

Never add the NRT special education rate to the NRT regular education rate as the NRT rates for special education shown on the State Aid Output Reports (NRT and NRT-EST) already include both rates.

** Unaided transportation costs are to be split between the district of attendance and the LDSS per EL §3244(4). No charge back for transportation expenditures is computed for the invoice to the student’s district of origin.

** Nonresident pupils in district operated programs for SWDs – 60% or more of the School Day are reported on Form A, Entries 22-24. These entries are included in ADM and the TAFPU count for Foundation Aid.*

Public Excess Cost Aid Set-Aside, Public High Cost Excess Cost Aid and Supplemental Public Excess Cost Aid must be deducted from the special education NRT rate billed to the district of origin, if such aid can be claimed by the educating district. Typically, the CSE responsible district claims High Cost Aid. For foster students, that is the educating district. If a school district CSE places a special education student in another school district, the district of residence (placing district) is the CSE district and claims High Cost Aid.

Districts should use the cost that is reported on the STAC form for 10 Month Annualized Costs as the starting point for the Public High Cost Excess Cost Aid calculation in the worksheet (Entry H - \$45,000 in the example on Page 49). Any questions about the appropriate amount to be reported on the STAC form can be addressed with the STAC Unit at SED at 518-474-7116 or omsstac@nysed.gov.

*** The school district of attendance must provide transportation, regardless of the school district the foster care placement is located in. Any costs incurred are “state aidable” up to 50 miles. Any excess costs shall be split 50-50 between the school district and the social services district. The school district of attendance and LDSS are expected to consider and utilize all allowable funding sources including any available federal funds, to cover additional transportation costs.*

Excess transportation costs have been defined in Education Law §3244 as: “the difference between what a school district otherwise would spend to transport a student to his or her assigned school and the cost of transporting a child in foster care to his or her school of origin.” Excess Allowable Transportation Costs are excess costs beyond those reimbursed and shall be shared equally between the LDSS and the designated school district of attendance.

Sample 2024-25 School Year Invoice for a Nonresident Special Education Student Educated in BOCES Program (Foster Student)

Utopia Central School District
Invoice for Nonresident Student
Educated in a BOCES Operated Program

Name of Student: Jane Doe
Date of Placement: 9/8/2024
Type of Program: BOCES
Grade Level: 8

The 10-month annualized cost should represent the cost of the program and all related services received by the child and billed by BOCES. Include the methodology used to compute the cost of the program and services with the invoice.

10 Month Annualized Cost:	
(Tuition plus Related Services from BOCES invoice)	\$45,000.00
Less: Foundation Aid per Pupil (2024-25 GEN Entry 115) *	<u>-\$0.00</u>
10 Month Annualized Cost Less Foundation Aid per Pupil	\$45,000.00
Student FTE	<u>x 1.0</u>
Annualized Cost Less Foundation Aid Adjusted by Student FTE	\$45,000.00
Less: State Aid Attributable - Student with a Disability **	
(See Page 49 - Part II for the calculation)	<u>-\$11,078.00</u>
Net Cost Tuition to Bill District of Origin	\$33,922.00

Note: There is no deduction of Foundation Aid in this example. The assumption is that the District of Attendance does not record the nonresident student attending a BOCES program on Form A (there is no specific entry to capture a nonresident student attending a BOCES program on Form A). In cases where a district of attendance treats this classification of student as a resident student for the purpose of reporting attendance/enrollment on Form A, a deduction for Foundation Aid would be appropriate. See Page 47 for further explanation.

Unaided transportation costs are to be split between the district of attendance and the LDSS per EL §3244(4) (see NYSED’s example on pages 96-104 of this guidebook). No charge back for transportation expenditures is computed for the invoice to the student’s district of origin.

** Although there are no separate entries on Form A to report nonresident students with disabilities enrolled in BOCES special education programs, SED has determined that if a school district has nonresidents (typically foster students) and the district CSE has placed these students in BOCES operated special education programs, they may be reported on the Form A entries for resident students enrolled in BOCES SWD programs (see specific entries below). By reporting nonresident students on the Form A entries shown below, they will be included in the pupil count for Foundation Aid - Total Aidable Foundation Pupil Units (TAFPU) and will generate Foundation Aid for the district of location. When billing the district of origin (resident district) for such students, deduct Foundation Aid paid on behalf of all students (disabled and non-disabled) that is found at Entry 115 of the General Aid Output Report (GEN).*

Entries 25-27 - 60% or more of the day – Resident pupil in a BOCES program

Entries 34-36 - 20% of the week – Resident pupil in a BOCES program

Entries 46-48 - Consultant teacher services - Resident pupil in a BOCES program

*** The aid attributable calculation referenced in the sample invoice on the previous page and outlined below is the same one used to determine aid attributable to charter school students or parentally placed non-public school students who receive special education services from a public school district other than their district of residence. It calculates the amount of state aid that should be deducted from a tuition bill for a nonresident student with disabilities enrolled in a BOCES program. We recommend that a copy of the completed aid attributable calculation be sent along with the tuition bill when billing other school districts. A sample of a completed aid attributable calculation for a nonresident student enrolled in a BOCES special education program follows on the next two pages.*

Calculation of Public Excess Cost Aid Attributable to Parentally Placed Nonresident and Charter School Students for the 2024-25 School Year

The Excel version of the "Calculation of Public Excess Cost Aid Attributable" worksheet can be found at <https://stateaid.nysed.gov/speced/>

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 non-public school students receiving services during the 2024-25 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

A. 2004-05 approved operating expense (AOE) per pupil for 2006-07 aid as of SA0708

\$8,110

B. Public Excess Cost Aid Ratio for 2006-07 aid as of SA0708

0.484

C. Enter the Service Level Weighting for the 2024-25 School Year:

1.65

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 school day

Note: If student does not meet any of the criteria in a. b. or c. above, then enter 0 for C. and no further calculation is required.

D. Enter the Full Time Equivalent (FTE) Enrollment of the Student (e.g., 1.000 FTE if services were provided for the entire Sept - June school year, 0.500 FTE for half of the school year, etc....) to three decimal places.

1.000

E. 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.

F. Enter the Approved Operating Expense per Pupil (See Entry #3 of the 2024-25 PUB output report)

\$13,099

G. Enter the Public Excess Cost Aid Ratio (See Entry #4 of the 2024-25 PUB output report)

0.482

H. Enter the 10 Month Annualized Cost of Direct Special Education Services Provided

\$45,000

I. Increase in Consumer Price Index (CPI) between current year and 2006-07 plus 1 (See Entry #11 of the 2024-25 PUB output report)

1.2860

J. Enter the Supplemental Public Excess Cost Aid (SPEC) (See Entry #9 of the 2024-25 PUB output report)

\$0

K. Enter 0 if J above is 0; otherwise, enter the Total Unweighted Resident Students with Disabilities FTEs (See 2024-25 ATT output report: Sum of entries 32D, 34D, 35D, 36D, 42D, 44D, 45D, 46D, 52D, 54D, 55D & 56D)

Part II: Calculation of Public Excess Cost Aid Attributable

1 Formula Excess Cost Aid Attributable:

((Lesser of Part I-A or \$9,250) x Part I-B x Part I-C x Part I-D x Part I-I)

\$8,329

2 Integrated Setting Aid Attributable:

((Lesser of Part I-A or \$9,250) x .50 x Part I-B x Part I-D x Part I-E x Part I-I)

\$0

Note: This should be \$0 for any student for which a 0 was entered in item Part I-E above.)

3 Public Excess Cost Aid Set-aside (Entry 1 + Entry 2):

\$8,329

4 Greater of 0 or [Part I-H minus (three x Part I-F)]:

\$5,703

5 If Entry 4 > 0, then Entry 4 x Part I-D, Else 0

\$5,703

6 PUBLIC EXCESS HIGH COST AID:

If Entry 5 > 0, Then Entry 5 x Part I-G, Else 0

\$2,749

7 SUPPLEMENTAL PUBLIC EXCESS COST AID:

If Part I-C and Part I-J = 0, Then 0, Else [(Part I-J divided by Part I-K) x Part I-D]

\$0

8 GRAND TOTAL PUBLIC EXCESS COST AID:

Entry 3 + Entry 6 + Entry 7

\$11,078

Sample 2024-25 School Year Invoice for a Nonresident Special Education Student Educated in a Private Placement (Foster Student)

Utopia Central School District
Invoice for Nonresident Student
in a Private Special Education Placement

Name of Student: Mary Smith
Date of Placement: 9/8/2024
Type of Program: Private – Day School
Grade Level: 10

This should represent the amount billed by the private school. Include a copy of the invoice.

10 Month Annualized Cost: (Program cost inc. tuition and related services)	\$35,000.00	SED determined tuition rate
School District Basic Contribution	<u>-12,994.62</u>	Entry 5, PRI
Aidable Excess Cost	22,005.38	
FTE:	<u>x 1.00</u>	
Total Aidable Excess Cost	22,005.38	
Private Excess Cost Aid Ratio	<u>x .847</u>	Entry 8, PRI
Private Excess Cost Aid	18,638.56	

Amount to be billed to the District of Origin:

Total Cost for Pupil	\$35,000.00
Less: Private Excess Cost Aid	<u>-18,638.56</u>

Net Cost Tuition to Bill District of Origin \$16,361.44

Sample 2024-25 School Year Invoice for a Parentally Placed Student with Disabilities Attending Non-public School

Utopia Central School District
Invoice for Services to student(s) in Non-public School

6/28/2025

In accordance with Chapter 378 of the Laws of 2007, signed into law on July 18, 2007, the following services were provided to the student(s) listed below who were parentally placed in the non-public school listed below within the Samsville CSD.

Student Name: John Doe
District of Residence: Utopia CSD
Non-public School: St. Anne's

Dates of enrollment: 9/6/2024-6/23/2025

Services Provided: Consultant Teacher, 2 hours/wk. for 40 wks. = 80 hours @ \$70/hr.
Speech, 2x30 individual for 40 wks. = 80 sessions @ \$40.00/session

CSE Meeting Date(s): 9/10/2023, 4/24/2024 (2 meetings each ½ hour)

Initial Evaluation Date: 9/9/2023 (6 hours)

Re-Evaluation Date: N/A

	<u>Staff</u>	<u>Rate/hour or Session</u>	<u># of hours or sessions</u>	<u>Total</u>
<u>Cost for Services:</u>	Consultant Teacher	\$70.00	80	\$5,600
	Speech Teacher	\$40.00	80	<u>\$3,200</u>
				\$8,800
	Less State Aid (based on calculation in SED memo)			\$2,247
	Less Federal Funds (based on SED website, see memo)			<u>\$1,135</u>
	Total Net Cost for Services:			\$5,418
<u>Cost for CSE meeting:</u>	CSE Chairperson	\$68.00	1	\$68
	Psychologist	\$50.00	1	\$50
	SE Teacher	\$70.00	1	<u>\$70</u>
	Total Cost for CSE meeting:			\$188
<u>Cost for Evaluation:</u>	Psychologist	\$50.00	6	<u>\$300</u>
	Total Cost for Evaluation:			\$300
	<u>Total Cost Summary:</u>			
	Services =			\$5,418
	CSE =			\$ 188
	Evaluations =			<u>\$ 300</u>
	Total Cost =			<u>\$5,906</u>

Sample 2024-25 School Year Invoice for a Nonresident Special Education Student in District to District Placement (Using NRT Rate)

Utopia Central School District
Invoice for Nonresident Special Education Student
Educated in a District Operated Program

Name of Student: Jane Doe
Date of Placement: 9/8/2024
Type of Program: In district 6:1:1 special class + related services per IEP
Grade Level: 8

*Utopia CSD accepts the placement of an 8th grade student with disabilities from ABC CSD. This placement is one of several SWD placements that Utopia CSD accepts from other districts. Utopia CSD contracts with each district to invoice **based on the established NRT Rates**.*

Applicable Nonresident Tuition Rate: Full Day 7-12 SWD (NRT-EST Entry 87)	\$28,420.00
Less: State Aid Attributable - Student with a Disability (See Page 49 - Part II for the calculation)	<u>-\$0.00</u>
10 Month Tuition Rate Less State Aid Attributable *	\$28,420.00
Student FTE	<u>x 1.0</u>
Net Cost Tuition to Bill District of Origin	\$28,420.00

Note: In this example the student’s District of Residence (ABC CSD) was the CSE District. ABC CSD would STAC the student for High Cost Public Excess Cost Aid and there would be no deduction for State Aid on the invoice from Utopia CSD. Public Excess Cost Aid Attributable would be calculated and deducted from the annualized cost if Utopia CSD was providing the educational services, acting as the CSE district, and claiming High Cost Public Excess Cost Aid for this student through STAC.

Sample 2024-25 School Year Invoice for a Nonresident Special Education Student in District to District Placement (Using Annualized Costs)

Utopia Central School District
Invoice for Nonresident Special Education Student
Educated in a District Operated Program

Name of Student: Jane Doe
Date of Placement: 9/8/2024
Type of Program: In district 6:1:1 special class + related services per IEP
Grade Level: 8

*Utopia CSD accepts the placement of an 8th grade student with disabilities from ABC CSD. This placement is one of several SWD placements that Utopia CSD accepts from other districts. Utopia CSD contracts with each district to invoice **based on the annualized costs net of state aid.***

10 Month Annualized Cost: (Based on Classroom Teacher and Aid’s salary and fringe)	\$45,000.00
Less: Foundation Aid per Pupil (2024-25 GEN Entry 115)	<u>-\$2,521.85</u>
10 Month Annualized Cost Less Foundation Aid per Pupil	\$42,478.15
Student FTE	<u> x 1.0 </u>
Annualized Cost Less Foundation Aid Adjusted by Student FTE	\$42,478.15
Less: State Aid Attributable - Student with a Disability * (See Page 49 - Part II for the calculation)	<u> -\$0.00 </u>
Net Cost Tuition to Bill District of Origin	\$42,478.15

Note: A nonresident Grade 7-12 SWD should be reported on Form A, Entry 64. This student would be included in the count for the district’s ADM and require a deduction of the Foundation Aid per Pupil.

