INSIDE THIS ISSUE:

- Teacher Certification in Career and Technical Education
- Community School Grants
- Superintendent Determination as to Academic Proficiency for Certain Students with Disabilities to Graduate with a Local Diploma

Notice of Availability of State and Federal Funds

State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the Register of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which full text was included in the Notice or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); or for a minimum of 60 days following publication in the Register of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and for 30 days after publication of a Notice of Revised Rule Making in the Register. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 60-day period expires on January 1, 2017
- the 45-day period expires on December 17, 2016
- the 30-day period expires on December 2, 2016
ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

NEW YORK STATE DEPARTMENT OF STATE

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(518) 474-0050

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E-mail: adminrules@dos.ny.gov

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E-mail: dos.dl.inetcounsel@dos.ny.gov

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Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online Register (www.dos.ny.gov) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments must reach the agency before the proposed rule is adopted. The law provides for a minimum 45-day public comment period after publication in the Register of every Notice of Proposed Rule Making for which full text was included or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); a minimum 60-day public comment period after publication in the Register of a Notice of Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after public comments are due.

The Administrative Regulations Review Commission (ARRC) is charged with the task of reviewing newly proposed regulations to examine the issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission
State Capitol
Albany, NY 12247
Telephone: (518) 455-5091 or 455-2731

Each paid subscription to the New York State Register includes one weekly issue for a full year and four “Quarterly Index” issues. The Quarterly is a cumulative list of actions that shows the status of every rule making action in progress or initiated within a calendar year.

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NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
Telephone: (518) 474-6957
Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the Register and follow the procedures on the website (www.dos.ny.gov).

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RULE MAKING ACTIVITIES

Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

AAM - the abbreviation to identify the adopting agency
01 - the State Register issue number
96 - the year
00001 - the Department of State number, assigned upon receipt of notice.
E - Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

Office of Alcoholism and Substance Abuse Services

NOTICE OF WITHDRAWAL

Repeal Parts 309, 369, 829, 1000, 1034, 1050, 1070 and 1072 of Title 14 NYCRR

I.D. No. ASA-34-16-00001-W

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Notice of proposed rule making, I.D. No. ASA-34-16-00001-P, has been withdrawn from consideration. The notice of proposed rule making was published in the State Register on August 24, 2016.

Subject: Repeal Parts 309, 369, 829, 1000, 1034, 1050, 1070 and 1072 of Title 14 NYCRR.

Reason(s) for withdrawal of the proposed rule: Comments received.

Department of Civil Service

PROPOSED RULE MAKING

Jurisdictional Classification

I.D. No. CVS-44-16-00002-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading “Gaming Commission,” by adding thereto the position of Assistant Public Information Officer.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

PROPOSED RULE MAKING

Jurisdictional Classification

I.D. No. CVS-44-16-00002-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Audit and Control, by increasing the number of positions of Special Assistant from 7 to 8.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov
PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Jurisdictional Classification
I.D. No. CVS-44-16-00003-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Corrections and Community Supervision, by increasing the number of positions of Assistant Commissioner from 14 to 15; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Corrections and Community Supervision, by decreasing the number of positions of Supervising Regional Director from 2 to 1.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement
A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis
A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Rural Area Flexibility Analysis
A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement
A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Jurisdictional Classification
I.D. No. CVS-44-16-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Family Assistance under the subheading “Office of Temporary and Disability Assistance,” by deleting therefrom the position of øChief, Bureau of Program Development (1) and by increasing the number of positions of øSupervising Regional Director from 2 to 1.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement
A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis
A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Rural Area Flexibility Analysis
A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement
A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.
PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Jurisdictional Classification
I.D. No. CVS-44-16-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To clarify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading “Commission of Correction,” by adding thereto the position of Secretary.

Data, views or arguments may be submitted to: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement
A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis
A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Rural Area Flexibility Analysis
A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement
A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Jurisdictional Classification
I.D. No. CVS-44-16-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Mental Hygiene under the subheading “Office of Mental Health,” by increasing the number of positions of oMental Health Program Manager 1 from 11 to 12.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement
A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis
A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Rural Area Flexibility Analysis
A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement
A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.
Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement
A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis
A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Rural Area Flexibility Analysis
A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement
A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Jurisdictional Classification
I.D. No. CVS-44-16-00009-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Health, by adding thereto the positions of Regional Representative Health Plan Marketplace (4).

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Addition of section 7001.1(e) to Title 9 NYCRR.

Statutory authority: Correction Law, section 45(6) and (15)

Subject: Annual report of pregnant inmate restraint.

Purpose: To prescribe a form and manner for local correctional facilities to submit a statutorily required annual report.

Text of proposed rule: A new subdivision (e) of section 7001.1 of Title 9 is added to read as follows:

(e) On or before the first day of February of each year, each sheriff, superintendent, commissioner, or other officer in charge of a local correctional facility shall submit a report to the Commission of Correction ("the Commission") detailing every use of restraints on a woman, reportable under section 611 of the Correction Law, which occurred during the preceding calendar year. Such report shall be submitted in a form and manner prescribed by the Chairperson of the Commission, and shall minimally include, for each individual use of restraints, the following:

(1) The full name of the restrained woman;
(2) The restrained woman's date of birth;
(3) The date and time the restraint was applied;
(4) The date and time the restraint was removed;
(5) A description of the type(s) of restraint(s) used;
(6) The intended transport destination;
(7) The name and rank of the official or officer who authorized the restraint; and
(8) A description of the facts and reasons justifying the use of restraints.

Text of proposed rule and any required statements and analyses may be obtained from: Deborah Slack-Bean, Senior Attorney, New York State Commission of Correction, Alfred E. Smith State Office Building, 80 S. Swan Street, 12th Floor, Albany, New York 12210, (518) 485-2346, email: Deborah.Slack-Bean@scoc.ny.gov

Data, views or arguments may be submitted to:

Deborah Slack-Bean, Senior Attorney, New York State Commission of Correction, Alfred E. Smith State Office Building, 80 S. Swan Street, 12th Floor, Albany, New York 12210, (518) 485-2346, email: Deborah.Slack-Bean@scoc.ny.gov

PUBLIC HEARING(S) SCHEDULED

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Subject: Annual report of pregnant inmate restraint.

Purpose: To prescribe a form and manner for local correctional facilities to submit a statutorily required annual report.

Text of proposed rule: A new subdivision (e) of section 7001.1(e) of Title 9 NYCRR.

Statutory authority: Correction Law, section 45(6) and (15)

Subject: Annual report of pregnant inmate restraint.

Purpose: To prescribe a form and manner for local correctional facilities to submit a statutorily required annual report.

Text of proposed rule: A new subdivision (e) of section 7001.1 of Title 9 is added to read as follows:

(e) On or before the first day of February of each year, each sheriff, superintendent, commissioner, or other officer in charge of a local correctional facility shall submit a report to the Commission of Correction ("the Commission") detailing every use of restraints on a woman, reportable under section 611 of the Correction Law, which occurred during the preceding calendar year. Such report shall be submitted in a form and manner prescribed by the Chairperson of the Commission, and shall minimally include, for each individual use of restraints, the following:

(1) The full name of the restrained woman;
(2) The restrained woman's date of birth;
(3) The date and time the restraint was applied;
(4) The date and time the restraint was removed;
(5) A description of the type(s) of restraint(s) used;
(6) The intended transport destination;
(7) The name and rank of the official or officer who authorized the restraint; and
(8) A description of the facts and reasons justifying the use of restraints.

Text of proposed rule and any required statements and analyses may be obtained from: Deborah Slack-Bean, Senior Attorney, New York State Commission of Correction, Alfred E. Smith State Office Building, 80 S. Swan Street, 12th Floor, Albany, New York 12210, (518) 485-2346, email: Deborah.Slack-Bean@scoc.ny.gov

Data, views or arguments may be submitted to:

Deborah Slack-Bean, Senior Attorney, New York State Commission of Correction, Alfred E. Smith State Office Building, 80 S. Swan Street, 12th Floor, Albany, New York 12210, (518) 485-2346, email: Deborah.Slack-Bean@scoc.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement
A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis
A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Rural Area Flexibility Analysis
A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement
A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.
every use of restraint on a woman, as governed by the statute. The Commission is thereafter required to include such reported information in its annual report, while excluding identifying information. The proposed regulatory addition is necessary to provide local correctional facilities a form and deadline for the annual report to the Commission.

4. Costs:
   a. Costs to regulated parties for the implementation of and continuing compliance with the rule: Minimal. While the incarceration of a pregnant female inmate is a relatively infrequent occurrence in local correctional facilities, “extraordinary circumstances” necessitating the restraint of such inmates during transport is foreseen to be scarce. Should such a restraint be necessary, Correction Law section 611(1)(e) now requires local correctional facilities to document details and facts upon which the finding of extraordinary circumstances was based, and thereafter provide the Commission an annual report of all such determinations. Consequently, compliance with the proposed rule would result only in minimal costs associated with local correctional facility staff’s annual compilation of restraint records, if any, into an annual report to the Commission.
   b. Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. The regulation does not apply to state agencies or governmental bodies. As set forth above in subdivision (a), any additional costs to local governments would be minimal.
   c. Federal funds: There are no applicable minimum standards of the federal government.

5. Local government mandates:
   As originally required by Correction Law § 611(1)(e), the proposed regulation directs each local correctional facility to submit an annual report to the Commission detailing every use of restraint on a woman, as governed by the statute.

6. Paperwork:
   As set forth above, Correction Law section 611(1)(e) now requires local correctional facilities to document details and facts upon which a finding of extraordinary circumstances, necessary to restrain a pregnant inmate, were based, and thereafter provide the Commission an annual report of all such determinations. Consequently, compliance with the proposed rule would require each local correctional facility to annually compile such restraint records, if any, into an annual report to the Commission.

7. Duplication:
   The rule does not duplicate any existing State or Federal requirement.
   a. Cost to the regulated parties: Minimal. While the incarceration of a pregnant female inmate is a relatively infrequent occurrence in local correctional facilities, “extraordinary circumstances” necessitating the restraint of such inmates during transport is foreseen to be scarce. Should such a restraint be necessary, Correction Law section 611(1)(e) now requires local correctional facilities to document details and facts upon which the finding of extraordinary circumstances was based, and thereafter provide the Commission an annual report of all such determinations. Consequently, compliance with the proposed rule would result only in minimal costs associated with local correctional facility staff’s annual compilation of restraint records, if any, into an annual report to the Commission.
   b. Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. The regulation does not apply to state agencies or governmental bodies. As set forth above in subdivision (a), any additional costs to local governments would be minimal.
   c. Federal funds: There are no applicable minimum standards of the federal government.

8. Alternatives:
   The alternative, not providing a form and deadline for a statutorily-required annual report, was dismissed by the Commission due to foreseen delays in receiving comprehensive local correctional facility reports, thus delaying the Commission’s annual report.

9. Federal standards:
   There are no applicable minimum standards of the federal government.

10. Compliance schedule:
   Each local correctional facility is expected to be able to achieve compliance with the proposed rule immediately upon its Notice of Adoption.

Regulatory Flexibility Analysis
A regulatory flexibility analysis is not required pursuant to subdivision three of section 202-b of the State Administrative Procedure Act because the rule does not impose an adverse economic impact on small businesses or local governments. The proposed rule seeks only to prescribe a form and manner for local correctional facilities to submit a statutorily required annual report regarding the restraint of pregnant inmates. Accordingly, it will not have an adverse impact on small businesses or local governments, nor impose any additional significant reporting, record keeping, or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis
A rural area flexibility analysis is not required pursuant to subdivision four of section 202-bb of the State Administrative Procedure Act because the rule does not impose an adverse impact on rural areas. The proposed rule seeks only to prescribe a form and manner for local correctional facilities to submit a statutorily required annual report regarding the restraint of pregnant inmates. Accordingly, it will not impose an adverse economic impact on rural areas, nor impose any additional significant record keeping, reporting, or other compliance requirements on private or public entities in rural areas.

Job Impact Statement
A job impact statement is not required pursuant to subdivision two of section 201-a of the State Administrative Procedure Act because the rule will not have a substantial adverse impact on jobs and employment opportunities, as apparent from its nature and purpose. The proposed rule seeks only to prescribe a form and manner for local correctional facilities to submit a statutorily required annual report regarding the restraint of pregnant inmates. As such, there will be no impact on jobs and employment opportunities.

Education Department

EMERGENCY RULE MAKING

Teacher Certification in Career and Technical Education

L.D. No. EDU-26-16-00016-E
Filing No. 962
Filing Date: 2016-10-18
Effective Date: 2016-11-12

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 80-3.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207(not subdivided), 305(1), (2), 3001(2), 3004(1), 3006(1) and 3009

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: The proposed amendment to section 80-3.5 is necessary to provide additional pathway options for a Transitional A certification in the CTE subjects for candidates who meet the requirements in one of the following pathway options: certifies staff, if any, into an annual report to the Commission.

Education Law, sections 207(not subdivided), 305(1), (2), 3001(2), 3004(1), 3006(1) and 3009

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: The proposed amendment to section 80-3.5 is necessary to provide additional pathway options for a Transitional A certification in the CTE subjects for candidates who meet the requirements in one of the following pathway options: certifies staff, if any, into an annual report to the Commission.

Education Law, sections 207(not subdivided), 305(1), (2), 3001(2), 3004(1), 3006(1) and 3009
Rule Making Activities

be taught or in a closely related subject area acceptable to the department. The candidate shall meet the requirements in each of the following subparagraphs:

(i) Education. The candidate shall complete at least two clock hours of course work or training regarding the identification and reporting of child abuse or maltreatment, in accordance with requirements of section 3004 of the Education Law. In addition, the candidate shall complete at least two clock hours of coursework or training in school violence prevention and intervention, as required by section 3004 of the Education Law, which is provided by a provider, approved or deemed approved by the department pursuant to Subpart 57-2 of this Title. A candidate who applies for the certificate shall also complete at least six clock hours, of which at least three hours must be conducted through face-to-face instruction, of coursework or training in harassment, bullying and discrimination prevention and intervention, as required by section 14 of the Education Law.

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination content specialty test(s) in the area of the certificate.

(iii) Industry Related Credential or Industry Accepted Examination. The candidate shall either:

(a) hold an industry related credential in the certificate area taught or in a closely related subject area acceptable to the department; or

(b) receive a passing score on an industry accepted career and technical education examination that demonstrates mastery in the career and technical education subject for which a certificate is sought or a closely related area as approved by the department through a request for qualifications process.

(iv) Experience. The candidate shall have at least two years of satisfactory work experience in the career and technical education subject for which a certificate is sought or a closely related subject area, as determined by the Commissioner.

(v) Employment and support commitment. The candidate shall submit evidence of having a commitment for three years of employment as a teacher in grades 7 through 12 in a public or nonpublic school or BOCES, which shall include a mentored experience for the first year that will consist of daily supervision by an experienced teacher during the first 20 days of teaching, except that such mentoring shall not be required if the candidate has two years of satisfactory employment as a teacher of students in grades 7 through 12 in a public or nonpublic school or BOCES.

(6) Option H: The requirements of this paragraph are applicable to candidates who seek an initial certificate and who are enrolled in an approved career and technical education program registered pursuant to section 52.21 of this Title, or its equivalent in the certificate area to be taught or in a closely related subject area acceptable to the department; and have either at least one year of satisfactory experience in the career and technical education area to be taught or in a closely related area as approved by the department, and have a passing score on an industry accepted career and technical examination that demonstrates mastery in the career and technical education subject for which a certificate is sought or a closely related area as approved by the department through a request for qualifications process. The candidate shall meet the requirements in each of the following subparagraphs:

(i) Education. The candidate shall complete at least two clock hours of course work or training regarding the identification and reporting of child abuse or maltreatment, in accordance with requirements of section 3004 of the Education Law. In addition, the candidate shall complete at least two clock hours of coursework or training in school violence prevention and intervention, as required by section 3004 of the Education Law, which is provided by a provider, approved or deemed approved by the department pursuant to Subpart 57-2 of this Title. A candidate who applies for the certificate shall also complete at least six clock hours, of which at least three hours must be conducted through face-to-face instruction, of coursework or training in harassment, bullying and discrimination prevention and intervention, as required by section 14 of the Education Law.

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination content specialty test(s) in the area of the certificate.

(iii) Experience and/or Examination. The candidate shall either:

(a) have at least one year of satisfactory work experience in the career and technical education subject for which a certificate is sought or a closely related area, as determined by the Commissioner; or

(b) receive a passing score on an industry accepted career and technical education examination that demonstrates mastery in the career and technical education subject for which a certificate is sought or a closely related area as approved by the department through a request for qualifications process.

(iv) Employment and support commitment. The candidate shall submit evidence of having a commitment for three years of employment as a teacher in grades 7 through 12 in a public or nonpublic school or BOCES, which shall include a mentored experience for the first year that will consist of daily supervision by an experienced teacher during the first 20 days of teaching, except that such mentoring shall not be required if the candidate has two years of satisfactory employment as a teacher of students in grades 7 through 12 in a public or nonpublic school or BOCES.

(7) Option I: The requirements of this paragraph are applicable to candidates who seek an initial certificate and are currently certified as a teacher in grades 7-12 in any subject area acceptable to the department, and who either:

(a) hold an industry related credential in the career and technical education subject to be taught or in a closely related subject area as approved by the department or have two years of satisfactory experience in the certificate area sought or a closely related subject area, as determined by the Commissioner. The candidate shall meet the requirements in each of the following subparagraphs:

(i) Education. The candidate shall complete at least two clock hours of course work or training regarding the identification and reporting of child abuse or maltreatment, in accordance with requirements of section 3004 of the Education Law. In addition, the candidate shall complete at least two clock hours of coursework or training in school violence prevention and intervention, as required by section 3004 of the Education Law, which is provided by a provider, approved or deemed approved by the department pursuant to Subpart 57-2 of this Title. A candidate who applies for the certificate shall also complete at least six clock hours, of which at least three hours must be conducted through face-to-face instruction, of coursework or training in harassment, bullying and discrimination prevention and intervention, as required by section 14 of the Education Law.

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination content specialty test(s) in the area of the certificate.

(iii) Certification. The candidate shall hold certification as a teacher in grades 7-12 in any subject area as approved by the department pursuant to Part 80 of this Title that is acceptable to the department.

(iv) Experience or Industry Related Credential. The candidate shall either:

(a) hold an industry related credential in the certificate area sought or in a closely related area, as determined by the Department; or

(b) have at least two years of documented and satisfactory work experience in the career and technical education subject for which a certificate is sought, or a related area, as determined by the Commissioner.

(v) Employment and support commitment. The candidate shall submit evidence of having a commitment for three years of employment as a teacher in grades 7 through 12 in a public or nonpublic school or BOCES, which shall include a mentored experience for the first year that will consist of daily supervision by an experienced teacher during the first 20 days of teaching, except that such mentoring shall not be required if the candidate has two years of satisfactory employment as a teacher of students in grades 7 through 12 in a public or nonpublic school or BOCES.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-2016-00016, and a temporary rule, having previously published in the State Register on June 29, 2016. The emergency rule will expire December 16, 2016. Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, New York State Education Department, 89 Washington Avenue, Room 148, Albany, NY 12234, (518) 474-8966, email: legal@nysed.gov

Regulatory Impact Statement

Since publication of a Notice of Proposed Rule Making in the State Register on June 29, 2016, the following substantial revisions were made to the proposed rule:

Section 80-3.5(b)(5)(v) was amended to clarify that mentoring shall not be required if the candidate has two years of satisfactory employment as a teacher of students in grades 7 through 12 in 12 (not grades 5 through 12) in a public or nonpublic school or BOCES.

Section 80-3.5(b)(6)(iv) was amended to clarify that mentoring shall not be required if the candidate has two years of satisfactory employment as a teacher of students in grades 7 through 12 (not grades 5 through 12) in a public or nonpublic school or BOCES.

Section 80-3.5(b)(7) was amended to clarify that mentoring shall not be required if the candidate has two years of satisfactory employment as a
The above revisions to the proposed rule require revisions to the Needs and Benefits section of the previously published Regulatory Flexibility Analysis. The proposed amendments create three new pathway options to address immediate shortage areas for candidates who meet one of the following requirements:

1. Option G. Have a minimum of two years of work experience in the CTE subject area of the certificate sought and hold an industry-related credential, where available, or pass an industry accepted examination as approved by the Department and have an employment and support commitment.

2. Option H. Are enrolled in an approved CTE teacher preparation program and have either a minimum of one year of related work experience and/or take and pass an industry accepted examination and have an employment and support commitment.

3. Option I. Are currently certified 7-12 grade teachers in any subject area with two years of documented work experience or who hold industry-recognized credentials, where available, in the related CTE area and have an employment and support commitment.

The above revisions to the proposed rule require revisions to the Needs and Benefits section of the previously published Regulatory Flexibility Analysis as follows:

1. Effect of Rule

The proposed amendment creates three new pathway options to address immediate shortage areas for candidates who meet one of the following requirements:

- Option G. Have a minimum of two years of work experience in the CTE subject area of the certificate sought and hold an industry-related credential, where available, or pass an industry accepted examination as approved by the Department and have an employment and support commitment.

- Option H. Are enrolled in an approved CTE teacher preparation program and have either a minimum of one year of related work experience and/or take and pass an industry accepted examination and have an employment and support commitment.

- Option I. Are currently certified 7-12 grade teachers in any subject area with two years of documented work experience or who hold industry-recognized credentials, where available, in the related CTE area and have an employment and support commitment.
Rule Making Activities

NYS Register/November 2, 2016

at its September 2016 meeting. Candidates may be eligible for a Transi-
tional A certificate if they hold a full private career school teacher license
issued by the Department's Bureau of Proprietary School Supervision
(BPSS) and have taught under that license for two years in a New York
State licensed private career school and meet certain other requirements.
Currently, pursuant to Section 205.26 of Regulations, there are three license
levels (permit, provisional and full license) for teachers licensed by BPSS.
To apply for a permit, provisional or full license, candidates must complete an application and provide BPSS with
all necessary documentation verifying receipt of the candidate's highest recognized credentials, where available, in the related CTE area and have
an employment and support commitment.
The proposed amendment provides additional opportunities and flex-
ibility for individuals with specific technical and career experience to
obtain a Transitional A teaching certificate in their area of expertise, or a
related area, thus allowing them to teach CTE subjects at the secondary
school level. This will help to increase the supply of qualified, certified
teachers in the career and technical education field in order to satisfy the
increasing demand for those teachers.

Rural Area Flexibility Analysis

The above revisions to the proposed rule require that the Reporting,
Recordkeeping, and Other Compliance Requirements and Professional
Services published Rural Area Flexibility Analysis be revised as follows:

1. RECORDKEEPING, AND OTHER COMPLIANCE
REQUIREMENTS, AND PROFESSIONAL SERVICES:

Over the past several years, the Board of Regents has discussed the expansion of career and technical education (CTE) programs in school
districts and BOCES generally and of integrated credit allowance which
will in turn create a greater demand for teachers certified in CTE titles. At
its November 2015 meeting, the Board of Regents was presented with recommendations that would support existing and anticipated demand for
teachers certified in CTE titles.

Currently, a Transitional A certificate in a specific CTE subject is is-
sued to permit the employment of an individual in a specific CTE educa-
tion title who does not meet the requirements for an initial certificate, but
who possesses the requisite occupational experience. This certificate is
valid for three years, and the candidate would complete the additional
requirements for an initial certificate during the three years.

The three options available for a Transitional A certificate prior to the
May 2016 Board of Regents meeting were:

Option A. Candidates who possess an associate's degree (or its equiva-
 lent) in the career and technical field in which the certificate is sought,
and who have at least two years of documented and satisfactory work ex-
perience in the career and technical education subject for which a certifi-
cate is sought;

Option B. Candidates who possess a high school diploma or its equiva-
 lent (but who do not possess an associate's degree or its equivalent in the
certificate area), and who have at least four years of documented and satis-
factory work experience in the career and technical education subject for
which a certificate is sought; and

Option C. Candidates who possess an associate's degree (or its equiva-
 lent) in the career and technical field in which the certificate is sought,
and who have at least two years of documented and satisfactory work ex-
perience in the career and technical education subject for which a certifi-
cate is sought.

All three Transitional A pathways described above also require:

1. Coursework training in identification of and reporting of child abuse
   or maltreatment, school violence prevention and intervention, and
   harassment, bullying and discrimination prevention and intervention;

2. Evidence of a satisfactory level of performance on the New York State
   Teacher Certification Examination Content Specialty Test in the area of
   the certificate; and

3. An employment and support commitment. The candidate must submit
   evidence of a commitment for three years of employment as a teacher in a
   public or nonpublic school or BOCES, which includes a mentorship experi-
   ence for the first year consisting of daily supervision by an experienced
teacher during the first 20 days. However, the mentorship is not required if
the candidate has two years of satisfactory employment as a teacher of
students in grades 7-12 in a public or nonpublic school or BOCES.

Establishment of Additional Pathways

At its May 2016 Board of Regents meeting, the Board adopted by emer-
gency action a proposed amendment to provide an additional opportunity
for teachers to obtain a Transitional A certificate through a Pathway D
Option. It is anticipated that this will be permanently adopted by the Board
at its September 2016 meeting. Candidates may be eligible for a Transi-
tional A certificate if they hold a full private career school teacher license
issued by the Department’s Bureau of Proprietary School Supervision
(BPSS) and have taught under that license for two years in a New York
State licensed private career school and meet certain other requirements.
Currently, pursuant to Section 126.6 of the Commissioner’s Regula-
tions, there are three license levels (permit, provisional and full license)
for teachers licensed by BPSS. To apply for a permit, provisional or full
license, candidates must complete an application and provide BPSS with
all necessary documentation required for the level and license area(s) in
which the candidate wishes to be licensed in. Currently, the requirements
for a full Private Career School Teacher License by BPSS are (for most
CTE subject areas):

1. To qualify for a full license, candidates must have completed a total
   of 90-credit hours in Professional Education, including methods of teach-
   ing or a total of 9 semester credits of college course work in Professional
   Education.

Full licenses are valid for 4 years and are renewable.

During the three years that a candidate has a Transitional A certificate,
he/she may apply for and complete all requirements for an Initial
Certificate. These requirements include completion of college coursework,
receiving a passing score on the NYSTCE exams, and completion of a 40
day student teaching placement in the certificate area sought.

Proposed Amendment

To provide additional certification pathways in CTE fields to address
the immediate shortages in the field, the Department recommends
establishing new pathway options G, H, and I for Transitional A certifi-
cates for candidates who meet one of the three requirements listed below:

Option G. Have a minimum of two years of documented work experi-
ex in the subject area of the certificate sought and hold an industry-related
credential, where available, or pass an industry accepted examination as
approved by the Department and have an employment and support com-
mittment.

Option H. Are enrolled in an approved CTE teacher preparation
program and have either a minimum of one year of related work experi-
ence and/or take and pass an industry accepted examination and have
an employment and support commitment.

Option I. Are currently certified 7-12 grade teachers in any subject
area with two years of documented work experience or who hold industry-
recognized credentials, where available, in the related CTE area and have
an employment and support commitment.

The proposed amendment provides additional opportunities and flex-
ibility for individuals with specific technical and career experience to
establish new pathway options G, H, and I for Transitional A certifi-
cates for candidates who meet one of the three requirements listed below:

Option G. Have a minimum of two years of work experience in the
CTE subject area of the certificate sought and hold an industry-related
credential, where available, or pass an industry accepted examination as
approved by the Department and have an employment and support com-
mittment.

Option H. Are enrolled in an approved CTE teacher preparation
program and have either a minimum of one year of related work experi-
ence and/or take and pass an industry accepted examination and have
an employment and support commitment.

Option I. Are currently certified 7-12 grade teachers in any subject
area with two years of documented work experience or who hold industry-
recognized credentials, where available, in the related CTE area and have
an employment and support commitment.

The proposed amendment provides additional opportunities and flex-
ibility for individuals with specific technical and career experience to
obtain a Transitional A teaching certificate in their area of expertise, or a
related area, thus allowing them to teach CTE subjects at the secondary
school level. This will help to increase the supply of qualified, certified
teachers in the career and technical education field in order to satisfy the
increasing demand for those teachers.

Rural Area Flexibility Analysis

The above revisions to the proposed rule require that the Reporting,
Recordkeeping, and Other Compliance Requirements and Professional
Services published Rural Area Flexibility Analysis be revised as follows:

2. RECORDKEEPING, AND OTHER COMPLIANCE
REQUIREMENTS, AND PROFESSIONAL SERVICES:

Past several years, the Board of Regents has discussed the expansion of career and technical education (CTE) programs in school
districts and BOCES generally and of integrated credit allowance which
will in turn create a greater demand for teachers certified in CTE titles. At
its November 2015 meeting, the Board of Regents was presented with recommendations that would support existing and anticipated demand for
teachers certified in CTE titles.

Currently, a Transitional A certificate in a specific CTE subject is is-
sued to permit the employment of an individual in a specific CTE educa-
tion title who does not meet the requirements for an initial certificate, but
who possesses the requisite occupational experience. This certificate is
valid for three years, and the candidate would complete the additional
requirements for an initial certificate during the three years.

The three options available for a Transitional A certificate prior to the
May 2016 Board of Regents meeting were:

Option A. Candidates who possess an associate’s degree (or its equiv-
alent) in the career and technical field in which the certificate is sought,
and who have at least two years of documented and satisfactory work ex-
perience in the career and technical education subject for which a certifi-
cate is sought;

Option B. Candidates who possess a high school diploma or its equiv-
alent (but who do not possess an associate’s degree or its equivalent in the
certificate area), and who have at least four years of documented and satis-
factory work experience in the career and technical education subject for
which a certificate is sought; and

Option C. Candidates who possess an associate’s degree (or its equiv-

1. COMMENT:

One commenter raised the concern that the proposed pathways for CTE certification are a "patchwork approach" and that a broader discussion of CTE certification, including a more comprehensive and system-wide approach to CTE teacher certification is required moving forward. The commenter suggested that NYSED convene a work group to look at a more comprehensive approach to CTE certification and to re-convene the CTE Content Advisory Panel to discuss future changes to advance the CTE certification pathways. However, the commenter also expressed appreciation that the Department is recognizing the value of work experience and industry-credentials within the proposed amendment.

