



# Office of Children and Family Services

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Commissioner

## Administrative Directive

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| <b>Transmittal:</b>             | 21-OCFS-ADM-12   |
| <b>To:</b>                      | Commissioners of Social Services   |
| <b>Issuing Division/Office:</b> | Bureau of Budget Management  |
| <b>Date:</b>                    | June 9, 2021   |
| <b>Subject:</b>                 | <b>Committee on Special Education Maintenance Reimbursement</b>                              |
| <b>Suggested Distribution:</b>  | Directors of Social Services<br>Directors of Financial Management<br>Claiming Staff          |
| <b>Contact Person(s):</b>       | Shonna Clinton<br><a href="mailto:Shonna.Clinton@ocfs.ny.gov">Shonna.Clinton@ocfs.ny.gov</a> |
| <b>Attachments:</b>             | None   |

### Filing References

| Previous ADMs/INFs | Releases Cancelled | NYS Regs.             | Soc. Serv. Law & Other Legal Ref.   | Manual Ref. | Misc. Ref. |
|--------------------|--------------------|-----------------------|---|-------------|------------|
|                    |                    | 18 NYCRR 421.24(a)(2) | Part I of Chapter 56 of the Laws of 2021; Section 153 of Social Services Law; Section 4405 of Education Law |             |            |

### I. Purpose

The purpose of this Administrative Directive (ADM) is to inform local departments of social services (LDSSs) of Committee on Special Education (CSE) maintenance reimbursement changes.

### II. Background

Part I of Chapter 56 of the Laws of 2021 amended section 153 of the Social Services Law and repealed a portion of section 4405 of the Education Law to better align fiscal responsibilities with the entity that makes the placement decision.

### III. Program and Claiming Implications

The following table shows the applicable share for the LDSS and school district of residence based on the placement type.

| <b>Placing Entity</b>                                  | <b>Placement Type</b>   | <b>LDSS Responsibility</b>                     | <b>School District Responsibility</b>          |
|--|---|--|--|
| Placement made by a Committee on Special Education     | Residential school, including the New York State School for the Blind or New York State School for the Deaf | 43.152% net of federal and other reimbursement | 56.848% net of federal and other reimbursement |
| Placement not made by a Committee on Special Education | New York State School for the Blind or New York State School for the Deaf                                   | 50% net of federal and other reimbursement     | 50% net of federal and other reimbursement     |

Effective April 1, 2021, through March 31, 2022:

- LDSSs must bill the child's school district of residence for the school district share of costs in accordance with the applicable shares included in the chart above. Reimbursement received by the LDSS is reported as non-reimbursable.
- Maintenance expenditures for students placed in residential schools by a school district's CSE are to be entered in the Automated Claiming System (ACS) on Schedule K, *Reimbursement for Foster Care and Adoption Expenditures* (LDSS-3479). Within Schedule K, these expenditures are non-reimbursable and will be claimed as such on the CSE lines 10a (Committee on Special Education – Blind and Handicapped) or 10b (Committee on Special Education – All Other) as applicable.

In addition, Department of Social Services Regulation section 628.3(a)(4) of Title 18 of the New York Codes, Rules and Regulations (NYCRR) on reimbursable absences from foster care and approved schools for the handicapped remain in effect.

/s/ **Derek J. Holtzclaw**

**Issued by:**

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Title: Deputy Commissioner for Administration

Division/Office: Division of Administration