



# Office of Children and Family Services

Kathy Hochul  
Governor

52 WASHINGTON STREET  
RENSSELAER, NY 12144

Sheila J. Poole  
Commissioner

## Administrative Directive

<b>Transmittal:</b>	22-OCFS-ADM-20
<b>To:</b>	Commissioners of Social Services
<b>Issuing Division/Office:</b>	Division of Administration/Bureau of Budget Management
<b>Date:</b>	August 16, 2022
<b>Subject:</b>	<b>Committee on Special Education Maintenance Reimbursement</b>
<b>Suggested Distribution:</b>	Directors of Social Services Directors of Financial Management Claiming Staff
<b>Contact Person(s):</b>	Shonna Clinton <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 M of Chapter 56 of the Laws of 2022; 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.

### II. Background

Part M of Chapter 56 of the Laws of 2022 extended an amendment to section 153 of the Social Services Law and the repeal of a portion of section 4405 of the Education Law to better align fiscal responsibilities with the entity that makes the placement decision.

**III. Program 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, 2020:

- 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 20a (Committee on Special Education – Blind and Handicapped) or 20b (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/ Bryan Bagstad*** \_\_\_\_\_

**Issued by:**

Name: Bryan Bagstad  
 Title: Director, Bureau of Budget Management  
 Division/Office: Division of Administration