§ 4006. Notification procedures for determination of residence. 1. Within thirty days of the placement of a child, determined to be handicapped pursuant to subdivision one of section forty hundred five of this article, in a child care institution, the local social services commissioner, the division for youth or the operator of a residential treatment facility for children and youth which is not operated by an authorized agency shall notify the board of education of the school district of origin and the state commissioner of social services. Such notification shall include the name of the child and the residence of the child at the time of entrance to care. The commissioner shall promulgate regulations, in consultation with the commissioner of social services, the commissioner of mental health and the director of the division for youth, to implement this subdivision.

2. A board of education of a school district which receives notification that a child has been placed in a child care institution for the purposes of this section may deny financial responsibility for such child by written notice, within twenty days of notification pursuant to subdivision one of this section, to the commissioner and the public agency placing the child.

3. The division for youth or the social services district placing such child may appeal such denial of responsibility to the commissioner. If the commissioner finds that the child was not a resident of the school district that was notified that the child was a resident, the commissioner shall request the division for youth or social services commissioner to ascertain the correct school district and notify such school district pursuant to subdivision one of this section. If the commissioner finds that a child has no residence in this state, he shall determine that there is no school district contribution for such child.

4. Any final determination or order of the commissioner concerning residence or placement of any child under this section may only be reviewed in a proceeding brought in the supreme court pursuant to article seventy-eight of the civil practice law and rules. In any such proceeding under such article seventy-eight, the court may grant any relief authorized by the provisions of section seventy-eight hundred six

of such law and rules and may also, in its discretion, remand the proceedings to the commissioner. A local social services commissioner or the division for youth is a proper party in any such appeal or proceeding.