The commenter also expressed concern over the requirement that the amendment requires an employment and support commitment on the part of the candidate, and that districts and BOCES do not have the ability to connect with candidates as the need for a CTE teacher arises.

DEPARTMENT RESPONSE:

SED agrees that a more comprehensive approach to the CTE teacher certification pathways is needed, and is currently in the process of working with the field to further revise the regulations relating to CTE teacher certification. However, the proposed amendment seeks to address the immediate concerns raised by the field relating to shortages in CTE teachers by providing an additional pathway to obtain a Transitional A teaching certificate.

In response to the request to convene a work group to look at a more comprehensive approach to CTE certification, the Department will take this under advisement, and will work to address this concern in the most appropriate way given the understaffing of the Department.

With respect to the concerns relating to the need for employment and support commitment, this is required for all candidates seeking a Transitional A certificate and therefore the Department does not believe a revision to the regulations is needed. Moreover, the purpose behind the employment and support commitment is to ensure that the teacher has the needed supports and mentoring when he/she enters the classroom.

EMERGENCY RULE MAKING

Community School Grants

I.D. No. EDU-32-16-00002-E
Filing No. 957
Filing Date: 2016-10-18
Effective Date: 2016-10-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 100.19 of Title 8 N.Y.C.R.R.

Statutory authority: Education Law, sections 207(not subdivided), 305(1), (2), 211-E, as added by L. 2015, ch. 56, subpart H, part EE; L. 2016, ch. 53

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: The purpose of the proposed amendment is to timely implement Chapter 53 of the Laws of 2016—proposed amendment is to timely implement Chapter 53 of the Laws of 2016.

Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for regular (non-emergency) adoption, after expiration of the required 45-day public comment period provided for in State Administrative Procedure Act (SAPA) section 202(4-a), would be the October 17-18, 2016 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed rule, if adopted at the October meeting, would be November 2, 2016, the date a Notice of adoption would be published in the State Register.

Emergency action: The October 2016 Regents meeting is therefore necessary for the preservation of the general welfare in order to immediately establish the eligibility requirements for community school grants to implement Chapter 53 of the Laws of 2016 so that eligible school districts who have schools designated as struggling or persistently struggling by the Commissioner pursuant to Education Law section 211-f(1)(a) or (b) throughout the 2016-2017 school year (“designated schools”) pursuant to a plan developed by the Commissioner and approved by the director of the budget pursuant to this subdivision.

(1) Application for funding. Eligible school districts that seek a community schools grant fund award for a designated school or schools shall submit an application to the Commissioner on a form and pursuant to a timeline prescribed by the Commissioner and shall meet the requirements set forth in this subdivision. Applications must set forth the need for such funds, which the school districts seeking operating funds and/or capital funds, how the funds would be used and the number of students that would be served with such funds. If an eligible school district seeks both operating and capital funds, such application shall include separate budgets for the use of operating and capital funds. Funds shall be awarded in accordance with a formula developed by the Commissioner and approved by the director of the budget which shall take into account factors that include but need not be limited to the number of designated schools in the district, the number of students enrolled in the designated schools, and the needs of such students for English language learner, special education and other enhanced services.

(i) Prior to submitting an application to the Commissioner, the eligible school district shall provide appropriate community partners and/or the community engagement team established pursuant to this section, and the schools, appropriate, an opportunity to review and provide feedback on the application.

(ii) All applications for funding pursuant to this subdivision must include detailed plans and timelines for ensuring substantial parent, teacher, and community engagement in the planning, implementation and operation of the community school that shall include but need not be limited to the following:

(a) holding public meetings with parents, teachers and community members at least quarterly during the school year to provide information and solicit input regarding the planning, implementation and operation of the community school. Such meetings shall be in accordance with the requirements of subparagraphs (c)(1)(iii) of this section;

(b) preparing and disseminating notices and communications regarding the planning, implementation and operation of the community school to parents, other school personnel and community members as often as practicable through means that shall include but need not be limited to email and posting on the district’s internet website, if one exists. All such notices and communications shall be provided in English and translated, to the extent practicable, into the recipient’s native language or mode of communication;

(c) ensuring that such meetings, notices and communications provide parents, teachers and community members with meaningful opportunities to provide input and feedback by providing a variety of widely accessible methods of communication such as email, telephone, and/or access to the community school site coordinator and/or the steering committee;

(d) submitting quarterly written reports to the Commissioner in a form and format prescribed by the Commissioner containing specific information about the progress of the planning, implementation and operation of the community schools grant and the requirements of this subdivision.

(2) Eligibility for services provided under this grant. Each designated school that receives a grant to deliver co-located or school-linked services pursuant to this subdivision shall first provide such services to the students who are enrolled in such school and their families.

(i) If a designated school has additional unused capacity after making such services available to all enrolled students and their families (e.g., for all available times for health or dental screenings have been filled on a particular day after all students enrolled in the school have been given an opportunity for an appointment, or not all seats in a parenting workshop have been filled by parents of students who attend the school), the school may offer such services to students who attend feeder
schools and their families so as to maximize effective and efficient use of available resources for students in the community of the school and their families in order to provide continuity of services.

(ii) For purposes of this subdivision, “feeder school” shall mean a school that receives Title I funds or is eligible for, but does not receive Title I funds, and from which at least 20 percent of the students in the designated school matriculated, provided that, for designated schools in which school choice, admissions lotteries, and/or open enrollment exist and in which feeder school patterns are therefore not consistent from year to year, the school district may request that a lesser percentage of students matriculating into the designated schools be considered or that up to three schools in the closest geographic proximity to the designated schools and from which students matriculate to such schools be feeder schools for purposes of this subdivision.

(2) Use of grant funds. Community schools grant funds shall be used to supplement and not supplant district expenditures and shall only be used for new expenditures on eligible operating and capital costs in accordance with this subdivision and subject to the terms of the appropriation. Community schools grant funds must be used to support the option to designate a family outreach coordinator, providing parents and families with information on and opportunities to participate in their child’s education and school community, including participation on the school’s community engagement team established pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; and in the community-wide needs assessment conducted pursuant to this section.

(i) The school district shall designate a full-time staff person to serve as the community school coordinator for each school (e.g., the designated school is a small rural school and a full-time coordinator is not needed), or if the designation or one full-time site coordinator for multiple schools would be more effective (e.g., if the two schools designated in the district are small schools in close proximity and a full-time coordinator could serve both schools), the school district may apply to the Commissioner for a waiver from this requirement.

(ii) Improving parent engagement, which may include but need not be limited to designating a family outreach coordinator, providing parents and families with information on and opportunities to participate in their child’s education and school community, including participation on the school’s community engagement team established pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; and in the community-wide needs assessment conducted pursuant to this section.

(iii) Providing early childhood education programs;

(iv) Offering professional development specific to the unique needs of students enrolled in a community school and their families. Such unique needs may be determined through measures including but not limited to surveys of students, families and teachers; focus group meetings with parents, students and teachers; and/or results of comprehensive school and community needs assessments, which may be the comprehensive school and community needs assessment conducted pursuant to subdivision (f)(8)(iii) of this section, if one has been conducted for the specific school. Such professional development shall include but not be limited to job-embedded professional development with an emphasis on strategies that involve teacher input and feedback as well as professional development for administrators at the school with an emphasis on strategies that develop leadership skill and use of principles of distributive leadership and instructional supervision;

(v) Conducting community-wide needs assessments, provided that, if a comprehensive school and community needs assessment regarding the school has been conducted pursuant to subdivision (f)(8)(iii) of this section, such needs assessment may be used for this purpose;

(vi) Creating a steering committee to provide feedback and guidance. Such steering committee shall be made up of various school and community stakeholders, which shall include but need not be limited to, the school principal, parents of or persons in parental relation to students attending the school, teachers and other school staff assigned to the school, and students attending the school; provided that, in the case of a designated school that does not serve students in grade seven or above, the steering committee shall also include students; provided further that a community engagement team established pursuant to this section may also serve as the steering committee; and

(vii) Constructing or renovating spaces within such school buildings to serve as health education spaces, guidance suites, resource rooms, remedial rooms, parent/community rooms, and career and technical education classrooms, plus any other capital costs necessary to implement a community school.

2. Paragraph (8) of subdivision (a) of section 100.19 of the Regulations of the Commissioner of Education is amended, effective October 24, 2016, to read as follows:

(8) Community School shall mean a school that partners with one or more agencies with an integrated focus on rigorous academics and the fostering of a positive and supportive learning environment, and a range of school-based and school-linked programs and services that lead to improved student learning, stronger families, and healthier communities. At a minimum, programs must include, but are not limited to, (i) addressing social service, health and mental health needs of students in the school and their families in order to help students arrive and remain at school ready to learn;

(ii) providing after school, summer school, Science, Technology, Engineering, Arts, and Math programs (STEAM) and mentoring and other youth development programs; and

(iii) providing the community grant to access services on school buildings and grounds consistent with all applicable laws and regulations including but not limited to Education Law section 414.

3. Paragraph (ii) of subdivision (f) of section 100.19 of the Regulations of the Commissioner of Education is amended, effective October 24, 2016, to read as follows:

(ii) Designating a community school coordinator; providing students and their families with information on and opportunities to participate in their child’s education and school community, including participation on the school’s community engagement team established pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; and in the community-wide needs assessment conducted pursuant to this section.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-32-16-00002-EP, Issue of August 10, 2016. The emergency rule will expire December 16, 2016.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, New York State Education Department, 89 Washington Avenue, Room 148, Albany, NY 12234, (518) 474-8966, email: legal@nysed.gov

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 207 empowers Regents/Commissioner to adopt rules to carry out State education laws and functions/duties conferred by law.

Education Law § 305(1) and (2) provide Commissioner, as chief executive officer, with general supervision over schools and institutions subject to Education Law or education-related statutes, and responsibility for executing all Regents educational policies. § 305(20) provides Commissioner with additional powers/duties as charged by Regents, and Education Law § 211-f, Subpart H of Ch. 56, L.2015, provides for appointment of receivers to assist low-performing schools to make demonstrable improvement in student performance.
Education Law § 215 authorizes Commissioner to require schools/ districts to submit reports containing information prescribed by Commissioner.

Education Law § 308 authorizes Commissioner to enforce/give effect to Education Law provisions or other general/special law pertaining to education.

Education Law § 309 charges Commissioner with general supervision of school boards.

Chapter 53 of the Laws of 2016 establishes an appropriation of $75 million to be used for community school grants for persistently struggling and struggling schools and requires that the criteria for such grants to be established by the Commissioner in regulations.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment implements Chapter 53 of the Laws of 2016, by establishing criteria for community school grants for persistently struggling and struggling schools.

3. NEEDS AND BENEFITS:

As part of the 2016-2017 budget appropriation bill (Chapter 53 of the Laws of 2016), the Legislature and Governor provided a $75 million appropriation ($50 million for operating costs and $25 million for capital costs) to establish community school grants for eligible school districts with schools designated as struggling and persistently struggling by the Commissioner pursuant to Education Law section 211-f(1)(a) or (b) throughout the 2016-2017 school year (“designated schools”). The new law requires eligible school districts to apply to the Commissioner for such grants.

The proposed amendment implements these requirements and requires that all applications for funding pursuant to this subdivision include detailed plans and timelines for ensuring substantial parent, teacher, and community engagement in the planning, implementation and operations of the community school.

Each designated school that receives a grant to deliver co-located or school-linked services pursuant to this subdivision shall first provide such services to the students who are enrolled in such school and their families. If a designated school has additional unused capacity after making such services available to all enrolled students and their families (e.g., not all available times for health or dental screenings have been filled on a particular day after all students enrolled in the school have been given an opportunity for an appointment or not all seats in a parent workshop have been filled by parents of students who attend the school), the school may offer such services to students who attend feeder schools and their families so as to maximize effective and efficient use of available resources and/or students who are alumni of the school and their families in order to provide continuity of services.

The proposed amendment also revises the current definition of “co-located school” as a school that receives Title I funds or is eligible for, but does not receive Title I funds, and from which at least 20 percent of the students in the designated school matriculated, provided that, for designated schools in which school choice, admissions lotteries, and/or open enrollment exist in which students therefore matriculate from year to year, the school district may request that a lesser percentage of students matriculating into the designated schools be considered or that up to three schools in the closest geographic proximity to the designated schools and from which students matriculate to such schools be feeder schools.

Community schools grant funds shall be used to supplement and not supplant district expenditures and shall only be used for new expenditures on eligible operating and capital costs in accordance with this subdivision and subject to the terms of the appropriation. Community schools grant funds must be used to support the operating and capital costs associated with the transformation of designated schools into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal, and/or other services to students and their families.

The proposed amendment also revises the current definition of community schools to require offering adult and/or community education opportunities and programs in community schools to provide members of the community with access to services on school buildings and grounds consistent with all applicable laws and regulations including but not limited to Education Law section 414. These revisions allow for a greater integrated focus on offering a range of school-based and school-linked programs and services leading to stronger families and healthier communities.

4. COSTS:

(a) Costs to State government: There are no costs to State government beyond those imposed by the statute.

(b) Costs to local government: None, beyond those imposed by statute.

(c) Costs to private regulated parties: None, beyond those imposed by statute.

(d) Costs to regulating agency for implementation and continued administration of this rule: The proposed amendment does not impose any costs on SED, beyond those imposed by statute.

5. LOCAL GOVERNMENT MANDATES:

The rule is necessary to implement Chapter 53 of the Laws of 2016 by establishing criteria for community school grants. The major mandates of rule are statutorily imposed.

Eligible school districts that seek a community schools grant fund award for a designated school or schools shall submit an application to the Commissioner pursuant to a timeline prescribed by the Commissioner. Applications must set forth the need for such funds, how the funds would be used and the number of students that would be served with such funds. If an eligible school district seeks both operating and capital funds, such application shall include separate budgets for the use of operating and capital funds. Funds shall be awarded in accordance with a formula developed by the Commissioner and approved by the director of the budget which takes into account factors that include but need not be limited to the number of designated schools in the district, the number of students enrolled in the designated schools, and the needs of such students for English language learner, special education and other enhanced services.

Prior to submitting an application to the Commissioner, the eligible school district shall provide appropriate community partners and/or the community engagement team established pursuant to this section, as the school district deems appropriate, an opportunity to review and provide feedback on the application.

All applications for funding must include detailed plans and timelines for ensuring substantial parent, teacher, and community engagement in the planning, implementation and operations of the community school that shall include but need not be limited to the following:

- Providing public meetings with parents, teachers and community members at least quarterly during the school year to provide information and solicit input regarding the planning, implementation and operations of the community school. Such meetings shall be held in accordance with the requirements of subparagraph (c)(1)(iii) of this section;
- Providing written notices and communications regarding the planning, implementation and operations of the community school to parents, teachers, other school personnel and community members as often as practicable through means that shall include but need not be limited to email or posting on the district’s internet website, if one exists. All such notices and communications shall be provided in English and translated, to the extent practicable, into the recipient’s native language or mode of communication;
- Ensuring that such meetings, notices and communications provide parents, teachers and community members with meaningful opportunities to provide input and feedback by providing a variety of widely accessible methods of communication such as email, telephone, and/or access to the community school site coordinator and/or the steering committee; and
- Submitting quarterly written reports to the Commissioner in a form and format prescribed by the Commissioner containing specific information about the progress of the planning, implementation and operations of the community schools grant and the requirements of this subdivision.

6. PAPERWORK:

See response to No. 5 above relating to local government mandates.

7. DUPLICATION:

The rule is necessary to implement Chapter 53 of the Laws of 2016 and does not duplicate, overlap or conflict with State or federal legal requirements.

8. ALTERNATIVES:

The rule is necessary to implement Chapter 56 of the Laws of 2016 by establishing criteria for community school grants. Consequently, the major provisions of the rule are statutorily imposed, and there are no significant alternatives and none were considered.

9. FEDERAL STANDARDS:

There are no applicable federal standards relating to criteria for these community school grants, appropriated by the State Legislature.

10. COMPLIANCE SCHEDULE:

The rule is necessary to implement Chapter 53 of the Laws of 2016 by establishing criteria for community school grants. Consequently, the major provisions of the proposed rule are statutorily imposed. It is anticipated that regulated parties can achieve compliance with the proposed rule by its effective date.

**Regulatory Flexibility Analysis**

**Small Businesses:**

The proposed rule is necessary to implement Chapter 53 of the Laws of 2016, by establishing criteria for struggling and persistently struggling schools to apply for community school grants and does not impose any adverse economic impact, reporting, record keeping or any other compliance requirement on small businesses. Because it is evident from the nature of the rule that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.
1. EFFECT OF RULE:

The proposed rule applies to those school districts that have: “Persistently Failing Schools” (identified in the regulation as a “Persistently Struggling Schools”), which are Priority Schools that have been in the most severe accountability status since the 2006-07 school year; or “Failing Schools” (identified in the regulation as “Struggling Schools”), which are schools that have been in Priority Schools status since the 2012-13 school year.

There are currently 17 school districts that have Persistently Struggling Schools and/or Struggling Schools.

2. COMPLIANCE REQUIREMENTS:

As part of the 2016-2017 budget appropriation bill (Chapter 53 of the Laws of 2016), the Legislature and Governor provided a $75 million one-time appropriation ($50 million for operating costs and $25 million for capital costs) to establish community school grants for eligible school districts with schools designated as struggling and persistently struggling by the Commissioner pursuant to Education Law section 211-(1)(a) or (b) throughout the 2016-2017 school year (“designated schools”). The new law requires eligible school districts to apply to the Commissioner for such grants.

The proposed amendment implements these requirements and requires that all applications for funding pursuant to this subdivision include detailed plans and timelines for ensuring substantial parent, teacher, and community engagement in the planning, implementation and operations of the community school that shall include but need not be limited to the following:

- holding public meetings with parents, teachers and community members at least quarterly during the school year to provide information and solicit input regarding the planning, implementation and operations of the community school site coordinator and/or the steering committee; and
- submitting quarterly written reports to the Commissioner in a form and format prescribed by the Commissioner containing specific information about the progress of the planning, implementation, and operations of the community schools grant and the requirements of this subdivision.

Each designated school that receives a grant to deliver co-located or school-linked services pursuant to this subdivision shall first provide such services to the students who are enrolled in such school and their families. If a designated school has additional unused capacity after making such services available to all enrolled students and their families (e.g., not all available spaces are filled by the end of the school year), the school may offer such services to students who attend feeder schools and their families so as to maximize effective and efficient use of available resources and/or students who are alumni of the school and their families in order to provide continuity of services. The proposed amendment defines “feeder school” as a school that receives Title I funds or is eligible for, but does not receive Title I funds, and from which at least 20 percent of the students in the designated school matriculated, provided that, for designated schools in which school choice, admissions lotteries, and/or open enrollment exist and in which feeder school patterns are therefore not consistent from year to year, the school district may request that a lesser percentage of students matriculate into the designated school the following school year, and/or for up to three schools in the closest geographic proximity to the designated schools and from which students matriculate to such schools be feeder schools for purposes of this subdivision.

Community schools grant funds shall be used to supplement and not replace district expenditures and shall only be used for new expenditures on eligible operating and capital costs in accordance with this subdivision and subject to the terms of the appropriation. Community schools grant funds must be used to support the operating and capital costs associated with the transformation of designated schools into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal, and/or other services to students and their families, which may include but need not be limited to the following:

- providing a community school site coordinator at each school, or providing struggling or Persistently Failing Schools a grant to ensure that the school is receiving a grant pursuant to this subdivision. The school district shall designate a full-time staff person to serve as the community school site coordinator at each school who shall assist the school receiver in implementing the grant, including but not limited to managing the day-to-day operations of the community school strategy for that school, coordinating and integrating service delivery at the school, ensuring the maintenance and sustainability of the community school, and consulting and coordinating with any other community school site coordinators deliver to this group; and
- providing the Commissioner with the required information about the progress of the planning, implementation, and operations of the community school. Such meetings shall be held in accordance with the community school's community engagement team established pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; in the community-wide needs assessment conducted pursuant to this amendment; and in which feeder school patterns are therefore not consistent from year to year.

- improving parent engagement, which may include but need not be limited to designating a family outreach coordinator, providing parents and families with information on and opportunities to participate in their child’s education and school community; and
- offering professional development specific to the unique needs of students enrolled in a community school and their families. Such unique needs may be determined through measures including but not limited to surveys of students, families and teachers; focus group meetings with parents, students and teachers; and/or results of comprehensive school and community needs assessments, which may be the comprehensive school and community needs assessment conducted pursuant to these regulations, if one has already been conducted for the specific school. Such professional development must not include but not be limited to job-embedded regulations; and
- conducting community-wide needs assessments, which may be the comprehensive school and community needs assessment conducted pursuant to these regulations, if one has already been conducted for the specific school. Such professional development must not include but not be limited to job-embedded regulations; and
- creating a steering committee to provide feedback and guidance. Such steering committees may be made up of various school and community stakeholders, which shall include but need not be limited to, the school principal, parents or persons in parental relation to students attending the school, teachers and other school staff assigned to the school, and students attending the school; provided that, in the case of a designated school that does not have its own designated site coordinator, the steering committee need not include students; provided further that a community engagement team established pursuant to section 100.19 may also serve as the steering committee; and
- constructing or renovating spaces within such school buildings to serve as school buildings, adult education spaces, guidance suites, resource rooms, remedial rooms, parent/community rooms, and career and technical education classrooms, plus any other capital costs necessary to implement a community school.

The proposed amendment also revises the current definition of community schools to require offering adult and/or community education opportunities and programs in community schools to provide members of the community with access to services on school buildings and grounds consistent with all applicable laws and regulations including but not limited to Education Law sections 521 and 521-A for a greater integrated focus on offering a range of school-based and school-linked programs and services leading to stronger families and healthier communities.

3. PROFESSIONAL SERVICES:

The proposed rule does not impose any additional professional services requirements beyond those in effect in the statute.

4. COMPLIANCE COSTS:

The proposed rule is necessary to implement Chapter 53 of the Laws of 2016 and, consequently, the major mandates of the proposed rule are statutorily imposed. The Department anticipates that because $75 million has been appropriated to support the community schools grants, there will be no costs to local governments for implementing the proposed amendment.
5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY: Economic feasibility is addressed in the Costs section above.

6. MINIMIZING ADVERSE IMPACT:
The rule is necessary to implement Chapter 53 of the Laws of 2016 by establishing criteria for community school grants. The major provisions of the rule are statutory imposed and cannot be avoided. The rule’s requirements so they may suitably prepare for and apply for these grants.

7. LOCAL GOVERNMENT PARTICIPATION:
Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts, which include school districts with persistently struggling and struggling schools.

8. INITIAL REVIEW OF RULE (SAPA § 207):
Pursuant to State Administrative Procedure Act section 207(1)(b), the State Education Department proposes that the initial review of this rule shall occur in the fifth calendar year after the year in which the rule is adopted, instead of in the third calendar year. The justification for a five year review period is that the proposed rule is necessary to implement Chapter 53 of the Laws of 2016, by establishing criteria for community school grants.

The Department invites public comment on the proposed five year review period for this rule. Comments should be sent to the agency contact listed in item number 10 of the Notice of Proposed Rule Making published hereunder and must be received within 45 days of the date the Notice is published in the State Register.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:
The proposed rule applies to those school districts that have: “Persistently Struggling Schools” (identified in the regulation as a “Persistently Struggling Schools”), which are Priority Schools that have been in the most severe accountability status since the 2006-07 school year, and/or Failing Schools (identified in the regulation as a “Struggling Schools”), which are schools that have been in Priority Schools status since the 2012-13 school year.

There is currently one school district that has one Struggling School located in a rural area (i.e. the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less).

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS, AND PROFESSIONAL SERVICES:
As part of the 2016-2017 budget appropriation bill (Chapter 53 of the Laws of 2016), the Legislature and Governor provided a $75 million appropriation ($50 million for operating costs and $25 million for capital costs) to enable eligible school districts to implement community schools with schools designated as struggling and persistently struggling by the Commissioner pursuant to Education Law section 211-f(1)(a) or (b) throughout the 2016-2017 school year (“designated schools”). The new law requires eligible school districts to apply to the Commissioner for such grants.

The proposed amendment implements these requirements and requires that all applications for funding pursuant to this subdivision include detailed plans and timelines for ensuring substantial parent, teacher, and community engagement in the planning, implementation and operations of the community school that shall include but need not be limited to the following:

- holding public meetings with parents, teachers and community members at least quarterly during the school year to provide information and solicit input regarding the planning, implementation and operations of the community school. Such meetings shall be held in accordance with the requirements of subparagraph (c)(1)(iii) of this section;
- providing written notices and communications regarding the planning, implementation and operations of the community school to parents, teachers, other school personnel, and community members as often as practicable through means that shall include but need not be limited to email and posting on the district’s internet website, if one exists. All such notices and communications shall be provided in English and translated, to the extent practicable, into the recipient’s native language or mode of communication;
- ensuring that such meetings, notices, and communications provide parents, teachers, and community members with meaningful opportunities to provide input and feedback by providing a variety of widely accessible methods of communication, such as email, telephone, and/or access to the community school site coordinator and/or the steering committee; and
- submitting quarterly written reports to the Commissioner in a form and format prescribed by the Commissioner containing specific information about the progress of the planning, implementation, and operations of the community schools grant and its requirements.

Each designated school that receives a grant to deliver co-located or school-linked services pursuant to this subdivision shall first provide such services to the students who are enrolled in such school and their families.

If a designated school has additional unused capacity after making such services available to all enrolled students and their families (e.g., not all available times for health or dental screenings have been filled on a particular day after all students enrolled in the school have been given an opportunity for an appointment not all seats in a parenting workshop have been filled by parents of students who attend the school), the school may offer such services to students who attend feeder schools and their families so as to maximize effective and efficient use of available resources and/or students who are alumni of the school and their families in order to provide non-academic services to the school’s community. The proposed amendment provides for “feeder schools” as a school that receives Title I funds or is eligible for, but does not receive Title I funds, and from which at least 20 percent of the students in the designated school matriculated, provided that, for designated schools in which school choice, admissions lotteries, and/or open enrollment exist and in which feeder school patterns are therefore not consistent, from year to year, the school district may request that a lesser percentage of students matriculating into the designated schools be considered or that up to three schools in the closest geographic proximity to the designated schools and from which students matriculate to such schools be feeder schools for purposes of this subdivision.

Community schools grant funds shall be used to supplement and not supplant district expenditures and shall only be used for new expenditures on eligible operating and capital costs in accordance with this subdivision and subject to the terms of the appropriation. Community schools grant funds may be used to supplement capital operating costs associated with the transformation of designated schools into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal, and/or other services to students and their families, which may include but need not be limited to the following:

- providing a community school site coordinator at each struggling or persistently struggling school receiving a grant pursuant to this subdivision. The school district shall designate a full-time staff person to serve as the community school site coordinator at each school who shall be at the school and implementing the grant, including but not limited to managing the development of the community school strategy for that school, coordinating and integrating service delivery at the school, ensuring the maintenance and sustainability of the community school, and consulting and coordinating with any other community school site coordinator designated pursuant to this clause, if applicable. There are circumstances that do not justify the assignment of a full-time staff person to serve as the community school coordinator for each school (e.g., the designated school is a small rural school and a full-time coordinator is not needed), or if the designation of one full-time site coordinator for multiple schools could be more effectively designed... the two schools designated in the district are small schools in close proximity and a full- time coordinator could serve both schools), the school may apply to the Commissioner for a waiver from this requirement;
- improving parent engagement, which may include but need not be limited to designing a outreach coordinator, providing parents and families with information on and opportunities to participate in their child’s education and school community, including participation on the school’s community engagement team established pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; in the community-wide needs assessment conducted pursuant to this section; in the steering committee established by these regulations; and in family literacy programs, including early childhood education, interactive literacy activities between parents and their children, and training for parents regarding how to be the primary teacher for their children and full partners in the education of their children;
- providing early childhood education programs;
- offering professional development specific to the unique needs of students enrolled in a community school and their families. Such unique needs may include, but are not limited to, the provision of services to students who are alumni of the school and their families in order to support the school’s community. The proposed amendment defines “community schools” and specifies its requirements so they may suitably prepare for and apply for these grants.

NYS Register/November 2, 2016

Rule Making Activities

- conducting community-wide needs assessments, provided that, if a comprehensive school and community needs assessment regarding the
school has already been conducted, such needs assessment may be used for this purpose;

- creating a steering committee to provide feedback and guidance. Such steering committee shall be made up of various school and community stakeholders, which shall include but need not be limited to, the school principal, parents of or persons in parental relation to students attending the school, teachers and other school staff assigned to the school, and students attending the school; provided that, in the case of a designated school that does not serve students in grade seven or above, the steering committee need not include students; provided further that a community engagement team established pursuant to section 100.19 may also serve as the steering committee; and

- constructing or renovating spaces within such school buildings to serve as health suites, adult education spaces, guidance suites, resource rooms, remedial rooms, parent/community rooms, and career and technical education classrooms, plus any other capital costs necessary to implement a community school.

The proposed amendment also revises the current definition of community schools to require offering adult and/or community education opportunities and programs in community schools to provide members of the community with access to services on school buildings and grounds consistent with all applicable laws and regulations including but not limited to Education Law section 414. These revisions allow for a greater integrated focus on offering a range of school-based and school-linked programs and services leading to stronger families and healthier communities.

3. COMPLIANCE COSTS:

The proposed rule is necessary to implement Chapter 53 of the Laws of 2016 and, consequently, the major mandates of the proposed rule are statutorily imposed. The Department anticipates that because $75 million has been appropriated to support community schools grants, the grant money will be used to assist local governments and that no additional costs are imposed on local governments by the proposed amendment.

