

NYSED GUIDANCE for CONTRACTS FOR HEALTH AND WELFARE SERVICES AS PROSCRIBED IN EL 912

Education Law 912 requires each of the school districts in New York State to provide resident students who attend nonpublic schools with all of the same health and welfare services available to students who attend the public schools of the district. The administrators of nonpublic schools must request these services of the local school district, the services which may include, but are not limited to, all of the services performed by a physician, dentist, dental hygienist, school nurse, school psychologist, school social worker and speech language pathologist. The services also may include dental prophylaxis; vision, hearing and scoliosis screening tests; recording health histories; physical examinations and in-school immunization; maintaining cumulative health records; and administering emergency care programs for ill or injured students. These services must be provided by the school district in which the nonpublic school is located.

In NYC health services are to be provided by the following agency and, again, students who attend nonpublic schools are entitled to the same health and welfare services as students who attend public schools: (New York City - Office of School Health, New York City Department of Education)

When health and welfare services are requested by a nonpublic school, the board of education or city or county department of health is obligated to provide services equivalent to those provided to public school students in the district in which the nonpublic school is located.

“§ 912. Health and welfare services to all children. The voters and/or Trustees or board of education of every school district shall, upon request of the authorities of a school other than public, provide resident children who attend such school with any or all of the health and welfare services and facilities which are made available by such voters and/or trustees or board of education to or for children attending the public schools of the district. Such services may include, but are not limited to all services performed by a physician, physician assistant, dentist, dental hygienist, registered professional nurse, nurse practitioner, school psychologist, school social worker or school speech therapist, and may also include dental prophylaxis, vision and hearing screening examinations, the taking of medical histories and the administration of health screening tests, the maintenance of cumulative health records and the administration of emergency care programs for ill

or injured students. Any such services or facilities shall be so provided notwithstanding any provision of any charter or other provision of law inconsistent herewith. Where children residing in one school district attend a school other than public located in another school district, the school authorities of the district of residence shall contract with the school authorities of the district where such nonpublic school is located, for the provision of such health and welfare services and facilities to such children by the school district where such nonpublic school is located, for a consideration to be agreed upon between the school authorities of such districts, subject to the approval of the qualified voters of the district of residence when required under the provisions of this chapter. Every such contract shall be in writing and in the form prescribed by the commissioner, and before such contract is executed the same shall be submitted for approval to the superintendent of schools having jurisdiction over such district of residence and such contract shall not become effective until approved by such superintendent.”

In cases where students attending a nonpublic school actually live in another public school district, the two public school districts must enter into a written contract governing the services to be provided and the reimbursement for such services.

Calculating Expense per Student

In calculating the expense per pupil, districts should follow the method outlined in Commissioners Decision No. 13,755 (April 4, 1997):

The commissioner’s decision on this is as follows:

In Matter of Board of Education of the City School District of the City of Long Beach (supra), the following rule was established:

Under these circumstances, it is my opinion that a proper charge to the sending district for each pupil would be the total cost of all health services, excluding of course health instructional services, divided by the total number of pupils so covered. This amount will represent the average cost per pupil attending school in the appellant's district. No school district should be allowed to profit in any manner

from health services rendered to children from neighboring districts by charging therefor at a rate in excess of the cost of providing the same for its own pupils

Health and Welfare Services
(SAMPLE)

The following information is the basis for the District providing Health and Welfare services in computing charges back to the district of where the student is a resident but attends a Parochial or Private School located within the Providing School District (pursuant to NYS Education Law Section 912).

| | |
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| School Physician (contractual) | 5,000 |
| School Registered Nurses' salaries | 80,884 |
| Fringe benefits | 50,951 |
| School Social Workers' salaries | 166,314 |
| Fringe benefits | 50,118 |
| Speech Teacher' salary | 110,627 |
| Fringe benefits | <u>28,135</u> |
| | |
| Total | \$492,029 |

Public School Fall 2013 BEDS Enrollment: 1000

Private School Enrollment (located in the district, as of same date): 500

Computation of per pupil cost: $\$492,029 / 1500 = \mathbf{\$328.02}$

Assuming there were 10 students being billed by district B to district A, the cost would be \$3,280.20 (10 x \$328.02).

NOTE:

Per the guidance set forth in April 1984 the above sample charges are not all inclusive some additional items to consider is clerical staff (including fringe benefits), supplies, equipment, incidental expenses(travel, maintenance of equipment, etc. as well as other medical approved professional services.