

NEW YORK STATE
 DEPARTMENT OF SOC
 40 NORTH PEARL STRE
 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

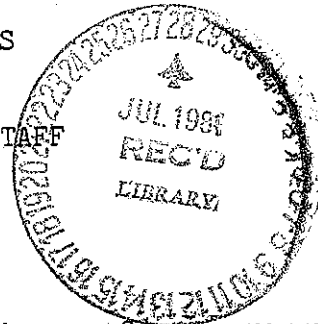
TRANSMITTAL NO.: 81 INF-15
 [Services]

TO: COMMISSIONERS OF SOCIAL SERVICES

SUBJECT: EDUCATIONAL SERVICES TO CHILDREN IN
 FOSTER CARE AND EDUCATIONALLY HANDICAPPED
 CHILDREN RESIDING IN RESIDENTIAL FACILITIES

DATE: July 21, 1981

SUGGESTED DISTRIBUTION: COMMISSIONERS OF SOCIAL SERVICES
 CHILD WELFARE EXECUTIVES AND SUPERVISORY STAFF
 CHILD CARING INSTITUTIONS
 CHILD PLACEMENT AGENCIES
 ACCOUNTING STAFF



CONTACT PERSON: Any questions concerning this release which are of a programmatic nature should be directed to Dan Zeidman, (800) 342-3715 (extension 4-9572), Bureau of Resource Management, State Department of Social Services. Any questions on claiming should be directed to Anthony Funigello, Metropolitan Regional Office, (212) 488-4516 or Fred Gordon, Upstate Office (800) 342-3715, (extension 4-7567), Bureau of Local Financial Operations, State Department of Social Services.

I. Purpose

The purpose of this release is to inform social service officials of changes in Education, Social Services and Family Court Law, brought about through passage of Chapter 563 of the Laws of 1980 (also known as the Institution Schools Bill), which have programmatic and fiscal implications for the education and maintenance of children in foster care and educationally handicapped children who reside in a child care institution or private residential school approved for educating handicapped children.

You should have received a proposed Administrative Directive (ADM) through the Department's executive clearance process which specifies placement and planning responsibilities and procedures, as well as financial responsibilities and claiming procedures, regarding the above children. However, due to the delays inherent in attempting to issue an ADM which would have the joint authorization of both the State Education Department and the State Department of Social Services, we are issuing this release in advance of the ADM to alert you to the more pressing implications of these new laws.

FILING REFERENCES

Previous INFs/ADMs	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
77-ADM-115 77-ADM-70 77-ADM-86 78-ADM-29	18-NYCRR Part 427, 302	SSL, Sections 153, 398a Ed. Law, Articles 81 and 89	DSS Bulletin 200	Family Court Act Section 231 to 236, 255

II. Background

Under existing laws, a child can enter institutional care through one of two methods. A child may be placed for educational reasons by a local school district under the provisions of Chapter 853 of the Laws of 1976, or by a public agency under Articles 6, 7 and 10 of the Family Court Act if the child is deemed to be dependent, neglected, abused, or adjudicated as a juvenile delinquent or a person in need of supervision. Chapter 563 delineates these two systems of placement to specify that while children entering care through either system may be placed in the same facilities, financial and programmatic responsibility for each placement cannot be transferred from one system to the other. Instead, these responsibilities are determined by the method of placement, whether a child is placed by a public agency (i.e., Family Court, DFY or a social services district), or whether a child is placed by a local school district.

The provisions of Chapter 563 of the Laws of 1980 assure that all children who are in care in a child care institution or considered for institutional placement after June 30, 1981, have the guarantee of an appropriate education and maintenance program, which is properly managed by those agencies with placement and planning responsibilities, and which is adequately funded by those agencies financially responsible.

III. Program Implications

While all the programmatic and financial provisions required by Chapter 563 are significant and detailed, many of these provisions are already familiar to program and fiscal staff who have responsibilities as regards educational services to children in foster care.

Regarding planning and placement responsibilities, it is suggested that, beginning July 1, 1981, you refer all children who are considered for institutional placement to the committee on the handicapped (COH) of the child's school district of residence for its review and recommendation. The COH referral has greater significance as regards children who are placed in a child care institution by a social services district, the family court, or the Division for Youth, as of July 1, 1981. For each of these children who is determined by a COH to be educationally handicapped, the basic contribution of the local school district towards the cost of educating a child in that district, will be withheld from state aid and credited to the responsible social services district to offset local foster care expenditures. (Further instructions are specified in the proposed ADM and will be forthcoming with its issuance). The distinct advantage regarding such children who are placed after July 1, 1981, and referred to a COH, is that the local COH must make its determination of handicapped or non-handicapped separate and apart from its recommendation about the type of program or placement. Accordingly, the withholding of the local school district's basic contribution and transfer of these funds to the local social services district, can be facilitated for such children who are determined handicapped and placed in a child care institution by a social services district, the family court, or the Division for Youth.