4. MINIMIZING ADVERSE IMPACT:

The rule is necessary to implement Chapter 53 of the Laws of 2016 by establishing criteria for community school grants. The major provisions of the rule are statutorily imposed and it is not feasible to establish differing compliance or reporting requirements, or to exempt school districts from coverage by the rule.

The Department intends to take steps to provide sufficient notice of the proposed rule to ensure that school districts, including those located in rural areas are made aware of the rule’s requirements so they may suitably prepare for and apply for these grants.

5. RURAL AREA PARTICIPATION:

Department staff will solicit comments on the proposed amendment from the Rural Advisory Committee, which has members who live and work in rural areas on the State.

Job Impact Statement

The purpose of the proposed amendment is to timely implement Chapter 53 of the Laws of 2016 to establish the requirements for eligible school districts with schools designated as struggling and persistently struggling by the Commissioner pursuant to Education Law section 211-4(h)(a) or (b) throughout the 2016-2017 school year that wish to apply for such grants in the 2016-2017 school year. The proposed amendment also revises the definition of the community schools to require programs in a community school to provide members of the community with access to services on school buildings and grounds consistent with all applicable laws and regulations including but not limited to Education Law section 414.

Furthermore, an expenditure of $75 million in State funds will be available to Struggling and Persistently Struggling Schools for the implementation of community schools and a portion of those monies must be used on operating costs. Another portion of the funding is to be used for capital costs (i.e., construction and/or renovation). This will result in a net gain of jobs.

Assessment of Public Comment

The agency received no public comment since publication of the last assessment of public comment.

EMERGENCY/PROPOSED RULE MAKING

NO HEARING(S) SCHEDULED

Teacher Certification Examination Requirements

I.D. No. EDU-44-16-00013-EP

Filing No. 958

Filing Date: 2016-10-18

Effective Date: 2016-10-18

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Amendment of section 80-1.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207(not subdivided), 305(1), (2), 3001(12), 3004(1), 3006(1) and 3009.

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: Despite the high pass rates on the new and revised certification examinations by candidates who have completed preparation programs and have been recommended for certification, the field has expressed concern about the pass rates for candidates who have not completed a preparation program and have not yet been recommended for certification. In response to concerns from the field regarding the upcoming release of a new set of Content Specialty Tests in November 2016, the Department has presented emergency regulations to revise the current safety nets for all of the revised Content Specialty Tests to eliminate the requirement that these candidates take and fail the revised CSTs before passing the predecessor content specialty examination. For those Content Specialty Tests currently operational prior to this amendment, the revised safety net will expire on June 30, 2017. For those revised Content Specialty Tests to be released in November 2016, the safety net will expire on June 30, 2019.

Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (non-emergency) adoption, after publication in the State Register and expiration of the 45-day public comment period provided for in the State Administrative Procedure Act (SAPA) section 203(1), is the January 2017 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the January 2017 Regents meeting is January 25, 2017, the date a Notice of Adoption would be in the State Register. However, emergency action is needed to ensure that candidates who take one of the revised CSTs are aware of the changes to the existing safety option for the CST—i.e., that candidates can take either the predecessor CST or the CST until June 30, 2017 for those CSTs already operational, and until June 30, 2019 for those CSTs which will become operational in November 2016.

It is anticipated that the emergency rule will be presented to the Board of Regents for adoption as a permanent rule at the January 2017 Regents meeting, which is the first scheduled meeting after expiration of the 45-day public comment period mandated by the State Administrative Procedure Act for proposed rulemakings.

Subject: Teacher certification examination requirements.

Purpose: To establish additional safety nets for the content specialty examinations.

Text of emergency/proposed rule: 1. Subdivision (c) of section 80-1.5 of the Regulations of the Commissioner of Education shall be amended, effective October 18, 2016, to read as follows:

(c) [Notwithstanding] Except as otherwise prescribed in this subdivision, notwithstanding any applicable provisions of Subparts 80-1, 80-3, 80-4 and 80-5 of this Part or any other provision of rule or regulation to the contrary, a candidate who applies for and meets all the requirements for a certificate on or before June 30, 2018, except that such candidate does not achieve a satisfactory level of performance on one or more of the new certification examinations (the academic literacy skills test and/or the teacher performance assessment) or the revised content specialty examination(s), as prescribed by the Commissioner, that is/are required for the certificate sought, [and such examination(s) was/were taken and] failed on or after September 1, 2013 through June 30, 2017] may instead use one or more of the following safety net options, in lieu of taking, retaking one or more of such new and/or revised certification examinations:

(1) . . .
(2) . . .
(3) . . .
(5) Content Specialty Test.

(i) Except as otherwise provided in subparagraphs (ii), (iii) and (iv) of this paragraph, a candidate who takes and fails to achieve a satisfactory level of performance on any of the revised content specialty examinations from May 1, 2015 through October 17, 2016, in the candidate’s certification area, may, in lieu of retaking such revised content specialty test:

(a) receive a satisfactory score on the predecessor content specialty examination after receipt of his/her failing score on the revised content specialty test; or

(b) pass the predecessor content specialty examination on or before the new certification examination requirements become operational.

(ii) A candidate who applies for certification on or after October 18, 2016 and/or who has a pending application for certification on file with the Office of Teaching Initiatives on October 18, 2016, as determined by the Department, may receive a satisfactory passing score on either the revised content specialty test or the predecessor content specialty exam (even if the candidate took and passed the predecessor examination on or before October 18, 2016) until June 30, 2017.
For revised content specialty tests that become operational on or after October 18, 2016, a candidate may take and receive a satisfactory passing score on either the revised content specialty test or the predecessor content specialty exam until June 30, 2019. (iii) (iv) A candidate who takes and fails to achieve a satisfactory level of performance on part two of the new multi-subject: secondary teachers grade 7 - grade 12 content specialty examination, if required for the certificate area sought and he/she received a satisfactory level of performance on parts one and three of such test on or after September 1, 2014 through June 30, 2018, may, in lieu of retaking part two of such examination:

(a) present the Department with sufficient evidence of satisfactory completion of the mathematics tutorial approved by the Department prior to June 30, [2017] 2018; and
(b) submit an attestation on or before June 30, [2017] 2018, on a form prescribed by the Commissioner, attesting that the candidate has:

(i) demonstrated comparable mathematical skills to what is required by part two of the multi-subject (7-12) content specialty examination through course completion by completing a minimum of three semester hours in mathematics coursework satisfactory to the commissioner; and

(ii) received a cumulative grade of a 3.0 or higher, or the substantial equivalent, in such coursework.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire January 15, 2017.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, State Education Department, Office of Counsel, State Education Building Room 148, 89 Washington Ave., Albany, NY 12234, (518) 474-6043, email: kgoswami@nysed.gov

Data, views or arguments may be submitted to: Peg Rivers, State Education Department, Office of Higher Education, Room 979 EBA, 89 Washington Ave., Albany, NY 12234, (518) 486-3633, email: regcomments@nysed.gov

Public comment will be received until: 45 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 101 (not subdivided) charges the Department with the general management and supervision of the educational work of the State.

Education Law § 3001 establishes the qualifications of teachers in the classroom.

Education Law § 3004(1) authorizes the Commissioner to prescribe, subject to approval of the Regents, regulations governing the examination and certification of teachers.

Education Law § 3006(1) authorizes the Commissioner to issue teaching certificates.

Education Law § 3009 prohibits school district money from being used to pay the salary of an unqualified teacher.

2. LEGISLATIVE HISTORY:

The proposed amendments to section 80-1.5 of the Regulations of the Commissioner of Education creates a new safety net that will allow candidates to take and pass either the revised content specialty test or the predecessor content specialty test for certification, for both the currently operational redeveloped CSTs and the newly operational CSTs. The safety net for the newly operational CSTs will expire on June 30, 2019, and the safety net for the currently operational CSTs will expire on June 30, 2017. The proposed amendment also extends the current safety net for the Multi-Subject: 7-12 Part Two: mathematics CST until June 30, 2018.

3. NEEDS AND BENEFITS:

Current Safety Net Requirements:

Section 80-1.5 of the Commissioner’s regulations currently requires candidates to take and fail the redeveloped CST (where one is available) before qualifying for the safety net, which allows candidates to take and pass the predecessor CST in lieu of passing the revised CST for certification. The current safety net for all required teacher certification exams expires on June 30, 2017.

Proposed Amendment:

Safety Net for Newly Operational single subject CSTs:

For the 14 CSTs that will be released in November 2016, the Department is proposing a new safety net that will allow candidates to take and pass either the revised CST or the predecessor CST for certification. Based on concerns from the field, the Department believes this will provide teacher education programs with additional time to prepare for the revised CSTs. This policy serves to help relieve some of the financial burden on candidates because they will not be required to take and fail the revised CST before taking the predecessor CST. This safety net will expire on June 30, 2019.

Currently Operational Redeveloped single subject CSTs:

In making the change to the safety net for the newly operational CSTs (those being released in November 2016), the Department also proposes making conforming changes to the existing safety nets for the currently operational revised CSTs (those CSTs that became operational in September 2014 or 2015) to allow candidates who apply for certification on or after October 18, 2016 or who have a pending certification application with the Department to take and pass either the revised CST or the predecessor CST for certification even if the candidate took and passed the predecessor exam on or before October 18, 2016. This safety net for those currently operational CSTs will expire on June 30, 2017. These safety nets will expire before the safety net for the newly revised tests (those being released in November 2016) because those students and institutions have already had time to prepare for the revised exams since those examinations will have been operational for over two years before the safety net expires.

Safety Net for the Multi-subject CSTs:

For MSTs B-2, 1-6, and 5-9, the Board of Regents enacted regulations that allow candidates who take and fail one or more parts of the MST B-2, 1-6, and 5-9, on or before June 30, 2017, to take and pass the predecessor Multi-subject exam. The proposed amendment allows a candidate on or after October 18, 2016 through June 30, 2017, to receive either a satisfactory passing score on the revised MST B-2, 1-6, and 5-9 or the predecessor B-2, 1-6, and 5-9. This safety net will expire on June 30, 2017.

Safety Net for the Multi-subject: Secondary Teachers Grade 7-12 Specialty Test

In order to be eligible for the Multi-subject: secondary teachers 7-12 (mathematics) safety net, a candidate must pass Part One (Literacy and English Language Arts) and Part Three (Arts and Sciences) of the Multi-subject: Secondary Teachers Grade 7 - Grade 12 CST and then take and fail Part Two (Mathematics) of the CST and then complete a mathematics tutorial that will be provided to candidates who qualify. The tutorial is intended to review mathematics lessons aligned to the New York State Learning Standards for mathematics comparable to the content on Part Two of the Multi-subject: Secondary Teachers Grade 7 - Grade 12 test. The tutorial also prompts candidates to answer certain questions to review the skills needed to prepare them for the math portion of the Multi-subject: Secondary Teachers Grade 7 - Grade 12.

Upon completion of the mathematics tutorial, candidates must then submit an attestation and transcript, attesting that they have completed at least one college mathematics course (3 semester hours) and received a grade of 3.0 or higher or the substantial equivalent in that course.

The Department is currently examining the effectiveness of the educators reviewing Part II (the math component) of this examination to determine if it is of appropriate rigor. While the educator panel reviews this portion of the examination, the Department recommends extending this safety net until June 30, 2018.

4. COSTS:

a. Costs to State government: The amendment does not impose any costs on State government, including the State Education Department, beyond those costs imposed by the statute.

b. Costs to local government: The amendment does not impose any costs on local government, including school districts and BOCES, and teacher certification candidates. In fact, the proposed amendment may result in a cost savings to candidates because they will no longer be required to take and fail (and pay for) the revised CST before qualifying to take the predecessor safety net exam (and paying again to take the safety net exam).

c. Costs to private regulated parties: The amendment does not impose any costs on private regulated parties.

d. Costs to regulating agency for implementation and continued administration: See above.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any additional program, service, duty or responsibility upon any local government.

6. PAPERWORK:

The amendment does create any additional paperwork requirements on candidates seeking to take the teacher certification exams affected by the proposed changes.

7. DUPLICATION:

The rule does not duplicate existing State or Federal requirements.

8. ALTERNATIVES:

The amendments seek to provide programs additional time to prepare their students for the content specialty tests. The safety net for the newly
operational CSTs expire on June 30, 2019. In making the change to the safety net for the newly operational CSTs, the amendment makes conforming changes to the existing safety nets for the currently operational CSTs to allow candidates who apply for certification on or after October 18, 2016 or who have a pending certification application with the Department to take and pass either the revised CST or the predecessor CST for certification (even if the candidate took and passed the predecessor examination on or before October 18, 2016). This safety net for those currently operational CSTs will expire on June 30, 2017. These safety nets will expire before the safety net for the newly revised tests (those being released in November 2016) because those students and institutions have already had time to prepare for the revised exams since those examinations will have been operational for over two years before the safety net expires.

Safety Net for the Multi-subject CSTs:
For MTS B-2, 1-6, and 5-9, the Board of Regents enacted regulations for candidates who take and fail one or more parts of the MST B-2, 1-6, and 5-9, on or before June 30, 2017, to take and pass the predecessor Multi-subject exam. The proposed amendment allows a candidate on or after October 18, 2016 through June 30, 2017, to receive either a satisfactory passing score on the revised MST B-2, 1-6, and 5-9 or the predecessor MST B-2, 1-6, and 5-9. This safety net will expire on June 30, 2017.

Safety Net for the Multi-subject: Secondary Teachers Grade 7-12 Specialty Test
In order to be eligible for the Multi-subject: 7-12 Part Two: mathematics safety, a candidate must pass Part One (Literacy and English Language Arts) and Part Three (Arts and Sciences) of the Multi-subject: 7-12 and then take and fail Part Two (Mathematics) of the CST and then complete a mathematics tutorial that will be provided to candidates who qualify. The tutorial is intended to review mathematics lessons aligned to the Content Standards for Mathematics applicable to the content on Part Two of the Multi-subject: 7-12 test. The tutorial also prompts candidates to answer certain questions to review the skills needed to prepare them for the math portion of the Multi-subject: 7-12.

Upon completion of the mathematics tutorial, candidates must then submit documentation to the Department certifying that they have completed at least one college mathematics course (3 semester hours) and received a grade of 3.0 or higher or the substantial equivalent in that course.

The Department is currently bringing together a team of educators to review Part Two (the math component) of this examination to determine if it is an appropriate rigor. When the educator panel reviews this portion of the examination, the Department recommends extending the Multi-subject: 7-12 testing window, so that they may choose to take either the revised or the predecessor CST. There are no additional alternatives to this amendment.

9. COSTS:
The proposed amendment does not impose any costs on State government or local governments, including those located in rural areas of the State, beyond those imposed by statute.

3. MINIMIZING ADVERSE IMPACT:
The amendments seek to provide programs additional time to prepare their students for the CSTs. The safety net for the newly operational CSTs expires on June 30, 2019. In making the change to the safety net for the newly operational CSTs, the amendment also makes conforming changes to the existing safety nets for the currently operational CSTs to allow candidates who apply for certification on or after October 18, 2016 or who have a pending certification application with the Department to take and pass either the revised CST or the predecessor CST for certification (even if the candidate took and passed the predecessor examination on or before October 18, 2016). The conforming changes to the existing safety nets were proposed in order to create alternatives for the candidates, such that they may choose to take either the revised or the predecessor CST. There are no additional alternatives to this amendment.

4. RURAL AREA PARTICIPATION:
The Department has sent a copy of the proposed amendment to the Rural Advisory Committee for comment.

Job Impact Statement
The purpose of the proposed amendment is to address concerns that programs have not had adequate time to prepare students for the new and revised certification exams—specifically the newly operational (November 2016) content specialty tests (CSTs). The proposed amendment allows candidates to take and pass either the revised CST or the predecessor CST for certification. Based on concerns from the field, the Department believes this will provide teacher education programs with additional time to prepare for the revised CSTs. This policy serves to help relieve some of the financial burden on candidates because they will not be required to take and fail the revised CST before taking the predecessor CST. This safety net will expire on June 30, 2019.
NOTICE OF EMERGENCY ADOPTION AND REVISED RULE MAKING NO HEARING(S) SCHEDULED

Superintendent Determination As to Academic Proficiency for Certain Students with Disabilities to Graduate with a Local Diploma

I.D. No. EDU-27-16-00002-ERP
Filing No. 964
Filing Date: 2016-10-18
Effective Date: 2016-11-02

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action Taken: Amendment of section 200.4(d)(2)(ix); and addition of section 100.5(d)(12) to Title 8 NYCRR.

Statutory authority: Education Law, sections 101(not subdivided), 207(not subdivided), 208(not subdivided), 209(not subdivided), 305(1), (2), 308(not subdivided), 309(not subdivided), 3204(3) and (4)

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: All students with disabilities must be held to high expectations and be provided meaningful opportunities to participate and progress in the general education curriculum to prepare them to graduate with a regular high school diploma. The majority of students with disabilities can meet the State’s learning standards for graduation. However, there are some students who, because of their disabilities, are unable to demonstrate their proficiency on standard State assessments, even with testing accommodations. For these students, the proposed amendment, which was adopted by the Board of Regents at its June 2016 meeting, provides a superintendent determination pathway in order for students with disabilities to graduate with a local diploma, beginning with students graduating in June 2016.

The proposed amendment was readopted as a second emergency measure, effective September 18, 2016, because that the emergency rule adopted at the June Regents meeting remained continuously in effect until it could be adopted as a permanent rule.

The proposed amendment has now been substantially revised in response to public comment. For instance, section 100.5(d)(12)(iii) of the proposed amendment has been added to provide that on or after October 18, 2016 a superintendent may only make a determination whether a student has met the requirements for graduation through the superintendent determination pathway option upon receipt of a written request from an eligible student’s parent or guardian. In order to ensure appropriate transition planning, section 200.4 has also been amended to require that the development of transition goals and services must include a discussion for an eligible student with disability under this paragraph and for the subject area(s) under review; and

Subject: Superintendent determination as to academic proficiency for certain students with disabilities to graduate with a local diploma.

Purpose: To expand the safety net options for students with disabilities to graduate with local diplomas when certain conditions are met.

Text of emergency/revised rule: 1. The emergency action taken at the September 2016 Regents meeting to add a new paragraph (12) to subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education, is rescinded, effective October 18, 2016.

2. A new paragraph (12) shall be added to subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education, effective October 18, 2016, to read as follows:

(12) Superintendent determination pathway for certain students with disabilities for eligibility for a local diploma.

(i) For purposes of this paragraph only, superintendent shall mean the superintendent of a school district or the principal, head of school, or their equivalent, of a charter school or nonpublic school, as applicable.

(ii) School districts, registered nonpublic high schools and charter schools shall ensure that every student who is identified as a student with a disability as defined in Education Law section 4401(1) and section 200.1(zz) of this Title and who does not meet the assessment requirements for graduation through the existing appeal options, including the compensatory score option or the 55-64 low pass safety net option available under this section but who is otherwise eligible to graduate in June 2016 and thereafter shall be considered for a local diploma through the superintendent determination pathway in accordance with the requirements of this paragraph, provided that the student:

(a) has a current individualized education program and is receiving special education programs and/or related services pursuant to Education Law section 4402 and section 200.4 of this Title; and

(b) took the English Regents examination required for graduation pursuant to this section and achieved a minimum score of 55 or successfully appealed a score of between 52 and 54 on such examination pursuant to paragraph (7) of this subdivision; and

(c) took a mathematics Regents examination required for graduation pursuant to this section and achieved a minimum score of 55 or successfully appealed a score of between 52 and 54 on such examination pursuant to paragraph (7) of this subdivision; and

(d) participated in the remaining Regents examinations required for graduation pursuant to clauses (c), (d), (e) and (f) of subparagraph (a)(3)(i) of this section, but was unable to achieve a minimum score of 55 on one or more of the remaining assessments required for graduation or did not initiate an appeal of a score of between 52 and 54 on one or more such examinations pursuant to paragraph (7) of this subdivision, or was unable to use the compensatory score option for one or more such examinations pursuant to subparagraph (b)(7)(vi)(c) of this section; and

(e) has earned the required course credits pursuant to this section and passed, in accordance with district policy, all courses required for graduation.

(iii) For each eligible student under this paragraph, the superintendent shall conduct a review to determine whether the student has otherwise demonstrated proficiency in the knowledge, skills and abilities in the subject area(s) where the student was not able to demonstrate his/her proficiency of the State’s learning standards as measured by the corresponding Regents examination(s) and document such determination in accordance with the following procedures:

(a) the superintendent shall consider evidence that the student attained a grade for the course that meets or exceeds the required passing grade by the school for the subject area(s) under review and such grade is recorded on the student’s official transcript with grades achieved by the student in each quarter of the school year. Such grade may not be limited to, the student’s final course grade, student work completed throughout the school year and/or any interim grades on homework, class work, quizzes and tests; and

(b) the superintendent shall consider the evidence that demonstrates that the student actively participated in the Regents examination(s) for the subject area(s) under review; and

(c) the superintendent, as soon as practicable, in a form and manner prescribed by the commissioner, document the evidence reviewed for an eligible student with disability under this paragraph and make a determination as to whether the student met the requirements for issuance of a local diploma pursuant to this paragraph and certify that the information provided is accurate; and

(d) the superintendent shall, as soon as practicable, provide each student and parent of a student in parental relation to the student with a copy of the completed form and written notification of the superintendent’s determination, and place a copy of the completed form in the student’s record.

(1) Where the superintendent determines that the student has not met the requirements for graduation pursuant to this paragraph, the written notice shall inform the student and parent or person in parental relation to the student that the student has the right to attend school until receipt of a local or Regents diploma or until the end of the school year in which the student turns age 21, whichever shall occur first.

(2) Where the superintendent determines that the student has met the requirements for graduation pursuant to this paragraph, the parent shall receive prior written notice pursuant to the requirements of sec-
tion 200.5(a)(5)(ii) of this Title indicating that the student is not eligible to receive a free appropriate public education after graduation with the receipt of the local diploma pursuant to this paragraph; and
(c) the superintendent shall, no later than August 31 of each year, provide the commissioner with a copy of the completed form for each student; and
(f) the commissioner may conduct audits of compliance with the requirements of this paragraph.

(iv) On or after October 18, 2016, a superintendent shall only make a determination under this paragraph upon receipt of a written request from an eligible student’s parent or guardian. Such request shall be submitted in writing to the student’s school principal or chairperson of the district’s committee on special education. A written request received by the school’s principal, chairperson of the district’s committee on special education, or any other employee of the school as applicable, shall be forwarded to school superintendent immediately upon its receipt.

2. Clause (c) of subparagraph (i) of paragraph (7) of subdivision (d) of section 100.5 of the Regulations of the Commissioner is amended, effective October 18, 2016, 2016, as follows:

(a) A student who is otherwise eligible to graduate in January 2016 or thereafter, is identified as a student with a disability as defined in section 200.1(22) of this Title, and fails, after at least two attempts, to attain a score of 55 or above on up to two of the required Regents examinations for graduation shall be given an opportunity to appeal such score in accordance with the provisions of this paragraph for purposes of graduation with a local diploma; provided that the student:
(1) has scored within three points of a score of 55 on the required Regents examination under appeal and has attained at least a 65 course average in the subject area of the Regents examination under appeal; and
(2) has met the criteria specified in subclauses (a)(2)-(4) of this subparagraph.

[Notwithstanding the provisions of this clause, a student with a disability who makes use of the compensatory option in clause (b)(7)(vi)(c) of this section to obtain a local diploma may not also appeal a score below 55 on the English language arts or mathematics Regents examinations pursuant to this clause.]

3. Subparagraph (ix) of paragraph (2) of subdivision (d) of section 200.4 of the Regulations of the Commissioner is amended, effective October 18, 2016, as follows:

(i) Transition services. (a) For those students beginning not later than the first IEP to be in effect when the student is age 15 (and at a younger age, if determined appropriate), and updated annually, the IEP shall, under the applicable components of the student’s IEP, include:

[(a)(1) …
[(b)(2) …
[(c)(3) …
[(d)(4) …
[(e)(5) …]

(b) To ensure appropriate transition planning for the student, the development of transition goals and services pursuant to subclause (a) of this clause, shall include a discussion with the student’s parents of:
(1) the graduation requirements that apply to the student depending upon the year in which he or she first enters grade nine;
(2) how the student is progressing toward receipt of a diploma including:
(i) the courses the student has passed and the number of credits the student has earned as required for graduation;
(ii) the assessments required for graduation that the student has taken and passed; and
(iii) the appeal, safety net and superintendent determination pathway options that may be available to the student through section 100.5 of this Title to allow the student to meet the graduation assessment requirements.
(c) At the CSE meeting in which transition services will be discussed, the student’s parents shall be provided with written information explaining the graduation requirements. Such information must include the eligibility criteria and processes for seeking an appeal to graduate with a lower score on a Regents examination and for requesting that a student be considered for a local diploma through the superintendent determination pathway pursuant to section 100.5 of this Title. Parents shall also be informed that graduation from high school with a local diploma or Regents diploma shall terminate their child’s entitlement to a free public education pursuant to Education Law section 3202(1) and their eligibility for special education services pursuant to this Part.

This notice is intended to serve as both a notice of emergency adoption and a notice of revised rule making. The notice of proposed rule making was published in the State Register on July 18, 2016, S.D. No. EDU-27-16-00002-EP. The emergency rule will expire December 16, 2016.

Emergency rule compared with proposed rule: Substantial revisions were made in sections 100.5(d)(12) and 200.4(d)(2).
ful, because of his/her disability, at demonstrating his/her proficiency on the Regents exams required for graduation.

Conditions
1. The student has a current IEP and is receiving special education programs and/or related services.
2. The student did not meet the graduation requirements through the low pass (55-64) safety net option or the compensatory option [section 100.5(b)(7)(vii)(c) and (d)(7)].
3. The student must have earned the required course credits and have passed, in accordance with district policy, all courses required for graduation, including the Regents courses to prepare for the corresponding required Regents exam areas (ELA, math, social studies, and science).
4. The student must have received a minimum score of 55 on both the Regents ELA and math exams or a successful appeal of a score between 52 and 54.
5. There must be evidence that the student participated in the other exams required for graduation pursuant to section 100.5(a)(5), but has not passed one or more of these as required for graduation.
6. In a subject area where the student was not able to demonstrate his/her proficiency of the State’s learning standards through the corresponding Regents assessment required for graduation, there must be evidence that the student has otherwise demonstrated graduation level proficiency in the subject area.

Review and Documentation
In conducting a review to ensure the student has met the academic standards, the superintendent must consider evidence that demonstrates that the student:
1. Passed courses culminating in the exam required for graduation, in accordance with the grading policies of the district.
2. Actively participated in the exam required for graduation.

The superintendent must sign an assurance on the form that certifies that the information is accurate and the superintendent attests that the student has met graduation requirements. A copy of the form must be placed in the student’s record and a copy must be submitted to the Department no later than by August 31st following the student’s graduation.

Decision
A determination by the superintendent is final.

Audit
The Commissioner shall periodically audit the determinations granted by superintendents to ensure that conditions described above are being met.

Allowance of Low Pass Appeal in Addition to Compensatory Option
Prior to the adoption of the emergency rule at the June Regents meeting, students with disabilities who made use of the compensatory option described above were not eligible to also make use of the low pass appeal wherein they are able to appeal scores of 52-54. The amendment adopted in June removes this prohibition.

The proposed amendment also requires that the student and the parent of the student receive written notice of the superintendent’s determination with the copy of the completed superintendent’s determination form and, where the superintendent determines that the student has met the requirements for graduation, the district must provide prior written notice that the student is not eligible to receive a free appropriate public education after graduation with a local diploma. Where the superintendent determines that the student has not met the requirements for graduation, the written notice shall inform the student and his/her parent that the student has the right to attend school until receipt of a local or Regents diploma or until the end of the school year in which the student turns age 21, whichever shall occur first.

In addition, in order to ensure appropriate transition planning, amendments to section 200.4(d)(2)(ix) are proposed to require that, for students of transition age, the development of transition goals and services at a CSE meeting must include a discussion with the student’s parents of the student’s progress toward graduation, including eligibility criteria and process for requesting the superintendent determination.

4. COSTS:
(a) Costs to State: None.
(b) Costs to local governments: There may be costs associated with extending the population of students with disabilities that can earn a local diploma. School districts, BOCES and registered non-publics may also incur costs for the superintendent review and with recording the evidence reviewed and the decision rendered by the superintendent in these reviews.

However, these costs are anticipated to be minimal and capable of being absorbed by districts using existing staff and resources.

In the long term, the proposed amendment is expected to be a cost-saving measure in that it will boost the graduation rate, allowing more students to access higher education or enter the workforce with a high school diploma. Both of these outcomes will in turn stimulate workplace productivity and economic performance in local communities.

(c) Costs to private regulated parties: See (b) above.
(d) Costs to regulating agency for implementation and continued administration of this rule: None.

5. LOCAL GOVERNMENT MANDATES:
The proposed amendment requires the school principal and superintendent to review, document and provide a written certification/assurance that there is evidence that a student eligible for superintendent review has otherwise met the standards for graduation with a local high school diploma. This only applies to students with disabilities with a current Individualized Education Program (IEP) only. On or after October 18, 2016 (the effective date of the revised rule), a superintendent may only make a determination whether an eligible student has met the requirements for graduation through the superintendent determination pathway option upon receipt of a written request from an eligible student’s parent or guardian.

The proposed amendment further requires that the student and the parent of the student receive written notice of the superintendent’s determination with the copy of the completed superintendent’s determination form and, where the superintendent determines that the student has met the requirements for graduation, the district must provide prior written notice that the student is not eligible to receive a free appropriate public education after graduation with a local diploma. Where the superintendent determines that the student has not met the requirements for graduation, the written notice shall inform the student and his/her parent that the student has the right to attend school until receipt of a local or Regents diploma or until the end of the school year in which the student turns age 21, whichever shall occur first.