In this example the student’s District of Residence (ABC CSD) was the CSE District. ABC CSD would STAC the student for High Cost Public Excess Cost Aid and there would be no deduction for State Aid on the invoice from Utopia CSD. Public Excess Cost Aid Attributable would be calculated and deducted from the annualized cost if Utopia CSD was providing the educational services, acting as the CSE district, and claiming High Cost Public Excess Cost Aid for this student through STAC.

Billing for Nonresident Students in BOCES Career and Technical Education (CTE) Programs

The State Aid and Financial Planning Service has been asked by some of our member school districts how best to determine the net cost to the district of location for the education of a nonresident foster care student placed in a Career and Technical Education Program operated by a BOCES. Absent specific guidance from the NYSED, we offer the following methodology as one potential solution in determining the cost of Nonresident Students in a BOCES CTE Program.

1. Determine the per student tuition charge assessed by BOCES for the nonresident foster student enrolled in a career education program by the district where the student's foster residence is located.
2. Calculate the average percentage share of career education tuition eligible for BOCES Aid by going to the COMPONENT SCHOOL DISTRICT BOCES AID OUTPUT REPORT (CMP) for your school district. This report is on the list of State Aid Output Reports for each school district provided on the SED State Aid website at: <http://stateaid.nysed.gov>. Divide "TOTAL AIDABLE SERVICE EXPENSE - CAREER EDUCATION" found at Entry 28 of the CMP Report by "SERVICE EXPENSE ALLOCATED TO THIS COMPONENT (FOR CAREER EDUCATION)" found at Entry 21 of the CMP Report.
3. Multiply the per student tuition charge from Item 1 above by the percentage share of such tuition that is eligible for BOCES Aid as determined above in Item 2. The result is the aid eligible amount of tuition charged for the nonresident foster student.
4. Multiply the amount of tuition eligible for aid from Item 3 by the Selected BOCES Sharing Ratio for Service Aid found at Entry 12 of the BOCES CMP Output Report (Minimum of .360, Maximum .900). The result is a reasonable approximation of the amount of BOCES Aid payable on behalf of a student enrolled in a BOCES career and technical education program.
5. Reduce the per student tuition charge from Item 1 by the BOCES Aid payable on behalf of a nonresident student as calculated in Item 4. This is the net tuition that may be charged to the foster child's district of residence for BOCES Career and Technical Education.
6. Most students enrolled in career and technical education programs attend such programs at BOCES for approximately half the school day. Such students usually attend classes at a high school in the district of location for the rest of the school day. Thus, we recommend that the educating district determine a reasonable share of the nonresident tuition rate for a secondary student (as determined by SED an NRT Output Report) that should be charged to the district of residence. We recommend basing it upon the average number of class periods per day the student receives instruction in the district schools divided by the average number of periods per day in the district's high school schedule.

Billing for Nonresident Students in BOCES Career and Technical Education (CTE) Programs

NOTE: See screen capture below showing the relevant segments of the BOCES CMP State Aid Output Report for a sample school district followed by a sample calculation of estimated BOCES Aid attributable to a nonresident foster student enrolled by the district of location in a BOCES Career and Technical Education Program.

District Name: State Aid:
District Code: Today's Date:
Data as of:

COMPONENT SCHOOL DISTRICT BOCES AID REPORT (CMP)

Glossary

Table with 4 columns: Line Item, Description, Calculation/Reference, and Amount. Rows include: 12 SELECTED BOCES SHARING RATIO FOR ADMIN AND SERVICE AID (0.632), 21 SERVICE EXPENSE ALLOCATED TO THIS COMPONENT (490,134), 22 REFUND OF PRIOR YEARS EXPENSE - CAREER EDUCATION (1,687), 23 EXCESS SALARIES: THIS BOCES - CAREER EDUCATION (119,197), 24 EXCESS SALARIES: OTHER BOCES - CAREER EDUCATION (7,630), 25 UNAPPROVED SERVICES: THIS BOCES - CAREER EDUCATION (0), 26 UNAPPROVED SERVICES: OTHER BOCES - CAREER EDUCATION (0), 27 OTHER MISCELLANEOUS ALLOCATED DEDUCTIONS - CAREER EDUCATION, 28 TOTAL AIDABLE SERVICE EXPENSE - CAREER EDUCATION (361,620).

Appeals to the Commissioner and Court Action

Tuition becomes due at the completion of the school year. There is no statute that states when an educating district must bill the resident district. While there is no guide for billing and no limitation on how far back to bill, it is most likely that districts will receive payment for the most recent year's claims. However, districts should be aware that Commissioner's Decisions have addressed the timeliness of claims for back tuition. If a district chooses to pursue a formal claim for tuition reimbursement, the following legal parameters **must** be followed.

A. Educating district bills district of residence during school year of attendance.

NOTE: The Commissioner of Education has repeatedly dismissed as untimely appeals for payment where tuition bills for nonresident foster students are issued after the close of a school year for which reimbursement is sought. "It is well settled that tuition claims pursuant to Education Law §3202(4)(a) become due at the conclusion of the school year for which such claims are made." Thus, to protect a district's right to appeal either a refusal to pay tuition bills or when such bills are ignored, bills must be issued before the June 30th close of each school year. See Item # 1 under letter C below for time limits on appeals to the Commissioner.

B. The district of residence refuses to pay or does not respond to repeated bills.

C. Educating district has 2 options to claim unpaid tuition:

1. Appeal to the Commissioner of Education

- a. An appeal to the Commissioner must be made within 30 days from the date amount claimed was originally denied or if the district merely ignores the claim, within 30 days of the closing of the school year for which payment is due.

2. Pursue court action against resident district

- a. If court action is pursued, within 3 months of refusal to pay, educating district must submit a "written verified claim" to the district of residence board of education stating that legal action will be taken for reimbursement of unpaid tuition.
- b. If the district of residence fails to make payment within 30 days after the formal claim is given, the educating district may proceed with court action.
- c. If court action is pursued, the educating district has a 1-year statute of limitation per subdivision 2-b of §3813 to commence legal action. The year begins on the date payment for the amount claimed was originally denied.

Appeals to the Commissioner and Court Action

NOTE: Based upon past precedent, the state courts can be expected to dismiss a complaint related to the payment of foster tuition (even if legal action is commenced within the one-year time limit noted above) when initial foster tuition bills are issued by the educating school after the close of a school year, given the precedent long established by the Commissioner of Education on appeal that tuition claims are due at the conclusion of the school year for which such claims are made and that school districts must issue bills before the close of the school year (on or before June 30th) in order for such bills to be considered timely.

D. If the resident school district, ordered by court or commissioner to pay tuition, fails to pay in 90 days, the educating district may apply to the Commissioner to have payment deducted from the resident district's state aid. If the resident district does not make payment within 30 days of application, SED will deduct delinquent payment from future state aid payments.

Legal References: Education Law Section 3202, Section 3813

Regulations of the Commissioner of Education Part 275.16

Matter of Board of Education Greenville, 16, Ed. Dept. 329 (1977)

Matter of Board of Education Yorktown, 17, Ed. Dept. 5 (1977)

Matter of Board of Education Marcellus, 26, Ed. Dept. 510 (1977)

Supporting Documentation

LDSS-2999 Form:

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjOtZSxmJb3AhWXklkEHQUpDLUQFnoECAQQAQ&url=https%3A%2F%2Focfs.ny.gov%2Fforms%2Fldss%2Focfs-LDSS-2999.docx&usq=AOvVaw2m7HrcB8akMfdobeW8vC_m

Time Requirements for Reporting Students with Disabilities – Form A Entries # 19 - #58

SED Memo: Guidelines Pertaining to Residency Determinations

<https://www.nysed.gov/sites/default/files/residencyguidance-memo.7-19-18.pdf>

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
☐ CHANGE IN FOSTER CARE PLACEMENT
☐ CHILD DISCHARGED FROM FOSTER CARE

Complete and transmit **within 10 days**
for child entering foster care or
if there is a change in placement

Section A – see instructions for children not yet of school age (under six years old).

CHILD (Full name): _____		DATE OF BIRTH OR APPARENT AGE: ____ / ____ / ____ , OR _____
ADDRESS OF CHILD WHEN CHILD ENTERED FOSTER CARE: _____		GENDER: <input type="checkbox"/> Male <input type="checkbox"/> Female
		DATE CHILD ENTERED FOSTER CARE: ____ / ____ / ____
		DATE CHILD DISCHARGED FROM FOSTER CARE: ____ / ____ / ____
Foster Care Placement (Choose one): *Parent <input type="checkbox"/> Guardian <input type="checkbox"/> Foster Boarding Home <input type="checkbox"/> Agency Boarding <input type="checkbox"/> Group Home <input type="checkbox"/> *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) CELL PHONE NO.: (____) ____ - ____	(AREA CODE) TELEPHONE NO.: (____) ____ - ____	
NAME OF SCHOOL DISTRICT CHILD RESIDED IN AT TIME OF ENTRANCE INTO FOSTER CARE (School district of origin): _____	ADDRESS OF SCHOOL DISTRICT OF ORIGIN: _____	
NAME OF SCHOOL DISTRICT LAST ATTENDED (If different from above, school of origin): _____	ADDRESS OF SCHOOL OF ORIGIN: _____	

Section B

NAME OF SCHOOL DISTRICT THAT CHILD WILL ATTEND PURSUANT TO THE BEST INTEREST DETERMINATION (School district of attendance): _____	ADDRESS OF SCHOOL DISTRICT OF ATTENDANCE: _____
Date entered this district ____ / ____ / ____	Does child have an IEP? <input type="checkbox"/> NO <input type="checkbox"/> 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 CHILD: _____	ADDRESS OF SOCIAL SERVICES COMMISSIONER CHARGED WITH CARE OF CHILD: _____	
NAME OF AUTHORIZED AGENCY ACTING FOR COMMISSIONER (if applicable): _____	ADDRESS OF AUTHORIZED AGENCY ACTING FOR COMMISSIONER (if applicable): _____	
SIGNATURE OF COMPLETING OFFICIAL: _____	TITLE: _____	DATE: ____ / ____ / ____
EMAIL: _____	(AREA CODE) TELEPHONE NO.: (____) ____ - ____	
NAME OF CASEWORKER (Please print): _____	(AREA CODE) TELEPHONE NUMBER: (____) ____ - ____	

Section D - BEST INTEREST DETERMINATION

Documents considered for BID	Report Cards/Progress Reports <input type="checkbox"/> Special Education: Achievement data/test scores <input type="checkbox"/> IEP <input type="checkbox"/> 504 Plan <input type="checkbox"/> Attendance data <input type="checkbox"/> Disciplinary records <input type="checkbox"/> Emails/correspondence from individuals consulted <input type="checkbox"/> Other <input type="checkbox"/>
Input from the child's caseworker, the child's parent(s) (if available and able to provide input), and the child (if developmentally able) must be sought in making the best interest determination. Education personnel from the child's current school must be informed of the meeting and invited to attend, and/or provide information to be considered in making the best interest determination. Other relevant parties should also be consulted, including the foster parent(s), the child's attorney, others involved in the case planning for the child, teachers, school counselors or social workers, special education coordinators, coaches, school transportation personnel or other adults significant to the child. If the child is enrolled in BOCES programming, impact on that enrollment should also be considered.	
Name of Parties Who Participated in the BID Process:	
Child	Name: <input type="text"/>
Birth parent(s)	Name: <input type="text"/>
Caseworker	Name: <input type="text"/>
Foster parent(s)	Name: <input type="text"/>
Attorney for child	Name: <input type="text"/>
School representative from current school who knows student	Name: <input type="text"/>
CPSE/CSE chair or designee (if applicable)	Name: <input type="text"/>
Pupil personnel services (school social worker, school counselor, school psychologist, school nurse, attendance officer/teacher)	Name: <input type="text"/>
Other: <input type="text"/>	Name: <input type="text"/>
Other: <input type="text"/>	Name: <input type="text"/>

Section E - BEST INTEREST DETERMINATION SUMMARY OF RATIONALE (Summarize the key factors influencing the determination)

<input type="text"/>

COMPLETE AND TRANSMIT WITHIN 10 DAYS OF CHILD ENTERING FOSTER CARE, CHANGE IN FOSTER CARE PLACEMENT OR FINAL DISCHARGE FROM FOSTER CARE.

One copy to originating agency (LDSS or authorized agency), **one copy** to school district of attendance and **one copy** to school district of origin

INSTRUCTIONS

(Please print all information clearly)

In Section A

- Enter name, address and date of birth, OR age of child entering foster care, including children not yet of school age (under six years old).
- Enter the gender of the child entered into the foster care system.
- Enter date child entered and left the foster care system.
- Check the type of foster care placement: Parent(s) (only if the child is home on a trial discharge basis, HOTB), guardian, foster boarding home, agency boarding home or group home.
- Enter the name and address of the following individual(s), as applicable to the placement type: Parent(s) if the child is home on trial discharge; guardian(s) if the child is placed with a guardian; foster parent(s) if the child is in a foster boarding home; or the child-caring agency if the child is in an agency-operated boarding home or group home. This is the contact person that the School will keep on file for day-to-day communication.
- Enter parent's name(s), address and phone number only if child is HOTB.
- Enter name, address and phone number of the school district the child resided in when the child entered foster care.
- Enter name of the school district the child last attended if different from the one entered above.

In Section B

- For children not yet of school age (under six years old) this section is not applicable and should be left blank.
- Enter the school district the child is attending.
- Enter the county department of social services handling foster care.
- Enter the date the child entered the district.
- Does the child have an Individualized Education Plan (IEP)?
- Enter a contact person's printed name and his/her phone number.
- For children not yet of school age (under six years old) this section is not applicable.