It is suggested that you notify the child's school district of residence of its financial responsibility, in the amount of the basic contribution, for the children who are determined by a COH to be educationally handicapped and placed in a child care institution. We intend to obtain this same information directly from the child care institutions. We will use this information to determine which social services districts should be credited the basic contribution amounts. These amounts will be withheld from state aid to local school districts and credited to the appropriate social services districts, as stated.

Regarding payment responsibilities, a major change you should anticipate is that, as of July 1, 1981, maintenance for all children placed by local school districts in a child care institution or private residential school approved for educating handicapped children, will be the financial responsibility of the social services district where the child resided prior to entrance to care. Such costs will be reimbursed at the level of 50% by the State Department of Social Services. This cost was previously borne by the county (or municipality) which paid 50% and the State Education Department which paid the remaining 50%. (NOTE: Tuition for these children will continue to be the responsibility of local school districts and the State Education Department).

Actual billing for maintenance for children placed by local school districts will not occur before September 1981. You may receive authorizations from the State Education Department for these children beginning July 1, 1981; however, your responsibility to pay the maintenance cost for residential educational services for handicapped children effectively begins when these services are actually rendered. The authorization you receive from the State Education Department will be transmitted on form PHC-3 Notification of Approval of Maintenance Expenses. Billing for maintenance will be sent to you directly from the child care institution or private residential school. (NOTE: The Institution Schools Bill does not address the educational services provided to children who are placed by the family court pursuant to Section 236 of the Family Court Act. Such educational services provided to school age children for the summer months, or pre-school children at any time, will be authorized as they are done currently and will continue to be charged to the county.)

Payment for maintenance for children placed by local school districts do not require a WMS authorization and should be handled manually. The PHC-3 authorization from the State Education Department will serve as the basis for local authorization by a social services district; however, for your own budgetary purposes, the costs for these children should be tracked separately from your normal foster care expenditures. The costs for children placed by local school districts will not be included in the "foster care cap."

Attached is a list that indicates the local government agency which is currently responsible for maintenance costs for children placed by local school districts. It is suggested that each social services district alert its county fiscal officer to the change of financial responsibility and request that monies for these expenditures be transferred from the agency which is currently responsible for these children to the local social services district's appropriation. (Further claiming instructions are specified in the proposed ADM and will be forthcoming with its issuance).

Regarding the PHC-3 authorizations you will receive from the State Education Department for children placed residentially by local school districts, it is suggested that you designate a contact person to receive these authorizations and send their names, titles and telephone numbers to: Mr. Daniel Zeidman, Bureau of Resource Management, 11th Floor, Section A, 40 North Pearl Street, Albany, New York 12243.

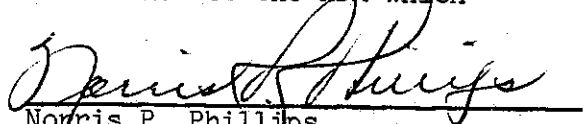
It should be clear there are no new costs to local governments for children placed residentially by local school districts; however, the transfer of monies should occur as suggested above to cover these expenditures which are a charge to the Department of Social Services as of July 1, 1981, pursuant to Chapter 563. Further, it should be clear that social services districts have no programmatic responsibilities for children placed residentially by local school districts. (For example: case management requirements pursuant to ADM-100, IV-D requirements for parental support, categorical eligibility for federal reimbursement, Uniform Case Record or other requirements of the Child Welfare Reform Act do not apply to these children). Social services districts are responsible to make maintenance payments only for children placed by local school districts in a child care institution or private residential school approved for educating handicapped children.

Also regarding other payment responsibilities, as of July 1, 1981, tuition for a child admitted to Blythedale Children's Hospital by a public agency or a physician will be the responsibility of the social services district of the county or municipality where the child legally resided prior to his/her admittance to the hospital. Such children may be placed by a social services district, DFY, the family court, or a physician, and you may have no prior knowledge of the placement until you are notified by Blythedale of your responsibility to pay tuition costs. It is suggested that when you are notified by Blythedale of your responsibility for such children, that you immediately request the local COH of the child's school district of residence to make a review and recommendation. Further, it is suggested that you notify the appropriate school district of its financial responsibility for each child who is determined by a COH to be educationally handicapped. The withholding of the local school district's basic contribution and transfer of these funds to the local social services district to offset local foster care expenditures, will be available for those children the COH determines to be educationally handicapped. (NOTE: Tuition for children placed in Blythedale through COHs by local school districts will continue to be the responsibility of such local school districts).

IV. Recommended Action

Distribution of this letter or communication of its contents to all fiscal and program supervisors is recommended.

Please feel free to contact State staff with any questions on programmatic or claiming procedures to implement until official issuance of the ADM which details these procedures.