In order to ensure appropriate transition planning, the proposed amendments to section 200.4(d)(2)(ix) also require that, for students of transition age, the development of transition goals and services at a CSE meeting must include a discussion with the student’s parents of the student’s progress toward receiving a diploma and that parents be provided with information explaining graduation requirements, including eligibility criteria and process for requesting the superintendent determination.

6. PAPERWORK:
The proposed rule does not impose any significant paperwork requirements, upon local government, including school districts or BOCES. However, when a superintendent makes a determination that a student has met the requirements for graduation, the superintendent may be required to prepare, maintain and provide copies of the written notice to the student and the student’s parent, as well as provide a copy of the completed superintendent’s determination form.

The proposed amendment requires the school principal and superintendent to certify that the information is accurate and attesting that the student has met graduation requirements. A copy of the form must be placed in the student’s record and a copy must be submitted to the Department no later than by August 31st following the student’s graduation.

Also, see Section 5 Local Government Mandates for additional paperwork requirements.

7. DUPLICATION:
The proposed rule does not duplicate any existing State or federal requirements.

8. ALTERNATIVES:
There were no significant alternatives and none were considered. The proposed rule is necessary to implement Regents policy relating to safety net options for students with disabilities to graduate with a local diploma.

9. FEDERAL STANDARDS:
There are no related federal standards in this area.

10. COMPLIANCE SCHEDULE:
Beginning with students with disabilities who are otherwise eligible to graduate in June 2016 and thereafter, a school superintendent (or the principal of a registered nonpublic school or charter school, as applicable) has the responsibility to determine if a student with a disability has otherwise met the standards for graduation with a local diploma when such student has not been successful, because of his/her disability, at demonstrating his/her proficiency on the Regents exams required for graduation. On or after October 18, 2016 (the effective date of the revised rule), a superintendent may only make a determination whether an eligible student has met the requirements for graduation through the superintendent determination pathway option upon receipt of a written request from an eligible student’s parent or guardian.

1 A student also has the option to appeal a score of 52-54 on up to two Regents exams pursuant to section 100.5(b)(7)(vii)(c). While the appeal option exists, it is not required in order for a student to be considered for the superintendent’s determination option.

A student also has the option to appeal the ELA and/or math scores pursuant to section 100.5(d)(7). While the appeal option exists, it is not required in order for a student to be considered for the superintendent’s determination option.

Revised Regulatory Flexibility Analysis
(a) Small businesses:
The proposed amendment is necessary to implement policy enacted by
the Board of Regents relating to a the expansion of the available safety net options for students with disabilities to graduate with a local diploma upon the determination of the superintendent that such student has met certain other conditions for graduation. The proposed amendment requires the school principal and superintendent to review, document, and provide a written certification/assurance that the student has otherwise met the standards for graduation with a local high school diploma. Because ELA and math are foundation skills for which there must be a standardized measure of achievement, this option does not require a minimum score on the ELA and math Regents exams. However, for the other exams required for graduation, this option allows review of other documentation of proficiency when the student cannot pass one or more of these exams.

Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(6) Local governments:

1. EFFECT OF RULE:

The proposed amendment applies to each of the 689 public school districts in the State, and to charter schools and nonpublic schools that are authorized to issue regular high school diplomas with respect to State assessments and high school graduation and diploma requirements.

2. COMPLIANCE REQUIREMENTS:

Superintendent’s Review

The proposed amendment to the Commissioner’s regulations was adopted to ensure that students with disabilities have demonstrated that they have met the State’s learning standards. The proposed amendment requires the superintendent (or the principal/head of school, as applicable) to review, document, and provide a written certification/assurance that there is evidence that the student has otherwise met the standards for graduation with a local high school diploma. Based on public comment, the proposed amendment was revised at the October 2016 Regents meeting to require that on or after October 18, 2016 (the effective date of the revised rule), a superintendent may only make a determination whether an eligible student has met the requirements for graduation through the superintendent determination pathway option upon receipt of a written request from an eligible student’s parent or guardian.

The conditions of the review are detailed below:

- **Applicability**
  - This option is open to students with disabilities with a current Individualized Education Program (IEP) only.

- **Process**
  - Under this pathway, a school superintendent has the responsibility to determine if a student with a disability has otherwise met the standards for graduation with a local diploma when such student has not been successful, because of his/her disability, in demonstrating his/her proficiency on the Regents exams required for graduation.

- **Conditions**
  1. The student has a current IEP and is receiving special education programs and/or related services.
  2. The student did not meet the graduation requirements through the low pass (55-64) safety net option or the compensatory option [section 100.5(b)(7)(v)(c) and (d)(7)].
  3. The student must have earned the required course credits and have passed, in accordance with district policy, all courses required for graduation, including the Regents courses to prepare for the corresponding required Regents exam areas (ELA, math, social studies, and science).
  4. The student must have received a minimum score of 55 on both the Regents ELA and math exams or a successful appeal of a score between 52 and 54.
  5. There must be evidence that the student participated in the other exams required for graduation pursuant to section 100.5(a)(5), but has not passed one or more of these as required for graduation.
  6. In a subject area where the student was not able to demonstrate his/her proficiency of the State’s learning standards through the corresponding Regents assessment required for graduation, there must be evidence that the student has otherwise demonstrated graduation level proficiency in the subject area.

Review and Documentation

In conducting a review to ensure the student has met the academic standards, the superintendent must consider evidence that demonstrates that the student:

1. Passed courses culminating in the exam required for graduation, in accordance with the grading policies of the district.
2. Actively participated in the exam required for graduation.

The superintendent must sign an assurance on the form that certifies that the information is accurate and the superintendent attests that the student has met graduation requirements. A copy of the form must be placed in the student’s record and a copy must be submitted to the Department no later than by August 31st following the student’s graduation.

Decision

A determination by the superintendent is final.

Audit

The Commissioner shall periodically audit the determinations granted by superintendents to ensure that conditions described above are being met.

Allowance of Low Pass Appeal in Addition to Compensatory Option

Prior to the adoption of the emergency rule at the June Regents meeting, students with disabilities who made use of the compensatory option described above were not eligible to make use of the low pass appeal wherein they are able to appeal scores of 52-54. The amendment adopted in implementation of this provision.

The proposed amendment also requires that the student and the parent of the student receive written notice of the superintendent’s determination with the copy of the completed superintendent’s determination form and, where the superintendent determines that the student has met the requirements for graduation, the written notice shall inform the student and his/her parent that the student has the right to the local school diploma. The superintendent must sign an assurance on the form that certifies that the student is not eligible to receive a free appropriate public education after graduation with a local diploma. Where the superintendent determines that the student has not met the requirements for graduation, the written notice shall inform the student and his/her parent that the student has the right to the compensatory option or the low pass appeal. This notice must be sent to the student and his/her parent by no later than the end of the school year in which the student turns age 21, whichever shall occur first.

In addition, in order to ensure appropriate transition planning, amendments to section 200.4(d)(2)(ix) are proposed to require that, for students of transition age, the annual transition plan developed in the CSE meeting must include a discussion with the student’s parents of the student’s progress toward receiving a diploma and that parents be provided with information explaining graduation requirements, including eligibility criteria and process for requesting the superintendent determination.

3. PROFESSIONAL SERVICES:

The proposed rule does not impose any additional professional services requirements on local governments.

4. COMPLIANCE COSTS:

There may be costs associated with extending the population of students with disabilities that can earn a local diploma. School districts, BOCES and registered non-publics may also incur costs for the superintendent review and with recording the evidence reviewed and the decision rendered by the superintendent in these reviews. However, these costs are anticipated to be minimal and capable of being absorbed by districts using existing staff and resources.

In the long term, the proposed amendment is expected to be a cost-saving measure in that it will boost the graduation rate, allowing more students to access higher education or enter the workforce with a high school diploma. Both of these outcomes will in turn stimulate workforce productivity and economic performance in local communities.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed amendment does not impose any new technological requirements on school districts or charter schools. Economic feasibility is addressed in the Costs.

6. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to implement Regents policy relating to the expansion of the available safety net options for students with disabilities to graduate with a local diploma upon the determination of the superintendent that such student has met certain other conditions for graduation.

Because the Regents policy upon which the proposed amendment is based applies to all school districts in the State, it is not possible to establish differing compliance or reporting requirements or timetables or to exempt school districts from coverage by the proposed amendment. The proposed amendment does not directly impose any additional compliance requirements or costs on school districts. It is anticipated that any indirect costs associated with the proposed amendment will be minimal and capable of being absorbed by districts using existing staff and resources.

7. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts and from charter schools.

8. INITIAL REVIEW OF RULE (SAPA § 207):

Pursuant to State Administrative Procedure Act section 207(1)(b), the State Education Department proposes that the initial review of this rule shall occur in the fifth calendar year after the year in which the rule is adopted, instead of in the third calendar year. The justification for a five year review period is that the proposed rule is necessary to implement long-range Regents policy providing for an additional safety net option for
students with disabilities to graduate with a local diploma when certain conditions are met. Accordingly, there is no need for a shorter review period. The Department invites public comment on the proposed five year review period for this rule. Comments should be sent to the agency contact listed in item 10 of the Notice of Emergency Adoption published here- with, and must be received within 45 days of the State Register publica- tion date of the Notice.

1 A student also has the option to appeal the score of 52-54 on up to two Regents exams pursuant to section 100.5(b)(7)(vii)(c). While the appeal option exists, it is not required in order for a student to be considered for the superintendent’s determination option.

2 A student also has the option to appeal the ELA and/or math scores pur- suit to section 100.5(d)(7). While the appeal option exists, it is not required in order for a student to be considered for the superintendent’s determination option.

Revised Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

The proposed amendment applies to each of the 689 public school districts in the State, charter schools, and registered nonpublic schools in the State, to the extent that they offer instruction in the high school grades, including those located in the 44 rural counties with less than 200,000 in- habitants and the 71 towns in urban counties with a population density of 1,500 persons per square mile. At present, there is one charter school located in a rural area that is authorized to issue Regents diplomas.

2. REPORTING, RECORDKEEPING, AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

Superintendent’s Review

The proposed amendment to the Commissioner’s regulations was adopted to ensure that students with disabilities have demonstrated that they have met the State’s learning standards. The proposed amendment requires superintendents (or the principal/head of school of a registered nonpublic school or charter school, as applicable) to review, document and provide a written certification/assurance that there is evidence that the student has otherwise met the standards for graduation with a local high school diploma. Based on public comment, the proposed amendment was revised at the October 2016 Regents meeting to require that on or after October 18, 2016 (the effective date of the revised rule), a superintendent may only make a determination whether an eligible student has met the requirements for graduation through the superintendent determination pathway option upon receipt of a written request from an eligible student’s parent or guardian.

Applicability

This option is open to students with disabilities with a current Individu- alized Education Program (IEP) only.

Process

Under this pathway, a school superintendent has the responsibility to determine if a student with a disability has otherwise met the standards for graduation with a local diploma when such student has not been successful, because of his/her disability, at demonstrating his/her proficiency on the Regents exams required for graduation.

Conditions

1. The student has a current IEP and is receiving special education programs and/or related services.

2. The student did not meet the graduation requirements through the low pass (55-64) safety net option or the compensatory option [section 100.5(b)(7)(vii)(c) and (d)(7)]

3. The student must have earned the required course credits and have passed, in accordance with district policy, all courses required for graduation, including the Regents courses to prepare for the corresponding required Regents exams areas (ELA, math, social studies, and science).

4. The student must have received a minimum score of 55 on both the Regents ELA and math exams or a successful appeal of a score between 52 and 54.

5. There must be evidence that the student participated in the other exams required for graduation pursuant to section 100.5(a)(5), but has not passed one or more of these as required for graduation.

6. In a subject area where the student was not able to demonstrate his/ her proficiency of the State’s learning standards through the correspond- ing Regents assessment required for graduation, there must be evidence that the student has otherwise demonstrated graduation level proficiency in the subject area.

Review and Documentation

In conducting a review to ensure the student has met the academic stan- dards, the superintendent must consider evidence that demonstrates that the student:

1. Passed courses culminating in the exam required for graduation, in accordance with the grading policies of the district.

Rule Making Activities

2. Actively participated in the exam required for graduation.

The superintendent must sign an assurance on the form that certifies that the information is accurate and the superintendent attests that the student has met graduation requirements. A copy of the form must be placed in the student’s record and a copy must be submitted to the Depart- ment no later than by August 31st following the student’s graduation.

Decision

A determination by the superintendent is final.

Audit

The Commissioner shall periodically audit the determinations granted by superintendents to ensure that conditions described above are being met.

Allowance of Low Pass Appeal in Addition to Compensatory Option

Prior to the adoption of the emergency rule at the June Regents meet- ing, lots with disabilities who made use of the compensatory option described above were not eligible to also make use of the low pass appeal wherein they are able to appeal scores of 52-54. The amendment adopted in June removes this prohibition.

The proposed rule also requires that the student and the parent of the student receive written notice of the superintendent’s determination with the copy of the completed superintendent’s determination form and, where the superintendent determines that the student has met the require- ments for graduation, the district must provide prior written notice that the student is not eligible to receive a free appropriate public education after graduation with a local diploma. Where the superintendent determines that the student has not met the requirements for graduation, the written notice shall inform the student and his/her parent that the student has the right to attend school until receipt of a local or Regents diploma or until the end of the school year in which the student turns age 21, whichever shall occur first.

In addition, in order to ensure appropriate transition planning, amend- ments to section 200.4(d)(2)(ix) are proposed to require that, for students of transition age, the development of transition goals and services at a CSE meeting must include a discussion with the student’s parents about the student’s progress toward receiving a diploma and that parents be provided with information explaining graduation requirements, including eligibility criteria and process for requesting the superintendent determination.

3. COMPLIANCE COSTS:

In the long term, the proposed amendment is expected to be a cost- saving measure in that it will boost the graduation rate, allowing more students to access higher education or enter the workforce with a high school diploma. Both of these outcomes will in turn stimulate workforce productivity and economic performance in local communities.

4. MINIMIZING ADVERSE IMPACT:

There were no significant alternatives and none were considered. The proposed rule is necessary to implement Regents policy relating to the safety net options for students with disabilities to graduate with a local diploma.

5. RURAL AREA PARTICIPATION:

The proposed rule was submitted for review and comment to the Department’s Rural Education Advisory Committee, which includes representatives of school districts in rural areas.

1 A student also has the option to appeal the score of 52-54 on up to two Regents exams pursuant to section 100.5(b)(7)(vii)(c). While the appeal option exists, it is not required in order for a student to be considered for the superintendent’s determination option.

2 A student also has the option to appeal the ELA and/or math scores pur- suit to section 100.5(d)(7). While the appeal option exists, it is not required in order for a student to be considered for the superintendent’s determination option.
The proposed amendment requires the school principal and superintendent to review, document and provide a written certification/assurance that there is evidence that the student has otherwise met the standards for graduation with a local high school diploma. Because ELA and math are foundation skills for which there must be a standardized measure of achievement, this option requires a minimum score on the ELA and math Regents exams. However, for the other three required exams required for graduation, this option allows review of other areas of proficiency when the student cannot pass one or more of these exams.

In addition, in order to ensure appropriate transition planning, amendments are proposed to require that, for students of transition age, the development of transition goals and services at a CSE meeting must include a discussion with the student’s parents of the student’s progress toward receiving a diploma and that parents be provided with information explaining graduation requirements, including eligibility criteria and process for requesting the superintendent determination.

Because it is evident from the nature of the proposed rule that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Assessment of Public Comment
Since publication of a Notice of Proposed Rule Making in the State Register on July 6, 2016, the State Education Department (SED) received the following comments on the proposed amendment.

1. COMMENT:
   - Additional graduation pathway for students with disabilities is welcome policy change. Please SED and Board of Regents (BOR) continue discussing graduation pathways providing students with disabilities flexibility to satisfy graduation requirements. Appreciate district responsibility for eligibility determinations; families are not aware of different/confusing exam appeal options. Number of commenters supported proposal and multiple pathways, which recognizes some students’ inability to demonstrate proficiency on high-stakes tests, but recommended modifications. Creates opportunity for students with individualized education programs (IEPs) to earn local diploma.
   - DEPARTMENT RESPONSE:
     - Comments generally supportive; no response necessary.

2. COMMENT:
   - Power rests with uninformed superintendent and allows superintendent to make subjective determination. Forcing early graduation does not allow students to become independent members of society. May inadvertently open door to prematurely push students with disabilities out of system as cost savings or remove challenging students; limits student’s work toward IEP goals by denying entitlement to free appropriate public education (FAPE); may impact classification rate and increase due process regarding eligibility or decision on if parents view special education as increasing likelihood of graduation.
   - DEPARTMENT RESPONSE:
     - Rule has been revised to require that the superintendent only consider whether a student is eligible for a local diploma through the superintendent determination. Provide students with extremely low scores (i.e., 0-35) opportunity to demonstrate proficiency on high-stakes tests, but recommended modifications. Creates opportunity for students with individualized education programs (IEPs) to earn local diploma.

3. COMMENT:
   - Proposes lowering standards, undermines objectives for students to leave school prepared for independence, post-secondary education and employment and ignores district’s policies for college-readiness. BOR documented lack of college/career readiness of students awarded local diplomas based on higher standards than superintendent determination. Students face remedial courses, tuition debt, reduced chances of completing degree; and minimal employment opportunities. State University of New York predicts college readiness by scores of 75 on English Language Arts (ELA) and 80 on math Regents exams and is proposing to eliminate remedial programs. Reducing passing rate creates situations where students cannot function in college and will not have access to remedial support.
   - DEPARTMENT RESPONSE:
     - SED does not agree proposal will lower education standards or result in students not being college/career ready. Rule was developed to ensure students with disabilities meet State’s learning standards for graduation, while recognizing the particular challenges some students face in passing Regents exams. Because ELA and math are foundation skills for which there must be standardized measures of achievement, this option requires 55 minimum score on these Regents exams. For other three required exams, superintendent must review, document and provide written certification/assurance that a student has otherwise met graduation standards for a local diploma.

4. COMMENT:
   - Proposal removes parents/students/committee on special education (CSE), who know child best, from process and right of individual with disability to choose path. Does not: provide families opportunity to review determination and confirm exiting is in student’s best interests; require CSE review student’s IEP before receiving diploma [see OSERS Letter to Richards, IDELR 288]; or include consideration of student’s IEP goals/transition plan. Require CSE convene to review IEP/pertinent documents related to IEP/transition plan prior to determination. CSE discussion would inform parents/pertinent people of implications of graduation with local versus Regents diploma. Replace superintendent with CSE recommendation regarding proposed graduation. Require CSE recommendation and that superintendent review and consider CSE’s recommendation and student’s IEP and transition needs/goals when making determination. Allow parent and family’s input. Would fit within State’s learning standards and Individuals with Disabilities Education Act (IDEA) and to FAPE can be denied. Families should be consulted throughout process and have equal say in child’s educational needs; not decided just by superintendent. Require family notification once potential eligibility is identified and students do not have to accept or forgo/defer pathway and remain in school until 21; not having this right is unfair and has long-term impact on student’s future. Allow parents to accept diploma but decline termination of services. Suggest form contain statement that student accepts determination. Require districts inform parents/students of option and parent/student request for transition age determination. Superintendent determination. Provide students with transition age determination. Power rests with uninformed superintendent and allows superintendent to make subjective determination. Forcing early graduation does not allow students to become independent members of society. May inadvertently open door to prematurely push students with disabilities out of system as cost savings or remove challenging students; limits student’s work toward IEP goals by denying entitlement to free appropriate public education (FAPE); may impact classification rate and increase due process regarding eligibility or decision on if parents view special education as increasing likelihood of graduation.
   - DEPARTMENT RESPONSE:
     - It is important that parents be engaged as meaningful partners in the special education process and education of their child, including transition planning. Rule has been revised to only allow a superintendent to make a determination as to whether an eligible student with a disability has met the requirements for a local diploma upon written request of the parent. To ensure appropriate transition planning, rule has also been revised to require that for students of transition age, CSE discuss the student’s progress toward receiving a diploma and parents be provided with information explaining graduation requirements, including eligibility criteria and process for requesting the superintendent determination.

5. COMMENT:
   - Procedure to provide parent with prior written notice (PWN) regarding pending change in placement when district intends to graduate student before age 21 [See 34 CFR section 300.102(a)(3)(iii)] is not incorporated into the regulations. Require superintendent to provide prior written notice (PWN) regarding superintendent determination, providing clear explanation for decision. Clarify when parents must receive notice of superintendent’s determination. Concerned determination is final and there is no recourse/appeal mechanism. Due process demands student’s right to challenge superintendent’s determination. Parent may seek to resolve disagreement with superintendent determination involving local diploma is change in placement. Graduation subject to stay-put provisions; parent can invoke due process and student remains eligible for special education services until proceedings conclude.
   - DEPARTMENT RESPONSE:
     - Under Commissioner’s Regulations section 200.5(a)(5)(ii), districts are required to provide PWN to parent prior to student’s graduation with local or Regents diploma in a reasonable timeframe before it proposes to graduate student. Notice must indicate student is no longer eligible to receive FAPE. Notice of superintendent’s determination should be provided at same time district provides parent PWN. As with any district proposal to change educational program/placement of a student with a disability, parents may seek to resolve disagreement with proposal to graduate student through all appropriate means, including mediation and due process hearing proceedings.

6. COMMENT:
   - Requiring students to only actively participate in exams may send message students do not have to try to pass exams. Unlikely students can demonstrate graduation level proficiency yet not minimal proficiency on State assessments. Limit range of failing scores acceptable for superintendent determination. Provide students with extremely low scores (i.e., 0-35) option for continued eligibility for FAPE.
   - DEPARTMENT RESPONSE:
     - Proposal recognizes there are some students who, because of their disabilities, are unable to demonstrate their proficiency on examinations required for graduation, even with testing accommodations, but are able to demonstrate graduation level proficiency of State’s learning standards and
pass courses culminating in the required graduation examinations. We decline to limit scores student would need to graduate through superintendent determination pathway.

7. COMMENT:
Reevaluate students prior to terminating services.

DEPARTMENT RESPONSE:
Under section 200.4(c)(4) of Commissioner’s regulations, reevaluation is not required before termination of student’s eligibility due to graduation with local or Regents diploma.

8. COMMENT:
Eliminate requirement that students participate in exams other than ELA and math required for graduation; they can be demoralizing, discouraging and result in undue stress.

DEPARTMENT RESPONSE:
Rule was developed to ensure students with disabilities meet State’s learning standards for graduation; therefore, for other three required exams, superintendent must review, document and provide written certification/assurance there is evidence student has otherwise met graduation standards for local diploma.

9. COMMENT:
Charter schools are only required to meet same health/safety, civil rights, and student assessment requirements applicable to public schools; because superintendent determination does not fit these categories, BOR does not have statutory authority to mandate charter schools consider this option. Consent to Charter School Act does not provide BOR regulatory power regarding graduation safety nets; charter schools have option to grant diploma created by BOR but are not required to. Only amendment to Charter Schools Act or schools charter could mandate this. Clarify that charter schools can choose to utilize new safety net option procedures but are not required to do mandatory review. Request that “Charter school” be removed from superintendent determination regulations.

DEPARTMENT RESPONSE:
Under Education Law § 2854(1)(b) and (d), charter schools shall meet the same student assessment requirements applicable to other public schools and may grant regents and local diplomas to the same extent as other public schools. In a charter school the “superintendent” equivalent in a district school would be the charter school’s head of school or other such school leader as designated by charter school’s board of trustees.

10. COMMENT:
To be equitable, extend superintendent determination to all students, including students with Section 504 Accommodation Plans, declassified students, multilingual learners Students with IEPs are not the only students struggling with Regents exams; no student should be penalized for not demonstrating mastery of NYS standards on high-stakes standardized tests. Pathway operates with one-size-fits-all framework, unfairly penalizing students struggling with high-stakes standardized tests. Create multiple instructional/assessment pathways to diploma (e.g., performance and project-based assessments) for students unable to demonstrate proficiency on State assessments; hold all students to high expectations. How Statewide hearings/listening tour regarding Regents exam requirements and alternative diploma pathways. Diploma path should not be tied to standardized written exams; graduation exit exams not required in over 60% of states. Reevaluate mindset that local diploma is “less than” diploma. Policy should acknowledge students are able to show achievement in ways besides standardized tests. Overemphasis on passing Regents exams detracts from well-rounded education.

DEPARTMENT RESPONSE:
The majority of students, including students with IEPs and 504 plans, declassified students and multilingual learners, can meet State’s learning standards for graduation. Proposal recognizes there are certain students with disabilities with an IEP who, because of their disability, are unable to demonstrate proficiency on standard State assessments.

BOR will continue to discuss multiple diploma pathways for all students and alternative ways to assess proficiency toward State’s learning standards for purposes of graduation.

11. COMMENT:
Having separate local diploma for students with disabilities is discriminatory [See Letter to White, OSEP, 63 IDELR 230 (7/2/14)] and discloses disability to potential colleges/employers. Depriving students opportunity to earn Regents diploma, benefit nondisabled peers enjoy, is discriminatory and violates Section 504 of the Rehabilitation Act and Americans with Disabilities Act. Permit local diploma for all students.

DEPARTMENT RESPONSE:
This is not separate type of diploma. Local diploma is currently available to all students, not just students with disabilities, who satisfactorily appeal two Regents test scores. Nothing in revised rule precludes a student with a disability from working toward a Regents diploma.

12. COMMENT:
Concerned earning CDOS credential is not available with Superintendent Determination.
Text or summary was published in the August 10, 2016 issue of the Register, I.D. No. EDU-32-16-00002-EP.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kiriti Goswami, State Education Department, Office of Counsel, State Education Building Room 148, 89 Washington Ave., Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING

NO HEARING(S) SCHEDULED

Education Requirements for Occupational Therapists and Occupational Therapy Assistants

I.D. No. EDU-44-16-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of sections 76.1 and 76.7 of Title 8 NYCCR

Statutory authority: Education Law, sections 207(not subdivided), 6504(not subdivided), 6507(2)(a), 7904(2), 7904-a(b); and L. 2016, ch. 124

Subject: Education requirements for Occupational Therapists and Occupational Therapy Assistants.

Purpose: Provides that licenses may be granted to applicants who have completed education exceeding current requirements for licensure.

Text of proposed rule: 1. Section 76.1 of the Regulations of the Commissioner of Education is amended, effective November 18, 2016, as follows:

To meet the professional education requirement for licensure in this State, the applicant shall present evidence of:

(a) at least a bachelor’s or master’s degree in occupational therapy from a program registered by the department or accredited by a national accreditation agency which is satisfactory to the department, or its equivalent, as determined by the department; or

(b) a certificate in occupational therapy from a program registered by the department or accredited by a national accreditation agency which is satisfactory to the department following the completion of a bachelor’s degree from an institution acceptable to the department; or

(c) completion of a program satisfactory to the department of not less than four years of postsecondary study which includes the professional study of occupational therapy and which culminates in the degree or diploma accepted by the civil authorities of the country in which the studies were completed as preparation in occupational therapy in that country.

2. Subdivision (b) of section 76.7 of the Regulations of the Commissioner of Education is amended, effective November 18, 2016, as follows:

To qualify for licensure as an occupational therapy assistant pursuant to section 7904-a of the Education Law, an applicant shall fulfill the following requirements:

(a) (b) have received an education as follows:

(1) (b) complete[jon of] at least a two-year associate degree program for occupational therapy assistants registered by the department or accredited by a national accreditation agency which is satisfactory to the department, or its equivalent, as determined by the department; or

(2) completion of a postsecondary program of at least two years duration that has been determined by the Board of Regents pursuant to Education Law section 6506(5) to substantially meet the requirements of Education Law section 7904-a(b);

Text of proposed rule and any required statements and analyses may be obtained from: Kiriti Goswami, State Education Department, Office of Counsel, State Education Building Room 148, 89 Washington Ave., Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Office of the Professions, Office of the Deputy Commissioner, State Education Department, State Education Building 207, 89 Washington Ave., Albany, NY 12234, (518) 486-1765, email: opdepcom@nysed.gov

Public comment will be received until: 45 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 207 of the Education Law grants general rule-making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to promulgate regulations in administering the admission to the practice of the professions.

Subdivision (2) of section 7904 of the Education Law, as amended by Chapter 124 of the Laws of 2016, allows an applicant for licensure as an occupational therapy assistant to satisfy the education requirement by completing a baccalaureate or master’s degree program or greater, or its equivalent, as determined by the Department.

Subdivision (b) of section 7904-a of the Education Law, as amended by Chapter 124 of the Laws of 2016, allows an applicant for licensure as an occupational therapy assistant to satisfy the education requirement by completing an associate degree program or greater, or its equivalent, as determined by the Department.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment carries out the intent of the aforementioned statutes that the Department shall supervise the regulation of the practice of the professions for the benefit of the public. The proposed amendment will conform the Regulations of the Commissioner of Education to Chapter 124 of the Laws of 2016, which amended Article 156 of the Education Law, by amending the education requirements for occupational therapists and occupational therapy assistants to provide the Department with the flexibility to grant licenses to applicants who have completed an education, or its equivalent, that exceeds the current requirements for licensure as either an occupational therapist or occupational therapy assistant.

The proposed amendment to section 76.1 of the Regulations of the Commissioner of Education provides that to meet the professional education requirement for licensure as an occupational therapist, the applicant must present evidence of:

(1) at least a bachelor’s or master’s degree in occupational therapy from a program registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department; or

(2) completion of a program satisfactory to the Department of not less than four years of postsecondary study which includes the professional study of occupational therapy and which culminates in the degree or diploma accepted by the civil authorities of the country in which the studies were completed as preparation in occupational therapy in that country.

The proposed amendment to subdivision (b) of section 76.7 of the Regulations of the Commissioner of Education provides that to meet the professional education requirement for licensure as an occupational therapy assistant, an applicant must complete at least a two-year associate degree program for occupational therapy assistants registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department.