In Section C

- Complete this section for children not yet of school age (under six years old).
- Enter the name and address of the social services commissioner charged with care of the child.
- Enter the name and address of the authorized agency acting for the commissioner.
- Signature of the completing official, his/her title, phone number, email and date.
- Print the name of the social services caseworker, his/her area code and phone number.
- Comments the social services caseworker may have.
- Complete this section for children not yet of school age (under six years old).

In Section D:

- For children not yet of school age (under six years old) this section is not applicable at this time and should be left blank.
- Enter the documents considered when making the BID.
- Enter the name of all individuals who participated in the BID process. Participation may consist of submission of documents, correspondence, etc. or may include in-person attendance at any meetings.
- For children not yet of school age (under six years old) this section is not applicable at this time and should be left blank.

In Section E:

- Enter a rationale for the BID, including any key factors that influenced the determination such as participation in a BOCES or other programming.
- For children not yet of school age (under six years old) this section is not applicable at this time and should be left blank.

**TIME REQUIREMENTS FOR REPORTING STUDENTS WITH DISABILITIES
FORM A ENTRIES #19-#58**

**TOTAL STUDENTS WITH DISABILITIES (SWD)
60% OR MORE OF THE SCHOOL DAY**

Entries 19-30 (ACTUAL) Current Year Full-Time Placements

The following entries relate to pupils with disabilities spending 60% or more of the school day in a special education class, service program or receiving home or hospital instruction for 60 days or more. 60% or more of the day equals 3 hours per day for grades K-6 and 3 ½ hours per day for grades 7-12.

These entries reflect Current Year full-time equivalent enrollment of PWD:

FTE= the total number of weeks the pupil is enrolled divided by the total number of weeks of the program. Three consecutive days of enrollment within the same week and month count as a week of enrollment. Count no more than 4 weeks per month.

Resident pupils in district operated programs	Entries 19-21
Nonresident pupils in district operated programs	Entries 22-24
Resident pupils attending BOCES operated programs	Entries 25-27
Resident pupils attending another public school district	Entries 28-30

Do not include pupils in a dual enrollment status from a non-public school; 4405 private school placements including Section 4402 & 4407 pupils; placements in state operated schools for the blind or deaf (Batavia or Rome); pupils in a state supported school for the blind or deaf (Section 4201); placements in a special act school; nonresident homeless or runaway homeless pupils eligible for Homeless Aid (Ed. Law, Section 3202, subdivision 8); and OMRDD pupils under Chapters 47 (group homes), 66 (OMRDD centers), and 721 (Intermediate Care Facilities).

Pupils in ungraded classes should be counted in the following manner based on their ages as of September 1: K-3 less than 9 years of age; 4-6 if ages 9-12; 7-12 if 13 years or older. Enter the total full-time equivalent (FTE) by school of placement for each grade grouping (K-3, 4-6 or 7-12) to two decimal places without rounding. Each pupil should be counted only one time.

*The FTEs of pupils served in district operated and BOCES programs are included in the Total Aidable Pupil Unit (TAPU) for Expense pupil count that is used to calculate AOE/pupil and in Total Aidable Foundation Pupil Units (TAFPU), a pupil count used in the Foundation Aid formula. Resident pupils are also used in determination of district wealth (Combined Wealth Ratio-CWR) by inclusion in the Total Wealth Pupil Unit (TWPU) pupil count.

Entries 19-30 (PROJECTED) Estimated Upcoming Year Full Time Placements

The following entries relate to pupils with disabilities spending 60% or more of the school day in a special class, service program or receiving home or hospital instruction for 60 days or more. 60% or more of the day equals 3 hours per day for grades K-6 and 3 ½ hours per day for grades 7-12.

These entries reflect the estimated Upcoming Year full-time equivalent enrollment of PWD:
FTE= the total number of weeks the pupil is enrolled divided by the total number of weeks of the program. Three consecutive days of enrollment within the same week and month count as a week of enrollment. Count no more than 4 weeks per month.

Resident pupils in district operated programs	Entries 19-21
Nonresident pupils in district operated programs	Entries 22-24
Resident pupils attending BOCES operated programs	Entries 25-27
Resident pupils attending another public school district	Entries 28-30

Do not include pupils in a dual enrollment status from a non-public school; 4405 private school placements including Section 4402 & 4407 pupils; placements in state operated schools for the blind or deaf (Batavia or Rome); pupils in a state supported school for the blind or deaf (Section 4201); placements in a special act school; nonresident homeless or runaway homeless pupils eligible for Homeless Aid (Ed. Law, Section 3202, subdivision 8); and OMRDD pupils under Chapters 47 (group homes), 66 (OMRDD centers), and 721 (Intermediate Care Facilities).

Pupils in ungraded classes should be counted in the following manner based on their ages as of September 1: K-3 less than 9 years of age; 4-6 if ages 9-12; 7-12 if 13 years or older. Enter the total full-time-equivalent (FTE) by school of placement for each grade grouping (K-3, 4-6 or 7-12) to two decimal places without rounding. Each pupil should be counted only one time.

*The FTEs of pupils served in district operated and BOCES programs are included in the Total Aidable Pupil Unit (TAPU) for Expense pupil count that is used to calculate AOE/pupil and in Total Aidable Foundation Pupil Units (TAFPU), a pupil count used in the Foundation Aid formula. Resident pupils are also used in the determination of district wealth (Combined Wealth Ratio-CWR) by inclusion in the Total Wealth Pupil Unit (TWPU) pupil counts.

PLACEMENTS 20% OR MORE OF WEEK

Entries 31-42 (ACTUAL) Current Year Placements 20% or More of Week

Enter the FTE of pupils with disabilities spending 20% or more of the school week in a resource room, special service, or program. The time requirements for elementary pupils (20% or more of the week) are 5 hours or more per week-not 5 periods. The time requirements for pupils enrolled in grades 4-12 that operate on a period basis may be 5 periods but not less than 180 minutes per week. Count each pupil only once.

These entries reflect Current Year placements for 20% or more of the school week:

FTE= the total number of weeks the pupil is enrolled divided by the total number of weeks of the program. Three consecutive days of enrollment within the same week and month count as a week of enrollment. Count no more than 4 weeks per month.

Resident pupils in district operated programs	Entries 31-33
Nonresident pupils in district operated programs	Entries 34-36
Resident pupils attending BOCES operated programs	Entries 37-39
Resident pupils attending another public school district	Entries 40-42

Do not include pupils in a dual enrollment status from a non-public school; 4405 private school placements including Section 4402 & 4407 pupils; placements in state operated schools for the blind or deaf (Batavia or Rome); pupils in a state supported school for the blind or deaf (Section 4201); placements in a special act school; nonresident homeless or runaway homeless pupils eligible for Homeless Aid (Ed. Law, Section 3202, subdivision 8); and OMRDD pupils under Chapters 47 (group homes), 66 (OMRDD centers), and 721 (Intermediate Care Facilities).

Pupils in ungraded classes should be counted in the following manner based on their ages as of September 1: K-3 less than 9 years of age; 4-6 if ages 9-12; 7-12 if 13 years or older. Enter the total full-time-equivalent (FTE) by school of placement for each grade grouping (K-3, 4-6 or 7-12) to two decimal places without rounding. Each pupil should be counted only one time.

*The FTEs of pupils served in district operated and BOCES programs are included in the Total Aidable Pupil Unit (TAPU) for Expense pupil count which is used to calculate AOE/pupil and in Total Aidable Foundation Pupil Units (TAFPU), a pupil count used in the Foundation Aid formula. Resident pupils are also used in the determination of district wealth (Combined Wealth Ratio-CWR) by inclusion in the Total Wealth Pupil Unit (TWPU) pupil counts.

Entries 31-42 (*PROJECTED*) Est. Upcoming Year Placements 20% or More of Week

Enter the estimated FTE of pupils with disabilities spending 20% or more of the school week in a resource room, special service, or program. The time requirements for elementary pupils (20% or more of the week) are 5 hours or more per week-not 5 periods. The time requirements for pupils in grades 4 -12 enrolled in a period-based school program (20% or more of the week) may be 5 periods but not less than 180 minutes per week. Count each pupil only once.

These entries reflect estimated Upcoming Year placements for 20% or more of the school week:

FTE= the total number of weeks the pupil is enrolled divided by the total number of weeks of the program. Three consecutive days of enrollment within the same week and month count as a week of enrollment. Count no more than 4 weeks per month.

Resident pupils in district operated programs	Entries 31-33
Nonresident pupils in district operated programs	Entries 34-36
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Resident pupils attending another public school district	Entries 40-42

Do not include pupils in a dual enrollment status from a non-public school; 4405 private school placements including Section 4402 & 4407 pupils; placements in state operated schools for the blind or deaf (Batavia or Rome); pupils in a state supported school for the blind or deaf (Section 4201); placements in a special act school; nonresident homeless or runaway homeless pupils eligible for Homeless Aid (Ed. Law, Section 3202, subdivision 8); and OMRDD pupils under Chapters 47 (group homes), 66 (OMRDD centers), and 721 (Intermediate Care Facilities).

Pupils in ungraded classes should be counted in the following manner based on their ages as of September 1: K-3 less than 9 years of age; 4-6 if ages 9-12; 7-12 if 13 years or older. Enter the total full-time-equivalent (FTE) by school of placement for each grade grouping (K-3, 4-6 or 7-12) to two decimal places without rounding. Each pupil should be counted only one time.

*The FTEs of pupils served in district operated and BOCES programs are included in the Total Aidable Pupil Unit (TAPU) for Expense pupil count which is used to calculate AOE/pupil and in Total Aidable Foundation Pupil Units (TAFPU), a pupil count used in the Foundation Aid formula. Resident pupils are also used in the determination of district wealth (Combined Wealth Ratio-CWR) by inclusion in the Total Wealth Pupil Unit (TWPU) pupil counts.

CONSULTANT TEACHER SERVICES

Entries 43-54 Consultant Teacher Services

Enter pupils with disabilities being served by direct and/or indirect consultant teacher services for a minimum of two hours each week in accordance with their IEP's.

Direct consultant teacher services are defined as specially designed individualized or group instruction, provided by a certified special education teacher, to a pupil with a disability to aid and benefit the pupil's regular education program.

Indirect consultant teacher services are defined as consultation provided by a certified special education teacher to regular education teachers, to assist them in adjusting to the learning environment and/or instructional methods to meet the needs of the pupils receiving direct consultant teacher services who attend their classes.

Entries 43-54 (ACTUAL) Current Year Consultant Teacher Services

These entries reflect Current Year placements for consultant teacher services:

FTE= the total number of weeks the pupil is enrolled divided by the total number of weeks of the program. Three consecutive days of enrollment within the same week and month counts as a week of enrollment. Count no more than 4 weeks per month.

Resident pupils in district operated programs	Entries 43-45
Nonresident pupils in district operated programs	Entries 46-48
Resident pupils attending BOCES operated programs	Entries 49-51
Resident pupils attending another public school district	Entries 52-54

Do not include pupils in a dual enrollment status from a non-public school; 4405 private school placements including Section 4402 & 4407 pupils; placements in state operated schools for the blind or deaf (Batavia or Rome); pupils in a state supported school for the blind or deaf (Section 4201); placements in a special act school; nonresident homeless or runaway homeless pupils eligible for Homeless Aid (Ed. Law, Section 3202, subdivision 8); and OMRDD pupils under Chapters 47 (group homes), 66 (OMRDD centers), and 721 (Intermediate Care Facilities).

Pupils in ungraded classes should be counted in the following manner based on their ages as of September 1: K-3 less than 9 years of age; 4-6 if ages 9-12; 7-12 if 13 years or older. Enter the total full-time-equivalent (FTE) by school of placement for each grade grouping (K-3, 4-6 or 7-12) to two decimal places without rounding. Each pupil should be counted only one time.

*The FTEs of pupils served in district operated and BOCES programs are included in the Total Aidable Pupil Unit (TAPU) for Expense pupil count that is used to calculate AOE/pupil and in Total Aidable Foundation Pupil Units (TAFPU), a pupil count used in the Foundation Aid formula. Resident pupils are also used in the determination of district wealth (Combined Wealth Ratio-CWR) by inclusion in the Total Wealth Pupil Unit (TWPU) pupil counts.

Entries 43-54 (*PROJECTED*) Est. Upcoming Year Consultant Teacher Services

These entries reflect estimated Upcoming Year placements for consultant teacher services:

FTE= the total number of weeks the pupil is enrolled divided by the total number of weeks of the program. Three consecutive days of enrollment within the same week and month count as a week of enrollment. Count no more than 4 weeks per month.

Resident pupils in district operated programs	Entries 43-45
Nonresident pupils in district operated programs	Entries 46-48
Resident pupils attending BOCES operated programs	Entries 49-51
Resident pupils attending another public school district	Entries 52-54

Do not include pupils in a dual enrollment status from a non-public school; 4405 private school placements including Section 4402 & 4407 pupils; placements in state operated schools for the blind or deaf (Batavia or Rome); pupils in a state supported school for the deaf or blind (Section 4201); placements in a special act school; nonresident homeless or runaway homeless pupils eligible for Homeless Aid (Ed. Law, Section 3202, subdivision 8); and OMRDD pupils under Chapters 47 (group homes), 66 (OMRDD centers), and 721 (Intermediate Care Facilities).

Pupils in ungraded classes should be counted in the following manner based on their ages as of September 1: K-3 less than 9 years of age; 4-6 if ages 9-12; 7-12 if 13 years or older. Enter the total full-time-equivalent (FTE) by school of placement for each grade grouping (K-3, 4-6 or 7-12) to two decimal places without rounding. Each pupil should be counted only one time.

*The FTEs of pupils served in district operated and BOCES programs are included in the Total Aidable Pupil Unit (TAPU) for Expense pupil count which is used to calculate AOE/pupil and in Total Aidable Foundation Pupil Units (TAFPU), a pupil count used in the Foundation Aid formula. Resident pupils are also used in the determination of district wealth (Combined Wealth Ratio-CWR) by inclusion in the Total Wealth Pupil Unit (TWPU) pupil counts.

