



Rate Setting Unit
89 Washington Avenue
Room 304 EB
Albany, New York 12234
Tel. 518-474-3227, Fax 518-486-3606
E-mail: rateweb@mail.nysed.gov
www.oms.nysed.gov/rsu

Thomas Hamel, Chief

To: District Superintendents, Superintendents and Executive Directors of Approved Programs Serving Students with Disabilities, County Officials, VESID Special Education Policy and Quality Assurance Offices

From: Thomas Hamel
Rate Setting Unit

Subject: Tuition Rate Setting Methodology for 2007-08 Tuition Rates for Students with Disabilities

Date: September 12, 2007

This memorandum communicates the 2007-08 tuition rate setting methodology to service providers operating programs under Articles 81 and 89 of the Education Law and other interested parties. The 2007-08 Criteria and Procedures for Tuition Rate Appeals will be available at the Rate Setting Unit (RSU) website soon. The July 2007 Reimbursable Cost Manual (RCM), which defines reimbursable costs for the 2007-08 school year will also be available at this website soon.

Section I: General Rate Setting Methodology

The following methodology components may be used in whole or in part, pursuant to Section 200.9 of the Regulations of the Commissioner, to establish the 2007-08 tuition rates. Generally, the 2007-08 tuition rates for programs that were in operation during the 2005-06 school year are based on reported 2005-06 financial data. Any 2007-08 approved appeal items are reviewed and, if appropriate, included in the calculation of the 2007-08 rate. As in previous years, each provider's financial data is reviewed by staff of the Rate Setting Unit (RSU) and any necessary adjustments are made in accordance with Section 200.9 of the Commissioner's Regulations and the Reimbursable Cost Manual, as applicable. This process is completed prior to the application of cost screens. The basic components of the tuition rate setting methodology and variable factors used to calculate the 2007-08 tuition rates are described below:

A. Prospective Growth Factors

A prospective growth factor of 4.0 percent is approved for the 2007-08 school year. A factor of 8.0 percent which represents the compounding of the approved prospective growth factors of 3.9 percent for the 2006-07 and 4.0 percent for the 2007-08 school years was applied to reimbursable 2005-06 base year costs, excluding interest, depreciation, and expenses related to one-time waivers as appropriate, for all

school age special class programs and for all preschool programs, *except those not* meeting the reconciliation provisions in Section I, (E) 3 and 4 of this memorandum.

B. Nondirect Care Cost Parameter

The nondirect care cost parameter limits the amount of nondirect care costs that will be reimbursed through the tuition rate to 30 percent of the reimbursable costs after adjustments. The reimbursable limit for nondirect care costs can be calculated by multiplying adjusted direct care costs by .4286, which is the ratio of 30/70 for nondirect care/direct care costs.

C. Applied Revenues

Applied revenues will be subtracted from total adjusted costs after the application of the nondirect care cost parameter.

Article 28 clinics that have a less-than-arm's-length relationship with an approved preschool (Section 4410 of the Education Law) and that bill Medicaid for preschool services must report the actual full cost of the IEP related services incurred by the clinic on the New York State Consolidated Fiscal Report (CFR) in the related preschool cost center in which the student is placed. The associated Medicaid revenue must be reported in the same manner. Medicaid revenues will be offset against reported program expenses in the calculation of 2007-08 tuition rates.

D. Total Cost Screen

1. The hold-harmless component of the total cost screen is not applied in the calculation of 2007-08 tuition rates.
2. The 2007-08 prospective tuition rate per diem cannot increase by more than 8.0 percent from the 2005-06 reconciliation tuition rate per diem.

The 2007-08 reconciliation tuition rate per diem cannot increase by more than 4.0 percent from the 2006-07 reconciliation tuition rate per diem. The 2007-08 budget based tuition rate per diem for programs that did not operate in 2006-07 will be held to the budget-based rate on reconciliation with no growth applied.

For the calculation of the 2007-08 prospective tuition rates, the 2005-06 reconciliation tuition rate per care day generated from the 2005-06 reconciliation adjustment calculations or reconciliation rate calculations, modified as necessary for any appropriate adjustments such as non-recurring allowable base year expenditures, will be used as the prior period per diem rate for total cost screen calculations.

3. For segregated special class preschool programs operating at greater than 2.5 hours per day that are operating 12:1:1 classroom ratios, the 2007-08 prospective tuition rate per diem cannot exceed the 2005-06 reconciliation

tuition per care day unless the program was eligible for a total cost screen waiver in the calculation of the 2005-06 reconciliation rate.

