

DEPARTMENT OF SOCIAL SERVICES

40 NORTH PEARL STREET, ALBANY, NEW YORK 12243

BARBARA B. BLUM
Commissioner



[An Informational Letter informs local districts of potential developments in the Social Services field, or of actual or potential developments in collateral fields of interest.]

INFORMATIONAL LETTER

TRANSMITTAL NO.: 80 INF-9

[Services & Medical Assistance]

TO: Commissioners of Social Services

DATE: April 22, 1980

SUBJECT: Chapter 721, Laws of 1979--Education of Children Residing in Intermediate Care Facilities for the Mentally Retarded (ICF/MR)

SUGGESTED DISTRIBUTION:

All Child Welfare Staff
Child Placement Staff

CONTACT PERSON: Questions relating to Medical Assistance concerning this release should be directed to Robert B. Hanley, Medical Assistance, by calling toll free 1-800-342-3715, extension 4-7376

Questions relating to Services concerning this release should be directed to Edmund Cox, Foster Care Specialist, by calling toll free 1-800-342-3715, extension 4-9434.

I. PURPOSE

The purpose of this letter is to advise social services districts of Chapter 721, Laws of 1979. This law, adding a new paragraph (d) to Section 3202.6 of the Education Law, establishes the statutory authority for children in Intermediate Care Facilities for the Mentally Retarded (ICF/MR), other than a state operated school, to be admitted to public schools and, in addition, clarifies responsibilities in relation to the education of children in ICF/MR programs.

II. BACKGROUND

The enactment of this law was deemed necessary due to disputes over planning and financial responsibilities for the education of a child in ICF/MR facility, other than a state operated school.

FILING REFERENCES

Previous INFs/ADMs	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
		Education Law 3202.6d		

DSS-329 (v. 5/78)

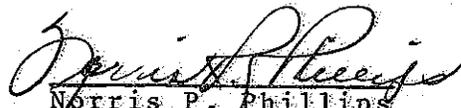
III. IMPLICATIONS

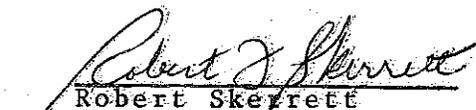
The law requires that:

1. Children in an ICF/MR, other than a State operated school, shall be admitted to public school.
2. The school district in which the ICF/MR is located shall be responsible for the education of these children, unless the board of trustees of the district shall establish to the satisfaction of the Commissioner of Education that there are valid and sufficient reasons for refusal to receive such children.
3. An ICF/MR is authorized to contract with the local school district for the provision of educational services, including transportation.
4. The State Education Department shall reimburse the ICF/MR for all non-federally reimbursable expenses, including transportation, involved in such contracts.
5. The school district in which the child resided at the time of placement in the ICF/MR shall reimburse the Education Department for its expenditures on behalf of such children, for any child admitted to an ICF/MR on or after July 1, 1979, according to State Education Department Regulations.
6. Within 45 days of placement of a child in an ICF/MR, the ICF/MR will be responsible for notifying the school district in which the child resided at the time of placement and the school district in which the facility is located. Such notice shall include the name of the child, the name of the school district in which such child resided at the time of placement, and the location of the ICF/MR.
7. The ICF/MR has responsibility for determining the school district responsible for a child's educational costs, or at least to make a reasonable effort to identify the residence of the child.

IV. RECOMMENDED ACTION

Local districts may be called upon by ICF/MR's to assist them in locating residences or determining school districts for children who have entered placement. Districts are encouraged to assist the ICF/MR whenever possible.


Norris P. Phillips
Deputy Commissioner
Division of Services


Robert Skeyrett
Acting Deputy Commissioner
Division of Medical Assistance