ADDITIONAL WEIGHTED AVERAGE DAILY ATTENDANCE OF FULL-TIME RESIDENT STUDENTS WITH DISABILITIES IN OTHER PUBLIC SCHOOL DISTRICT PROGRAMS

Entries 55-57 (ACTUAL) are used in the computation of Resident Weighted Average Daily Attendance (RWADA) and Total Wealth Pupil Units (TWPU). Enter the FTEs of pupils with disabilities who are residents of your district but are enrolled in another public school district full-time. Report Current Year placements as follows:

Full-time resident SWD in other school districts; K-3	Entry 55
Full-time resident SWD in other school districts; 4-6	Entry 56
Full-time resident SWD in other school districts; 7-12	Entry 57

These entries reflect resident full-time students with disabilities attending other public schools. Include resident foster pupils with disabilities attending other public schools. Often these entries are like Entries 28, 29 and 30. However, **do not** transfer the FTEs from 28-30 unless **all** pupils were enrolled in other public schools as **full-time students**. Pupils in ungraded classes should be counted in the following manner based on their ages as of September 1, 2016: K-3 less than 9 years of age; 4-6 if ages 9-12; 7-12 if 13 years or older.

Do not include pupils in a dual enrollment status from a non-public school; 4405 private school placements including Section 4402 & 4407 pupils; placements in state operated schools for the blind or deaf (Batavia or Rome); pupils in a state supported school for the blind or deaf (Section 4201); placements in a special act school; nonresident homeless or runaway homeless pupils eligible for Homeless Aid (Ed. Law, Section 3202, subdivision 8); and OMRDD pupils under Chapters 47 (group homes), 66 (OMRDD centers), and 721 (Intermediate Care Facilities).

Entry 58 Not Used

SED Memo: Guidelines Pertaining to Residency Determinations



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

COUNSEL AND DEPUTY COMMISSIONER FOR LEGAL AFFAIRS

December, 1992

TO: District Superintendents
Superintendents of Schools
School District Attorneys

FROM: Lizette A. Cantres *lac*

SUBJECT: Guidelines Pertaining to Residency Determinations

In September 1990, the Office of Counsel prepared a memorandum pertaining to residency determinations. This latest publication provides an update that incorporates relevant developments in case law pertaining to residency and amendments to Commissioner's regulations pertaining to runaway and homeless youth. The memorandum is intended to serve as a guide to districts in adopting and reviewing student policies on residency and to ensure that proper procedures are followed.

Education Law §3202(1) provides that "[a] person over five and under twenty-one years of age who has not received a high school diploma is entitled to attend the public schools maintained in the district in which such person resides without the payment of tuition." Residence is based, in part, upon an individual's physical presence as an inhabitant within the district ... and upon the individual's intent to remain (Appeal of Anthony S., 32 Ed Dept Rep 93; Appeal of Bonfante-Ceruti, 31 Ed Dept Rep 38; Appeal of Reifler, 31 Ed Dept Rep 235; Appeal of Tynan, 28 Ed Dept Rep 4; Matter of Whiteman, 24 Ed Dept Rep 337). In cases challenging a student's residency, the party alleging a change in residence bears the burden of proof (Appeal of Virginia L., 32 Ed Dept Rep 132; Appeal of Gibson, 31 Ed Dept Rep 284; Appeal of Bonfante-Ceruti, 31 Ed Dept Rep 38). In no case may students residing in the district be denied admission to school based on their status as undocumented aliens (Plyer v. Doe, 457 US 202 [1982]).

Generally, a student's residence is presumed to be that of his/her parents or legal guardian (Catlin v. Sobol, 155 AD2d 24, 553 NYS2d 501, rev'd on other gnds, 77 NY2d 552, 560 NYS2d 353 [1991]; Appeal of Hilaire, 31 Ed Dept Rep 84; Appeal of Pinto, 30 Ed Dept Rep 374). However, the presumption that a child's residence is that of his parents can be rebutted by examining the totality of circumstances (Appeal of Ambris, 31 Ed Dept Rep 41). In particular, the presumption is rebutted when it is established that the child's parent(s) has

surrendered custody and control and that such control is being exercised by some other person with whom the child lives (See Catlin v. Sobol, *supra*).

Although a court order awarding legal guardianship may be offered to establish a transfer of parental custody and control, a court order is unnecessary to establish a residence apart from one's parents where the child's actual and only residence is with the person with whom the child lives (Catlin v. Sobol, *supra*; Appeal of Pryor, 29 Ed Dept Rep 505; Appeal of McMullan, 29 Ed Dept Rep 310; Appeal of Deborah V., 29 Ed Dept Rep 176; Matter of Takeall, 23 Ed Dept Rep 475; Matter of Staulcup, 20 Ed Dept Rep 11; Matter of Tiger and Talasko, 16 Ed Dept Rep 178).

To determine whether the presumption that a child resides with his/her parents or legal guardian has been rebutted, the following factors are relevant:

- (i) Is the current living arrangement the student's actual and only address? (Catlin v. Sobol, *supra*; Appeal of Pinto, 30 Ed Dept Rep 374; Matter of Staulcup, 20 Ed Dept Rep 11; Matter of Morello, 9 Ed Dept Rep 130);
- (ii) Does the student intend to remain in the district? (Appeal of Tynan, 28 Ed Dept Rep 4; Matter of VanCurran, 18 Ed Dept Rep 523);
- (iii) Has the parent(s) relinquished custody and control over the student to another person with whom the child lives? (Catlin v. Sobol, *supra*; Appeal of Garretson, 31 Ed Dept Rep 542; Appeal of Aquila, 31 Ed Dept Rep 93; Matter of Takeall, 23 Ed Dept Rep 475; Matter of Hill & Joyce, 23 Ed Dept Rep 338; Matter of Schumer, 21 Ed Dept Rep 640);

NOTE: When a parent has relinquished custody to another person with whom the child lives, the fact that the parent maintains a continuing relationship with the child is not determinative of the child's residence (Appeal of Pinto, 30 Ed Dept Rep 374, *supra*; Appeal of McMullan, 29 Ed Dept Rep 310, *supra*).

- (iv) Does the parent(s) continue to support the student? (Catlin v. Sobol, *supra*; Appeal of Aquila, 31 Ed Dept Rep 93; Matter of Delgado, 24 Ed Dept Rep 279; Matter of Hill & Joyce, 23 Ed Dept Rep 338; Matter of Shelmidine, 22 Ed Dept Rep 206);
- (v) Do the adults with whom the student is living provide for the student's care and supervision as otherwise provided by parent(s)? (Matter of Staulcup, 20 Ed Dept Rep 11); (a copy of a model custodial affidavit is attached to this memorandum);
- (vi) Is there sufficient evidence that the parents have transferred custody and control of the child to the individual with whom the child is living? Although

a district may not require a court order to establish change in guardianship, a district may require a sworn statement or affidavit from the parents acknowledging their transfer of custody and control to the child's custodian (Appeal of Pernell, 30 Ed Dept Rep 380; Matter of Bunk, 22 Ed Dept Rep 38; Matter of Tiger, 16 Ed Dept Rep 178), except where the student is an emancipated minor (Appeal of Deborah V., 29 Ed Dept Rep 176 [a copy of a model parent affidavit is attached to this memorandum]); and

- (vii) Why is the student living with others? (Matter of Schumer, 21 Ed Dept Rep 640; Matter of Schwartz, 12 Ed Dept Rep 187; Matter of Morello, 9 Ed Dept Rep 130). Where the sole reason for living with others is to take advantage of the services available in the district, the child's residence is not established there (Appeal of Ritter, 31 Ed Dept Rep 24; Appeal of McMullan, 29 Ed Dept Rep 310; Matter of Fichtner, 22 Ed Dept Rep 119; Matter of Staulcup, 20 Ed Dept Rep 11; Matter of Cothren, 19 Ed Dept Rep 430).

In any case, the mere physical presence of a child in a school district without evidence that the parent has relinquished custody and control of a child does not overcome the presumption that the child resides with the parent or legal guardian (Catlin v. Sobol, *supra*, Appeal of Claudette C., 32 Ed Dept Rep 128). Nor is one's intent to establish a residence alone sufficient to establish residence when the person claiming to be a resident never lived in that location (Appeal of Reifler, 31 Ed Dept Rep 235).

EMANCIPATED MINORS

Students beyond the compulsory school age, who are independent and living apart from their parents, who are not in need or receipt of foster care, may be considered emancipated for purposes of establishing a residence apart from their parents. By establishing emancipation, a pupil rebuts the presumption that his/her residence is with one's parent(s) (cf., Appeal of Popp, 31 Ed Dept Rep 546; Appeal of Deborah V., 29 Ed Dept Rep 176, *supra*; Matter of Takeall, 23 Ed Dept Rep 475). In such cases, where the applicant is living with others, whether or not the adults with whom the student lives have assumed responsibility for the student is irrelevant (Matter of Takeall, *supra*); and a statement from the parents of an emancipated minor describing the nature of their relationship to the child may not be required where, based upon the facts of the case, it places an unreasonable burden on the prospective student (see, Appeal of Werher & Carlson, 31 Ed Dept Rep 186; Appeal of Deborah V., *supra*).

In order to establish a pupil's status as an emancipated minor, a district is not precluded from requiring documentation from the student of the student's age, his or her means of support, and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his or her parents. Evidence that the student is not receiving any support from parents (except by a court order that also acknowledges the student's right to receive support as an emancipated minor) is

also relevant in making a determination regarding emancipation. In any case, proof of eligibility for public assistance as an emancipated minor should be sufficient to establish emancipation for purposes of school admission.

Because there is no formal court proceeding under New York law for establishing emancipation, a district may not require a court order as proof of emancipation. A district may, however, require an affidavit or sworn statement from the student as proof of emancipation and residence, in addition to supporting documentation of the pupil's age, means of support and home address (e.g., a statement from the person with whom the student is living, rent receipts, pay stubs, letter from the Department of Social Services, driver's license, etc.) (A copy of a model affidavit establishing emancipation is attached to this memorandum).

CHILDREN LIVING WITH NON-CUSTODIAL PARENTS

For children whose parents live apart, the Commissioner ruled that where a court order awards custody to one parent, the child's residence is presumed to be that of the custodial parent (Appeal of Juracka, 31 Ed Dept Rep 282; Appeal of Forde, 29 Ed Dept Rep 359). However, the presumption is rebuttable. For example, the presumption may be rebutted upon a showing that the child is an emancipated minor, living beyond the custody or control of the custodial parent (Appeal of Forde, *supra*; Matter of Takeall, 23 Ed Dept Rep 475, *supra*), or, in the case of an unemancipated minor, the child's residence with the non-custodial parent may be established where the custodial parent consents to the change in residence (Appeal of Barron, 31 Ed Dept Rep 1). In cases where parents have been awarded joint custody or the child's time is equally divided between two households, the decision regarding the child's residency lies ultimately with the family (Appeal of Juracka, *supra*; Appeal of Forde, *supra*). In such cases, either both parents together or the custodial parent may designate the child's residence (Appeal of Barron, *supra*). If the child is emancipated, however, a designation by the custodial parent is unnecessary (*see*, Appeal of Forde, *supra*). In any case, where a child's parents live apart, the child may have only one legal residence or domicile (Appeal of Barron, *supra*; Matter of Manning, 24 Ed Dept Rep 33).

HOMELESS CHILDREN AND RUNAWAY AND HOMELESS YOUTH

Under 8 NYCRR 100.2(x), the Commissioner's Regulations provide that:

the parent of or person in parental relation to a homeless child, or a homeless child if no parent or person in parental relationship is available, or for runaway and homeless youth, the director of the residential program for runaway and homeless youth in consultation with the youth, may designate, on a form specified by the Commissioner, either the school district of current location or the school district of last attendance as the

district the child shall attend

(8 NYCRR 100.2[x][2])

A homeless child is defined by regulation as a child who is:

entitled to attend school in the State of New York who, because of the unavailability of permanent housing, is living in a hotel, motel, shelter or other temporary living arrangement in a situation in which the child or his or her family is receiving assistance and/or services from a local social services district, ...

NOTE: The definition includes all homeless children placed by the Department of Social Services in a hotel, motel or shelter and any child housed in residential programs for victims of domestic violence. This definition does not include children placed by a court or whose custody has been transferred to an authorized agency or the Division for Youth.

(8 NYCRR 100.2[x][1][i]) (Emphasis added)

A runaway and homeless youth is defined as a child who is:

... housed in a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law.

(NYCRR §100.2(x)(1)(ii))

Where the parent, the person in parental relationship, the child, or for a runaway and homeless youth, the director of a residential program for runaway and homeless youth, designates the school district of current location as the district of attendance, such school district shall be eligible for reimbursement by the Education Department for the direct cost of educational services. Claims for such reimbursement must be submitted on a form prescribed by the Commissioner (Education Law §3202[8]).

CHILDREN LACKING A PERMANENT ADDRESS

Commissioner's regulations create procedures for designating the school district of attendance and additional State aid is available for those homeless children and runaway and homeless youth who fall within the definitions cited above and designate either the school district of current location or a district participating in a regional placement plan. However, there may be other children who, although not falling within the regulations' definition of "a homeless child" or "runaway and homeless youth," nonetheless, lack a permanent address.