E. 2007-08 Reconciliation Process

Refer to Attachment I for a diagram that details the following 2007-08 reconciliation process. The reconciliation process, as defined in Section 200.9 (f)(3)(iii) of the Commissioner's Regulations, will be applied in the reconciliation of the 2007-08 school year for all approved school age programs and approved preschool programs as follows:

1. (a) Approved school age special class programs will have reconciliation adjustment factors included in the calculation of 2009-10 prospective tuition rates.

(b) Approved preschool programs will receive reconciliation rates for 2007-08.
2. For segregated special class preschool programs operating at greater than 2.5 hours per day, whose 2007-08 reconciliation tuition rate per care day before calculation of the total cost screen exceeds the 2007-08 regional per diem, the reconciliation tuition rate per care day that will be used in the calculation of the 2007-08 reconciliation rate will be determined to be equal to the lowest of (a), (b), or (c) below:
 - (a) The greater of the program's 2007-08 prospective per diem rate or the program's 2006-07 reconciliation rate per care day; or
 - (b) The program's 2007-08 reconciliation tuition rate per care day; or
 - (c) The 2006-07 reconciliation tuition rate per care day multiplied by 1.04.
3. Segregated preschool special class programs operating at greater than 2.5 hours per day and operating at 12:1:1 classroom ratios that received a total cost screen waiver in prior years will be reconciled for the 2007-08 school year without the modification stated in E (2) of this section.
4. Segregated preschool special class programs operating at greater than 2.5 hours per day **that have never applied** for a total cost screen waiver under the reconciliation provisions for prior years may request a waiver to the modification in 2 (a), (b) or (c) above for the 2007-08 reconciliation rate if they can demonstrate that they serve severely disabled students as evidenced by staffing ratios that are more intensive than 12:1:1 (i.e., 12:1:4, 6:1:1). These ratios must have been approved in writing by the Department and be in effect prior to July 1, 2007. Schools will need to provide the Department with a narrative description of the severity of the students served and a class by class listing demonstrating the approved ratio of students to teacher to classroom paraprofessionals for the 2006-07 and 2007-08 school years. Approval of this waiver will result in the calculation of the 2007-08 reconciliation tuition rate without the modification stated in E (2) of this

section. Any waivers for the 2007-08 reconciliation process must be submitted no later than June 30, 2008 and are subject to approval by the State Division of the Budget.

5. Funding for the second year of the current two-year cycle of the Excessive Teacher Turnover Prevention Program for eligible school age programs has been provided. The 2007-08 grant process will include a Chief Administrator's Certification statement to attest to the use of grant funds and an assurance statement that additional revenues generated from these expenditures will continue in the 2007-08 year to be used to supplement teacher compensation. Upon review of such reports, annual cost reports, or as a result of field audit, if SED determines funds were not spent in compliance with stated grant purpose of supplemental teacher compensation, such expenditures will be recouped via a reconciliation rate or a final audit rate. Schools may also be required to repay current year funds if it is determined that prior funds were not spent in compliance with the stated grant purpose or the school does not continue to use these funds to supplement teacher compensation. All funds awarded under this grant for all years must remain in the school's base year costs and must always be used for the specific purposes required by the grant.

Reconciliation Glossary

- "Reconciliation tuition rate per care day" is the per care day rate after adjustments to reported costs made on desk review and after offsetting applied revenues and application of the nondirect care cost parameter and the total cost screen.
- "Regional per diem"¹ used in the 2007-08 reconciliation process is the weighted average per diem developed on a regional basis from the 2007-08 prospective rate data for full-day segregated special class programs operating at greater than 2.5 hours.
- "Reconciliation adjustment factor" is the adjustment to be added to or subtracted from the prospective tuition rate on a per diem basis.

Section II. Specific Provisions to the Rate Setting Methodology

A. Special Class Programs

The general rate setting methodology detailed in Section I applies to special class programs with the following additional provisions:

1. Special class programs that operated initially in 2005-06 will be subject to the provisions of Section 200.9 (f)(2)(viii). This section of the Regulations states that if a new program's student enrollment is not equal to or greater than the

¹ These regional per diems will be developed using the 2007-08 prospective rate data and will be calculated as soon as sufficient data is available.

minimum number required in Section 200.7 (c)(3), then that program shall continue to receive a rate based on the regional weighted average per diem tuition rate previously approved for that program. Upon reconciliation, for programs failing to meet the minimum number of students, the program's per diem rate will be limited to the lower of the per diem based on the school's actual costs or the regional weighted average per diem rate initially established.

