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CE

June 2008

**TO:** District Superintendents  
Superintendents of Schools  
Presidents of Boards of Education  
New York City Board of Education  
Principals of Public Schools  
Directors of Pupil Personnel Services  
Administrators of Nonpublic Elementary and Secondary Schools  
Organizations, Parents and Individuals Concerned with Special Education



education services program (IESP) from the public school district in which the nonpublic school is located while they receive general education from the nonpublic school where

between the school district where the nonpublic school is located and the school district of the student's residence.

In this case, the district of location may submit a claim to the Department using a form prescribed by the Commissioner (A

not be accepted.

Questions regarding this memorandum may be directed to the Special Education Policy Unit at (518) 473-

**Questions and Answers**

- 1. What constitutes "actual costs" for purposes of billing a school district of residence for the actual costs of the Committee on Special Education (CSE) administration, evaluations and services?**

The level and cost of provision of special education services for dual enrollment nonresident nonpublic school students is likely to vary markedly among students, since some students may, for example, require resource room or related services only while other students may need additional services such as an interpreter or individual teacher aide. The actual costs of providing special education may also vary from school district to school district for students receiving the same level of services. The school district of location must calculate the student-specific cost of the services provided. The following costs would be allowable:

For evaluations, the actual costs calculation would include the prorated time of the

**3. When calculating actual costs for staff, can salary plus fringe benefits of the provider be included in the actual costs?**

Yes. If the cost of a teacher, related service provider or teaching assistant is shared among several students, the cost must be allocated across all students receiving such services (i.e., pro rata share).

**4. May school districts agree on a range of rates they will use for special education services and evaluations?**

Yes. Agreement on regional rates may be reached as long as the actual amount charged to a district of residence does not exceed the actual costs for services provided to the student. Using an average of teachers salaries would not be an appropriate calculation as it could result in one district being charged an amount in excess of

**5. Is a contract required between the district of residence and the district of location in order for a district of location to bill costs to the district of residence?**

No. Education law section 3602-c does not require a contract for this purpose. However, for budgeting purposes, whenever feasible school districts providing special education services to nonresident students should notify districts of residence of the anticipated costs for such services.

**6. What revenue sources must be deducted from costs before billing the resident school district?**

The following revenue sources must be deducted from costs before billing the resident school district or submitting a claim to the Department for an intercept of funds from the school district of residence: State aid (see attachment 3), the proportionate share of federal IDEA funds spent on providing services to the student and any public or private insurance proceeds used to provide or pay for services to the student.

**7. Which school district claims State Aid? How is State Aid calculated for purposes of deducting such aid for reimbursement of services claims?**

The school district of location claims State Aid. Attachment 3 describes the methodology to net State aid out of the billing to resident school districts for special education services provided to nonpublic school students attending schools located in school districts other than the school district where the student resides.

**8. How is the deduction of the federal proportionate share calculated for each student?**

The State Education Department has posted the actual minimum proportionate share



**Attachment 2**

NEW YORK STATE EDUCATION DEPARTMENT (NYSED)

Instructions and Forms to Submit a Claim for Payment for a Nonresident Parentally -Placed



Claim for Payment for a Nonresident  
Parentally -

Claim for Costs (include dates and/or time periods services were provided) \_\_\_\_\_

|                          |
|--------------------------|
| Evaluation (s):          |
| Dates of Evaluations(s): |

|                                                      |
|------------------------------------------------------|
| Special Education Services:                          |
| Dates of Services Provided:<br>From: _____ To: _____ |

|                                                                  |
|------------------------------------------------------------------|
| Committee on Special Education (CSE) Administrative Costs: _____ |
| Date(s) of Meetings: _____                                       |

CERTIFICATION BY SCHOOL SUPERINTENDENT

Pursuant to section 3602 as amended by Chapter 378 of the Laws of 2007, I hereby submit the following claim for reimbursement of costs incurred to provide special education services to a nonresident New York State (NYS) student with a disability parentally placed in a nonpublic school located in this school district. This claim is being submitted to the New York State Education Department (NYSED) because the parent of the student has refused or failed to respond to a request for consent to the sharing of personally identifiable information. If the parent has declined to consent, I, \_\_\_\_\_ (name of District Superintendent) of the \_\_\_\_\_ (name of school district of location) am certifying that the \_\_\_\_\_ (name of school district of location) incurred the costs below for a student who resides in the \_\_\_\_\_ (name of school district of residence) and has been parentally placed in a nonpublic school located in \_\_\_\_\_ (name of school district of location). I am requesting the State Comptroller to

(Updated December 2013)

### Methodology for Calculating Public Excess Cost Aid

The State Aid attributable to each nonresident nonpublic school student to whom your school district is providing special education services must be deducted from the cost billed to the school district where the student resides (district of residence). The following links provide the spreadsheets containing the methodology for calculating public excess cost aid to net State Aid out of the billing of resident districts for services provided to nonpublic school students attending nonpublic schools in the district of location:

2008-09 School Year Worksheet

[http://stateaid.nysed.gov/speced/xls\\_doc/att3\\_200809sy\\_060409.xls](http://stateaid.nysed.gov/speced/xls_doc/att3_200809sy_060409.xls)

2009-10 School Year Worksheet:

[https://stateaid.nysed.gov/attendance/xls\\_docs/attachment3\\_for\\_200910schoolyear\\_092109.xls](https://stateaid.nysed.gov/attendance/xls_docs/attachment3_for_200910schoolyear_092109.xls)

2010-11 School Year Worksheet:

[https://stateaid.nysed.gov/speced/xls\\_doc/att3\\_201011sy\\_110810.xls](https://stateaid.nysed.gov/speced/xls_doc/att3_201011sy_110810.xls)

2011-12 School Year Worksheet:

[https://stateaid.nysed.gov/speced/xls\\_doc/att3\\_201112sy\\_120111.xls](https://stateaid.nysed.gov/speced/xls_doc/att3_201112sy_120111.xls)

2012-13 School Year Worksheet:

[https://stateaid.nysed.gov/speced/xls\\_doc/att3\\_201213sy\\_120612.xls](https://stateaid.nysed.gov/speced/xls_doc/att3_201213sy_120612.xls)

2013-14 School Year Worksheet:

[https://stateaid.nysed.gov/speced/xls\\_doc/att3\\_201314sy\\_120213.xls](https://stateaid.nysed.gov/speced/xls_doc/att3_201314sy_120213.xls)