



Rate Setting Unit
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To: District Superintendents, Superintendents and Executive Directors of Approved Programs Serving Students with Disabilities, School District and County Officials

From: Brian Zawistowski

Subject: Tuition Rates For Special Education Providers

Date: September 14, 2020

This memorandum is issued to communicate the State Education Department's (SED) policy regarding tuition rates to be used by preschool and school age special education providers. Per section 4405 (6) of New York State Education law "Tuition and maintenance rates established pursuant to this section, once certified by the director of the budget, shall be used in all contracts for the provision of programs and services for which such rates were established..."

Please be advised that, when a tuition rate is certified and issued by the SED, the rate becomes the effective rate to be used for billing by providers and payment and claiming by municipalities. This includes all tuition rate types that are issued by SED for a given school year for a provider (Interim, Prospective, Reconciliation, Appeal, or Audit rates). Thus, if a tuition rate that is initially issued to a provider for a given school year is superseded by an amended tuition rate issued by SED to a provider for the same school year, the amended tuition rate becomes the effective tuition rate to be used for billing purposes, and any adjustment due to/from provider over the previous tuition rate must be remitted. As an example, if an interim tuition rate was issued by SED to a provider for the 2019-20 school year, and the rate was superseded by a 2019-20 prospective tuition rate issued by SED, the 2019-20 prospective tuition rate becomes the effective rate, and any adjustment due to/from provider over the previous tuition rate must be remitted.

Regarding tuition rates for the 2020-21 school year, at this time SED has not issued a tuition rate methodology for special education providers. In order to provide cash flow for providers until such time that a tuition methodology is issued, SED has issued interim tuition rates for the 2020-21 school year for providers that qualified (must have submitted complete 2018-19 financial reports to SED). The 2020-21 interim tuition rates are published on the Rate Setting Unit's website at http://www.oms.nysed.gov/rsu/Rates_Methodology/Rates/home.html. The 2020-21 interim tuition rates are to be used for billing by providers and payment by municipalities.

If you have any questions or concerns, please contact me at Brian.Zawistowski@nysed.gov or your assigned SED Rate Setting Unit accountant or supervisor http://www.oms.nysed.gov/rsu/Contact_Us/employees.html.