2. Special class programs that are seeking initial approval in 2007-08 will receive tuition rates based on the 2007-08 regional weighted average per diem tuition rate. Such new programs must have received a waiver from the Department regarding the statutory moratorium on new or expanded programs. Separate regional weighted average per diem tuition rates shall be used for school age and preschool programs. A list of the 2007-08 regional weighted average per diem tuition rates will be published shortly in a separate memorandum.
3. Special class programs that operated initially in 2006-07 will have the tuition rate for 2007-08 established at the 2006-07 level with no inflation or growth applied.

B. Preschool Special Class Programs in an Integrated Setting

The general rate setting methodology detailed in Section I applies to preschool special class programs in an integrated setting with the following additional provisions:

1. Special class programs in an integrated setting that operated in 2005-06 with both preschool students with disabilities and those students without disabilities who are enrolled in the same program, will receive tuition rates based on reported 2005-06 financial data. After application of the nondirect care cost parameter, reported expenditures are reduced by the greater of actual revenues received for students without disabilities or an amount calculated by multiplying the reported FTE enrollment of students without disabilities (not prorated for program hours per day) times the regional day care rate or a proration of the regional day care rate for children ages 3 to 5, as published in 18NYCRR 415.9, applicable to the time period for which the program operated. The total cost screen is then applied to the resulting expenditures to determine the total reimbursable costs for the preschool students with disabilities.
2. Special class programs in an integrated setting that operated initially in 2006-07 will have the tuition rate for 2007-08 established at the 2006-07 rate with no growth applied.
3. Special class programs in an integrated setting seeking initial approval in 2007-08 will have the established 2007-08 reimbursement methodology applied to the submitted budgetary data. Related statistical and historical data for other approved programs operated by a provider or similar

programs operated by other providers may also be used to establish rates for these newly approved programs.

C. Special Education Itinerant Teacher (SEIT) Service Programs

For programs providing SEIT services to preschool students with disabilities as defined in Section 200.16 (h)(3)(ii) of the Regulations, the 2007-08 tuition rates are established using the general rate setting methodology detailed in Section I, with the following additional provisions:

1. Rates for SEIT programs are established as half-hour rates and billing by providers to municipalities must be done in half-hour units of time.
2. SEIT programs that operated in 2005-06, the 2007-08 half-hour rates are calculated by dividing the 2005-06 reimbursable expenditures by the greater of the actual billable units in 2005-06 as reported to RSU or 66 percent of the SEIT teacher's total employment hours multiplied by two. These 2007-08 SEIT rates will be subject to reconciliation.
3. SEIT programs that operated initially in 2006-07 will have the tuition rate for 2007-08 established at the 2007-08 **rates to be published shortly in a separate memorandum**. These 2007-08 SEIT rates will be subject to reconciliation.
4. SEIT programs seeking initial approval in 2007-08 will have their 2007-08 rate established at the SEIT rates **to be published shortly in a separate memorandum**. These 2007-08 SEIT rates will be subject to reconciliation.

D. 1:1 Aide Add-On Rates

The 2007-08 regional weighted average 1:1 aide add-on rates **will be published shortly in a separate memorandum**. These rates will be added to the approved tuition rate(s) of the program in which the student is enrolled. The 2007-08 1:1 aide add-on rates are not subject to reconciliation.

E. Interim Rates

For the 2007-08 school year, interim rates may be issued to approved programs if necessary. These rates are in effect until the prospective 2007-08 rates are calculated and approved. The interim rates are intended to provide cash flow until such time as the 2007-08 prospective tuition rates, using the above methodology, are processed.

F. Preschool Evaluation Rates

The 2007-08 school year Evaluation Rates are listed in Attachment II.

G. Reimbursement for July/August Session Days

This is to remind all providers that consistent with Section 4408 of Education Law, funding for school age programs operated during July and August of 2007 will be based on thirty days of service.

Programs that operate more than thirty days during July and August will only be funded for thirty days and may be subject to total cost screens if they choose to operate longer sessions.

H. BOCES & Public Summer School Age Only Programs

School Age July/August Home Instruction (9022-9024), Related Service with Specialized Instruction (9025) and Specialized Instruction (9029) are now combined with the previous Related Service Only programs under program code 9015 and renamed School Age - Non Special Class. This program will be reimbursed with 1/2 hour rates per unit of service, directly through the STAC (System to Track and Account for Children) system. The 2007-08 regional weighted average School Age - Non Special Class rates are pending. The rates will be published when established and approved. The 2007-08 School Age - Non Special Class rates are not subject to reconciliation.