Chapter 124 of the Laws of 2016 further authorizes the Department to develop regulations necessary to implement it.

3. NEEDS AND BENEFITS:

Currently, pursuant to Education Law § 7904(2), the education requirement for occupational therapy licensure requires applicants to have satisfactorily completed an approved occupational therapy curriculum in a baccalaureate or master’s program, or a certificate program satisfactory to the Department which is substantially equivalent to a baccalaureate degree program, in accordance with the Commissioner’s Regulations. Additionally, pursuant to Education Law § 7904-a(b), the current education requirement for occupational therapy assistant licensure requires applicants to have received an education consisting of the completion of a two-year associate degree program for occupational therapy assistants registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department.

However, the nationally recognized accrediting agency for the profession of occupational therapy, the American Occupational Therapy Association’s Accreditation Council for Occupational Therapy Education (ACOTE), has determined that occupational therapist education programs may grant either a master’s degree or a doctoral degree. Additionally,
ACOTE has determined that occupational therapy assistant education programs are currently offered by an associate degree or baccalaureate degree. Chapter 124 of the Laws of 2016, which takes effect on November 18, 2016, was enacted to amend the Education Law’s education requirements for licensure as an occupational therapist and occupational therapy assistant to provide the Department with the flexibility to grant licenses to applicants who have completed an education that exceeds the current requirements for licensure as either an occupational therapist or occupational therapy assistant, in recognition of the changes made to the national accreditation standards.

The proposed rule amends section 76.1 of the Regulations of the Commissioner of Education to provide the Department with the flexibility to grant licenses to applicants who have completed an education that exceeds the current requirements for licensure as either an occupational therapist or occupational therapy assistant, in recognition of the changes made to the national accreditation standards.

The proposed amendment is necessary to confer the Regulations of the Commissioner of Education to Chapter 124 of the Laws of 2016.

4. COST:
   (a) Costs to State government: The proposed rule implements statutory requirements and will not impose any additional costs on State government beyond those imposed by the statutory requirements.
   (b) Costs to local government: The proposed rule does not impose any additional costs on local government.
   (c) Costs to private regulated parties: The proposed rule does not impose any additional costs on regulated parties.
   (d) Costs to the regulatory agency: The proposed rule does not impose any additional costs on the Department beyond those imposed by statute.

5. LOCAL GOVERNMENT MANDATES:
   The proposed rule implements the requirements of Chapter 124 of the Laws of 2016, by providing the Department with the flexibility to grant licenses to applicants who have completed an education, or its equivalent, that exceeds the current requirements for licensure as either an occupational therapist or occupational therapy assistant. It does not impose any program, service, duty or responsibility upon local governments.

6. PAPERWORK:
   The proposed rule imposes no new reporting or other paperwork requirements beyond those imposed by the statute.

7. DUPLICATION:
   The proposed rule is necessary to implement Chapter 124 of the Laws of 2016. There are no other State or federal requirements on the subject matter of this proposed rule. Therefore, the proposed rule does not duplicate other existing State or federal requirements.

8. ALTERNATIVES:
   The proposed rule is necessary to conform the Regulations of the Commissioner of Education to Chapter 124 of the Laws of 2016. There are no significant alternatives to the proposed rule and none were considered.

9. FEDERAL STANDARDS:
   Since there are no applicable federal standards regarding the education requirements for occupational therapists and occupational therapy assistants, the proposed rule does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:
    The proposed amendment is necessary to conform the Regulations of the Commissioner of Education to Chapter 124 of the Laws of 2016. The proposed rule will become effective on November 18, 2016, which is the effective date of the statute. The proposed amendment does not impose any compliance schedules on regulated parties or local governments beyond the November 18, 2016 effective date.

Regulatory Flexibility Analysis
On July 21, 2016, Chapter 124 of the Laws of 2016 was enacted to amend the education requirements for occupational therapists and occupational therapy assistants to provide the Department with the flexibility to grant licenses to applicants who have completed an education that exceeds the current requirements for licensure as either an occupational therapist or occupational therapy assistant.

The proposed amendment to the Regulations of the Commissioner of Education is necessary to implement the provisions of Chapter 124 of the Laws of 2016. The proposed amendment to section 76.1 of the Regulations of the Commissioner of Education provides that to meet the professional education requirement for licensure as an occupational therapy assistant, an applicant must have completed at least a two-year associate degree program for occupational therapy assistants registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department.

The statutory education requirements for applicants for licensure as either an occupational therapist or occupational therapy assistant to satisfy the education requirement by having an associate degree or a baccalaureate degree. Chapter 124 was enacted to amend the Education Law’s educational requirements for licensure as an occupational therapist and occupational therapy assistant, in recognition of ACOTE’s standards.

The proposed amendment will not impose any new reporting, recordkeeping, or other compliance requirements, or any adverse economic impact, on small businesses or local governments. Because it is evident from the nature of the proposed amendment that it will not adversely affect small businesses or local governments, no affirmative steps were needed to ascertain that such costs were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required, and one has not been prepared.

Rural Area Flexibility Analysis
Currently, pursuant to Education Law § 7904(2), the education requirement for licensure as an occupational therapist requires applicants to have satisfactorily completed an approved occupational therapy curriculum in a baccalaureate or master’s program, or a certificate program satisfactory to the Department which is substantially equivalent to a baccalaureate degree program, in accordance with the Commissioner’s Regulations. Additionally, pursuant to Education Law § 7904(2), the current education requirement for licensure as an occupational therapy assistant requires applicants to have received an education consisting of the completion of a two-year associate degree program for occupational therapy assistants registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department.

However, the nationally recognized accrediting agency for the profession of occupational therapy, the American Occupational Therapy Association’s Accreditation Council for Occupational Therapy Education (ACOTE), has determined that occupational therapist education programs may grant either a master’s degree or a doctoral degree. Additionally, ACOTE has determined that occupational therapy assistant education programs may grant either an associate degree or a baccalaureate degree.

Chapter 124 of the Laws of 2016, which takes effect on November 18, 2016, was enacted to amend the Education Law’s education requirements for licensure as an occupational therapist and occupational therapy assistant to provide the Department with the flexibility to grant licenses to applicants who have completed an education that exceeds the current requirements for licensure as either an occupational therapist or occupational therapy assistant, in recognition of the changes made to the national accreditation standards.

Chapter 124 amends Education Law § 7904(2) to allow an applicant for licensure as an occupational therapist to satisfy the education requirement by having a baccalaureate or master’s degree or greater, or its equivalent as determined by the Department.

Chapter 124 amends Education Law § 7904(2) to allow an applicant for licensure as an occupational therapy assistant to satisfy the education requirement by having an associate degree or greater, or its equivalent as determined by the Department.

The proposed amendment to section 76.1 of the Regulations of the Commissioner of Education provides that to meet the professional education requirement for licensure as an occupational therapist, the applicant must present evidence of: (1) at least a bachelor’s or master’s degree in occupational therapy from a program registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department; or (2) completion of a program satisfactory to the Department of not less than four years of postsecondary study which includes the professional study of occupational therapy and which culminates in the degree or diploma accepted by the civil authorities of the country in which the studies were completed as preparation in occupational therapy in that country.
professional education requirement for licensure as an occupational therapy assistant, an applicant must have completed at least a two-year associate degree program for occupational therapy assistants registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department. The proposed amendment is only applicable to applicants for licensure as either an occupational therapist or an occupational therapy assistant in New York State. The proposed amendment will not impose any adverse impact on rural areas and would not impose any new reporting, recordkeeping, or other compliance requirements, on entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural area flexibility analysis is not required, and one has not been prepared.

Job Impact Statement

The proposed rule is required to implement Chapter 124 of the Laws of 2016, which amends the education requirements for occupational therapists and occupational therapy assistants to provide the Department with the flexibility to grant licenses to applicants who have completed an education that exceeds the current requirements for licensure as either an occupational therapist or occupational therapy assistant. Chapter 124 amends Education Law § 7904(2) to allow an applicant for licensure as an occupational therapist to satisfy the education requirement by having a bachelor's or master's degree or greater, or its equivalent as determined by the Department. In addition, Chapter 124 amends Education Law § 409-l to allow an applicant for licensure as an occupational therapy assistant to satisfy the education requirement by having an associate degree or greater, or its equivalent as determined by the Department. The proposed amendment to section 26.1 of the Regulations of the Commissioner of Education provides that to meet the professional education requirement for licensure as an occupational therapist, the applicant must present evidence of: (1) at least a bachelor’s or master’s degree in occupational therapy from a program registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department; or (2) completion of a program satisfactory to the Department of not less than four years of post-secondary study which includes the professional study of occupational therapy and which culminates in the degree or diploma accepted by the Education Law 305(1). The proposed amendment to subdivision (b) section 76.7 of the Regulations of the Commissioner of Education provides that to meet the professional education requirement for licensure as an occupational therapy assistant, an applicant must have completed at least a two-year associate degree program for occupational therapy assistants registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department.

Although the proposed rule may increase the number of individuals who may be eligible for licensure as either an occupational therapist or an occupational therapy assistant, it is not anticipated that the proposed rule will increase or decrease the number of jobs to be filled.

The amendment will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed amendment that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required, and one has not been prepared.

PROPOSED RULE MAKING

Posting of Child Abuse Hotline Number and Instructions to Use Office of Children and Family Services Website

I.D. No. EDU-44-16-00023-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Addition of section 100.2(nn) to Title 8 NYCRR.

Statutory authority: Education Law, sections 101 (not subdivided), 207 (not subdivided) and 409-l, as added by L. 2016, ch. 105

Subject: Posting of Child Abuse Hotline Number and Instructions to Use Office of Children and Family Services Website.

Purpose: To implement the requirements of chapter 105 of the Laws of 2016.

Text of proposed rule: 1. A new subdivision (nn) shall be added to section 100.2 of the Regulations of the Commissioner of Education, effective January 25, 2017, as follows:

(nn) Posting of child abuse telephone hotline number and directions for accessing the New York State Office of Children and Family Services website. Each public school and charter school shall post in English and Spanish the toll-free telephone number (1-800-342-3720) operated by the New York State Office of Children and Family Services (OCFS) to receive reports of child abuse or neglect and directions for accessing the OCFS website at http://ocfs.ny.gov/main/cps/. The Department also recommends that each public school and charter school post such information in the most common languages of the school community. The school must post such information in clearly visible locations so that it is readily accessible for students and employees by:

1. posting such information on the district and/or school’s website(s), if such a website exists; and
2. posting such information in highly-visible areas of school buildings;
3. making such information available at the district and school building-level administrative offices, where applicable; and
4. providing such information to parents and persons in parental relation at least once per school year in a manner as determined by the school, including, but not limited to, through electronic communication and/or sending such information home with students; and
5. providing each teacher and administrator in the school with such information.

Text of proposed rule and any required statements and analyses may be obtained from: Renee Rider, Acting Deputy Commissioner for P12 I, New York State Education Department, 89 Washington Avenue, Room 138, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Renee Rider, Acting Deputy Commissioner for P12 I, New York State Education Department, 89 Washington Avenue, Room 138, Albany, NY 12234, (518) 474-5510, email: regcomments@nysed.gov

Public comment will be received until: 45 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law 305(1) authorizes the Commissioner to enforce laws relating to the Department's general management and supervision of the educational work of the State.

Education Law 207(4) authorizes the Regents to enforce education laws relating to the general management of their schools.

Section 305(2) of Education Law (not subdivided) grants general rule-making authority to the Regents to enforce laws relating to the State educational system and execute Regents educational policies.

Section 305(2) of Education Law (not subdivided) grants general rule-making authority to the Regents to enforce laws relating to the State educational system and execute Regents educational policies.

Section 305(2) of Education Law (not subdivided) grants general rule-making authority to the Regents to enforce laws relating to the State educational system and execute Regents educational policies.

Section 305(2) of Education Law (not subdivided) grants general rule-making authority to the Regents to enforce laws relating to the State educational system and execute Regents educational policies.

2. LEGISLATIVE HISTORY:

The proposed rule implements Chapter 105 of the Laws of 2016, by requiring that each public school, including charter schools, post the child abuse hotline number and ensure that it is clearly visible in a location that is readily accessible for students.

3. NEEDS AND BENEFITS:

On July 21, 2016, the Governor signed Chapter 105 of the Laws of 2016, which added a new section 409-l to the Education Law to require that each public school, including charter schools, post the child abuse hotline number and ensure that it is clearly visible in a location that is readily accessible for students. Specifically, the new law requires every public school, including charter schools, to post in English and in Spanish the toll-free telephone number operated by the New York State Office of Children and Family Services (OCFS) to receive reports of child abuse or neglect and directions for accessing the OCFS website.

The proposed amendment implements Education Law § 409-l by requiring: each public school, including charter schools, to post the child abuse hotline number and ensure that it is clearly visible in a location that is readily accessible for students. This includes providing such information in the most common languages of the school community.

Each school must post such information in clearly visible locations so that it is readily accessible for students and faculty by posting such information on the district and schools' websites, where one exists; posting such information in highly-visible areas of school buildings; and making such information available at the district and school building-levels.
administrative offices, where applicable; and providing such information to parents and persons in parental relation at least once per school year in a manner as determined by the school including, but not limited to, through electronic communication and/or sending such information home with students; and providing each teacher and administrator in the school with such information.

4. COSTS:
   a. Costs to State government: The amendment does not impose any costs on State government, including the State Education Department.
   b. Costs to local government: The amendment does not impose any costs on local government, including school districts and BOCES.
   c. Costs to private regulated parties: The amendment does not impose any costs on private regulated parties.
   d. Costs to regulatory agency for implementation and continued administration: See above.

5. LOCAL GOVERNMENT MANDATES:
   The new law requires each public school, including charter schools, to post in English and in Spanish the toll-free telephone number (1-800-342-3720) operated by OCFS to receive reports of child abuse or neglect and the following website link to access the OCFS website: http://ocfs.ny.gov/main/cps/. Each school must post such information in clearly visible locations so that it is readily accessible for students and faculty by: posting such information on the district and schools’ website(s), where one exists; posting such information in highly-visible areas of school buildings; and making such information available at the district and school building-level administrative offices, where applicable; and providing such information to parents and persons in parental relation at least once per school year in a manner as determined by the school including, but not limited to, through electronic communication and/or sending such information home with students; and providing each teacher and administrator in the school with such information.

6. PAPERWORK:
   The proposed amendment requires school districts and charter schools to provide such information to parents and persons in parental relation at least once per school year in a manner as determined by the school including, but not limited to, through electronic communication and/or sending such information home with students; and providing each teacher and administrator in the school with such information.

7. DUPLICATION:
   The rule does not duplicate existing State or Federal requirements.

8. ALTERNATIVES:
   The proposed amendment was added in response to concerns raised by the Board of Regents. No alternatives were considered.

9. FEDERAL STANDARDS:
   There are no applicable Federal standards related to the amendment.

10. COMPLIANCE SCHEDULE:
    It is anticipated that the parties will be able to comply by its stated effective date.

Regulatory Flexibility Analysis

(a) Small businesses:
   The proposed amendment revises sections 30-3.4(c)(3) and 30-3.5(c)(3) of the Rules of the Board of Regents to provide further flexibility to allow the City School District of the City of New York to calculate scores and ratings for SLOs pursuant to a methodology approved by the Commissioner in guidance. The New York City School District is the largest school district in the State of New York and the United States, serving more than 1.1 million students in over 1,800 schools. Given this size, the proposed flexibility is needed to allow the NYSDOE to use a customized growth model to ensure an objective, consistent, district-level expectation for growth.

   The amendment does not impose any new recordkeeping or other compliance requirements, and will not have an adverse economic impact, on small businesses. Because it is evident from the nature of the rule that it does not affect small businesses, no further steps were needed to ascertain that fact and one were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local governments:
   1. EFFECT OF RULE:
      The City School District of the City of New York will be required to comply with the proposed amendment.

   2. COMPLIANCE REQUIREMENTS:
      The proposed amendment implements Education Law § 409-l by requiring each public school, including charter schools, to post in English and in Spanish the toll-free telephone number (1-800-342-3720) operated by OCFS to receive reports of child abuse or neglect and the following website link to access the OCFS website: http://ocfs.ny.gov/main/cps/. Each school must post such information in clearly visible locations so that it is readily accessible for students and faculty by: posting such information on the district and schools’ website(s), where one exists; posting such information in highly-visible areas of school buildings; and making such information available at the district and school building-level administrative offices, where applicable; and providing such information to parents and persons in parental relation at least once per school year in a manner as determined by the school including, but not limited to, through electronic communication and/or sending such information home with students; and providing each teacher and administrator in the school with such information.

   3. COSTS:
      The proposed amendment does not impose any costs on schools or charter schools, including those located in rural areas of the State beyond those imposed by statute.

   4. MINIMIZING ADVERSE IMPACT:
      The proposed amendment implements Chapter 105 of the Laws of 2016. Therefore, no alternatives were considered.

   5. RURAL AREA PARTICIPATION:
      Copies of the rule have been provided to Rural Supervisors and the Superintendents of the State's rural school districts or BOCES.

   6. COSTS:
      The proposed amendment does not impose any costs on schools or charter schools, including those located in rural areas of the State beyond those imposed by statute.

   7. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:
      The rule does not impose any additional technological requirements on districts or BOCES.

   8. ALTERNATIVES:
      The proposed amendment implements Education Law § 409-l by requiring: each public school, including charter schools, to post in English and in Spanish the toll-free telephone number (1-800-342-3720) operated by OCFS to receive reports of child abuse or neglect and the following website link to access the OCFS website: http://ocfs.ny.gov/main/cps/. The Department also recommends that each public school and charter school post such information to parents and persons in parental relation at last once per school year in a manner as determined by the school including, but not limited to, through electronic communication and/or sending such information home with students; and providing each teacher and administrator in the school with such information.

   9. JOB IMPACT STATEMENT:
      The proposed amendment implements Education Law § 409-l, as added by Chapter 105 of the Laws of 2016, by requiring: each public school, including charter schools, to post in English and in Spanish the toll-free telephone number (1-800-342-3720) operated by OCFS to receive reports of child abuse or neglect and the following website link to access the OCFS website: http://ocfs.ny.gov/main/cps/. Each school must post such information in clearly visible locations so that it is readily accessible for students and faculty by: posting such information on the district and schools’ website(s), where one exists; posting such information in highly-visible areas of school buildings; and making such information available at the district and school building-level administrative offices, where applicable; and providing such information to parents and persons in parental relation at last once per school year in a manner as determined by the school including, but not limited to, through electronic communication and/or sending such information home with students; and providing each teacher and administrator in the school with such information.

   10. COMPLIANCE SCHEDULE:
       It is anticipated that the parties will be able to comply by its stated effective date.

   11. JOB IMPACT STATEMENT:
       The proposed amendment implements the requirements of Chapter 105 of the Laws of 2016. Therefore, no alternatives were considered.

   12. RURAL AREA PARTICIPATION:
       Copies of the rule have been provided to Rural Advisory Committee for review and comment.

Job Impact Statement

The proposed amendment implements Education Law § 409-l, as added by Chapter 105 of the Laws of 2016, by requiring: each public school, including charter schools, to post in English and in Spanish the toll-free telephone number (1-800-342-3720) operated by OCFS to receive reports of child abuse or neglect and the following website link to access the OCFS website: http://ocfs.ny.gov/main/cps/. Each school must post such information in clearly visible locations so that it is readily accessible for students and faculty by: posting such information on the district and schools’ website(s), where one exists; posting such information in highly-visible areas of school buildings; and making such information available at the district and school building-level administrative offices, where applicable; and providing such information to parents and persons in parental relation at least once per school year in a manner as determined by the school including, but not limited to, through electronic communication and/or sending such information home with students; and providing each teacher and administrator in the school with such information.

Because it is evident from the nature of the proposed rule that it will
have no impact on the number of jobs or employment opportunities in New York State, and no further steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Department of Health

NOTICE OF ADOPTION

Practice of Radiologic Technology
I.D. No. HLT-30-15-00005-A
Filing No. 959
Filing Date: 2016-10-18
Effective Date: 2016-11-02

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:
Action taken: Amendment of Part 89 of Title 10 NYCRR.
Statutory authority: Public Health Law, sections 3504, 3507(2), (7) and 3510(1)(g)
Subject: Practice of Radiologic Technology.
Purpose: To update regulations related to the practice of radiologic technology.
Text or summary was published in the July 29, 2015 issue of the Register, I.D. No. HLT-30-15-00005-P.
Final rule as compared with last published rule: No changes.

Assessment of Public Comment
The agency received no public comment.

NOTICE OF ADOPTION

Neurodegenerative Specialty Rate
I.D. No. HLT-24-16-00002-A
Filing No. 961
Filing Date: 2016-10-18
Effective Date: 2016-11-02

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:
Action taken: Amendment of Subpart 86-2 of Title 10 NYCRR.
Statutory authority: Public Health Law, section 2803(2)
Subject: Neurodegenerative Specialty Rate.
Purpose: To authorize Medicaid rate of payment for providing quality of care to the neurodegenerative population.
Text or summary was published in the June 15, 2016 issue of the Register, I.D. No. HLT-24-16-00002-P.
Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqna@health.ny.gov
Assessment of Public Comment
The agency received no public comment.

Department of Motor Vehicles

NOTICE OF ADOPTION

Notices of Hearing
I.D. No. MTV-35-16-00003-A
Filing No. 955
Filing Date: 2016-10-18
Effective Date: 2016-11-02

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:
Action taken: Amendment of section 127.1 of Title 15 NYCRR.
Statutory authority: Vehicle and Traffic Law, sections 215(a), 303(f) and 415(9-a)
Subject: Notices of hearing.
Purpose: Provides for mailing by first class mail for most DMV hearings.
Text or summary was published in the August 31, 2016 issue of the Register, I.D. No. MTV-35-16-00003-P.
Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 575-0871, email: heidi.bazicki@dmv.ny.gov
Assessment of Public Comment
The agency received no public comment.
Public Service Commission

EMERGENCY/PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Use of Escrow Funds for Repairs

I.D. No. PSC-44-16-00010-EP
Filing Date: 2016-10-13
Effective Date: 2016-10-13

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: The Commission, on October 13, 2016, adopted an order restricting the use of Arbor Hills Waterworks, Inc.’s escrow account without the prior approval of the Director of the Office of Electric, Gas and Water; and requiring the submission of a plan to supplement the Company’s water supply.

Statutory authority: Public Service Law, sections 89-b and 89-c

Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: On July 27, 2016, the Commission ordered Arbor Hills Waterworks, Inc. (the Company) to show cause why, under PSL § 112-a, the Commission should not appoint a temporary operator to manage the system, given the owner’s failure to adequately address ongoing infrastructure failures. On August 26, 2016, the Company filed a response, largely blaming the system’s current operator, JCO, Inc. (JCO), for the recent service failures and unaddressed repairs. The Commission found the Company’s response inadequate and that the public health and safety continued to be threatened by the owner’s inaction. For this reason, the Commission restricted use of the Company’s escrow account and required the Company to submit a plan to increase its water supply.

Subject: Use of escrow funds for repairs.

Purpose: To condition the use of escrow account funds for repairs.

Substance of emergency/proposed rule: The Commission, on October 13, 2016, adopted an order restricting the use of Arbor Hills Waterworks, Inc.’s escrow account without the prior approval of the Director of the Office of Electric, Gas and Water; and requiring the submission of a plan to supplement the Company’s water supply.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire January 10, 2017.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Department of Public Service, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice with the amended rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0415EP2)

NOTICE OF ADOPTION

Complaint Relief and Tariff Revisions

I.D. No. PSC-41-15-000007-A
Filing Date: 2016-10-17
Effective Date: 2016-10-17

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On October 13, 2016, the PSC adopted an order granting Glenwyck Development, LLC (Glenwyck) relief for a complaint against Niagara Mohawk Power Corporation d/b/a National Grid (NMPC) and ordering tariff revisions.

Statutory authority: Public Service Law, sections 31, 65 and 66

Subject: Complaint relief and tariff revisions.

Purpose: To grant Glenwyck relief for a complaint against NMPC and to order tariff revisions.

Substance of final rule: The Commission, on October 13, 2016, adopted an order granting Glenwyck Development, LLC relief for a complaint against Niagara Mohawk Power Corporation d/b/a National Grid’s (NMPC) tariff provisions and to order NMPC to revise Residential Distribution Contribution Statement No. 3, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0560SA1)

NOTICE OF ADOPTION

Transfer of Stock

I.D. No. PSC-10-16-00010-A
Filing Date: 2016-10-14
Effective Date: 2016-10-14

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 10/13/16, the PSC adopted an order approving Whistle Tree Development Corporation’s (Whistle Tree) petition to transfer full stock ownership to Scribners Catskill Lodge, LLC (Scribners).

Statutory authority: Public Service Law, sections 4(1), 5(1)(f), 89-c(1), (10) and 99-b(1)

Subject: Transfer of stock.

Purpose: To approve Whistle Tree’s petition to transfer full stock ownership to Scribners.

Substance of final rule: The Commission, on October 13, 2016, adopted an order approving Whistle Tree Development Corporation’s petition to transfer full stock ownership to Scribners Catskill Lodge, LLC, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0078SA1)

NOTICE OF ADOPTION

Tariff Filing to Effectuate Amendments to Public Service Law Section 70-a

I.D. No. PSC-11-16-00010-A
Filing Date: 2016-10-14
Effective Date: 2016-10-14

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 10/13/16, the PSC adopted an order approving Central Hudson Gas and Electric Corporation’s (Central Hudson) tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

Statutory authority: Public Service Law, sections 66(12) and 70-a
Subject: Tariff filing to effectuate amendments to Public Service Law section 70-a.

Purpose: To approve Central Hudson’s tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

Substance of final rule: The Commission, on October 13, 2016, adopted an order approving Central Hudson Gas and Electric Corporation’s tariff filing, with modifications, to effectuate amendments to Public Service Law § 70-a – Transfer of Street Light Systems, contained in P.S.C. No. 15 – Electricity, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment
An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0745SA1)

NOTICE OF ADOPTION

Tariff Filing to Effectuate Amendments to Public Service Law Section 70-a

I.D. No. PSC-11-16-00011-A
Filing Date: 2016-10-14
Effective Date: 2016-10-14

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 10/13/16, the PSC adopted an order approving New York State Electric and Gas Corporation’s (NYSEG) tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

Statutory authority: Public Service Law, sections 66(12) and 70-a

Subject: Tariff filing to effectuate amendments to Public Service Law section 70-a.

Purpose: To approve NYSEG’s tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

Substance of final rule: The Commission, on October 13, 2016, adopted an order approving New York State Electric and Gas Corporation’s tariff filing, with modifications, to effectuate amendments to Public Service Law § 70-a – Transfer of Street Light Systems, contained in P.S.C. No. 121 – Electricity, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment
An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0746SA1)

NOTICE OF ADOPTION

Tariff Filing to Effectuate Amendments to Public Service Law Section 70-a

I.D. No. PSC-11-16-00012-A
Filing Date: 2016-10-14
Effective Date: 2016-10-14

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 10/13/16, the PSC adopted an order approving Orange and Rockland Utilities, Inc.’s (ORR) tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

Statutory authority: Public Service Law, sections 66(12) and 70-a

Subject: Tariff filing to effectuate amendments to Public Service Law section 70-a.

Purpose: To approve ORR’s tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

Substance of final rule: The Commission, on October 13, 2016, adopted an order approving Orange and Rockland Utilities, Inc.’s (ORR) tariff filing, with modifications, to effectuate amendments to Public Service Law § 70-a – Transfer of Street Light Systems, contained in P.S.C. No. 214 – Electricity, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment
An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0747SA1)

NOTICE OF ADOPTION

Tariff Filing to Effectuate Amendments to Public Service Law Section 70-a

I.D. No. PSC-11-16-00015-A
Filing Date: 2016-10-14
Effective Date: 2016-10-14

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 10/13/16, the PSC adopted an order approving Orange and Rockland Utilities, Inc.’s (ORR) tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

Statutory authority: Public Service Law, sections 66(12) and 70-a

Subject: Tariff filing to effectuate amendments to Public Service Law section 70-a.

Purpose: To approve ORR’s tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

Substance of final rule: The Commission, on October 13, 2016, adopted an order approving Orange and Rockland Utilities, Inc.’s (ORR) tariff filing, with modifications, to effectuate amendments to Public Service Law § 70-a – Transfer of Street Light Systems, contained in P.S.C. No. 214 – Electricity, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment
An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0748SA1)
**Purpose:** To grant the Joint Utilities’ petition for rehearing, reconsideration and clarification of certain aspects of the CCA Order.

**Substance of final rule:** The Commission, on October 13, 2016, adopted an order denying, in part, National Fuel Gas Distribution Corporation’s (NFG) petition requesting modification of the Community Choice Aggregation (CCA) Opt-Out Program to an Opt-In Program. Reconsideration and clarification of the April 21, 2016 Order Authorizing Framework for Community Choice Aggregation Opt-Out Program is granted, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov. An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-M-0224SA3)

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**NOTICE OF ADOPTION**

**Transfer of Stock**

| I.D. No. | PSC-13-16-00011-A |
| Filing Date: | 2016-10-14 |
| Effective Date: | 2016-10-14 |

PTSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 10/13/16, the PSC adopted an order approving Crystal Water Corporation’s (Crystal Water) petition to transfer 100 percent of stock to Bruce McNab.

**Statutory authority:** Public Service Law, section 89-h

**Subject:** Transfer of stock.

**Purpose:** To approve Crystal Water’s petition to transfer 100 percent of stock to Bruce McNab.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov. An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0126SA1)

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**NOTICE OF ADOPTION**

**Petition Requesting Modification of the CCA Opt-Out Program to an Opt-In Program**

| I.D. No. | PSC-25-16-00011-A |
| Filing Date: | 2016-10-13 |
| Effective Date: | 2016-10-13 |

PTSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 10/13/16, the PSC adopted an order approving Orange and Rockland Utilities, Inc.’s tariff filing, with modifications, to effectuate amendments to Public Service Law § 70-a – Transfer of Street Light Systems, contained in P.S.C. No. 3 – Electricity, subject to the terms and conditions set forth in the order.

