§ 4001. Definitions. As used in this article, the following terms shall be defined as follows:

1. "Authorized agency" shall have the meaning defined in section three hundred seventy-one of the social services law.

2. "Child care institution" shall mean any facility serving thirteen or more children licensed by the department of social services pursuant to title one of article seven of the social services law operated by an authorized agency, or a residential treatment facility for children and youth, whether or not such residential treatment facility is operated by an authorized agency, except that Blythedale Children's Hospital shall be a child care institution. This definition shall not include any facility operated by a state agency or department other than the office of mental health. It shall not include group homes or urban homes operated by or contracted for by the division for youth.

3. "County" shall mean the county executive, or if there is none, the chairman of the county legislative body of the county which is responsible for a child in a child care institution or a private school, except within the city of New York, in which case county shall mean the mayor of said city.

4. "Child with a handicapping condition" shall mean a person between the ages of five and twenty-one who has been identified through appropriate evaluation and assessment as having a disability arising from cognitive, emotional or physical factors, or any combination thereof, which interferes with the child's ability to benefit from regular education.

5. "Maintenance" shall mean the amount charged for room and board, residential care and medical expenses, including those expenses reimbursable pursuant to title nineteen of the federal social security act, defined in accordance with the regulations of the commissioner of social services for a child care institution pursuant to section three hundred ninety-eight-a of the social services law. Maintenance shall not include expenses which are otherwise reimbursable to a residential

facility by a federal, state or local agency, shall be approved by the state commissioner of social services and the director of the budget and shall not be otherwise payable or reimbursable.

6. "Public agency" shall mean the family court, the division for youth or the local social services district.

7. "Residential treatment facility for children and youth" shall have the meaning defined in section 1.03 of the mental hygiene law. Such facilities may be operated by an authorized agency, subject to the regulation of the office of mental health.

8. "Special act school district" shall mean those school districts enumerated in chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven as amended.

9. "Tuition" shall mean the per pupil cost of all instructional services, supplies and equipment, and the operation of instructional facilities as determined by the commissioner. Approved tuition shall be computed from expenditures for which no revenue has been received from the following sources:

a. Receipts from the federal government;

b. Any cash receipts which reduce the cost of an item applied against the item therefor, except gifts, donations and earned interest; and

c. Any refunds made or any apportionment or payment received from the state for experimental or special programs as approved by the commissioner.

10. "School district of origin" shall mean the public school district of which a child was or is a resident at the time of such child's placement in the care and custody of a public agency.

11. "School district of residence" shall mean the public school district in which the child was or is living at the time a public agency

is considering placement of the child in a child care institution, or at the time a child is placed with the division for youth.

12. "Written recommendation" shall mean the information required to be provided by a school district to a public agency pursuant to section forty hundred five of this article, which shall be developed as specified by the regulations of the commissioner.