Such children may not be deprived of the right to attend school. In particular, federal law requires both the State Education Department and local school districts to develop and revise policies to remove barriers to the enrollment and retention of such children and youth (Stewart H. McKinney Homeless Assistance Act, 42 USC 11431 *et seq.*). To ensure the right to education, school boards must be prepared to make residency determinations for such children on a case by case basis (*see, Appeal of Richards*, 25 Ed Dept Rep 38). The following rules, derived from case law, provide important guidelines for making such determinations:

- (i) Generally, a residence is not lost until another residence is established through both intent and action expressing such intent (*see, Appeal of Edward K.*, 32 Ed Dept Rep 112; *Appeal of Reifler*, 31 Ed Dept Rep 235; *Appeal of Kenneth R.*, 32 Ed Dept Rep 41; *Appeal of Tynan*, 28 Ed Dept Rep 4; *Appeal of Woodward*, 27 Ed Dept Rep 442; *Appeal of Tunstall*, 27 Ed Dept Rep 144; *Appeal of Aufiero*, 26 Ed Dept Rep 406; *Appeal of Richards*, 25 Ed Dept Rep 38).
- (ii) Nor does a person's temporary absence from one's district of residence necessarily constitute establishment of a residence in the district where temporarily located or abandonment of one's permanent residence (*Appeal of Kenneth R.*, 32 Ed Dept Rep 41; *Appeal of Richards*, 25 Ed Dept Rep 38; *Matter of Hodge*, 27 St Dept Rep 690);

Accordingly, students not covered in Commissioner's regulations at 8 NYCRR 100.2(x) whose families (or emancipated minors who) lose their permanent home due to circumstances beyond their control, who are forced to make temporary arrangements outside their district of residence and whose actions reflect an intent to return to the district, do not lose their right to attend school in the district where they previously lived. To determine one's intent, evidence regarding the family's (or individual's) continuing ties to the community and their efforts to return are relevant (*Appeal of Kenneth R.*, 32 Ed Dept Rep 41, *supra*; *Appeal of Tynan*, 28 Ed Dept Rep 4, *supra*; *Appeal of Woodward*, 27 Ed Dept Rep 442, *supra*; *Appeal of Richards*, 25 Ed Dept Rep 38, *supra*).

- (iii) Where the parents and guardians of children have no other residence and the children dwell with them within the school district, although such residence may not be accompanied by an intention to dwell there permanently, the obligation of the district to provide such children with a free education is clear and unequivocal (*Vaughn v. Board of Educ. of Union Free School Dist. No. 7, Town of Hempstead*, 64 Misc 2d 60 [1970]).

In any case, the lack of a permanent address does not constitute a legitimate basis for denying a student admission to school. In such cases, students are either entitled to

continue to attend school in the district where they attended before losing their permanent home (see, Richards, Tynan & Woodward, supra), or in the district where they are temporarily located (Vaughn v. BOE, supra). Since a determination of "intent" is often based on subjective rather than objective criteria, districts should give significant weight to the family's or student's designation of a school district of residence, once the district determines that the student is homeless and actually lived in the district designated immediately prior to the loss of permanent housing or is temporarily housed in the designated district. To ensure continuity of education, school districts are urged to work closely with students and families who lack a permanent address.

PROCEDURES TO BE FOLLOWED IN RESIDENCY DETERMINATIONS

Although the procedures for making residency determinations were promulgated in conjunction with the regulations governing school attendance for homeless children (8 NYCRR 100.2[x]), the procedures set forth at 8 NYCRR 100.2(y) apply to all residency determinations. Those regulations specifically require that only the board of education or its designee may determine whether a child is entitled to attend the schools of the district. Any adverse residency decision by a school official other than the board or its designee must include notification of the procedures for obtaining review of the decision within the district. The regulation requires that prior to making a residency determination the board or its designee afford the child's parent, or the person in parental relation or the child, as applicable, the opportunity to submit information concerning the child's right to attend school in the district. Where the board of education or its designee determines that the child is neither a resident nor entitled to attend school under 100.2(x) of the Commissioner's Regulations, written notice of its determination must be provided within two business days to the parent, the person in parental relation or to the child. Written notice must include the basis for the determination, the date of exclusion from the district, and a statement regarding the right to appeal an adverse determination to the Commissioner within 30 days, which indicates that the procedure for taking such appeal may be obtained from the Department's Office of Counsel (8 NYCRR 100.2[x]). As stated in Matter of Pryor, 29 Ed Dept Rep 505:

[i]t is the purpose of the procedure set forth in §100.2(y) of the Commissioner's Regulations to require boards of education to establish policies and procedures in residency determinations and to give parents detailed written notice of their right to appeal adverse decisions.

STATE OF NEW YORK)
) ss:
COUNTY OF _____)

(NAME OF PARENT), being duly sworn, deposes and says:

1. I am the (RELATIONSHIP TO APPLICANT) of (NAME OF APPLICANT).
2. I reside at (ADDRESS OF PARENT).
3. (STATEMENT OF REASONS WHY THE CHILD IS NOT LIVING WITH THE PARENT[S].)
4. (STATEMENT NAMING THE INDIVIDUAL HAVING CUSTODY AND CONTROL OF THE CHILD.)
5. (STATEMENT SETTING FORTH THE CHILD'S CURRENT ADDRESS AND LIVING ARRANGEMENT.)
6. (STATEMENT EXPLAINING THE INITIAL DURATION OF THE LIVING ARRANGEMENT.) (i.e. permanent, indefinite, to be terminated on a specific date, and/or upon a certain action/event, etc.)
7. (STATEMENT DESCRIBING ANY OTHER LOCATION(S) WHERE THE CHILD LIVES. INDICATE THE LENGTH OF TIME THE CHILD IS AT THE OTHER ADDRESS AND PROVIDE AN EXPLANATION. IF THE CHILD DOES NOT LIVE AT ANY OTHER ADDRESS, SO INDICATE.)
8. (IF RELEVANT, STATEMENT CONFIRMING THAT PARENT HAS RELINQUISHED CUSTODY AND CONTROL OF THE CHILD TO THE CUSTODIAN, INCLUDING THE RIGHT TO MAKE DECISIONS PERTAINING TO THE HEALTH, WELFARE AND EDUCATION OF THE CHILD.)

9. (STATEMENT OF ANY OTHER RELEVANT FACTS.)

(SIGNATURE OF CUSTODIAN)

Sworn to before me this _____
day of _____, 199__

NOTARY PUBLIC

*Where applicable, this form should be executed individually by each custodian, if applicable.

MODEL CUSTODIAL AFFIDAVIT*

STATE OF NEW YORK)
)ss:
COUNTY OF _____)

(NAME OF CUSTODIAN), being duly sworn, deposes and says:

1. I live at (FULL ADDRESS OF CUSTODIAN).
2. (FULL NAME OF CHILD) is my (CHILD'S RELATIONSHIP TO CUSTODIAN) and he/she has been living with me since (RELEVANT DATE).
3. (CHILD'S NAME) intends to reside with me for (LENGTH OF TIME).
4. (STATEMENT EXPLAINING THE DURATION OF THE LIVING ARRANGEMENT [PERMANENT, INDEFINITE, TO BE TERMINATED UPON A SPECIFIC DATE, ACTION OR EVENT].)
5. (STATEMENT OF THE REASONS THE CHILD LIVES WITH THE CUSTODIAN.)
6. (STATEMENT DESCRIBING ANY OTHER LOCATION(S) WHERE THE CHILD LIVES. INDICATE THE LENGTH OF TIME THE CHILD IS AT THE OTHER ADDRESS AND PROVIDE AN EXPLANATION. IF THE CHILD DOES NOT LIVE AT ANY OTHER ADDRESS, SO INDICATE.)
7. (STATEMENT ESTABLISHING WHO PROVIDES THE CHILD WITH FOOD, CLOTHING AND ALL OTHER NECESSITIES.)
8. (CUSTODIAL STATEMENT ASSUMING FULL RESPONSIBILITY FOR ALL MATTERS RELATING TO THE CHILD'S EDUCATION AND MEDICAL CARE.)

STATE OF NEW YORK)
)ss:
COUNTY OF _____)

1. I was born on _____ and I am over the age of sixteen (or seventeen in New York City).
2. (STATEMENT EXPLAINING THE REASONS THE APPLICANT IS NOT LIVING WITH PARENTS.)
3. I currently reside at _____.
4. (STATEMENT OF MEANS OF SUPPORT.)
5. (STATEMENT WHETHER THE STUDENT IS RECEIVING ANY FINANCIAL ASSISTANCE FROM PARENTS.)
6. (STATEMENT DESCRIBING THE CURRENT RELATIONSHIP OF THE APPLICANT TO THE PARENTS [e.g. when last seen, contacted, knowledge of whereabouts, etc.].)*
7. (STATEMENT OF ANY OTHER FACTS RELEVANT TO ONE'S STATUS AS AN EMANCIPATED MINOR.)

Sworn to before me this _____
day of _____, 199 .

*Depending on the nature of the relationship, a district may request an affidavit from the applicant's parents (see Appeal of Deborah H., 29 Ed Dept Rep 176).

N.Y. Education Law Section 3209 as amended on April 20, 2017

§ 3209. Education of homeless children.

1. Definitions.

*** a. Homeless child.** For the purposes of this article, the term "homeless child" shall mean:

- (1) a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:
 - (i) sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
 - (ii) living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
 - (iii) abandoned in hospitals; or
 - (iv) a migratory child, as defined in subsection two of section thirteen hundred nine of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, who qualifies as homeless under any of the provisions of clauses (i) through (iii) of this subparagraph or subparagraph two of this paragraph;
 - (v) an unaccompanied youth, as defined in section seven hundred twenty-five of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act; or
- (2) a child or youth who has a primary nighttime location that is:
 - (i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to article nineteen-H of the executive law; or
 - (ii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train stations or similar setting.

***Effective until June 30, 2018**

**** a. Homeless child.** For the purposes of this article, the term "homeless child" shall mean:

- (1) a child who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:
 - (i) sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
 - (ii) living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
 - (iii) abandoned in hospitals;
 - (iv) a migratory child, as defined in subsection two of section thirteen hundred nine of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, who qualifies as homeless under any of the provisions of clauses (i) through (iii) of this subparagraph or subparagraph two of this paragraph; or
 - (v) an unaccompanied youth, as defined in section seven hundred twenty-five of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act; or
- (2) a child who has a primary nighttime location that is:
 - (i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the

- state or local department of social services, and residential programs for runaway and homeless youth established pursuant to article nineteen-H of the executive law; or
- (ii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train stations or similar setting.

- (3) the term "homeless child" shall not include a child in foster care placement or receiving educational services pursuant to subdivision four, five, six, six-a or seven of section thirty-two hundred two of this article or pursuant to article eighty-one, eighty-five, eighty-seven or eighty-eight of this chapter.

**** Effective June 30, 2018**

- *** a-1. Exception.** For the purposes of this article the term "homeless child" shall not include a child in a foster care placement or receiving educational services pursuant to subdivision four, five, six, six-a or seven of section thirty-two hundred two of this part or pursuant to article eighty-one, eighty-five, eighty-seven or eighty-eight of this chapter.

*****Effective until June 30, 2018**

- b. Designator. The term "designator" shall mean:
 - (1) the parent or the person in parental relation to a homeless child; or
 - (2) the homeless child, if no parent or person in parental relation is available; or
 - (3) the director of a residential program for runaway and homeless youth established pursuant to article nineteen-H of the executive law, in consultation with the homeless child, where such homeless child is living in such program.
- c. School district of origin. The term "school district of origin" shall mean the school district within the state of New York in which the homeless child was attending a public school or preschool on a tuition-free basis or was entitled to attend when circumstances arose which caused such child to become homeless, which is different from the school district of current location. School district of origin shall also mean the school district in the state of New York in which the child was residing when circumstances arose which caused such child to become homeless if such child was eligible to apply, register, or enroll in public preschool or kindergarten at the time such child became homeless, or the homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose which caused such child to become homeless.
- d. School district of current location. The term "school district of current location" shall mean the public school district within the state of New York in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth, is located, which is different from the school district of origin.
- e. Regional placement plan. The term "regional placement plan" shall mean a comprehensive regional approach to the provision of educational placements for homeless children which has been approved by the commissioner.
- f. Feeder school. The term "feeder school" shall mean:
 - (1) a preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;

- (2) a school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
- (3) a school that sends its students to a receiving school in a neighboring school district pursuant to section two thousand forty of this chapter.

- g. **Preschool.** The term "preschool" shall mean a publicly funded prekindergarten program administered by the department or a local educational agency or a Head Start program administered by a local educational agency and/or services under the Individuals with Disabilities Education Act administered by a local educational agency.
- h. **Receiving school.** The term "receiving school" shall mean:
 - (1) a school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or
 - (2) a school that enrolls students from a feeder school in a neighboring local educational agency pursuant to section two thousand forty of this chapter.
- i. **School of origin.** The term "school of origin" shall mean a public school that a child or youth attended when permanently housed, or the school in which the child or youth was last enrolled, including a preschool or a charter school. Provided that, for a homeless child or youth who completes the final grade level served by the school of origin, the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child becomes homeless after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin shall include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to become homeless.

2. Choice of district and school.

- a. The designator shall have the right to designate one of the following as the school district within which the homeless child shall be entitled to attend upon instruction:
 - (1) the school district of current location;
 - (2) the school district of origin; or
 - (3) a school district participating in a regional placement plan.
- b. The designator shall also have the right to designate one of the following as the school where a homeless child seeks to attend for instruction:
 - (1) the school of origin; or
 - (2) any school that nonhomeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool.
- c. (1) Notwithstanding any other provision of law to the contrary, where the public school district in which a homeless child is temporarily housed is the school district of origin, the homeless child shall be entitled to attend the schools of such district without the payment of tuition in accordance with subdivision one of section thirty-two hundred two of this article for the duration of the homelessness and until the end of the school year in which such child

becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building.