**Purpose:** To approve O&R’s tariff filing, with modifications, to effectuate amendments to Public Service Law section 70-a.

**Substance of final rule:** The Commission, on October 13, 2016, adopted an order modifying Orange and Rockland Utilities, Inc.’s tariff filing, with modifications, to effectuate amendments to Public Service Law § 70-a – Transfer of Street Light Systems, contained in P.S.C. No. 3 – Electricity, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov. An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0749SA1)

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**NOTICE OF ADOPTION**

**Proposed Solutions to Meet the PPTN**

| I.D. No. | PSC-25-16-00012-A |
| Filing Date: | 2016-10-13 |
| Effective Date: | 2016-10-13 |

PTSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 10/13/16, the PSC adopted an order directing the New York State Independent Operator, Inc. (NYISO) to evaluate proposed solutions to meet the Public Policy Transmission Need (PPTN) for Western New York.

**Statutory authority:** Public Service Law, sections 4(1), 5(1)(b), (2), (5), (6)(1), (2) and (5)

**Subject:** Proposed solutions to meet the PPTN.

**Purpose:** To direct NYISO to evaluate proposed solutions to meet the PPTN.

**Substance of final rule:** The Commission, on October 13, 2016, adopted an order directing the New York State Independent Operator, Inc. to evaluate proposed solutions to meet the Public Policy Transmission Need for Western New York, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov. An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0126SA1)

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**NOTICE OF ADOPTION**

**Petition for Rehearing, Reconsideration and Clarification of Certain Aspects of the CCA Order**

| I.D. No. | PSC-25-16-00013-A |
| Filing Date: | 2016-10-13 |
| Effective Date: | 2016-10-13 |

PTSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 10/13/16, the PSC adopted an order granting the Joint Utilities’ petition for rehearing, reconsideration and clarification of certain aspects of the Community Choice Aggregation (CCA) Opt-Out Program Order.

**Statutory authority:** Public Service Law, sections 5(1)(b), (2), (5), (6)(1), (2), (3), (6)(2) and (5)

**Subject:** Petition for rehearing, reconsideration and clarification of certain aspects of the CCA Order.

**Purpose:** To grant the Joint Utilities’ petition for rehearing, reconsideration and clarification of certain aspects of the CCA Order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment
An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

NOTICE OF ADOPTION

Revised Audit Implementation Plan
I.D. No. PSC-28-16-00014-A
Filing Date: 2016-10-13
Effective Date: 2016-10-13

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 10/13/16, the PSC adopted an order approving Consolidated Edison Company of New York, Inc. (Con Edison) and Orange and Rockland Utilities, Inc.’s (O&G) Revised Audit Implementation Plan.

Statutory authority: Public Service Law, section 66(19)(b)
Subject: Revised Audit Implementation Plan.
Purpose: To approve Con Edison and O&R’s Revised Audit Implementation Plan.

Substance of final rule: The Commission, on October 13, 2016, adopted an order approving Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.’s Revised Audit Implementation Plan, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment
An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

NOTICE OF ADOPTION

Deferral of Property Taxes
I.D. No. PSC-32-16-00021-A
Filing Date: 2016-10-17
Effective Date: 2016-10-17

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 10/13/16, the PSC adopted an order approving New York American Water Company, Inc.’s (NYAW) petition to defer $300,000 of excess property taxes.

Statutory authority: Public Service Law, sections 89-b and 89-c
Subject: Deferral of property taxes.
Purpose: To approve NYAW’s petition to defer $300,000 of excess property taxes.

Substance of final rule: The Commission, on October 13, 2016, adopted an order approving New York American Water Company, Inc.’s petition to defer $300,000 of excess property taxes from its current Sea Cliff Revenue, Production Costs and Property Tax Reconciliation Filing, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment
An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

NOTICE OF ADOPTION

Tariff Amendments to SC No. 20—Gas Marketers, Contained in P.S.C. No. 9—Gas
I.D. No. PSC-32-16-00006-A
Filing Date: 2016-10-17
Effective Date: 2016-10-17

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 10/13/16, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.’s (Con Edison) tariff amendments to Service Classification (SC) No. 20—Gas Marketers, contained in P.S.C. No. 9—Gas.

Statutory authority: Public Service Law, section 66(12)
Subject: Tariff amendments to SC No. 20—Gas Marketers, contained in P.S.C. No. 9—Gas.

PURPOSE: To approve Con Edison’s tariff amendments to SC No. 20—Gas Marketers, contained in P.S.C. No. 9—Gas.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Surcharge to Recover Costs of Dynamic Load Management Programs
I.D. No. PSC-44-16-00015-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a petition by Consolidated Edison Company of New York, Inc. to establish a surcharge mechanism to recover costs of Dynamic Load Management Programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12) and (14)
Subject: Surcharge to recover costs of Dynamic Load Management Programs.
Purpose: To consider a surcharge to recover costs of the Dynamic Load Management Programs.

Substance of proposed rule: The Public Service Commission is consider-
ing a petition by Con Edison Company of New York, Inc. (Con Edison) to establish a Dynamic Load Management (DLM) Surcharge mechanism in compliance with the Commission’s Order Adopting Dynamic Load Management Program Changes with Modifications, issued May 23, 2016 in this Case. Con Edison proposes to allocate the costs of DLM Programs to individual service classifications on a transmission demand basis, and recover such costs from customers on a dollar per kilowatt-hour basis for non-demand billed customers, and on a dollar per kilowatt basis for demand billed customers. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

*Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement*

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-E-0423SP2)

**PROPOSED RULE MAKING**

**NO HEARING(S) SCHEDULED**

**Consideration of Comments Made by NFG Regarding the Audit Process and the Use of Guidance Documents in Regulation**

I.D. No.  PSC-44-16-00016-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering comments by National Fuel Gas Distribution Corporation regarding the audit process, rulemaking and guidance documents.

**Statutory authority:** Public Service Law, section 66(19)

**Subject:** Consideration of comments made by NFG regarding the audit process and the use of guidance documents in regulation.

**Purpose:** To consider NFG’s arguments and if the Commission should modify its practices.

**Substance of proposed rule:** The Public Service Commission is considering comments by National Fuel Gas Distribution Corporation (NFG), filed on September 16, 2016, regarding the Commission’s current audit of the gas utility industry in New York State. NFG argues that the current audit improperly focuses on all gas utilities in New York State, rather than on an individual company, that the Commission is avoiding the statutory rule making process by imposing practices on the gas utility through the audit process and the use of guidance documents. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: John.Pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(13-M-0314SP7)

**PROPOSED RULE MAKING**

**NO HEARING(S) SCHEDULED**

**Valuation of and Compensation for Electricity Generated by Distributed Resources**

I.D. No.  PSC-44-16-00017-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering Staff’s proposal, including options and alternatives, for implementing a new valuation and compensation methodology for electricity generated by distributed generation resources owned or operated by customer-generators.

**Statutory authority:** Public Service Law, sections 5(1)(a), (2), 65(1)-(5), 66(1), (12), (14), 66-j and 66-l

**Subject:** Valuation of and compensation for electricity generated by distributed resources.

**Purpose:** To implement framework that will benefit ratepayers and customer-generators and further State policy.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering the Staff Report and Recommendations (Report) filed by Department of Public Service Staff (Staff) in Case 15-E-0751. The Report presents recommendations, options, and alternatives for implementing a new valuation and compensation methodology for electricity generated by distributed generation resources owned or operated by customer-generators. The Commission may adopt, reject, or modify, in whole or in part, the recommendations, options, and alternatives presented in the Report, and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0751SP1)

**PROPOSED RULE MAKING**

**NO HEARING(S) SCHEDULED**

**Notice of Intent to Submeter Electricity**

I.D. No.  PSC-44-16-00018-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Public Service Commission is considering the Notice of Intent of 325 Kent LLC c/o Two Trees Management Co., LLC, to submeter electricity at 325 Kent Avenue, Brooklyn, New York.

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

**Subject:** Notice of Intent to submeter electricity.

**Purpose:** To consider the Notice of Intent to submeter electricity at 325 Kent Avenue, Brooklyn, New York.

**Substance of proposed rule:** The Commission is considering the Notice of Intent of 325 Kent LLC c/o Two Trees Management Co., LLC, filed July 13, 2016, to submeter electricity at 325 Kent Avenue, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov
Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0399SP1)

PROPOSED RULE MAKING

NO HEARING(S) SCHEDULED

Transfer of Certain Streetlights Located in the City of Kingston

I.D. No. PSC-44-16-00019-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a petition filed by Central Hudson Gas & Electric Corporation (Central Hudson) for authorization to transfer 2,012 streetlights located in the City of Kingston, Ulster County, New York to the City of Kingston.

Substantive authority: Public Service Law, sections 65, 66 and 70

Subject: Transfer of certain streetlights located in the City of Kingston.

Purpose: To consider the transfer of certain streetlights from Central Hudson to the City of Kingston.

Substance of proposed rule: The Public Service Commission is considering a petition filed on October 5, 2016, by Central Hudson Gas & Electric Corporation (Central Hudson) for authorization to transfer 2,012 streetlights to the City of Kingston, a New York municipal corporation. Central Hudson asserts that the proposed transaction will not impact the reliability, safety, operation, or maintenance of Central Hudson’s electric distribution system. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-M-0562SP1)

PROPOSED RULE MAKING

NO HEARING(S) SCHEDULED

Minor Rate Filing of Municipal Commission of Boonville

I.D. No. PSC-44-16-00021-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering proposed tariff amendments filed by the Municipal Commission of Boonville, to P.S.C. No. 1 — Electricity, to increase its annual electric revenues by approximately $161,477 or 4.2%.

Statutory authority: Public Service Law, section 66(12)(b)

Subject: Minor rate filing of Municipal Commission of Boonville.

Purpose: To consider an increase in annual revenues of about $161,477 or 4.2%.

Substance of proposed rule: The Public Service Commission is considering proposed tariff amendments, filed by Municipal Commission of Boonville (Boonville), to P.S.C. No. 1 — Electricity, by which it would increase its annual electric revenues by approximately $161,477 or 4.2%. Under the proposed rates, the average summer monthly bill of a residential customer using 875 kilowatt-hours of electricity would increase from $37.72 to $39.99 or 6.0%, and the average winter monthly bill of a residential customer using 1,725 kilowatt-hours of electricity would increase from $76.63 to $79.79 or 4.0%. Boonville also proposes to increase the monthly service charge for Service Classification (SC) No. 1 — Residential and SC No. 2 — Small Commercial from $2.00 to $6.50 per month, to be phased in over three years. In addition, Boonville proposes to update the Factor of Adjustment by using a six-year average, which has historically been the method used by the Commission. The proposed amendments have an effective date of February 1, 2017. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website http://www.dps.ny.gov/f96dir.htm. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0565SP1)
Workers’ Compensation Board

NOTICE OF ADOPTION

Stipulations
I.D. No. WCB-45-15-00019-A
Filing No. 954
Filing Date: 2016-10-14
Effective Date: 2016-11-02

Pursuant to the provisions of the state administrative procedure act, notice is hereby given of the following action:

Action Taken: Amendment of section 300.5 of Title 12 NYCRR.

Statutory authority: Workers’ Compensation Law, sections 117 and 141

Subject: Stipulations.

Purpose: Permitting parties to a workers’ compensation claim to enter into stipulations in accordance with agreements reached outside hearing.

Text of final rule: Section 300.5 of Title 12 of the New York Codes Rules and Regulations is amended as follows:

(a) In controverted claims the Workers’ Compensation Law Judge shall make a reasoned decision upon the contested points. This decision, outlining the evidence supporting said determination, may be made by an oral statement which shall be entered upon the minutes of the hearings, or may be in a written and signed statement which shall be filed with the papers in the record.

(b) (1) Parties to any claim before the board may stipulate to uncontested facts or proposed findings. [Such stipulation shall be in writing and signed by all parties so stipulating.]

(2) A stipulation [pursuant to this section shall be subject to the approval of a Workers’ Compensation Law Judge and shall be binding upon the parties. A written stipulation made outside of a hearing entered into by a workers’ compensation law judge shall be incorporated into the decision of the Workers’ Compensation Law Judge and shall be binding upon the parties.]

(3) When a claimant is not represented, the stipulation shall be signed in the presence of a workers’ compensation law judge. 

(4) The provisions of this subdivision shall not be applicable to agreements settling upon and determining claims for compensation pursuant to section 300.13 of this part, and to sections 22 and 123 of the Workers’ Compensation Law. The chair may direct that stipulations properly submitted in the prescribed format and approved by a workers’ compensation law judge or conciliator constitute the decision of the Workers’ Compensation Law Judge.

(c) In every claim where the disability exceeds seven days, the Workers’ Compensation Law Judge shall make a finding as to whether or not an accident arising out of and in the course of employment or an occupational disease has been established; and in every claim involving disability less than seven days, the Workers’ Compensation Law Judge shall make such a finding where possible to do so on evidence before him or her. The finding of the Workers’ Compensation Law Judge in such cases shall be incorporated in the notice of decision.

(d) The Workers’ Compensation Law Judge may excuse the failure of a physician or other health providers to file reports in accordance with the requirements of subdivision (4) of section 13-a, subdivision (3) of section 13-k, subdivision (3) of section 13-l and subdivision (4) of section 13-m of the Workers’ Compensation Law whenever after taking testimony the Workers’ Compensation Law Judge finds it to be in the interest of justice to excuse such failure, and the decision of the Workers’ Compensation Law Judge shall state the reasons therefor.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 300.5(b)(1), (2) and (3).

Text of rule and any required statements and analyses may be obtained from: Heather MacMaster, Workers’ Compensation Board, 328 State Street, Schenectady, NY 12305-2318, (518) 466-9564, email: regulations@wcb.ny.gov

Revised Regulatory Impact Statement
A revised Regulatory Impact Statement is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes to the text are not substantial, do not change the meaning of any provision and therefore do not change any statements in the document. Specifically, the words “oral or written” were added and words reorganized to clarify that the stipulation may be either oral or written.

Revised Rural Area Flexibility Analysis
A revised Rural Area Flexibility Analysis is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes to the text are not substantial, do not change the meaning of any provision and therefore do not change any statements in the document. Specifically, the words “oral or written” were added and words reorganized to clarify that the stipulation may be either oral or written.

Revised Job Impact Statement
A revised Job Impact Statement is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The changes made to the text were not substantive, do not change the meaning of any provision and therefore do not change any statements in the document. Specifically, the changes clarify that the stipulations can be made outside the hearing and may be either oral or written.

Assessment of Public Comment
The agency received no public comment.

PROPOSED RULE MAKING

NO HEARING(S) SCHEDULED

Administrative Appeals
I.D. No. WCB-44-16-00011-P

Pursuant to the provisions of the state administrative procedure act, notice is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to amend section 300.13 of Title 12 NYCRR.

Statutory authority: Workers’ Compensation Law, sections 23, 117 and 141

Subject: Administrative Appeals.

Purpose: Update the process for requesting administrative review of decisions by a law judge.

Text of proposed rule: Section 300.13 of Title 12 NYCRR is amended as follows:

300.13 Administrative Review, Full Board Review, and Applications for Board Reconsideration

(a) Definitions

(1) “Administrative Review” means an administrative appeal from a decision of a Compensation Claims Referee, under section twenty-three of the workers’ compensation law, or an administrative appeal of a finalized

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administrative determination as set forth in part three-hundred [twelve] 
three of this Part.

(2) “Full Board Review” means an administrative appeal from a 
decision of the Board pursuant to section twenty three of the workers’ 
compensation law. Such review is discretionary unless a board member 
dissents from the ruling regarding a finding other than the issue of whether 
to appoint an impartial medical specialist. Upon notice to the claimant, his 
or her legal representative, if any, the employer or carrier or Special Fund, 
the full board may review any case on its own motion.

(3) “Filing” means an application received by the Board at 
the designated point of receipt. Upon posting on the Board’s website, the 
Chair may prescribe the format and method for filing and service includ-
ing, among other methods, electronic, mail or fax service.

(4) “Necessary Parties of Interest” means, for the purposes of this 
section, employers, insured employers, private insurers, the 
state insurance fund, special funds, no-fault carriers per section one 
hundred forty-two of the workers’ compensation law, or any surety, 
including but not limited to the uninsured employer’s fund, and the 
liquidation bureau. Treating Medical Providers and Independent Medical 
Examiners are not parties of interest and may not make filings, oral argu-
ments, or otherwise participate in the administrative review process. At-
torneys and licensed hearing representatives are not necessary parties 
of interest under this rule, except that an attorney or representative is a neces-
sary party in an appeal that concerns the amount of a fee payable to an at-
torney, or where the applicant or a party to the application, the Board may reject 
attorney or licensed hearing representative. A claimant’s attorney or licensed 
hearing representative, properly designated by the claimant as his or her represen-
tative, shall receive a copy of any applications or rebuttals filed under this 
section.

b. Requests for Administrative Review and Requests for Full Board 
Review filed pursuant to Workers’ Compensation Law Section 23, and 
Requests for Reconsideration of a Board Panel decision pursuant to 
Section 300.14 of this Part.

1. Application format. Unless submitted by an unrepresented claim-
ant, an application to the Board for administrative review of a decision by 
a Workers’ Compensation Law Judge shall be in the format as prescribed 
by the Chair. The application in the format prescribed by the Chair must 
be filled out completely by the appellant, except that the requirement to 
utilize the application format shall not be imposed upon a claimant who is 
unrepresented.

(ii) Unless otherwise specified by the Chair, the appellant may at-
tach a legal brief of up to eight pages in length, in 12-point font, with one 
inch margins, on 8.5 inch by 11 paper. A brief longer than eight pages will not 
be considered, unless the appellant specifies, in writing, why the legal 
argument could not have been made within eight pages. In no event shall 
a brief longer than fifteen pages be considered.

(iii) Documents that are present in the Board’s electronic case 
folder at the time the administrative review is submitted shall not be 
included in the legal brief submitted to the appellant. The By letter issued 
for applications for review by an appellant, or an attorney or licensed repre-
sentative of the appellant, who attaches documents that are already in the case 
folder at the time of the application.

(iv) If the appellant seeks to introduce additional documentary evi-
dence in the administrative appeal that was not presented before the 
Workers’ Compensation Law Judge, the appellant must submit a sworn 
affidavit, setting forth the evidence, and explaining why it could not have 
been presented before the Workers’ Compensation Law Judge. The Board 
has discretion to accept or deny such newly filed evidence. Newly filed 
evidence submitted without the affidavit will not be considered by the 
Board panel.

(2) The application for administrative review:

(i) shall specify the issues and grounds for the appeal;

(ii) shall specify the objection or exception that was interposed to 
the ruling, and when the objection or exception was interposed;

(iii) shall, when filed by an employer or carrier, specify which 
payments are continuing pending resolution of the administrative 
appeal, and which payments are stayed pursuant to section twenty-three and 
subdivision three (f) of section twenty-five of the Workers’ Compensation 
Law;

(iv) shall include proof of service upon all necessary parties of 
interest, in the format prescribed by the Chair. Service upon a party who is 
not adverse to the interest of the appellant may not render the appeal defe-
cutive as such party is not a necessary party of interest. Failure to properly 
serve a necessary party shall be deemed defective service and the applica-
tion may be rejected by the Board.

(A) Proof of service in the format prescribed by the Chair shall 
specify the papers served, the person who was served, the date, and method 
of service including the actual address, email address or fax number where 
service was transmitted. An affidavit, affirmation, or other satisfactory 
proof of service as prescribed by the Chair, shall be submitted with the 
Application for Administrative Review to the Board. The affidavit, affirma-
tion, or other proof of service must certify that all service was 
completed within thirty days from the filing of the decision that is the 
subject of the Application for Administrative Review.

(B) There is no requirement that each party be served in the 
same manner. Service is deemed timely if completed by the party of inter-
est within thirty days of the filing of the decision by the Board.

(C) Unless the Chair directs service by electronic means, the app-
ellant must certify in the affidavit or affirmation of service, that the party 
served provided explicit permission to receive service by fax, email, or 
other electronic means.

(D) When the administrative appeal is filed by the carrier, self-
insured employer, or other payor or potential payor, service shall be upon 
the claimant, and claimant’s attorney or representative, and other neces-
sary parties of interest.

(E) Service upon a party who is not adverse to the interest of 
the appellant is optional, and failure to properly serve an optional party shall 
not be deemed to render the appeal defective.

(v) Shall include any additional fee request in the format prescribed 
by the Chair for fee requests. Failure to request an additional fee in the 
prescribed format shall result in waiver of such fee.

(3) Filing with the Board.

(i) The application shall be filed with the board within thirty days 
after the notice of the filing of the decision. All filings must be made using 
methods designated, with specified permission, and paragraphs by the Chair. If 
more than one filing option is permitted by the Chair, the appellant shall choose one 
method for filing. Any duplicate filings may be deemed to be raising or 
continuing an issue without reasonable grounds, and may subject the app-
ellant to assessment and penalties set forth in subdivision 300.14 of the Workers’ Compensation Law.

(ii) Method of filing the application:

(A) By mail shall be sent to the Board’s designated Centralized 
Mailing Address;

(B) By fax shall be sent to the Board’s designated Centralized 
Fax Number;

(C) By email shall be sent to the Board’s designated email ad-
dress for claims documents;

(D) By electronic means shall be filed in the method and man-
ner prescribed by the Chair. An application that is submitted by electronic 
means in accordance with subparagraphs shall not be deemed filed with 
the Board until such submission is received and acknowledged by the 
Chair.

(iii) The Chair may prescribe and require the format and the 
methods of filing of administrative appeals, including by electronic means, 
and may set the requirements to include various data fields, except that 
claimants who are unrepresented are exempt from the requirement to file 
electronically.

(4) Denial of review. The application for review may be denied under 
the following circumstances:

(i) By decision of the Board panel, when the appellate does not 
file the application within thirty days;

(ii) By decision of the Board panel, when the appellate does not 
file the application within thirty days;

(iii) By decision of the Board panel, when the appellant does not 
file the application within thirty days;

(iv) By decision of the Board panel, when the appellant does not 
file the application within thirty days;

(A) When a rebuttal is submitted, the necessary party shall raise 
the issue of defective service in its rebuttal. Failure to raise the issue of 
defective service in the rebuttal shall constitute a waiver of the issue.

(B) When no rebuttal is filed, the Board may consider whether 
the application was defectively served, and if so, the Board may deny 
review without decision.

(v) By decision of the Board panel, where the appellant did not 
interpose a specific objection or exception to a ruling or award by a workers’ 
compensation law judge.

(A) Where a decision is made at a hearing, the appellant did not 
preserve a specific objection to the ruling or award at the hearing on 
the record.

(B) Where proceedings occur off-calendar, such as at a depo-
sition, the appellant did not preserve objections on the record at the start of 
or conclusion of the proceeding as to qualifications of the deponent, or 
admissibility of any medical report or report of independent medical 
examinations.

(C) No objection to findings made by reserved decision that 
have not been previously made at a hearing, need be interposed prior to 
filing of an application for review.
c. Rebuttal. A party adverse to the application for administrative review may file a rebuttal to such application for review. The rebuttal shall be in writing and, for parties other than an unrepresented claimant, shall be accompanied by a cover sheet in the format prescribed by the Chair. The rebuttal shall conform to the requirements for requests for administrative review set forth in subdivision (b) herein. Such rebuttal shall be served on the Board and all necessary parties within thirty days after service of the application for review together with proof of service upon all necessary parties in the form and format prescribed by the Chair.

d. The Board shall have the verbatim records of all hearings and proceedings placed in the case file it maintains in a readable, viewable or audible format where the issue or issues raised in the application for review were covered, and the case file shall only be considered by a Board Panel after the verbatim records covering the disputed issues are inserted in the case file.

e. Stay of Payments. There is no stay of any payment due to the claimant or the Board upon a filing of an application for full Board review.

f. When a claimant is not represented, the Board shall have discretion to waive the requirements contained in this section. An unrepresented claimant, who subsequently retains counsel, may have the procedural requirements of this section waived for the time when he or she was unrepresented.

Text of proposed rule and any required statements and analyses may be obtained from: Heather MacMaster, Workers’ Compensation Board, Office of General Counsel, 328 State Street, Schenectady, NY 12305-2318, (518) 486-9564, email: regulations@wcb.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Consensus Rule Making Determination
The proposed amendment to section 300.13 corrects an incorrect reference in paragraph (1) from Part 312 to Part 313. The proposed amendment also adds an additional citation to section 25(3)(f) to paragraph (2)(iii). The proposed changes are ministerial. They do not change the meaning or function of any of the amended regulations. It is believed that there is no basis for objecting to the proposed amendments.

Job Impact Statement
The proposed rule will not have an adverse impact on jobs. The proposed amendment of section 300.13 of Title 12 of the NYCRR simply corrects a typographical error and adds a statutory reference for accuracy. The rule does not eliminate any existing process, procedure, or program, and will not result in an adverse impact on jobs.
## HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

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<th>Agency I.D. No.</th>
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<tr>
<td>APA-39-16-00030-P</td>
<td>Access to agency records</td>
<td>Department of Environmental Conservation, 625 Broadway, Albany, NY—Nov. 14, 2016, 11:00 a.m.</td>
</tr>
<tr>
<td>APA-39-16-00030-P</td>
<td>Access to agency records</td>
<td>Adirondack Park Agency, 1133 Rte. 86, Ray Brook, NY—Nov. 15, 2016, 7:00 p.m.</td>
</tr>
<tr>
<td>ENV-36-16-00002-P</td>
<td>Lake Champlain drainage basin</td>
<td>Plattsburgh Town Hall, 151 Banker Rd., Plattsburgh, NY—Nov. 2, 2016, 11:00 a.m.</td>
</tr>
<tr>
<td>LAB-42-16-00016-P</td>
<td>Farm worker minimum wage</td>
<td>Department of Labor, Bldg. 2, State Campus, Albany, NY—Dec. 5, 2016, 10:00 a.m.</td>
</tr>
<tr>
<td>LPA-41-16-00007-P</td>
<td>PSEG Long Island’s balanced billing program</td>
<td>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Nov. 28, 2016, 10:00 a.m.</td>
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<tr>
<td>LPA-41-16-00008-P</td>
<td>Authority’s power supply charge</td>
<td>Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—Nov. 28, 2016, 2:00 p.m.</td>
</tr>
<tr>
<td>LPA-41-16-00009-P</td>
<td>Authority’s smart grid small generator interconnection procedures</td>
<td>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Nov. 28, 2016, 10:00 a.m.</td>
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<tr>
<td>LPA-41-16-00010-P</td>
<td>Authority’s revenue decoupling mechanism</td>
<td>Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—Nov. 28, 2016, 2:00 p.m.</td>
</tr>
<tr>
<td>LPA-41-16-00011-P</td>
<td>Authority’s visual benefits assessment</td>
<td>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—Nov. 28, 2016, 10:00 a.m.</td>
</tr>
<tr>
<td>PAS-41-16-00013-P</td>
<td>Rates for the sale of power and energy</td>
<td>Power Authority of the State of New York, 123 Main St., White Plains, NY—Nov. 17, 2016, 11:00 a.m.</td>
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<tr>
<td>PAS-41-16-00014-P</td>
<td>Rates for the sale of power and energy</td>
<td>Power Authority of the State of New York, 123 Main St., White Plains, NY—Nov. 17, 2016, 11:00 a.m.</td>
</tr>
<tr>
<td>PSC-38-16-00005-P</td>
<td>Disposition of tax refunds and other related matters</td>
<td>Department of Public Service, Three Empire State Plaza, 3rd Fl., Hearing Rm., Albany, NY—Nov. 16, 2016, 10:30 a.m., and continuing as needed. (Evidentiary Hearing)*</td>
</tr>
</tbody>
</table>
*On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 16-M-0300.

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<tr>
<td>PSC-38-16-00009-P</td>
<td>Disposition of tax refunds and other related matters</td>
<td>Department of Public Service, Three Empire State Plaza, 3rd Fl., Hearing Rm., Albany, NY—Nov. 16, 2016, 10:30 a.m., and continuing as needed. (Evidentiary Hearing)*</td>
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<tr>
<td>PSC-40-16-00023-P</td>
<td>Major gas rate filing</td>
<td>Department of Public Service, Agency Bldg. Three, 3rd Fl. Hearing Rm., Albany, NY—Dec. 5, 2016, 10:00 a.m., and daily on succeeding business days as needed. (Evidentiary Hearing)*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State, Department of</td>
<td>Signs on buildings utilizing truss type, pre-engineered wood or timber construction</td>
<td>Department of State, 99 Washington Ave., Rm. 505, Albany, NY—Nov. 21, 2016, 10:00 a.m.</td>
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</table>
The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the Register. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal’s notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word “exempt” in the second column.

Actions pending for one year or more are preceded by an asterisk (*).

For additional information concerning any of the proposals listed in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the Register in which the notice was printed, the year in which the notice was printed and the notice’s serial number. The following diagram shows how to read identification number codes.