Norris P. Phillips
Deputy Commissioner
Division of Services

John Arnold
Department of the Aging
Albany County
600 Broadway
Albany, New York 12207

Clerk Board of Supervisors
County of Allegany
Court House
Belmont, New York 14813

Clerk Board of Supervisors
County of Broome
County Office Building
Binghamton, New York 13901

Clerk Board of Supervisors
County of Cattaraugus
Supervisors Room
Little Valley, New York 14755

Clerk Board of Supervisors
County of Cayuga
Court House
Auburn, New York 13021

Clerk Board of Supervisors
County of Chautauqua
Court House
Mayville, New York 14757

Clerk Board of Supervisors
County of Chemung
210 Lake Street
Elmira, New York 14901

Clerk Board of Supervisors
County of Chenango
Court House
Norwich, New York 13815

Clerk Board of Supervisors
County of Clinton
Surrogates Building
Plattsburg, New York 12901

Clerk Board of Supervisors
County of Columbia
Court House
Hudson, New York 12534

Clerk Board of Supervisors
County of Cortland
Court House
Cortland, New York 13045

Clerk Board of Supervisors
County of Delaware
Court House
Delhi, New York 13753

Clerk
Dutchess County Legislature
22 Market Street - 6th Floor
Poughkeepsie, New York 12601

Clerk Board of Supervisors
County of Erie
95 Franklin Street - Room 828
Buffalo, New York 14202

Clerk Board of Supervisors
County of Essex
County Building
Elizabethtown, New York 12932

Clerk Board of Supervisors
County of Franklin
Court House
Malone, New York 12953

Clerk Board of Supervisors
County of Fulton
County Office Building
Johnstown, New York 12095

Clerk Board of Supervisors
County of Genesee
County Office Building
Batavia, New York 14020

Clerk Board of Supervisors
County of Greene
Court House
Catskill, New York 12414

Clerk Board of Supervisors
County of Hamilton
Court House
Lake Pleasant, New York 12108

Clerk Board of Supervisors
County of Herkimer
County Office Building
Herkimer, New York 13350

County of Jefferson
County Building
Watertown, New York 13601

Clerk Board of Supervisors
County of Lewis
County Building
Lowville, New York 13367

Clerk Board of Supervisors
County of Livingston
County Building
Genesee, New York 14454

Clerk Board of Supervisors
County Madison
Court House
Wampsville, New York 13163

Elizabeth Riley
County of Monroe Health Department
111 Westfall Road - Room 854
Rochester, New York 14692

Clerk Board of Supervisors
County of Montgomery
County Office Building
Fonda, New York 12069

Daniel Kealey
Nassau County Department of Social Services
County Seat Drive
Mineola, New York 11501

Contract Aid Unit Room 330
110 Livingston Street
Brooklyn, New York 11201

Clerk Board of Supervisors
County of Niagara
Court House
Lockport, New York 14094

Clerk Board of Supervisors
County of Oneida
Court House
Utica, New York 13501

Pricilla Norris
421 Montgomery Street
9th Floor-Civic Center
Syracuse, New York 13202

Clerk Board of Supervisors
County of Ontario
Court House
Canandaigua, New York 14424

Ms. Shirley Brennan
Orange County Health Department
124 Main Street
Goshen, New York 10924

Clerk Board of Supervisors
County of Orleans
Court House
Albion, New York 14411

Clerk Board of Supervisors
County of Oswego
County Office Building
Oswego, New York 13126

Clerk Board of Supervisors
County of Otsego
Court House
Cooperstown, New York 13326

Clerk Board of Supervisors
County of Putnam
County Building
Carmel, New York 10512

Clerk Board of Supervisors
County of Rensselaer
Court House
Troy, New York 12180

Victoria K. Seigerman
County of Rockland
Rockland County Office Building
11 New Hempstead Road
New City, New York 10956

Clerk Board of Supervisors
County of St. Lawrence
Court House
Canton, New York 13617

Clerk Board of Supervisors
County of Saratoga
County Municipal Building
Ballston Spa, New York 12020

Clerk Board of Supervisors
County of Schenectady
County Office Building
Schenectady, New York

Clerk Board of Supervisors
County of Schoharie
County Office Building
Schoharie, New York 12157

Clerk Board of Supervisors
County of Schuyler
Court House
Watkins Glen, New York 14891

Clerk Board of Supervisors
County of Seneca
Waterloo, New York 13165

Clerk Board of Supervisors
County of Steuben
Court House
Bath, New York 14810

Federal and State Aid Claims Unit
Office of the County Executive
P.O. Box G
Central Islip, New York 11722

Clerk Board of Supervisors
County of Sullivan
Court House
Monticello, New York 12701

Clerk Board of Supervisors
County of Tioga
Court House
Owego, New York 13827

Budget and Finance Office
County of Tompkins
Tompkins County Court House
Ithaca, New York 14850

Clerk, Grants Office
Ulster County Legislature
Box 1800
Kingston, New York 12401

Mary B. Hamell
Deputy County Auditor
Warren County Municipal Center
Lake George, New York 12845

Clerk Board of Supervisors
County of Washington
Upper Broadway
Fort Edward New York 12828

Clerk Board of Supervisors
County of Wayne
Court House
Lyons, New York 14489

Accounting Division
County of Westchester
Department of Health - 4th Floor
County Office Building
150 Grand Street
White Plains, New York 10601

Clerk Board of Supervisors
County of Wyoming
Court House
Warsaw, New York 14569

Clerk Board of Supervisors
County of Yates
County Building
Penn Yan, New York 14527