- (2) Notwithstanding any other provision of law to the contrary, where the school district of origin or school of origin that a homeless child was attending on a tuition-free basis or was entitled to attend when circumstances arose which caused the child to become homeless is located in New York state and the homeless child's temporary housing arrangement is located in a contiguous state, the homeless child shall be entitled to attend the school of origin or any school that nonhomeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool, subject to a best interest determination pursuant to subparagraph three of paragraph f of this subdivision, for the duration of the homelessness and until the end of the school year in which such child becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building.
 - (3) Notwithstanding any other provision of law to the contrary, where the child's temporary housing arrangement is located in New York state, the homeless child shall be entitled to attend the school of origin or any school that nonhomeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool, subject to a best interest determination pursuant to subparagraph three of paragraph f of this subdivision, for the duration of the homelessness and until the end of the school year in which such child becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building.
- d. Notwithstanding the provisions of paragraph a of this subdivision, a homeless child who has designated the school district of current location as the district of attendance and who has relocated to another temporary housing arrangement outside of such district, or to a different attendance zone or community school district within such district, shall be entitled to continue to attend in the same school building or designate any school that nonhomeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool, subject to a best interest determination in accordance with subparagraph three of paragraph f of this subdivision, for the duration of the homelessness and until the end of the school year in which the child becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building.
 - e. Such designation shall be made on forms specified by the commissioner, and shall include the name of the child, the name of the parent or person in parental relation to the child, the name and location of the temporary housing arrangement, the name of the school district of origin, the name of the school district where the child's records are located, the complete address where the family was located at the time circumstances arose which caused such child to become homeless and any other information required by the commissioner. All school districts, temporary housing facilities operated or approved by a local social services district, and residential facilities for runaway and homeless youth shall make such forms available and shall ensure that the completed designation forms are given to the local educational agency liaison for the local educational agency in which the designated school is located in a timeframe prescribed by the commissioner in regulations. Where the homeless child is located in a temporary housing facility operated or approved by a local social services district, or a residential facility for runaway and homeless youth, the director of the facility or a person

designated by the social services district, shall, within two business days, assist the designator in completing the designation forms and enrolling the homeless child in the designated school district and shall forward the completed designation form to the local educational agency liaison for the local educational agency in which the designated school is located in a timeframe prescribed by the commissioner in regulations.

- f. Upon receipt of the designation form, the designated school district shall immediately:
- (1) review the designation form to ensure that it has been completed;
 - (2) admit the homeless child even if the child or youth is unable to produce records normally a requirement for enrollment, such as previous academic records, records of immunization and/or other required health records, proof of residency or other documentation and/or even if the child has missed application or enrollment deadlines during any period of homelessness, if applicable. Provided that nothing herein shall be construed to require the immediate attendance of an enrolled student lawfully excluded from school temporarily pursuant to section nine hundred six of this chapter because of a communicable or infectious disease that imposes a significant risk of infection of others;
 - (3) determine whether the designation made by the designator is consistent with the best interests of the homeless child or youth. In determining a homeless child's best interest, a local educational agency shall:
 - (i) presume that keeping the homeless child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's parent or guardian, or in the case of an unaccompanied youth, the youth;
 - (ii) consider student-centered factors, including but not limited to factors related to the impact of mobility on achievement, education, the health and safety of the homeless child, giving priority to the request of the child's or youth's parent or guardian or the youth in the case of an unaccompanied youth;
 - (iii) if after considering student-centered factors and conducting a best interest school placement determination, the local educational agency determines that it is not in the homeless child's best interest to attend the school of origin or the school designated by the designator, the local educational agency must provide a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth. The information must also include information regarding the right to a timely appeal in accordance with regulations of the commissioner. The homeless child or youth must be enrolled in the school in which enrollment is sought by the designator during the pendency of all available appeals;
 - (4) treat the homeless child as a resident for all purposes;
 - (5) make a written request to the school district where the child's records are located for a copy of such records; and
 - (6) forward the designation form to the school district of origin where applicable.
- g. Within five days of receipt of a request for records pursuant to subparagraph five of paragraph f of this subdivision, the school district shall forward, in a manner consistent with state and

federal law, a complete copy of the homeless child's records including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable.

- h. Where the school of origin is a charter school, the school district designated pursuant to this subdivision shall be deemed to be the school district of residence of such child for purposes of fiscal and programmatic responsibility under article fifty-six of this chapter and shall be responsible for transportation of the homeless child if a social services district is not otherwise responsible pursuant to subdivision four of this section.
- i. The commissioner shall promulgate regulations setting forth the circumstances pursuant to which a change in designation may be made and establishing a procedure for the identification of the school district of origin.

***2-a. Notwithstanding any other provision of law to the contrary, each local educational agency, as such term is defined in subsection twenty-six of section ninety-one hundred one of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, shall designate a local educational agency liaison for homeless children and youths and shall, consistent with the provisions of this section, otherwise comply with the applicable requirements of paragraphs three through seven of subsection (g) of section seven hundred twenty-two of subtitle B of title VII of the McKinney-Vento Assistance Act.

****Effective until June 30, 2018

3. Reimbursement.

- a. Where either the school district of current location or a school district participating in a regional placement plan is designated as the district in which the homeless child shall attend upon instruction and such homeless child's school district of origin is within New York state, the school district providing instruction, including preschool instruction, shall be eligible for reimbursement by the department, as approved by the commissioner, for the direct cost of educational services, not otherwise reimbursed under special federal programs, calculated pursuant to regulations of the commissioner for the period of time for which such services are provided. The claim for such reimbursement shall be in a form prescribed by the commissioner. The educational costs for such children shall not be otherwise aidable or reimbursable.
- b. The school district of origin shall reimburse the department for its expenditure for educational services on behalf of a homeless child pursuant to paragraph a of this subdivision in an amount equal to the school district basic contribution, as such term is defined in subdivision eight of section forty-four hundred one of this chapter, pro-rated for the period of time for which such services were provided in the base year by a school district other than the school district of origin. Upon certification by the commissioner, the comptroller shall deduct from any state funds which become due to the school district of origin an amount equal to the reimbursement required to be made by such school district in accordance with this paragraph, and the amount so deducted shall not be included in the operating expense of such district for the purpose of computing the approved operating expense pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter.

4. Transportation.

- a. A social services district shall provide for the transportation of each homeless child, including those in preschool and students with disabilities identified pursuant to sections forty-four hundred one and forty-four hundred two of this chapter whose individualized education programs include special transportation services, who is eligible for benefits pursuant to section three hundred fifty-j of the social services law, to and from a temporary housing location in which the child was placed by the social services district and the school attended by such child pursuant to this section, if such temporary housing facility is located outside of the designated school district pursuant to paragraph a of subdivision two of this section. A social services district shall be authorized to contract with a board of education or a board of cooperative educational services for the provision of such transportation. Where the social services district requests that the designated school district of attendance provide or arrange for transportation for a homeless child eligible for transportation pursuant to this paragraph, the designated school district of attendance shall provide or arrange for the transportation and the social services district shall fully and promptly reimburse the designated school district of attendance for the cost as determined by the designated school district. This paragraph shall apply to placements made by a social services district without regard to whether a payment is made by the district to the operator of the temporary housing facility.
- b. The designated school district of attendance shall provide for the transportation of each homeless child who is living in a residential program for runaway and homeless youth established pursuant to article nineteen-H of the executive law, to and from such residential program, and the school attended by such child pursuant to this section, if such temporary housing location is located outside the designated school district. The designated district of attendance shall be authorized to contract with a board of cooperative educational services or a residential program for runaway and homeless youth for the provision of such transportation. The department shall reimburse the designated school district of attendance for the cost of transporting such child to and from the residential program and the school attended by such child to the extent funds are provided for such purpose, as determined by the director of the budget.
- c. Notwithstanding any other provision of law, any homeless child not entitled to receive transportation pursuant to paragraphs a and b of this subdivision who requires transportation in order to attend a school of origin designated pursuant to subdivision two of this section, shall be entitled to receive such transportation pursuant to this paragraph. The designated school district of attendance shall provide transportation to and from the child's temporary housing location and the school of origin. Such transportation shall not be in excess of fifty miles each way except where the commissioner certifies that transportation in excess of fifty miles is in the best interest of the child. Any cost incurred for such transportation that is allowable pursuant to the applicable provision of parts two and three of article seventy-three of this chapter or herein, shall be aidable pursuant to subdivision seven of section thirty-six hundred two of this chapter, provided that the approved transportation expense shall not exceed an amount determined by the commissioner to be the total cost for providing the most cost-effective mode of such transportation in a manner consistent with commissioner's regulations. The commissioner shall promulgate regulations setting forth the circumstances pursuant to which parent accompaniment for transportation may be reimbursable, including but not limited to: the age of the child; the distance of the transportation; the cost-effectiveness of the transportation; and whether the child has a handicapping condition.

- d. Notwithstanding any other provision of law, where a homeless child designates the school district of current location as the district the child will attend and such child does not attend the school of origin, such school district shall provide transportation to such child on the same basis as a resident student.
- e. Where the designated school district of attendance has recommended that the homeless child attend a summer educational program and the lack of transportation poses a barrier to such child's participation in the summer educational program, the designated school district of attendance shall provide transportation.
- f. The designated school district of attendance, or the social services district if such child is eligible for transportation from the social services district pursuant to paragraph a of this subdivision, shall provide or arrange for transportation to extracurricular or academic activities where:
 - (1) the homeless child participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school;
 - (2) the homeless child meets the relevant eligibility criteria for the activity; and
 - (3) the lack of transportation poses a barrier to such child's participation in the activity.
- g. Where the homeless child is temporarily living in a contiguous state and has designated a school of origin located in the state of New York, the designated school district in New York state shall collaborate with the local educational agency in which such child is temporarily living to arrange for transportation in accordance with section 722(g)(1)(J)(iii)(II) of the McKinney-Vento Homeless Assistance Act.
- h. Where the homeless child is temporarily living in New York state and continues to attend a school of origin located in a contiguous state, the school district of current location shall coordinate with the local educational agency where such child is attending school to arrange for transportation in accordance with section 722(g)(1)(J)(iii)(II) of the McKinney-Vento Homeless Assistance Act.
- i. Transportation as described in this subdivision must be provided to the homeless child by the designated school district of attendance or the social services district for the duration of homelessness. The designated district of attendance must transport the child for the remainder of the school year in which the child becomes permanently housed and one additional year if that year constitutes the child's terminal year in the designated school. Such transportation shall not be in excess of fifty miles each way except where the commissioner certifies that transportation in excess of fifty miles is in the best interest of the child. The designated school district of attendance shall be entitled to reimbursement from the current school district in which the child becomes permanently housed for any cost incurred for transportation for the remainder of the school year after the child becomes permanently housed and one additional year if that year constitutes the child's terminal year in the designated school.

5. Each school district shall:

- a. establish procedures, in accordance with 42 U.S.C. section 11432(g)(3)(E), for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth,

including, but not limited to, disputes regarding transportation and/or a child's or youth's status as a homeless child or unaccompanied youth;

- b. provide a written explanation, including a statement regarding the right to appeal pursuant to 42 U.S.C. section 11432(g)(3)(E)(ii), the name, post office address and telephone number of the local educational agency liaison and the form petition for commencing an appeal to the commissioner pursuant to section three hundred ten of this chapter of a final determination regarding enrollment, school selection and/or transportation, to the homeless child's or youth's parent or guardian, if the school district declines to either enroll and/or transport such child or youth to the school of origin or a school requested by the parent or guardian; and
 - c. shall immediately enroll the child or youth in the school in which enrollment is sought pending final resolution of the dispute over the school district's final determination of the child's or youth's homeless status, including all available appeals within the local educational agency and the commissioner pursuant to the provisions of section three hundred ten of this chapter.
6.
 - a. By January thirty-first, nineteen hundred ninety-five, the commissioner, the commissioner of the office of temporary and disability assistance and the commissioner of the office of children and family services shall develop a plan to ensure coordination and access to education for homeless children and shall annually review such plan.
 - b. The commissioner shall periodically monitor local school districts to ensure their compliance with the provisions of this article, and that such districts review and revise any local regulations, policies, or practices that may act as barriers to the enrollment or attendance of homeless children in school or their receipt of comparable services as defined in Part B of Title VII of the Federal Stewart B. McKinney Act.
 - c. School districts shall periodically report such information to the commissioner as he or she may require to carry out the purposes of this section.
7. Public welfare officials, except as otherwise provided by law, shall furnish indigent children with suitable clothing, shoes, books, food, transportation and other necessities to enable them to attend upon instruction as required by law. Upon demonstration of need, such necessities shall also include transportation of indigent children for the purposes of evaluations pursuant to section forty-four hundred ten of this chapter and title II-A of article twenty-five of the public health law.
8. Information about a homeless child's or youth's living situation shall be treated as a student educational record, and shall not be deemed to be directory information, under the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act of 2015.
9. Each homeless child to be assisted under this section shall be provided services comparable to services offered to other students in the school selected under this section, including the following: transportation services; educational services for which the child or youth meets the eligibility criteria, such as services provided under Title I of the Elementary and Secondary Education Act of 1965 or similar state or local programs; educational programs for children with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

10. The commissioner may promulgate regulations to carry out the purposes of this section.

9

Non-Disabled Pupils Directly Related to Programs and Reporting Systems of Pupils with Disabilities Who Are Homeless

Homeless Pupil Education Chapter 348 of the Laws of 1988

Education Law, Section 3209 provides that homeless children in New York State must be afforded the same educational opportunities as resident children. This law was amended to conform the definition of a homeless child to federal law (the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, amended as part of the No Child Left Behind Act). Additionally, each school district is directed to designate a homeless to address matters such as immediate enrollment of homeless children, coordination of services and resolution of disputes. Since homeless children have no permanent residence, the law provides how, and by whom, the educating school district is designated. Implementing Commissioners regulations are found at 8 NYCRR 100.2(x). Additional information on educating homeless children may be found at the New York Technical and Educational Assistance Center for Homeless Students at: <http://www.nysteachs.org/>

Definition of Homeless Child:

Education Law, Section 3209, states that a homeless child between ages 5 and 21, who has not received a high school diploma, shall be entitled to attend a public school without paying tuition. The law adopts the federal definition of a "homeless child" as follows:

A child or youth who lacks a fixed, regular, and adequate nighttime residence including a child or youth who is:

- a. Sharing the housing of other persons due to a loss of housing, economic hardship, or similar reason; OR
- b. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; OR
- c. Abandoned in hospitals, OR
- d. Awaiting foster care placement; OR
- e. A migratory child, as defined in subsection two of section thirteen hundred nine of the Elementary and Secondary Education Act of 1965, as amended, who qualifies as homeless under any of the provisions listed above.

