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| LOCAL COMMISSIONERS MEMORANDUM |  
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DSS-4037EL (Rev. 9/89)

Transmittal No: 92 LCM-52

Date: March 18, 1992

Division: Family and Children  
Services

TO: Local District Commissioners

SUBJECT: Appropriate Reimbursement for Tuition Costs of Foster  
Children in Institution or RTF Programs and Children  
Placed in Day Treatment Programs

ATTACHMENTS: None

The purpose of this letter is to clarify for you and your staff the appropriate method of reimbursing tuition costs to voluntary authorized agencies for foster children placed in institutions or RTFs and other children placed in day treatment programs.

Voluntary authorized agencies have informed us that certain social services districts continue to pay tuition costs on an attendance basis citing Department regulation, 18 NYCRR, 628.3(a)(4) which relates to reimbursable absences from foster care.

The practice of reimbursement based on the attendance standards set forth in 18 NYCRR 628.3(a)(4) is contrary to Education Law, State Education Department regulation and the directives of this Department. Tuition rates are calculated on the basis of enrollment and, therefore, reimbursement must be based upon enrollment and not attendance. Unlike foster care maintenance rates which are negotiable, tuition rates are mandated by Section 4405 of the Education Law and must be paid as promulgated. The enrollment methodology as approved by the State Division of the Budget, is the applicable methodology for reimbursement. Therefore, social services districts are reminded to implement its reimbursement procedures in a manner using the enrollment methodology.

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If you have any questions, please contact Mr. Joseph Della Rocca, Bureau of Resource Management at 1-800-342-3715, extension 3-1496 or (518) 473-1496. If your district is connected into the OFIS Link system you may contact Mr. Della Rocca via his user-ID number AX4520.

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Joseph Semidei  
Deputy Commissioner  
Division of Family and  
Children Services