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<tr>
<td>AAM</td>
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<td>00001</td>
<td>P</td>
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</table>

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

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### ADIRONDACK PARK AGENCY

**APA-09-16-00005-P**

- **Expires:** 03/02/17
- **Subject Matter:** Access to Agency Records
- **Purpose of Action:** To conform Adirondack Park Agency rules to the Public Officers Law and rules promulgated by the Committee on Open Government

**APA-39-16-00030-P**

- **Expires:** 11/15/17
- **Subject Matter:** Access to Agency Records
- **Purpose of Action:** To conform Adirondack Park Agency rules to the Public Officers Law and rules promulgated by the Committee on Open Government

### AGRICULTURE AND MARKETS, DEPARTMENT OF

**AAM-23-16-00005-P**

- **Expires:** 06/08/17
- **Subject Matter:** National Institute of Standards and Technology ("NIST") Handbook 44; receipts issued by taxicab operators, digital scales
- **Purpose of Action:** To incorporate NIST Handbook 44 (2016 edition); to allow handwritten taxicab receipts; to liberalize scale requirements

**AAM-34-16-00003-P**

- **Expires:** 08/24/17
- **Subject Matter:** Firewood (all hardwood species), nursery stock, logs, green lumber, stumps, roots, branches and debris of half an inch or more
- **Purpose of Action:** To modify the ALB quarantine to prevent the further spread of the beetle and to modify the list of regulated articles

**AAM-35-16-00017-P**

- **Expires:** 08/31/17
- **Subject Matter:** Program rules for New York State Grown & Certified
- **Purpose of Action:** Inform interested parties of the program, its purpose, participation requirements, qualifying product & rules of participation

**AAM-42-16-00006-P**

- **Expires:** 10/19/17
- **Subject Matter:** Sanitation in retail food stores and method of sale, at retail, of certain food
- **Purpose of Action:** To cause the republication of regulations governing retail food stores and the method of sale of certain foods at retail

### AUDIT AND CONTROL, DEPARTMENT OF

**AAC-37-16-00005-P**

- **Expires:** 09/14/17
- **Subject Matter:** Pre-employment physicals for presumption provisions
- **Purpose of Action:** To address requirement that records of a pre-employment physical be submitted in the event that such records no longer exist

### CHILDREN AND FAMILY SERVICES, OFFICE OF

**CFS-23-16-00004-ERP**

- **Expires:** 06/08/17
- **Subject Matter:** Requirements regarding the cooperation of school districts with investigations of suspected child abuse or maltreatment
- **Purpose of Action:** To clarify requirements for the cooperation of school districts with investigations of suspected child abuse or maltreatment
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<tr>
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<td>DFS-39-16-00008-P</td>
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<td>CYBERSECURITY REQUIREMENTS FOR FINANCIAL SERVICES COMPANIES</td>
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### GAMING COMMISSION, NEW YORK STATE

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<tr>
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<td>JPE-37-16-00003-EP</td>
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<tr>
<td>LAB-03-16-00009-P</td>
<td>01/19/17</td>
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<td>Farm Worker Minimum Wage</td>
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<td>To update Authority procedures and ensure compliance with Freedom of information Law requirements under Pub. Off. Law., art. 6</td>
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<tr>
<td>*LPA-04-06-00007-P</td>
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<tr>
<td>*LPA-03-10-00004-P</td>
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<tr>
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<td>To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders</td>
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<tr>
<td>*NFW-13-14-00006-EP</td>
<td>exempt</td>
<td>Adoption of Rates, Fees and Charges</td>
<td>To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders</td>
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### POWER AUTHORITY OF THE STATE OF NEW YORK

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<tr>
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### PUBLIC SERVICE COMMISSION

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**PSC-21-16-00007-P**  
**Subject Matter:** Notice of Intent to submeter electricity  
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**PSC-21-16-00008-P**  
**Subject Matter:** GE I-210+c with Silver Spring Network Interface Card (NIC) 510  
**Purpose:** To consider the use of the GE I-210+c with Silver Spring Networks Interface Card (NIC) 510.

**PSC-22-16-00010-P**  
**Subject Matter:** Notice of Intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3).  
**Purpose:** To consider the Notice of Intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3).

**PSC-22-16-00011-P**  
**Subject Matter:** Petition for rehearing of the Order Modifying Standardized Interconnection Requirements and alternative enforcement mechanisms.  
**Purpose:** To ensure compliance with the Standardized Interconnection Requirements.

**PSC-22-16-00013-P**  
**Subject Matter:** Disposition of tax refunds and other related matters.  
**Purpose:** To consider the disposition of tax refunds and other related matters.

**PSC-22-16-00015-P**  
**Subject Matter:** Notice of Intent to submeter electricity.  
**Purpose:** To consider the Notice of Intent to submeter electricity at 100 Willoughby Street and 210 Duffield Street, Brooklyn, New York.

**PSC-23-16-00008-P**  
**Subject Matter:** Notice of Intent to submeter electricity.  
**Purpose:** To consider the Notice of Intent to submeter electricity at 135 West 52nd Street, New York, New York.

**PSC-23-16-00009-P**  
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**Purpose:** To consider the transfer of assets and dissolution of the Birch Hill Water Company Inc.

**PSC-23-16-00010-P**  
**Subject Matter:** Minor water rate filing  
**Purpose:** To consider an increase in Pheasant Hill Water Corporation’s annual water revenues by approximately $66,325 or 126%.

**PSC-23-16-00011-P**  
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**PSC-23-16-00013-P**  
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**Purpose:** To consider the acquisition of all assets of Beaver Dam Lake Water Corporation by New York American Water Company Inc.

**PSC-24-16-00008-P**  
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**PSC-24-16-00009-P**  
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**PSC-25-16-00008-P**  
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**PSC-25-16-00009-P**  
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**PSC-25-16-00010-P**  
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**PSC-25-16-00014-P**  
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<td>PSC-35-16-00014-P</td>
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<td>Proposed acquisition of 100% of the assets of Hoey-DeGraw by NYAW and to address other matters related to the acquisition</td>
<td>To consider the proposed acquisition of 100% of assets of Hoey-DeGraw by NYAW and other matters related to the acquisition</td>
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<td>PSC-35-16-00015-P</td>
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<td>Petition regarding the Commission's July 14, 2016 Order Denying Petition.</td>
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<td>PSC-36-16-00005-P</td>
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<td>Disposition of tax refunds received by New York American Water Company, Inc.</td>
<td>To determine the disposition of tax refunds and other related matters.</td>
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<td>PSC-37-16-00008-P</td>
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<td>Sources and mechanisms of funding related to the Clean Energy Standard.</td>
<td>To promote and maintain renewable and zero-emission electric energy resources.</td>
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PUBLIC SERVICE COMMISSION

PSC-37-16-00009-P  ............ exempt  Transfer of the James A. FitzPatrick Nuclear Power Plant from Entergy Nuclear FitzPatrick, LLC to Exelon Generation Company, LLC  
To ensure safe and adequate electric generation facilities.

To avoid adverse air emissions from fossil-fueled generation that would replace nuclear generation.

To consider proposed revisions to tariff provisions related to temperature controlled and interruptible customers.

PSC-37-16-00012-P  ............ exempt  Sources and mechanisms of funding related to the Clean Energy Standard.  
To promote and maintain renewable and zero-emission electric energy resources.

To consider proposed revisions to tariff provisions related to temperature controlled and interruptible customers.

PSC-37-16-00014-P  ............ exempt  Notice of Intent to submeter electricity.  
To consider the Notice of Intent to submeter electricity at 301 East 61st Street, New York, New York.

PSC-37-16-00015-P  ............ exempt  Notice of Intent to submeter electricity.  
To consider the Notice of Intent of 10 Sullivan Condominium to submeter electricity at 10 Sullivan Street, New York, New York.

PSC-38-16-00005-P  ............ exempt  Disposition of tax refunds and other related matters  
To consider the disposition of tax refunds and other related matters.

PSC-38-16-00006-P  ............ exempt  Request for waiver of the individual metering requirements of Opinion 76-17 and 16 NYCRR Part 96  
To consider the request for waiver of the individual metering requirements of Opinion 76-17 and 16 NYCRR Part 96.

PSC-38-16-00008-P  ............ exempt  The capacity limit for net energy metering of farm waste electric generating equipment  
Increase in the capacity threshold, from 1 MW to 2 MW, for net energy metering of farm waste electric generation.

PSC-38-16-00009-P  ............ exempt  Disposition of tax refunds and other related matters  
To consider the disposition of tax refunds and other related matters.

To promote and maintain renewable and zero-emission electric energy resources.

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<td>PSC-40-16-00004-P</td>
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<td>PSC-40-16-00009-P</td>
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<td>Low income program implementation plan filed by Niagara Mohawk Power Corporation.</td>
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<td>PSC-40-16-00016-P</td>
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<td>PSC-40-16-00024-P</td>
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<td>PSC-40-16-00025-P</td>
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<tr>
<td>PSC-40-16-00026-P</td>
<td>. . . . . . . exempt</td>
<td>Compliance filing establishing an interruptible gas service sales rate.</td>
<td>To consider RG&amp;E’s proposed revisions to establish an interruptible gas service sales rate.</td>
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<tr>
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<td>Consequences pursuant to the Commission’s Uniform Business Practices (UBP).</td>
<td>To consider whether to impose consequences on Marathon for its apparent non-compliance with Commission requirements.</td>
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<tr>
<td>PSC-40-16-00028-P</td>
<td>. . . . . . . exempt</td>
<td>Consequences pursuant to the Commission’s Uniform Business Practices (UBP).</td>
<td>To consider whether to impose consequences on ABC for its apparent non-compliance with Commission requirements.</td>
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<tr>
<td>PSC-41-16-00015-P</td>
<td>. . . . . . . exempt</td>
<td>To consider proposed amendments to the original criteria to grandfathering established in the Transition Plan</td>
<td>To modify the Transition Plan in response to new and unanticipated conditions</td>
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<td>Proposed revision to Rule 25.5 - Meter Reading (Rule 25.5)</td>
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<td>Appointment of a temporary operator for Whitlock Farms Water Company and New Vernon Water Company</td>
<td>To ensure the provision of safe and adequate water service to customers by appointment of a temporary operator</td>
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<tr>
<td>PSC-42-16-00007-P</td>
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<td>New communications protocols for interruptible customers.</td>
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<td>PSC-42-16-00008-P</td>
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<td>To consider a request for a limited waiver of the tariff’s unauthorized gas usage and non-compliance penalty provisions.</td>
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<td>PSC-42-16-00011-P</td>
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<td>Transfer of certain streetlights located in the Town of Orangetown.</td>
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<td>PSC-42-16-00013-P</td>
<td>. . . . . . . exempt</td>
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<td>PSC-42-16-00014-P</td>
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<td>Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.</td>
<td>To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.</td>
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<td>PSC-43-16-00003-P</td>
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<td>To set the sales tax component and the composite rate per gallon for the period October 1, 2016 through December 31, 2016</td>
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<td>To help ensure the State’s compliance with federal rules for safeguarding confidential information, disclosing said information, where appropriate, to authorized persons and entities; and report delinquent child support payors to credit reporting agencies</td>
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<td>09/28/17</td>
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<td>These regulatory amendments set forth the federally mandated and approved SUAs as of 10/1/16</td>
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<td>Provisions applicable to administrative hearings in Office of Proceedings</td>
<td>Update of rules applicable to administrative hearings and repeal of obsolete provisions in Part 558</td>
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<td>TBA-08-16-00005-P</td>
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<td>Proposal to strengthen toll violation enforcement on TBTA bridges and tunnels</td>
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<td>WCB-45-15-00025-P</td>
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<td>Medical Treatment Guideline variances</td>
<td>Permit the Chair to require submission of variance requests via an electronic medical portal</td>
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<td>WCB-45-15-00026-P</td>
<td>11/09/16</td>
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<td>Permit the Chair to require submission of medical authorization requests via an electronic medical portal</td>
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<td>WCB-45-15-00027-P</td>
<td>11/09/16</td>
<td>Medical Treatment Guideline optional prior approval</td>
<td>Change the time to respond from business days to calendar days</td>
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<td>WCB-44-16-00011-P</td>
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<td>Administrative Appeals</td>
<td>Update the process for requesting administrative review of decisions by a law judge</td>
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NOTICE OF AVAILABILITY
OF STATE AND FEDERAL FUNDS

Housing Trust Fund Corporation
Office of Community Renewal
Hampton Plaza
38-40 State St., 4th Fl. South
Albany, NY 12207

LOCAL PROGRAM ADMINISTRATORS

Mobile and Manufactured Home Replacement Program (MMHR)

The Housing Trust Fund Corporation (HTFC) through the Office of
Community Renewal (OCR), announces the availability of approxi-
mately $2,000,000 in New York State funds for the following program:

PROGRAM DESCRIPTION:

The Housing Trust Fund Corporation (HTFC) through the Office of
Community Renewal (OCR), invites Local Program Administrators
(LPAs) to submit applications for the Mobile and Manufactured Home
Replacement Program (MMHR). The program will assist homeowners
to replace dilapidated mobile or manufactured homes that are sited
on land owned by the homeowner, with a new manufactured, modular
or site built home. The funds made available in this NOFA represent
2016 State program year funds that have been set aside for the MMHR
Program.

ELIGIBLE APPLICANTS:

Eligible LPAs are defined to include units of local government or
not-for profit corporations with substantial experience in affordable
housing. To be eligible to apply, applicants must have been in exis-
tence and providing recent and relevant residential affordable housing
services to the community for at least one year prior to application.

ELIGIBLE ACTIVITY:

Applications will be accepted for the MMHR Program to provide
an existing homeowner of a dilapidated mobile or manufactured home
with the replacement of that home with a new manufactured, modular
or site built home. Replaced units must meet NYS and/or Local Code
upon completion and if a manufactured product, be installed accord-
ing to the Manufactured Home Construction and Safety Standards at
24 CFR Part 3280 and Federal HOME Program Permanent Founda-
tion Requirements at 24 CFR 92.251(e) and HTFC Manufactured
Home Replacement Design Standards upon completion. Rehabilita-
tion of a mobile or manufactured home is not an eligible activity.

FUNDING LIMITS:

The minimum award amount is $100,000. The maximum award
amount is $500,000. The total payment to include all costs to replace a
mobile or manufactured home pursuant to any one property is capped
at $100,000.

APPLICATION FOR FUNDING:

The MMHR Program application for funds available through this
NOFA and corresponding RFP will be available on the NYS Homes
and Community Renewal website, www.nyshcr.org/Funding/, on
Tuesday, November 8, 2016. Applications are due no later than 4:00
PM (EST) on Tuesday, January 17, 2017. Applications must be
submitted using the Community Development Online Application
System (CDOL) at: http://www.nyshcr.org/Apps/CDOnline/.

The above-stated application deadline is firm as to date and hour. In
the interest of fairness to all competing applicants, applications
received after the specified date and time will be deemedineligible
and will not be considered for funding. Applicants should make early
submission of their applications to avoid risks of ineligibility resulting
from unanticipated delays or other delivery-related problems.

Applicants may make a request, based on demonstrated need, to
submit a paper application in lieu of using the CDOL application
system. Requests for approval to submit a paper application must be
received by the OCR no later than Tuesday, November 22, 2016 at the
following address: Homes and Community Renewal, Office of Com-
munity Renewal, Hampton Plaza, 4th Fl. South, 38-40 State St.,

NEW YORK STATE GRANTS GATEWAY
PREQUALIFICATION:

New York State Grants Gateway is a statewide effort that will
improve the way New York State administers grants by simplifying
and streamlining the grants management process. Effective August 1,
2013, not-for-profit organizations must be prequalified in order to do
business with New York State. To prequalify, not-for-profit organiza-
tions must submit an online Prequalification Application through the
Grants Gateway. The Prequalification Application is comprised of
five components to gauge your organizational structure and the types
of services you provide. The required forms and document uploads
are all part of the Grants Gateway Document Vault. Resources to
complete the application and associated document vault can be found
in the Quick Links Section of the Grants Gateway page at http://
grantsreform.ny.gov/.

CONTACT INFORMATION:

For inquiries or technical assistance regarding the MMHR Pro-
gram, please contact: Stephanie Galvin-Riley, Office of Community
Renewal, at the above address, or call (518) 474-2057
Notice of Abandoned Property  
Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller’s Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

NOTICE OF ANNULMENT OF DISSOLUTION OF CERTAIN BUSINESS CORPORATIONS

Under the Provisions of Section 203-a of the Tax Law, as Amended
The Secretary of State hereby provides notice that the following corporations, which were duly dissolved in the manner prescribed by Section 1406 of the Abandoned Property Law, have complied with the provisions of subdivision (7) of Section 203-a of the Tax Law, annulling all of the proceedings theretofore taken for the dissolution of each such corporation. The appropriate entries have been made on the records of the Department of State.

COUNTY: ALBANY

ENTITY NAME: ERE GROUP, INC.
REINSTATE: 07/01/16
DIS BY PROC: 10/26/11

ENTITY NAME: GK TECHNOLOGIES INC.
REINSTATE: 09/07/16
DIS BY PROC: 06/29/16

COUNTY: BRONX

ENTITY NAME: CND MAPPING, INC.
REINSTATE: 07/14/16
DIS BY PROC: 01/26/11

ENTITY NAME: DREAM TEAM ELECTRICAL CORP.
REINSTATE: 08/26/16
DIS BY PROC: 07/27/11

ENTITY NAME: HEAVEN & EARTH FUNERAL HOME, INC.
REINSTATE: 08/23/16
DIS BY PROC: 06/30/04

ENTITY NAME: JNA CONSTRUCTION INC.
REINSTATE: 07/21/16
DIS BY PROC: 01/25/12

ENTITY NAME: MAYA CONTRACTING INC.
REINSTATE: 09/15/16
DIS BY PROC: 01/25/12

ENTITY NAME: MINAYA SHIPPING CORP.
REINSTATE: 08/18/16
DIS BY PROC: 10/26/11

ENTITY NAME: SO FRESH & SO CLEAN INC.
REINSTATE: 09/22/16
DIS BY PROC: 01/27/10

ENTITY NAME: 1307 CORP.
REINSTATE: 08/12/16
DIS BY PROC: 06/29/16

ENTITY NAME: 2918 BOSTON POST ROAD REALTY CORP.
REINSTATE: 07/15/16
DIS BY PROC: 07/28/10

COUNTY: CATTARAUGUS

ENTITY NAME: C & M ENTERPRISES, INC.
REINSTATE: 08/12/16
DIS BY PROC: 01/25/12

COUNTY: DUTCHESS

ENTITY NAME: LAIDMAN FABRICATIONS INC.
REINSTATE: 09/14/16
DIS BY PROC: 10/26/11

ENTITY NAME: LOUIS DAVID NUNEZ, P.C.
REINSTATE: 07/08/16
DIS BY PROC: 10/28/09

COUNTY: ERIE

ENTITY NAME: BUFFALO PROPERTIES, LTD.
REINSTATE: 07/25/16
DIS BY PROC: 06/30/04

ENTITY NAME: INOLIFE TECHNOLOGIES, INC.
REINSTATE: 09/27/16
DIS BY PROC: 06/29/16

COUNTY: ESSEX

ENTITY NAME: MADDEN’S TRANSFER & STORAGE, INC.
REINSTATE: 09/02/16
DIS BY PROC: 12/30/81
COUNTY: GENESEE

ENTITY NAME: JAZZ EXCAVATING, INC.
REINSTATE: 08/09/16
DIS BY PROC: 03/28/01

COUNTY: GREENE

ENTITY NAME: MAGGIE’S KROOKED REALTY CORP.
REINSTATE: 07/15/16
DIS BY PROC: 12/31/03

ENTITY NAME: ALAN’S SNACKS INC.
REINSTATE: 09/12/16
DIS BY PROC: 12/29/99

ENTITY NAME: CHAMY INCORPORATED
REINSTATE: 09/07/16
DIS BY PROC: 01/25/12

ENTITY NAME: FIVE STAR TRAVEL, INC.
REINSTATE: 07/12/16
DIS BY PROC: 07/28/10

ENTITY NAME: FLAMINGO FUNDING INC.
REINSTATE: 08/22/16
DIS BY PROC: 10/26/11

ENTITY NAME: FORTUNE KITCHEN SUPPLIES INC.
REINSTATE: 07/26/16
DIS BY PROC: 01/25/12

ENTITY NAME: GIZMINDA INC.
REINSTATE: 07/05/16
DIS BY PROC: 04/27/11

ENTITY NAME: HAE SUNG CORP.
REINSTATE: 08/15/16
DIS BY PROC: 01/26/11

ENTITY NAME: HERKIMER REALTY ONE, INC.
REINSTATE: 08/24/16
DIS BY PROC: 04/27/11

ENTITY NAME: JP SMART START INC.
REINSTATE: 08/22/16
DIS BY PROC: 04/27/11

ENTITY NAME: KELLECON ENTERTAINMENT INC.
REINSTATE: 07/18/16
DIS BY PROC: 10/26/11

ENTITY NAME: LUIGI TILE & MARBLE CO., LTD.
REINSTATE: 07/19/16
DIS BY PROC: 12/31/03

ENTITY NAME: MITCHELL IRON WORKS, INC.
REINSTATE: 07/19/16
DIS BY PROC: 01/26/11

ENTITY NAME: NOSTRAND DENTAL CARE, P.C.
REINSTATE: 08/30/16
DIS BY PROC: 01/27/10

COUNTY: KINGS

ENTITY NAME: AJ MARC INC.
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ENTITY NAME: ALAN’S SNACKS INC.
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ENTITY NAME: NOSTRAND DENTAL CARE, P.C.
REINSTATE: 08/30/16
DIS BY PROC: 01/27/10

COUNTY: MONROE

ENTITY NAME: COLLINS BUILDING CONTRACTORS INC.
REINSTATE: 09/14/16
DIS BY PROC: 01/26/11

COUNTY: NASSAU

ENTITY NAME: BEATS BEING BROKE, INC.
REINSTATE: 07/01/16
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ENTITY NAME: BOOMERANG ASSOCIATES INC.
REINSTATE: 09/23/16
DIS BY PROC: 04/27/11

ENTITY NAME: BRONX PARK SP CORP.
REINSTATE: 08/22/16
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ENTITY NAME: CARL C. BURNETT FUNERAL HOME INC.
REINSTATE: 08/01/16
DIS BY PROC: 01/25/12

ENTITY NAME: CSC INTERNATIONAL INC.
REINSTATE: 07/18/16
DIS BY PROC: 04/29/09

ENTITY NAME: ERL MANAGEMENT CORP.
REINSTATE: 08/26/16
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ENTITY NAME: L.I. YELLOW AIRPORT SERVICE, INC.
REINSTATE: 08/30/16
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ENTITY NAME: SIMPLE PLEASURES BEAUTY SPA II, INC.
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ENTITY NAME: SUPER VALUE MEAT MARKET CORP.
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ENTITY NAME: T.A.G. MANAGEMENT, INC.
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ENTITY NAME: THE MANHATTAN WIG WAM COMPANY, INC.
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ENTITY NAME: THE MAPAMA CORPORATION
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DIS BY PROC: 01/25/12

ENTITY NAME: THE UNIVERSITY WOMEN’S REALTY CORPORATION
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DIS BY PROC: 09/28/94

ENTITY NAME: TOGETHER FOR EVER INC.
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DIS BY PROC: 01/25/12

ENTITY NAME: VASS MOUS REALTY CORP.
REINSTATE: 07/29/16
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ENTITY NAME: WE THREE MUSIC, INC.
REINSTATE: 07/06/16
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ENTITY NAME: WEST SIDE AMERICAN, INC.
REINSTATE: 08/08/16
DIS BY PROC: 01/27/10

ENTITY NAME: WILLIAM C. BOOZAN M.D., P.C.
REINSTATE: 08/09/16
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ENTITY NAME: WWW.INTELLEGES.COM, INC.
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ENTITY NAME: 1038 2ND AVENUE REALTY CORP.
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ENTITY NAME: 131 WEST 3RD STREET INC.
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ENTITY NAME: 152 WEST REALTY CORP.
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ENTITY NAME: 722 CHICKEN CORP.
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ENTITY NAME: 991 FULTON STREET MEAT CORP.
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COUNTY: NIAGARA

ENTITY NAME: VALERI CONCRETE CONSTRUCTION, INC.
REINSTATE: 08/18/16
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COUNTY: ONONDAGA

ENTITY NAME: ALIMENTOS RESTAURANT, INC.
REINSTATE: 07/13/16
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ENTITY NAME: ANDERSON PROPERTIES, INC.
REINSTATE: 08/30/16
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ENTITY NAME: CHUCK TAYLOR’S BODY SHOP, INC.
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ENTITY NAME: LAST CHANCE RECYCLING INC.
REINSTATE: 09/12/16
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ENTITY NAME: PRESSURE PRO, INC.
REINSTATE: 08/22/16
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COUNTY: ORANGE

ENTITY NAME: RAMIE ASSOCIATES, INC.
REINSTATE: 09/21/16
DIS BY PROC: 06/29/16

COUNTY: PUTNAM

ENTITY NAME: CARL RAGAMUFFIN, INC.
REINSTATE: 08/18/16
DIS BY PROC: 01/27/10

COUNTY: QUEENS

ENTITY NAME: ALL-RITE ELECTRIC CORP. OF NY
REINSTATE: 09/12/16
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ENTITY NAME: ALLURE LIMOUSINE INTERNATIONAL INC.
REINSTATE: 07/19/16
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ENTITY NAME: B. W. GOTTSCHEE ESTATE, INC.
REINSTATE: 07/06/16
DIS BY PROC: 01/25/12

ENTITY NAME: BOAT KEBY LTD
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DIS BY PROC: 07/27/11

ENTITY NAME: GIROLAMO RESTORATION CORP.
REINSTATE: 07/19/16
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ENTITY NAME: GYMBELLE GYMNASTICS, INC.
REINSTATE: 07/22/16
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<td>AFFORDABLE BUSINESS CONSULTANTS INC.</td>
<td>ADVANCED MEDICAL BILLING SYSTEMS, INC.</td>
<td>ALTERI BREAD COMPANY, INC.</td>
<td>FOCUS CONSTRUCTION GROUP, INC.</td>
<td>C&amp;R BEAUTY INC.</td>
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<td>GRAND GENERAL PARTNER, INC.</td>
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<td>REINSTATE: 08/25/16</td>
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<td>DIS BY PROC: 09/25/02</td>
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<tr>
<td>NITA EUROPEAN BAKERY, INC.</td>
<td>OHM’S ELECTRICAL CORP.</td>
<td>PRODIGY MORTGAGE CORP.</td>
<td>SR VIDEO PICTURES LTD.</td>
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<tr>
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<tr>
<td>PEBBLES TRANSPORTATION CO., INC.</td>
<td>QUEENS LIGHTING DEPOT, INC.</td>
<td>ROUTE 59 BEVERAGE DISCOUNT CENTER, INC.</td>
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<td>REINSTATE: 09/29/16</td>
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<tr>
<td>SOLAR ENERGY N.Y. CORP.</td>
<td>TWENTY EIGHT 41ST REALTY CORP.</td>
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<tr>
<td>REINSTATE: 08/16/16</td>
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<tr>
<td>U&amp;U FOOD, INC.</td>
<td>GRAND GENERAL PARTNER, INC.</td>
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<td>YAILIN FOOD CORP.</td>
<td>1310 ASSOCIATES REAL ESTATE CORP.</td>
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<td>58-85 REALTY CORP.</td>
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<td>62-10 39 AVE. CORP.</td>
<td>62-10 39 AVE. CORP.</td>
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<td>832 QUINCY CORP.</td>
<td>832 QUINCY CORP.</td>
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<td>REINSTATE: 07/19/16</td>
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<td>DIS BY PROC: 07/27/11</td>
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</tbody>
</table>
NOTICE OF ERRONEOUS INCLUSION
IN DISSOLUTION BY PROCLAMATION OF
CERTAIN BUSINESS CORPORATIONS

Under the Provisions of Section 203-a of the Tax Law, As Amended
The Secretary of State hereby provides notice that the following
corporations were erroneously included in proclamations declaring
certain business corporations dissolved. The State Tax Commission
has duly certified to the Secretary of State that the names of these
corporations were erroneously included in such proclamations. The
appropriate entries have been made on the records of the Department
of State.