Non-Disabled Pupils Directly Related to Programs and Reporting Systems of Pupils with Disabilities Who Are Homeless

Designation of School District of Attendance:

Designators:

The law specifies who may designate the school district of attendance for the homeless child. The designator can be:

1. the parent or the person in parental relation to the homeless child.
2. the homeless child if no parent or person in parental relation is available.
3. the director of a residential program for runaway and homeless youth operated under Article 19-H of Executive Law, in consultation with the homeless child where the child is living in such program.

Choice of Educating District:

The designator shall determine where a homeless child attends school from one of the following options:

1. the school district of current location
2. the school district of origin
3. a school district participating in a regional placement plan

Designation Procedures:

1. The designation shall be on forms provided by the SED Commissioner (STAC 202). All school districts, temporary housing facilities operated or approved by DSS, and residential facilities for runaway and homeless youth shall make these forms available to a homeless child who seeks admission to school, or to the parent or person in parental relation who seeks to enroll such child in school.
2. If the homeless child is located in a temporary housing facility operated or approved by a local DSS, or a residential facility for runaway and homeless youth, the director of the facility or person designated by DSS shall help the designator complete designation forms (STAC 202) and help enroll the child in the designated school district within 2 business days.
3. Upon receipt of the designation form, the designated school district must immediately review the designation form for completion and forward it to the STAC Unit of the SED, admit the child, provide the child with access to all of its programs, activities and services to the same extent as they are provided to resident students, make a written request to the district where the child's records are located for a copy and forward the designation form to the Commissioner and the school district of origin where applicable.

Non-Disabled Pupils Directly Related to Programs and Reporting Systems of Pupils with Disabilities Who Are Homeless

4. Within 5 days of receipt of the request for such records, the district where the records are located shall make a complete copy of the child's records including, but not limited to, proof of age, academic records, evaluations, immunization records and guardianship papers, if applicable. The Commissioner's regulations will identify the circumstances when a change in designation may be made and the procedure for identifying the district of origin (See 8NYCRR 100.2(x)(2)).

Additional Considerations:

If the public school district where a homeless child is temporarily housed is the same district the child attended on a tuition-free basis or was entitled to attend when circumstances arose causing the child to become homeless, the homeless child shall be entitled to attend the schools of such district without paying tuition. If the year is the child's terminal year in such building, the child may choose to remain in the public school building previously attended until the end of the school year and for one additional year in such building in lieu of the school serving the attendance zone where the temporary housing facility is located.

A homeless child who designates the school district of current location as the district of attendance and who relocates to another temporary housing arrangement outside of such district, or to a different attendance zone or community school district within such district, shall be entitled to maintain the prior designation to continue attendance in the same school building until the end of the school year and for one additional year if the year constitutes the child's terminal year in such building.

When the public school district or school district the homeless child attended on a tuition-free basis or was entitled to attend when circumstances arose causing the child to be homeless is located out of state, the homeless child shall be deemed a resident of the school district where the child is temporarily located and shall be entitled to attend the schools of the district tuition-free. Such school district of residence shall not be considered a school district of origin or a school district of current location.

Whenever the school district of origin is designated, the child shall be entitled to return to the school building where previously enrolled. Whenever the school district of current location is designated, the child shall be entitled to attend the school that is zoned for his or her temporary location or any school that non-homeless students who live in the same attendance zone in which the homeless child or youth is temporarily residing are entitled to attend.

Non-Disabled Pupils Directly Related to Programs and Reporting Systems of Pupils with Disabilities Who Are Homeless

Prior to the end of the first semester of attendance or within 60 days of commencing attendance at a school in which a designation was made, whichever comes later, the designator may change the designation if the original designation is found to be educationally unsound.

Definitional Terms:

The School District of Origin is the NYS school district in which the homeless child was attending a public school on a tuition-free basis or was entitled to attend when circumstances arose causing the child to be homeless.

The School District of Current Location is the NYS public school district where the hotel, motel, shelter or other temporary housing arrangement of the homeless child or the residential program for runaway or homeless youth is located.

Regional Placement Plan means the comprehensive regional approach to the provision of educational placements for homeless children approved by the Commissioner of Education.

Type of Program	District Claiming	Counted As	Aid Generated	Payment
Public School District	School District of Current Location or School District Participating in a Regional Placement Program	Homeless Pupil	100% Reimbursement of Direct Cost	Spring following the service year approval
BOCES				

1. Aid for homeless pupils is paid to the educating district through the STAC system. The STAC 202 is completed and submitted to SED by the district designated as the educating district (district of attendance).

Non-Disabled Pupils Directly Related to Programs and Reporting Systems of Pupils with Disabilities Who Are Homeless

2. Once the STAC 202 is processed at SED, view STAC ID on the homeless eligibility report (DQHOM) and then the district should add students to STAC online. The educating district shall be eligible for state reimbursement for the direct cost of educational services not otherwise reimbursed under special federal programs, for the period of instruction. The educating district obtains the reimbursement by entering student information through the STAC online system and verifying program costs and service dates online. Reimbursement is based on the most recent finalized Nonresident Tuition Rate, BOCES or private placement cost unless a specialized rate is requested in writing by the educating district.
3. The school district of origin is responsible for the basic contribution. The basic contribution is prorated for time services are provided and is deducted from the district's state aid in the year following attendance.

Transportation of Homeless Students:

Children Transported by the Designated District:

If the homeless child is not entitled to receive transportation pursuant to Ed. Law, Section 3209(4) from DSS or the Division for Youth to the extent that funds are provided for such purposes, the child shall be transported by the designated district.

The designated district must provide or arrange transportation to and from the child's temporary housing location and the school the child legally attends. If transportation exceeds 50 miles one way, the transportation shall only be provided if the SED Commissioner certifies that such transportation is in the child's best interest.

Children attending the District of Current Location:

If a homeless child designates the school district of current location as the district the child will attend, such district shall provide transportation to such child on the same basis provided to resident students. The district may claim Transportation Aid for expenses.

Children Attending the Public School Building Previously Attended:

If the homeless child chooses to continue attending the public school building where the child previously attended, the school district shall provide transportation to and from the child's temporary housing location and the school the child legally attends if the temporary housing facility is located in a different attendance zone or community school in such district.

Non-Disabled Pupils Directly Related to Programs and Reporting Systems of Pupils with Disabilities Who Are Homeless

Expenses for the Transportation of a Parent Accompanying a Homeless Child Are Eligible for Transportation Aid Under the Following Circumstances:

- A. When the homeless child is transported on public transportation, and it is determined that transporting the child with an accompanying parent is:
 - 1) the most cost-effective means of transportation and
 - 2) the school district has determined that transportation without the parent is inappropriate because of the child's age, distance traveled, complexity of the transportation arrangement, need to transport the child through a high crime area or a combination of such factors, or
- B. When the homeless child is disabled, and the IEP includes the services of a transportation aide or attendant and providing transportation with the parent serving as the aide or attendant is the most cost-effective means of transportation.

Legal References

Education Law

Section 3202

Section 3813

Section 4006

Commissioner's Regulations

Part 174 - Computation of Tuition Charges (attached)

*Part 174 is printed with permission by **Westlaw, part of Thomson Reuters** from the website: <http://government.westlaw.com/linkedslice/default.asp?SP=nycrr-1000>*

Part 174 of the Regulations of the Commissioner of Education are found in - Title 8 Education Department

Regulations Regarding Appeals and other Proceedings Before the Commissioner:

Part 275 - Parties and Proceedings

Part 276 - Rules of Practice

Decisions of the Commissioner of Education

Matter of Board of Education Putnam Valley 15, Ed. Dept. Rep., 517 (1976), Decision 9,268

Matter of Board of Education Greenville, 16, Ed. Dept. Rep., 329 (1977), Decision 9,417

Matter of Board of Education Yorktown, 17, Ed. Dept. Rep., 5 (1977), Decision 9,469

Matter of Sanfilippo, 24, Ed. Dept. Rep., 81, (1984), Decision 11,323

Matter of Board of Education Marcellus, 26, Ed. Dept. Rep., 510 (1987), Decision 11,837

Matter of Board of Education Hilton, 38, Ed. Dept. Rep. (1999), Decision 14,079

Matter of Board of Education East Moriches, 41, Ed. Dept. Rep., (2001), Decision 14,610

Matter of Board of Education Menands, 59, Ed. Dept. Rep., (2019), Decision 17,713

Additional Commissioner's Decisions may be found at:

<http://www.counsel.nysed.gov/Decisions>

NYSED Explanation for Billing for Foster Transportation and Illustrative Examples of How to Bill for Excess Transportation Costs

(Pages 20-27 of the Students in Foster Care Tool Kit For Local Educational Agencies and Local Departments of Social Services)
<https://www.p12.nysed.gov/sss/documents/FosterCareToolkit3.17.22.pdf>

Transportation Costs for Children in Foster Care
**EVERY STUDENT SUCCEEDS ACT (ESSA) AND
NYS ED LAW §3244 SUMMARY**

In 2015, ESSA reinforced the need for local departments of social services (LDSSs) and local education agencies (LEA or school district) to collaborate concerning the school enrollment of children in foster care. In 2018, New York State amended the education law to codify federal requirements and delineate responsibilities for transportation and transportation funding.

For each child or youth in foster care, Education Law §3244(2) requires that the LDSS, in consultation with the appropriate LEA or agencies, designate either the school **district of origin** or the school **district of residence** where the child in foster care shall be entitled to attend in accordance with a best interest determination (BID) made by the applicable LDSS or voluntary authorized agency. Additionally, Education Law §3244 entitles a child in foster care to attend the **school of origin**, defined as “a public school that a child or youth attended at the time of placement into foster care, or the school in which the child or youth was last enrolled, or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend.” It is important to note that a student’s **school of origin** may change in cases where the student experiences multiple foster care placement changes. Upon notification of the BID, the school district where the child will attend becomes the school **district of attendance** (Education Law §3244 (2)(d)).

Education Law §3244 (4)(a) states that 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.

Education Law §3244(4)(b) 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.

Education Law §3244(4)(c) 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. The statute defines excess transportation costs as “the difference between what a school district otherwise would spend to transport a student to his or her assigned school and the cost of transporting a child in foster care to his or her **school of origin**; except as otherwise reimbursed under [§3244(4)(a) and (b)]” Education Law §3244(4)(c). All three sections of the Education Law §3244(4), read together, articulate the calculation that is required to determine the amount each entity will be responsible for paying after the aidable amounts up to 50 miles each way have been subtracted.

Therefore, excess costs would stem from transportation of the student from their foster care placement to the **school of origin**. The LDSS and the school **district of attendance** will split 50/50 the costs remaining after deducting from the total cost:

1. the cost of what the school district would otherwise spend to transport a non-foster care student to their assigned school; and
2. the amount received in state transportation aid for miles travelled up to 50 miles each way.

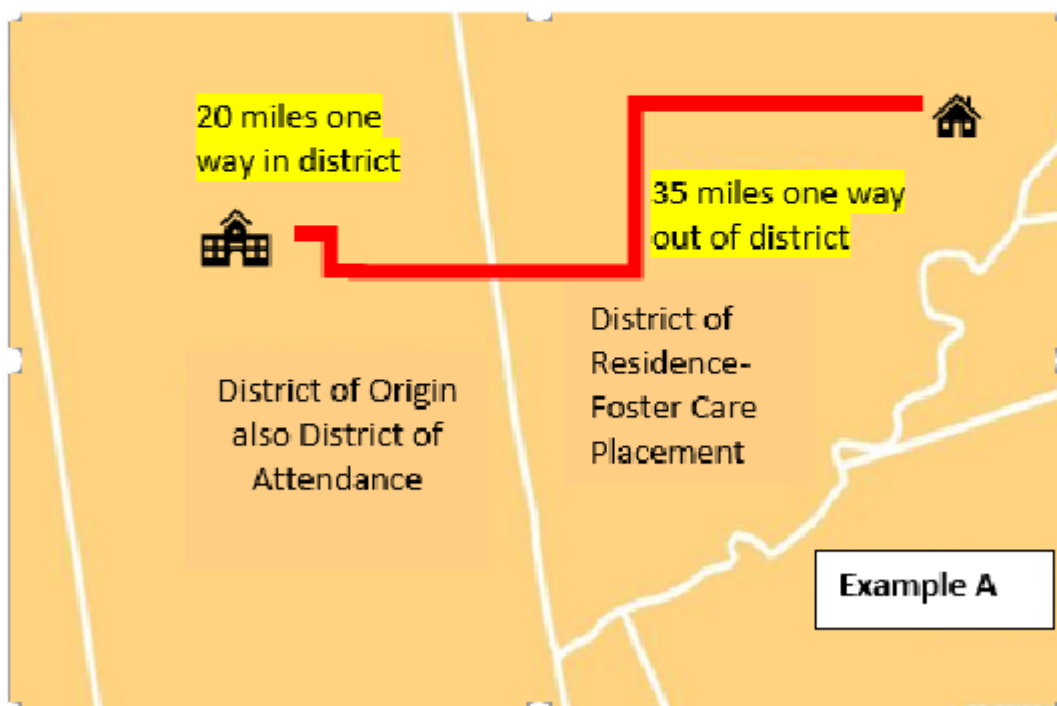
Only after the school **district of attendance** calculates and subtracts out those two factors can the excess cost be determined. The result of that analysis is the excess cost that would be split between the school **district of attendance** and the LDSS.

The examples below are intended to be illustrative:

Example A: The school **district of origin** is the location where the child lived prior to foster care placement. In this example, the child is placed into foster care in the neighboring school district, which is now referred to as the **district of residence**. Further, through a BID, in this example, the child’s assigned school in the school **district of origin** is designated as the BID school.