I. Teacher Certification Funds for 2007-08

Instructions and required forms for applying for these monies are available on the Rate setting Unit Web Site. Please note that related costs and revenues are to be reported in a separate program cost center and not in any rate program cost center. These monies are not to be used to increase base year costs for future rate setting.

Inquiries regarding 2007-08 tuition rates should be directed to the RSU staff accountant who processed the school's 2005-06 financial reports. RSU staff telephone numbers and e-mail addresses are listed on Attachment III. The general office information is listed below:

New York State Education Department
Rate Setting Unit
Albany, New York 12234
Phone: (518) 474-3227
Fax: (518) 486-3606
Website: <http://www.oms.nysed.gov/rsu/home.html>

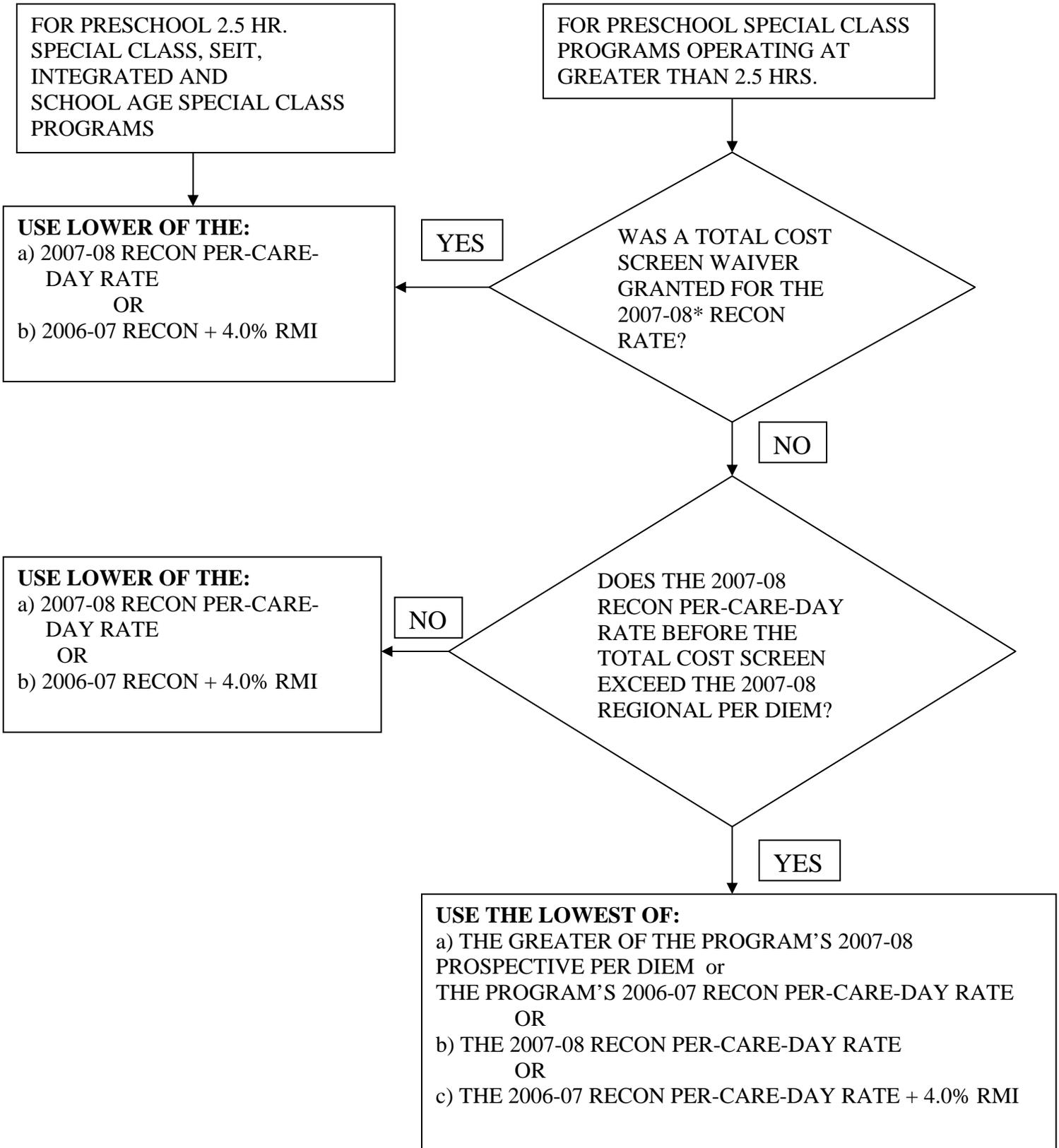
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Enclosures:

- Attachment I: 2007-08 Reconciliation Process

- Attachment II: 2007-08 Rates for Preschool (4410) Evaluations
- Attachment III: Internet and RSU Staff Information

cc: Rebecca Cort
James DeLorenzo
Harold Matott
Theresa E. Savo
Lenton Simms

ATTACHMENT I - 2007-08 RECONCILIATION PROCESS



*-REFER TO SECTION E. 2007-08 RECONCILIATION PROCESS IN SECTION I OF THE MEMO

Attachment II
 Rates for Preschool (4410) Evaluations
 July 1, 2007 - June 30, 2008
 Listing

For the Period
 County Alphabetical

County	Psychological		Social History Evaluation		Physician Evaluation (see note 1)		Non- Physician Evaluation (see note 2)	
	ENGLISH	BILINGUAL	ENGLISH	BILINGUAL	ENGLISH	BILINGUAL	ENGLISH	BILINGUAL
ALBANY	242	314	139	180	180	221	160	201
ALLEGANY	242	316	144	188	180	227	165	201
BRONX	309	403	185	241	232	288	206	258
BROOME	252	331	149	195	191	237	170	211
CATTARAUGUS	242	314	139	180	180	221	160	201
CAYUGA	235	307	141	182	175	216	160	196
CHAUTAUQUA	242	314	139	180	180	221	160	201
CHEMUNG	242	316	144	188	180	227	165	201
CHENANGO	288	373	165	214	211	263	191	237
CLINTON	242	316	144	188	180	227	165	201
COLUMBIA	242	314	139	180	180	221	160	201
CORTLAND	235	307	141	182	175	216	160	196
DELAWARE	288	373	165	214	211	263	191	237
DUTCHESS	273	354	160	207	201	252	180	227
ERIE	242	314	139	180	180	221	160	201
ESSEX	221	289	134	174	170	211	149	185
FRANKLIN	242	316	144	188	180	227	165	201
FULTON	242	314	139	180	180	221	160	201
GENESEE	242	316	144	188	180	227	165	201
GREENE	242	314	139	180	180	221	160	201

Note 1:

The physician evaluation rate must be used for the following type of evaluations: physical examination, psychiatric, neurological, physiatric, orthopedic, optometric and any similar evaluation requiring the services of a licensed medical professional as required by the Committee on Preschool Special Education

Note 2:

The non-physician evaluation rate must be used for the following types of evaluations: audiological, speech and language, physical therapy, occupational therapy, educational evaluation or any other similar evaluation required by the Committee on Preschool Special Education that can be performed by a non-physician appropriately licensed or certified.

Attachment V
Rates for Preschool (4410) Evaluations
July 1, 2007 - June 30, 2008

For the Period
County Alphabetical Listing

County	Psychological		Social History Evaluation		Physician Evaluation (see note 1)		Non-Physician Evaluation (see note 2)	
	ENGLISH	BILINGUAL	ENGLISH	BILINGUAL	ENGLISH	BILINGUAL	ENGLISH	BILINGUAL
HAMILTON	242	316	144	188	180	227	165	201
HERKIMER	232	304	139	180	175	216	155	196
JEFFERSON	232	304	139	180	175	216	155	196
KINGS	309	403	185	241	232	288	206	258
LEWIS	232	304	139	180	175	216	155	196
LIVINGSTON	242	316	139	183	180	221	160	201
MADISON	242	314	144	185	180	227	160	201
MONROE	242	316	139	183	180	221	160	201
MONTGOMERY	242	314	139	180	180	221	160	201
NASSAU	294	381	170	221	216	268	196	242
NEW YORK	309	403	185	241	232	288	206	258
NIAGARA	242	314	139	180	180	221	160	201
ONEIDA	232	304	139	180	175	216	155	196
ONONDAGA	242	314	144	185	180	227	160	201
ONTARIO	242	316	139	183	180	221	160	201
ORANGE	288	373	165	214	211	263	191	237
ORLEANS	242	314	139	180	180	221	160	201
OSWEGO	232	304	139	180	175	216	155	196
OTSEGO	288	373	165	214	211	263	191	237
PUTNAM	273	354	160	207	201	252	180	227
QUEENS	309	403	185	241	232	288	206	258