Based on the BID, the **district of origin** becomes the **district of attendance**, which is responsible for the transportation costs for the child. From the foster care placement in the **district of residence**, the child is transported 55 miles to the school of origin, located in the **district of attendance**, which is aided 90% on the first 50 miles one way.

The **district of attendance** is responsible for 10% of the unreimbursed 20 in-district miles (the portion of the student transportation for which the district otherwise would spend to transport a student to his or her assigned school), 5% of the unreimbursed 30 miles (from 21 to 50) and 50% of the additional 5 miles (those miles over the 50-mile limit for transportation aid). The LDSS is responsible for 50% of the unreimbursed 30 miles (from 21 to 50) and 50% of the additional 5 miles (those miles over the 50-mile limit for transportation aid).



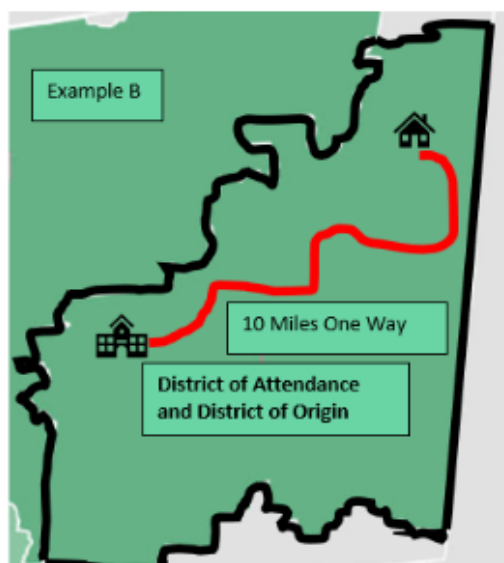
Example A		
Step 1	A: Distance from the BID school of attendance to the foster care placement (one-way)	55
	B: Distance [in district] from school to district boundary	20
	C: Distance from boundary [out of district] to school of attendance (transportation aid up to 50 miles one-way)	35
	D: Mileage over 50 miles (not aidable and divided 50/50)	5
Step 2	Calculate cost per trip (cost per mile x number miles one way)	\$2.09
Step 3	Determine applicability of state transportation aid ratio and calculate remaining shares for school district and LDSS	90%
Step 4	Calculate costs	
Step 5	Calculate number of trips per day and number of days	
	Trips per day	4
	Days per school year	30
	Total trips	120

Step 1: Mileage			Step 2: Cost Per Trip		Step 3: Percentage Share		
Distance/ Mileage	Portion of Route	Total Miles	Cost Per Mile	Cost Per Trip	State Aid	LEA	LDSS
A	Total	55	\$2.09	\$114.95			
B	0 - 20 Miles	20	\$2.09	\$41.80	90%	10%	0%
C	20 - 50 Miles	30	\$2.09	\$62.70	90%	5%	5%
D	50 - 55 Miles	5	\$2.09	\$10.45	0%	50%	50%

Step 4: Cost per Trip (one way)			Step 5: Total Cost				
State Aid	State Aid	State Aid	Distance/Mileage	State Aid	LEA	LDSS	Total
\$94.05	\$94.05	\$94.05	A	\$11,286.00	\$1504.80	\$1,003.20	\$13,794.00
\$37.62	\$37.62	\$37.62	B	\$4,514.40	\$501.60	\$0.00	\$5,016.00
\$56.43	\$56.43	\$56.43	C	\$6,771.60	\$376.20	\$376.20	\$7,524.00
\$0.00	\$0.00	\$0.00	D	\$0.00	\$627.00	\$627.00	\$1,254.00

# of Miles Each Way	# of Miles Per Day	Cost Per Mile	Total Cost Per Day				
55	220	\$2.09	\$459.80				
	Miles in District Per Day		Cost of In-District Miles (Aidable)	Aid Amount for In-District Miles (90%)		LEA's Cost of Miles in District per day	LDSS Cost of Miles in District per day
	80	\$2.09	\$167.20	\$150.48		\$16.72	\$0.00
	Miles Out of District Per Day		Cost of Out-of-District Miles (Aidable)	Aid Amount for Out-of-District Miles (90%)	Remaining 10% to be Split Between LEA and LDSS	LEA Portion of the Remaining 10%	LDSS Portion of the Remaining 10%
	120	\$2.09	\$250.80	\$225.72	\$25.08	\$12.54	\$12.54
	Miles Over 50 Per Day (Unaided)		Cost of Miles Over 50 Per Day (Unaided)			LEA Portion of the Unaidable Cost	LDSS Portion of the Unaidable Cost
	20	\$2.09	\$41.80			\$20.90	\$20.90
						# of Days	Grand Total
NYSED Transportation Aid			\$376.20 Per Day			30	\$11,286.00
LEA's Total Expenses				\$50.16 Per Day		30	\$1,504.80
LDSS's Total Expenses					\$33.44 Per Day	30	\$1,003.20

Example B: In this example, the school district of residence is also the district of attendance and, thus, is responsible for 100% of the transportation costs, just as the district would be for any other in-district child. The LEA has a transportation aid ratio of 90% in this scenario. The district of attendance would be responsible for the unaidable 10% of transportation expense, and the LDSS would not have to pay any part of the transportation costs.



Example B		
Step 1	A: Distance from the BID school of attendance to the foster care placement (one-way)	10
	B: Distance [in district] from school to district boundary	10
	C: Distance from boundary [out of district] to school of attendance (transportation aid up to 50 miles one way)	0
	D: Mileage over 50 miles (not aided and divided 50/50)	0
Step 2	Calculate cost per trip (cost per mile x number miles one way)	\$2.15
Step 3	Determine applicability of state transportation aid ratio, and calculate remaining shares for school district and LDSS	90%
Step 4	Calculate costs	
Step 5	Calculate number of trips per day and number of days	
	Trips per day	4
	Days per school year	22
	Total trips	88

Cost Per Trip							
Step 1: Mileage			Step 2: Cost Per Trip		Step 3: Percentage Share		
Mileage/Distance	Portion of Route	Total Miles	Cost Per Mile	Cost Per Trip	State Aid	LEA	LDSS
A	Total	10	\$2.15	\$21.50			
B	0 - 22 Miles	10		\$21.50	90%	10%	0%
C	22 - 50 Miles	0		\$0.00	90%	10%	10%
D	50 + Miles	0		\$0.00	0%	50%	50%

Step 4: Cost per Trip (one way)			Step 5: Total Cost				
State Aid	LEA	LDSS	Distance/Mileage	State Aid	LEA	LDSS	Total
\$19.35	\$2.15	\$0.00	A	\$1,702.80	\$189.20	\$0.00	\$1,892.00
\$19.35	\$2.15	\$0.00	B	\$1,702.80	\$189.20	\$0.00	\$1,892.00
\$0.00	\$0.00	\$0.00	C	\$0.00	\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00	D	\$0.00	\$0.00	\$0.00	\$0.00

# of Miles Each Way	# of Miles Per Day	Cost Per Mile	Total Cost Per Day				
10	40	\$2.15	\$86.00				
	Miles in District per Day		Cost of in District Miles (Aidable)	Aid Amount for in District Miles (90%)		LEA's Cost of Miles in District per day	LDSS Cost of Miles in District per day
	40	\$2.15	\$86.00	\$77.40		\$8.60	\$0.00
	Miles Out of District per Day		Cost of Out of District Miles (Aidable)	Aid Amount for Out of District Miles (90%)	Remaining 20% to be Split Between LEA and LDSS	LEA Portion of the Remaining 10%	LDSS Portion of the Remaining 10%
	0	\$2.15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Miles over 50 per Day (Unaided)		Cost of Miles over 50 per Day (Unaided)			LEA Portion of the Unaidable Cost	LDSS Portion of the Unaidable Cost
	0	\$2.15	\$0.00			\$0.00	\$0.00
						# of Days	Grand Total
NYSED Transportation Aid		\$77.40 Per Day				22	\$1,702.80
LEA's Total Expenses		\$8.60 Per Day				22	\$189.20
LDSS's Total Expenses				\$0.00 Per Day		22	\$0.00

Example C: A student attending or entitled to attend in District A is placed in foster care.

District A is the **district of origin**.

The foster care placement is in District B.

District B is the **district of residence**.

The BID for the child is to attend **School 1**, which is located in District B.

District B becomes the **district of attendance** – District B provides transportation to **School 1** and receives transportation aid.

School 1 becomes the **school of origin**.

The student is placed in a new foster care placement in District C.

District A remains the **district of origin**.

District C becomes the **district of residence**.

The BID is for the child to attend **School 2** located in District C.

District C becomes the **district of attendance** – District C provides transportation to **School 2** and receives transportation aid for the related service.

School 2 becomes the **school of origin**.

The student is placed in a new foster care placement in District D.

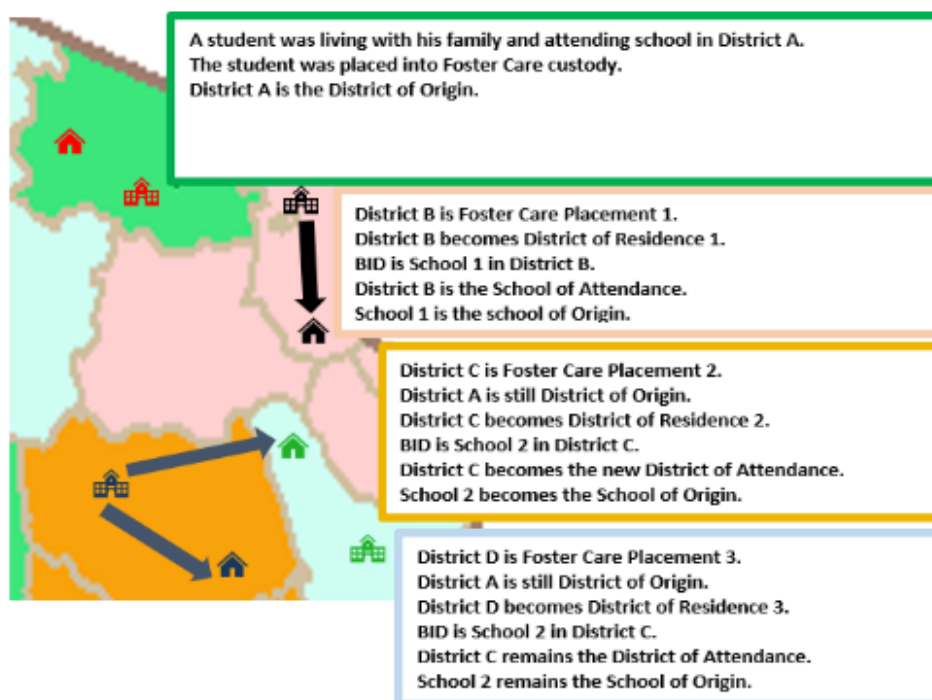
District A remains the **district of origin**.

District D becomes the **district of residence**.

The BID is for the child to attend **School 2** (the current **school of origin**) located in District C.

District C remains the **district of attendance** – District C provides transportation from the foster home placement in District D to **School 2** in District C and receives transportation aid for the related service.

School 2 remains the **school of origin**.



School of Origin Example		Dist. B	Dist. C	Dist. D
Step 1	A: Distance from the BID school of attendance to the foster care placement (one way)	10	12	15
	B: Distance [in district] from school to district boundary	0	0	2
	C: Distance from boundary [out of district] to school of attendance (transportation aid up to 50 miles one- way)	0	0	13
	D: Mileage over 50 miles (not aidable and divided 50/50)	0	0	0
Step 2	Calculate cost per trip (cost per mile x number miles one way)	\$2.09	\$2.09	\$2.09
Step 3	Determine applicability of state transportation aid ratio, and calculate remaining shares for school district and LDSS	90%	73%	84%
Step 4	Calculate Costs			
Step 5	Calculate number of trips per day and number of days			
	Trips per day	4	4	4
	Days per school year	20	15	60
	Total trips	80	60	240

Cost Per Trip							
Step 1: Mileage			Step 2: Cost Per Trip		Step 3: Percentage Share		
B	10 Miles in District	10	\$2.09	\$20.90		90%	10%
C	12 Miles in District	12	\$2.09	\$25.08		73%	27%
D	13 Miles in District	15	\$2.09	\$27.17		84%	16%
	2 Miles Out of District		\$2.09	\$4.18		84%	8%

Cost Per Trip							
Step 1: Mileage			Step 2: Cost Per Trip		Step 3: Percentage Share		
B	10 Miles in district	10	\$2.09	\$20.90		90%	10%
C	12 Miles in District	12	\$2.09	\$25.08		73%	27%
D	13 Miles in District	15	\$2.09	\$27.17		84%	16%
	2 Miles Out of District		\$2.09	\$4.18		84%	8%

# of Miles Each Way	# of Miles per Day	Cost per Mile	Total Cost per Day				
15	60	\$2.09	\$125.40				
	Miles in District per Day		Cost of in District Miles (Aidable)	Aid Amount for in District Miles (84%)		LEA's Cost of Miles in District per day	LDSS Cost of Miles in District per day
	52	\$2.09	\$108.68	\$91.29		\$17.39	\$0.00
	Miles Out of District per Day		Cost of Out of District Miles (Aidable)	Aid Amount for Out of District Miles (84%)	Remaining 16% to be Split Between LEA and LDSS	LEA Portion of the Remaining 16%	LDSS Portion of the Remaining 16%
	8	\$2.09	\$16.72	\$14.04	\$2.68	\$1.34	\$1.34
	Miles over 50 per Day (Unaidable)		Cost of Miles over 50 per Day (Unaidable)			LEA Portion of the Unaidable Cost	LDSS Portion of the Unaidable Cost
	0	\$2.09	\$0.00			\$0.00	\$0.00
						# of Days	Grand Total
NYSED Transportation Aid			\$105.34 Per Day			60	\$6320.40
LEA's Total Expenses				\$18.74 Per Day		60	\$1123.20
LDSS's Total Expenses					\$1.34 Per Day	60	\$80.40