Note 1:

The physician evaluation rate must be used for the following type of evaluations: physical examination, psychiatric, neurological, physiatric, orthopedic, optometric and any similar evaluation requiring the services of a licensed medical professional as required by the Committee on Preschool Special Education

Note 2:

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Rates for Preschool (4410) Evaluations
July 1, 2007 - June 30, 2008

For the Period
County Alphabetical Listing

County	Psychological		Social History Evaluation		Physician Evaluation (see note 1)		Non- Physician Evaluation (see note 2)	
	ENGLISH	BILINGUAL	ENGLISH	BILINGUAL	ENGLISH	BILINGUAL	ENGLISH	BILINGUAL
RENSSELAER	242	314	139	180	180	221	160	201
RICHMOND	309	403	185	241	232	288	206	258
ROCKLAND	294	381	170	221	216	273	196	242
SARATOGA	242	314	139	180	180	221	160	201
SCHENECTADY	242	314	139	180	180	221	160	201
SCHOHARIE	242	314	139	180	180	221	160	201
SCHUYLER	242	316	144	188	180	227	165	201
SENECA	235	307	141	182	175	216	160	196
STEUBEN	242	316	144	188	180	227	165	201
ST. LAWRENCE	242	316	144	188	180	227	165	201
SUFFOLK	294	381	170	221	216	268	196	242
SULLIVAN	288	373	165	214	211	263	191	237
TIOGA	252	331	149	195	191	237	170	211
TOMPKINS	235	307	141	182	175	216	160	196
ULSTER	288	373	165	214	211	263	191	237
WARREN	221	289	134	174	170	211	149	185
WASHINGTON	221	289	134	174	170	211	149	185
WAYNE	242	316	139	183	180	221	160	201
WESTCHESTER	294	381	170	221	216	273	196	242
WYOMING	242	316	144	188	180	227	165	201
YATES	235	307	141	182	175	216	160	196

Note 1:

The physician evaluation rate must be used for the following type of evaluations: physical examination, psychiatric, neurological, physiatric, orthopedic, optometric and any similar evaluation requiring the services of a licensed medical professional as required by the Committee on Preschool Special Education

Note 2:

The non-physician evaluation rate must be used for the following types of evaluations: audiological, speech and language, physical therapy, occupational therapy, educational evaluation or any other similar evaluation required by the Committee on Preschool Special Education that can be performed by a non-physician appropriately licensed or certified

**Attachment III
Rate Setting Unit
2007-2008
Staff Listing**

Staff Name:	Phone Number	E-Mail Address
Avery, Nicolette	(518) 486-4950	navery@mail.nysed.gov
Beaudet, Jean	(518) 486-2683	jbeaudet@mail.nysed.gov
Burke, Christine	(518) 474-3720	cburke2@mail.nysed.gov
Clarke, Roger	(518) 486-2925	rclarke@mail.nysed.gov
Classen, Mary Lou	(518) 486-2907	mclassen@mail.nysed.gov
Fargione, Meg	(518) 486-6816	mfargion@mail.nysed.gov
Galto, Nora	(518) 486-2904	ngalto@mail.nysed.gov
Gibson, Margaret	(518) 486-2910	mgibson@mail.nysed.gov
Goutos, Nellie	(518) 486-2688	ngoutos@mail.nysed.gov
Hamel, Thomas	(518) 486-2991	thamel@mail.nysed.gov
LaPan, Peter	(518) 486-2905	plapan@mail.nysed.gov
Mackey, John	(518) 486-2646	jmackey@mail.nysed.gov
Marsh, Ann	(518) 473-2020	amarsh@mail.nysed.gov
McMahon, Jill	(518) 486-2901	jmcmahon@mail.nysed.gov
Meissner, Jeff	(518) 474-3717	wmeissne@mail.nysed.gov
Messac, Paula	(518) 474-1363	pmessac@mail.nysed.gov
Montini, Marco	(518) 473-7674	mmontini@mail.nysed.gov
Rhodes, Linda	(518) 486-3681	lrhodes@mail.nysed.gov
Sprintz, Marsha	(518) 486-2977	msprintz@mail.nysed.gov
Stroyen, Joyce	(518) 486-2680	jstroyen@mail.nysed.gov
Zawistowski, Brian	(518) 486-4935	bzawisto@mail.nysed.gov