COUNTY: BRONX

ENTITY NAME: BONILLA’S TRUCKING, INC.
REINSTATE: 09/16/16
DIS BY PROC: 08/31/16

ENTITY NAME: BRONX COMMUNITY REALTY LTD.
REINSTATE: 09/19/16
DIS BY PROC: 01/25/12

ENTITY NAME: LOCKS ARE LOVE, INC
REINSTATE: 08/24/16
DIS BY PROC: 07/27/11

ENTITY NAME: LUCY’S CARE, INC.
REINSTATE: 08/03/16
DIS BY PROC: 04/27/11

ENTITY NAME: SATURNIA INC.
REINSTATE: 09/07/16
DIS BY PROC: 08/31/16

COUNTY: COLUMBIA

ENTITY NAME: NOBLETOWN CORNERS LTD.
REINSTATE: 07/14/16
DIS BY PROC: 06/29/16

COUNTY: CORTLAND

ENTITY NAME: PEAK RESORTS, INC.
REINSTATE: 07/14/16
DIS BY PROC: 06/29/16

COUNTY: DUTCHESS

ENTITY NAME: AUTOFIRME INC.
REINSTATE: 09/20/16
DIS BY PROC: 06/29/16

COUNTY: ERIE

ENTITY NAME: DAVIS LOGISTICS INC.
REINSTATE: 09/19/16
DIS BY PROC: 08/31/16

ENTITY NAME: DAVIS LOGISTICS INC.
REINSTATE: 09/19/16
DIS BY PROC: 08/31/16

ENTITY NAME: IPC HOSPITALIST SERVICES OF NEW YORK, P.C.
REINSTATE: 09/12/16
DIS BY PROC: 08/31/16

COUNTY: WESTCHESTER

ENTITY NAME: BRICKLEY VALLEY REALTY INC.
REINSTATE: 07/19/16
DIS BY PROC: 07/27/11

ENTITY NAME: C.H. MARTIN OF YONKERS, INC.
REINSTATE: 07/28/16
DIS BY PROC: 12/24/91

ENTITY NAME: JACKSON OVERLOOK CORP.
REINSTATE: 08/17/16
DIS BY PROC: 06/29/16

ENTITY NAME: MCGRATH REALTY INC.
REINSTATE: 08/18/16
DIS BY PROC: 07/29/09

ENTITY NAME: MONARCH BUTTERFLY, INC.
REINSTATE: 07/19/16
DIS BY PROC: 01/26/11

ENTITY NAME: NEW ROCHELLE TRUCK REPAIRS, INC.
REINSTATE: 09/22/16
DIS BY PROC: 06/23/93

ENTITY NAME: PRIVATE CAPITAL ADVISERS, INC.
REINSTATE: 07/08/16
DIS BY PROC: 12/27/00

ENTITY NAME: RMS ACCOUNTING SERVICES, INC.
REINSTATE: 08/25/16
DIS BY PROC: 01/25/12

ENTITY NAME: T & J FOODMART INC.
REINSTATE: 07/22/16
DIS BY PROC: 01/27/10
COUNTY: GREENE

ENTITY NAME: DIONYSOS’S ITALIAN RESTAURANT INC
REINSTATE: 09/19/16
DIS BY PROC: 08/31/16

ENTITY NAME: HUDSON RIVER SERVERS INC.
REINSTATE: 09/19/16
DIS BY PROC: 06/29/16

COUNTY: KINGS

ENTITY NAME: # ONE NEW YORK FURNITURE INC
REINSTATE: 09/15/16
DIS BY PROC: 08/31/16

ENTITY NAME: A.L.O.Y.D INC.
REINSTATE: 09/19/16
DIS BY PROC: 08/31/16

ENTITY NAME: AKOTA HOME IMPROVEMENT, INC.
REINSTATE: 09/02/16
DIS BY PROC: 04/27/11

ENTITY NAME: ALDO 187 REALTY CORP.
REINSTATE: 09/26/16
DIS BY PROC: 06/29/16

ENTITY NAME: AUTUMN SUNSHINE CORPORATION
REINSTATE: 09/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: CHARLESSTRONG REALTY & BUILDING MANAGEMENT, INC.
REINSTATE: 08/03/16
DIS BY PROC: 01/26/11

ENTITY NAME: DOMINICAN EXPRESS CAR SERVICE INC.
REINSTATE: 09/16/16
DIS BY PROC: 08/31/16

ENTITY NAME: EL NUEVO CASTILLO DE ORO, CORP.
REINSTATE: 09/22/16
DIS BY PROC: 08/31/16

ENTITY NAME: EXCELLENCE HOME INSPECTIONS, INC
REINSTATE: 09/19/16
DIS BY PROC: 08/31/16

ENTITY NAME: KC TRADING INC.
REINSTATE: 09/26/16
DIS BY PROC: 08/31/16

ENTITY NAME: M.G.B.U. RETAIL, INC
REINSTATE: 09/15/16
DIS BY PROC: 08/31/16

ENTITY NAME: SJ SOLUTIONS SECURITY & PROTECTION SERVICES INC.
REINSTATE: 09/14/16
DIS BY PROC: 08/31/16

ENTITY NAME: VISION WIDE INC.
REINSTATE: 09/07/16
DIS BY PROC: 08/31/16

COUNTY: MONROE

ENTITY NAME: CHEF’S CATERING OF UPSTATE NEW YORK, INC.
REINSTATE: 09/16/16
DIS BY PROC: 08/31/16

ENTITY NAME: COMS WORLDWIDE INC.
REINSTATE: 09/16/16
DIS BY PROC: 08/31/16

ENTITY NAME: SOUTHPAW SOFTWARE SYSTEMS, INC.
REINSTATE: 09/09/16
DIS BY PROC: 08/31/16

ENTITY NAME: BEST RESTAURANT & BUFFET, INC.
REINSTATE: 09/14/16
DIS BY PROC: 08/31/16

ENTITY NAME: KUMAR GAS & AUTO REPAIRS INC.
REINSTATE: 09/02/16
DIS BY PROC: 08/31/16

ENTITY NAME: NEW YORK 786 INC.
REINSTATE: 09/02/16
DIS BY PROC: 08/31/16

ENTITY NAME: RAINBOW STARS DAY CARE, INCORPORATED
REINSTATE: 09/19/16
DIS BY PROC: 08/31/16

ENTITY NAME: SENRA HOME INSPECTIONS INC.
REINSTATE: 09/21/16
DIS BY PROC: 08/31/16

ENTITY NAME: TOUCHDOWN DELIVERY SERVICES INC.
REINSTATE: 09/16/16
DIS BY PROC: 08/31/16

ENTITY NAME: VERITECH CORPORATION
REINSTATE: 09/16/16
DIS BY PROC: 08/31/16

ENTITY NAME: 195 BETHPAGE-SWEET HOLLOW ROAD CORP.
REINSTATE: 09/19/16
DIS BY PROC: 09/25/02

ENTITY NAME: 195 BETHPAGE-SWEET HOLLOW ROAD CORP.
REINSTATE: 09/20/16
DIS BY PROC: 09/25/02

COUNTY: NASSAU

ENTITY NAME: TOUCHDOWN DELIVERY SERVICES INC.
REINSTATE: 09/16/16
DIS BY PROC: 08/31/16

ENTITY NAME: VERITECH CORPORATION
REINSTATE: 09/16/16
DIS BY PROC: 08/31/16

ENTITY NAME: 195 BETHPAGE-SWEET HOLLOW ROAD CORP.
REINSTATE: 09/19/16
DIS BY PROC: 09/25/02

ENTITY NAME: 195 BETHPAGE-SWEET HOLLOW ROAD CORP.
REINSTATE: 09/20/16
DIS BY PROC: 09/25/02

COUNTY: NEW YORK

ENTITY NAME: A. FORD INC.
REINSTATE: 09/16/16
DIS BY PROC: 08/31/16

ENTITY NAME: ARCH+EQUILIBRIUM STUDIO INC.
REINSTATE: 09/16/16
DIS BY PROC: 08/31/16

ENTITY NAME: AROMA FRANCHISE COMPANY INC.
REINSTATE: 09/16/16
DIS BY PROC: 08/31/16

ENTITY NAME: A. FORD INC.
REINSTATE: 09/16/16
DIS BY PROC: 08/31/16

ENTITY NAME: ARCH+EQUILIBRIUM STUDIO INC.
REINSTATE: 09/16/16
DIS BY PROC: 08/31/16

ENTITY NAME: AROMA FRANCHISE COMPANY INC.
REINSTATE: 08/22/16
DIS BY PROC: 06/29/16
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<td>Caribbean Express Corp.</td>
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<td>06/29/16</td>
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<td>Citicare Inc.</td>
<td>09/21/16</td>
<td>01/26/11</td>
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<tr>
<td>El Pote Espanol, Inc.</td>
<td>07/13/16</td>
<td>06/29/16</td>
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<tr>
<td>Horsequest Na Inc.</td>
<td>09/26/16</td>
<td>08/31/16</td>
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<tr>
<td>Kent Senior Care Inc.</td>
<td>09/30/16</td>
<td>08/31/16</td>
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<tr>
<td>Krasnaya Gruppa Corp</td>
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<td>09/28/94</td>
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<td>Marin Consultants Corp.</td>
<td>08/05/16</td>
<td>06/29/16</td>
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<td>Michele L Cohen Jewelry Inc.</td>
<td>09/16/16</td>
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<td>Organizational Renewal Dynamic Inc.</td>
<td>08/18/16</td>
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<td>Physicalmind, Inc.</td>
<td>08/11/16</td>
<td>01/26/11</td>
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<tr>
<td>Sasny Corp.</td>
<td>09/14/16</td>
<td>08/31/16</td>
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<tr>
<td>Sllnyc, Inc.</td>
<td>09/26/16</td>
<td>06/29/16</td>
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<tr>
<td>Tribeca Acupuncture P.C.</td>
<td>09/08/16</td>
<td>08/31/16</td>
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<td>Us International Calligraphy Art Corp.</td>
<td>08/05/16</td>
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<tr>
<td>VIP Fashion, Inc.</td>
<td>08/16/16</td>
<td>06/29/16</td>
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<tr>
<td>Yasha Raman Corp.</td>
<td>09/29/16</td>
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<td>2001 Quail Lane Inc.</td>
<td>09/12/16</td>
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<tr>
<td>County: Orange</td>
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<td>Barros Construction &amp; Remodeling Inc.</td>
<td>09/07/16</td>
<td>08/31/16</td>
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<tr>
<td>Dynamik of Orange County Inc.</td>
<td>09/16/16</td>
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<tr>
<td>County: Queens</td>
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<td>Davon Etc Enterprise, Inc</td>
<td>07/06/16</td>
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<td>Dream World of America Corp.</td>
<td>09/21/16</td>
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<td>Driven Global Inc.</td>
<td>09/16/16</td>
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<td>Fl Agnanti Corp.</td>
<td>09/21/16</td>
<td>08/31/16</td>
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<tr>
<td>Fresh Farm and Halal Products Corp.</td>
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<td>08/31/16</td>
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<tr>
<td>Hesh Management Corporation</td>
<td>09/29/16</td>
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</tr>
<tr>
<td>Jefferson 1648 Realty Corp.</td>
<td>09/19/16</td>
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<td>Lashed NYC Inc.</td>
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<td>Linden Express Car Services Inc.</td>
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<td>Original Black Star Lines Corp.</td>
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<tr>
<td>Shen Mei Hair Salon Inc</td>
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ENTITY NAME: URBAN GIFT SHOP INC
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DIS BY PROC: 08/31/16

ENTITY NAME: 2102 LIC FOOD CORP.
REINSTATE: 09/26/16
DIS BY PROC: 06/29/16

ENTITY NAME: 227-02 LINDEN REST. CORP.
REINSTATE: 09/19/16
DIS BY PROC: 08/31/16

COUNTY: RICHMOND

ENTITY NAME: FOREVER YOUNG SOCIAL ADULT DAY CARE, INC.
REINSTATE: 09/30/16
DIS BY PROC: 08/31/16

ENTITY NAME: JAM PLANNING & CONSULTING INC.
REINSTATE: 09/30/16
DIS BY PROC: 08/31/16

ENTITY NAME: LAW OFFICE OF NICHOLAS M. MOCCIA, P.C.
REINSTATE: 09/26/16
DIS BY PROC: 06/29/16

COUNTY: ROCKLAND

ENTITY NAME: CIGARETTE ENTERPRISES INCORPORATED
REINSTATE: 09/28/16
DIS BY PROC: 06/29/16

COUNTY: SARATOGA

ENTITY NAME: DALCO CONSULTING INC.
REINSTATE: 09/16/16
DIS BY PROC: 08/31/16

COUNTY: SCHOHARIE

ENTITY NAME: PPF SEAMLESS AND HOME IMPROVEMENT CORPORATION
REINSTATE: 09/12/16
DIS BY PROC: 08/31/16

COUNTY: SUFFOLK

ENTITY NAME: ALL ISLAND PREMIER TENTS, INC.
REINSTATE: 07/07/16
DIS BY PROC: 06/29/16

ENTITY NAME: CDG DISTRIBUTION, INC.
REINSTATE: 08/18/16
DIS BY PROC: 01/26/11

ENTITY NAME: DOUBLE A PRINTING & GRAPHIC DESIGN INC.
REINSTATE: 07/19/16
DIS BY PROC: 06/29/16

ENTITY NAME: DOWN & DIRTY CLEANING INC.
REINSTATE: 09/20/16
DIS BY PROC: 08/31/16

ENTITY NAME: FULL TORQUE INC.
REINSTATE: 09/19/16
DIS BY PROC: 08/31/16

COUNTY: TOMPKINS

ENTITY NAME: DIEDRICH K. WILLERS, INC.
REINSTATE: 08/03/16
DIS BY PROC: 06/27/01

COUNTY: ULSTER

ENTITY NAME: WELLNESS CENTER OF THE HUDSON VALLEY, INC.
REINSTATE: 08/09/16
DIS BY PROC: 01/26/11

COUNTY: WESTCHESTER

ENTITY NAME: ALLWAYS EAST TRANSPORTATION INC.
REINSTATE: 09/01/16
DIS BY PROC: 06/29/16

ENTITY NAME: PELOTON GROUP INC.
REINSTATE: 07/25/16
DIS BY PROC: 06/29/16

ENTITY NAME: WESTCHESTER NY MOTORS CORP.
REINSTATE: 08/11/16
DIS BY PROC: 06/29/16

NOTICE OF ERRONEOUS INCLUSION IN ANNULMENT OF AUTHORITY OF CERTAIN FOREIGN CORPORATIONS

Under the Provisions of Section 203-b of the Tax Law, As Amended

The Secretary of State hereby provides notice that the following foreign corporations were erroneously included in proclamations declaring their authority to do business in this state annulled. The State Tax Commission has duly certified to the Secretary of State that the names of the following foreign corporations were erroneously included in such proclamations. The appropriate entries have been made on the records of the Department of State.

COUNTY: ALBANY

ENTITY NAME: M S INTERNATIONAL, INC.
FICT NAME: M S INTERNATIONAL OF CALIFORNIA
JURIS: INDIANA
REINSTATE: 09/19/16
ANNUL OF AUTH: 06/29/16

COUNTY: ERIE

ENTITY NAME: CP VI MT, INC.
JURIS: DELAWARE
REINSTATE: 07/14/16
ANNUL OF AUTH: 06/29/16

ENTITY NAME: NIAGARA FULFILLMENT (USA) INC.
JURIS: DELAWARE
REINSTATE: 09/02/16
ANNUL OF AUTH: 06/29/16
NOTICE OF CANCELLATION OF ANNULMENT OF AUTHORITY OF CERTAIN FOREIGN CORPORATIONS

Under the Provisions of Section 203-b of the Tax Law, As Amended
The Secretary of State hereby provides notice that the following foreign corporations, which had their authority to do business in this state annulled in the manner prescribed by Section 203-b of the Tax Law, have complied with the provisions of subdivision (7) of Section 203-b of the Tax Law, annulling all of the proceedings theretofore taken for the annulment of authority of each such corporation. The appropriate entries have been made on the records of the Department of State.
NOTICE OF
PUBLIC HEARING

Department of Agriculture and Markets

In the Matter of Considering Adoption of Part 207 of Title One of the Official Compilation of Codes, Rules, and Regulations of the State of New York, to be entitled “New York State Grape Research and Development Program”

TO WHOM IT MAY CONCERN:

PLEASE TAKE NOTICE that public hearings will be held, on the following dates and at the following locations, at which the President of the Urban Development Corporation (“President”), in consultation with the Commissioner of Agriculture and Markets (“Commissioner”), will consider, pursuant to section 6266-y of the Unconsolidated Laws of the State of New York, whether a referendum should be held to determine whether certain grape growers located in New York (“grape growers”) approve the adoption of the “New York State Grape Research and Development Program” (“GRDP”), to be placed in Part 207 of Title One of the Official Compilation of Codes, Rules, and Regulations of the State of New York (“1 NYCRR”). If the President, in consultation with the Commissioner, decides to hold a referendum, the GRDP shall be deemed approved and the President may thereafter adopt the GRDP if growers approve by a margin that meets any of the standards set forth in section 6266-y(3)(b) of the Unconsolidated Laws of the State of New York.

PLEASE TAKE FURTHER NOTICE that the GRDP, if adopted, would require grape growers to pay into a fund, established pursuant to the GRDP, which the President could use to support research relevant to grape production, harvesting, processing, storage and marketing. A copy of the express terms of the GRDP may be obtained from Mr. Mark McMullen, Marketing Order Administrator, Division of Agricultural Development, New York State Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235.

PLEASE TAKE FURTHER NOTICE that the hearings referred to above will be held on the following dates, at the following locations:

- November 10, 2016, between 10:00 a.m. – 12:00 p.m., at the Cornell Cooperative Extension, 423 Griffing Ave., Suite 100, Riverhead, NY
- November 14, 2016, between 6:30 p.m. – 8:30 p.m., at the Cornell Lake Erie Laboratory, 6592 W. Main Rd., Portland, NY
PUBLIC NOTICE
Department of Civil Service
Pursuant to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for November 2016 will be conducted on November 15 and November 16 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY with live coverage available at https://www.cs.ny.gov/commission/.

For further information, contact: Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. 1, Albany, NY 12239, (518) 473-6598

PUBLIC NOTICE
Town of North Hempstead
Solid Waste Management Authority
Pursuant to Section 120-w of the New York General Municipal Law, the Town of North Hempstead Solid Waste Management Authority (the “Authority”) hereby gives notice of the following:

The Authority has drafted a Request for Proposals for the Management and Maintenance of the Landfill Gas Collection System and Control Systems at the Authority’s Port Washington Landfills (L-4 and L-5), 802 West Shore Rd., Port Washington, New York. A copy of the draft Request for Proposals is on file with the Town Clerk of the Town of North Hempstead, 200 Plandome Rd., Manhasset, New York, where a copy of the draft Request for Proposals is on file with the Office of the Town Clerk of the Town of North Hempstead, 200 Plandome Rd., Manhasset, New York, where a copy of the draft Request for Proposals will be available until December 7, 2016; such written statements may be submitted to Mr. McMullen, at the foregoing address.

Mark McMullen
Division of Agricultural Development

PUBLIC NOTICE
Office of Parks, Recreation and Historic Preservation
Pursuant to section 14.07 of the Parks, Recreation and Historic Preservation Law, the Office of Parks, Recreation and Historic Preservation hereby gives notice of the following:

In accordance with subdivision (c) of section 427.4 of title 9 NYCRR notice is hereby given that the New York State Board for Historic Preservation will be considering nomination proposals for listing of properties in the State and National Register of Historic Places at a meeting to be held on Thursday, December 8th, 2016 at 10:30 a.m. at Tech Valley Center of Gravity, 30 3rd Street (enter on Broadway), Troy, NY 12180

The following properties will be considered:
1. Lakeview Avenue Historic District, Jamestown, Chautauqua County
2. St. Rose of Lima Roman Catholic Church Complex, Buffalo, Erie County
3. St. Thomas Aquinas Roman Catholic Church Complex, Buffalo, Erie County
4. The Mentholatum Company Building, Buffalo, Erie County
5. Niagara Power Project Historic District, Niagara County
6. Frederick and Emma Hartman Noyes House, Dansville, Livingston County
7. Offerman Building, Brooklyn, Kings County
8. DuBois Farmhouse, Poughkeepsie, Dutchess County
9. Silver Lake Cemetery, Staten Island, Richmond County
10. Soldiers Memorial Fountain and Park, Poughkeepsie, Dutchess County
11. Bridgehampton Presbyterian Church, Southampton, Suffolk County
12. Woodstock Music Festival Site, Bethel Vicinity, Sullivan County
13. Waterloo Downtown Historic District, Seneca County
14. Lakeview Cemetery, Skaneateles, Onondaga County
15. South Presbyterian Church, Syracuse, Onondaga County
16. Walworth Methodist Church, Wayne County
17. Watrous Peck House, West Bloomfield, Ontario County
18. St. Matthew’s Episcopal Church, Horseheads, Chemung County
19. Biggs Cottage, Ithaca Vicinity, Tompkins County
20. Phillips-Manning House, Coventry, Chenango County
21. Onderdonk-Tallman and Traphagen Houses, Clarkstown, Rockland County
22. Henry’s Garage, Port Henry, Essex County
23. Henry Whitney House, Whitney Point, Broome County
24. Tilley Ladder Company, Watervliet, Albany County
25. Bleecker Stadium and Swinburne Park, Albany, Albany County
26. Lincoln Park, Albany, Albany County
27. Normanskil Farm, Albany, Albany County
28. George T. Robinson House, Clayton, Jefferson County
29. Forest Hill Cemetery, Utica, Oneida County
30. Camp Taiga, Long Lake, Hamilton County
31. Dollar Island, Inlet, Hamilton County

To be considered by the board, comments may be submitted to Ruth L. Pierpont, Deputy Commissioner for Historic Preservation, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, NY 12188-0189, no later than Wednesday, December 7th or may be submitted in person at the meeting by contacting Ruth L. Pierpont at the same address no later than December 7th.

For further information, contact: Ruth L. Pierpont, Deputy Commissioner for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, NY 12188-0189, (518) 237-8643

PUBLIC NOTICE
New York State and Local Retirement System
Pursuant to Retirement and Social Security Law, the New York State and Local Employees’ Retirement System hereby gives public notice of the following:

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 517-a of the Retirement and Social Security Law on or before September 30, 2016. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St., in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed

1. Lakeview Avenue Historic District, Jamestown, Chautauqua County
2. St. Rose of Lima Roman Catholic Church Complex, Buffalo, Erie County
3. St. Thomas Aquinas Roman Catholic Church Complex, Buffalo, Erie County
4. The Mentholatum Company Building, Buffalo, Erie County
5. Niagara Power Project Historic District, Niagara County
6. Frederick and Emma Hartman Noyes House, Dansville, Livingston County
7. Offerman Building, Brooklyn, Kings County
8. DuBois Farmhouse, Poughkeepsie, Dutchess County
9. Silver Lake Cemetery, Staten Island, Richmond County
10. Soldiers Memorial Fountain and Park, Poughkeepsie, Dutchess County
11. Bridgehampton Presbyterian Church, Southampton, Suffolk County
12. Woodstock Music Festival Site, Bethel Vicinity, Sullivan County
13. Waterloo Downtown Historic District, Seneca County
14. Lakeview Cemetery, Skaneateles, Onondaga County
15. South Presbyterian Church, Syracuse, Onondaga County
16. Walworth Methodist Church, Wayne County
17. Watrous Peck House, West Bloomfield, Ontario County
18. St. Matthew’s Episcopal Church, Horseheads, Chemung County
19. Biggs Cottage, Ithaca Vicinity, Tompkins County
20. Phillips-Manning House, Coventry, Chenango County
21. Onderdonk-Tallman and Traphagen Houses, Clarkstown, Rockland County
22. Henry’s Garage, Port Henry, Essex County
23. Henry Whitney House, Whitney Point, Broome County
24. Tilley Ladder Company, Watervliet, Albany County
25. Bleecker Stadium and Swinburne Park, Albany, Albany County
26. Lincoln Park, Albany, Albany County
27. Normanskil Farm, Albany, Albany County
28. George T. Robinson House, Clayton, Jefferson County
29. Forest Hill Cemetery, Utica, Oneida County
30. Camp Taiga, Long Lake, Hamilton County
31. Dollar Island, Inlet, Hamilton County

To be considered by the board, comments may be submitted to Ruth L. Pierpont, Deputy Commissioner for Historic Preservation, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, NY 12188-0189, no later than Wednesday, December 7th or may be submitted in person at the meeting by contacting Ruth L. Pierpont at the same address no later than December 7th.

For further information, contact: Ruth L. Pierpont, Deputy Commissioner for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, NY 12188-0189, (518) 237-8643
abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Covington, Shekia - Brooklyn, NY
Crawford, Charlotte J - Darien Center, NY

PUBLIC NOTICE

New York State and Local Retirement System

Pursuant to Retirement and Social Security Law, the New York State and Local Employees’ Retirement System hereby gives public notice of the following:

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 613 of the Retirement and Social Security Law on or before September 30, 2016. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St., in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed abandoned and transferred to the pension accumulation fund for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Abobo, Racquel - Odessa, TX
Ackley, Shantel M - Big Flats, NY
Addeo, Barbara - Huntington Station, NY
Agnew, Sarah M - Peru, NY
Albright, Trevor C - Voorheesville, NY
Alexander, Alexander Y - Brooklyn, NY
Alighieri, Jessica M - Syracuse, NY
Allen, Jeremy J - Cortland, NY
Allgier, Jaclyn M - Long Beach, NY
Amiri, Afsaneh T - East Meadow, NY
Anderson, Kaitlyn M - Babylon, NY
Angley, Jonathan D - Stephentown, NY
Anwar, Muhammad - Morris Plains, NJ
Arce, Janet - Bronx, NY
Arthur, Lindsay M - Ravena, NY
Ashe, Tracilyn - Kingston, NY
Ayers, Wade K - Stanley, NY
Babalos, Antigone E - Astoria, NY
Baird, Connor E - Rensselaer, NY
Bajaj, Leena - Round Rock, TX
Bali, Divya - Manalapan, NJ
Banks, Caitlin N - Mount Morris, NY

Barada, Conor M - Delmar, NY
Bark, Rachel C - York, PA
Barreda, Nicholas L - Rockville Ctr, NY
Barrett, Patricia V - Mt Vernon, NY
Bates, Vanessa R - Sparrow Bush, NY
Beach, Brice S - Sayville, NY
Beach, John T - Orlando, FL
Beckford, Dirk D - Yonkers, NY
Beigert, Kim - Montrose, NY
Bennett, Devon G - Kissimmee, FL
Benshoff, Alexandra E - Clifton Park, NY
Benton, Andrew C - Rosedale, NY
Berben, Kirstin S - North Charleston, SC
Betts, Jolene M - Marathon, NY
Bhatia, Bina - Nanuet, NY
Bianchi, Christopher M - Schenectady, NY
Bierl, Jonathan F - Elma, NY
Birch, Stephanie M - Scotia, NY
Bishop, Schuyler M - Schenectady, NY
Blomquist, Kimberly A - Holtsville, NY
Blunt, Brandyn W - Saugus, NY
Bollentin, Andrea M - Voorheesville, NY
Bolson, Donna M - Apalachin, NY
Boris, Lindsay L - Amsterdam, NY
Bourque, Brian P - Huntersville, NC
Bowler, Kevin G - Mahwah, NJ
Boyle, Matthew P - Glenwood, NY
Brand, Sherry L - Binghamton, NY
Breitenbach, Tuesday L - Schenectady, NY
Breton, Eric W - Latham, NY
Brick, Hodaya - Brooklyn, NY
Briggs, Jordan L - Gouverneur, NY
Brodmerkel, Kayla - Lindenhurst, NY
Brooks, Robert - Portville, NY
Brophy, Kristen R - Mt Kisco, NY
Brown, Aaron A - Mayville, NY
Brown, Paul Kevin - Nanuet, NY
Brown, Reginald K - Brooklyn, NY
Buckley, Devon D - East Greenbush, NY
Burke, Dennis J - Yorktown Heights, NY
Burke, Laura S - Leesburg, VA
Burns, Kevin R - Goodfellow AFB, TX
Busier, Katy E - Ballston Spa, NY
Buss, Gretchen R - Brackney, PA
Butler, Adam - Oswego, NY
Cahoon, Lynnda R - Ithaca, NY
Calabrese, Matthew P - Grahamsville, NY
Caldarazzo, Dominick J - Schenectady, NY
Canniff, Jonathon W - Chenango Forks, NY
Carney, Catherine L - Ilion, NY
Carney, Evan - West Winfield, NY
Carr, Brittany A - Carle Place, NY
Carro, Kathy J - Oceanside, NY
Carroll, Jordan E - Potsdam, NY
Carter, Jonathan M - Buffalo, NY
Casiano, Edgar - Bronx, NY
Castillo, Maria Del Pilar - Philadelphia, PA
Castren, Chris M - Voorheesville, NY
Catalano, Alecia R - Farmington, NY
Cerne, Carlie S - North Collins, NY
Cernilli, Matthew F - Greenlawn, NY
Charvat, Kathryn R - Latham, NY
Charvat, Michael S - Latham, NY
Chen, Megan Y - Miller Place, NY
Chicchekine, Eugeni - Garden City, NY
Cioppa, Peter A - Minoa, NY
Cisco, Ray C - Seneca Falls, NY
Clark, Katherine L - Goshen, NY
Clarke, Sonia - Coral Springs, FL
Claus, Laura A - Eaton, NY
Coopman, Robert J - Wampsville, NY
Coker, La Quana - Rochester, NY
Cole, Lindsey J - Brockport, NY
Conlon, Christopher M - Tarrytown, NY
Conklin, Robert J - Wampsville, NY
Cooney, Alissa J - Ilion, NY
Corso, August M - Syracuse, NY
Cottrell, Jennifer - Alden, NY
Cosgrove, Elizabeth A - Latham, NY
Costable, Mary Ann - Carmel, NY
Costanzo, Nicole M - Seaford, NY
Coyne, Lynn - Sarasota, FL
Crosdale, Louis L - Brooklyn, NY
Cullen, Megan E - Lake View, NY
Cunningham, Amy L - Enfield, CT
Curley, Shawn P - Madrid, NY
D’Auguste, Leslie - New York, NY
Daley, Jack T - Glenmont, NY
Daniell, Kelly A - Little Falls, NY
Danto, Michael D - Altamont, NY
Danussi, Mitchell R - West Chazy, NY
Daoust, Andrea C - Burke, NY
Davidson, Brooke A - Philadelphia, NY
De La Cruz, Brian - New York, NY
De Traglia, John P - Utica, NY
Dean, Robert L - Queensbury, NY
Delee, Joshua J - Westmoreland, NY
Del Vecchio, Nicole F - Pto Jefferson, NY
Delaney, Octavia C - Bronx, NY
Delsito, Christian - Stony Point, NY
Dewan, Benjamin G - Delhi, NY
Di Fiore, Courteney G - Ausable Forks, NY
DiGioia, Christopher J - Patchogue, NY
Dillon, Sherice M - Troy, NY
Dini, Elizabeth M - Sayville, NY
Dodge, Stephanie L - Fulton, NY
Dollard, Jevan R - Voorheesville, NY
Dorsey, Meghan R - Westport, NY
Dostilio, Jenna M - Holmes, NY
Drennan, Michael J - Seneca Falls, NY
Drummond, Robert P - Bridgeport, NY
Drymond, Jared M - Clayville, NY
Du Bois, Robert J - Amsterdam, NY
Ducatte, Aaron J - West Chazy, NY
Durecko, Claire A - Stewart Manor, NY
Dutcher, Melissa M - Gloversville, NY
Eagan, William F - Hamburg, NY
Eckelman, Sarah J - Staatsburg, NY
Edwards, Lauren B - Ozone Park, NY
Egnasher, Cory M - Kinderhook, NY
Ells, Matthew J - Angola, NY
Engel, Constance M - Garnerville, NY
Erath, Christopher J - Amityville, NY
Esposito, Olivia G - Rome, NY
Evans, Brittany L - Estero, FL
Fairbrother, Cherie L - New York Mills, NY
Farrell, Christopher J - Slingerlands, NY
Favato, Cristina - Harrison, NY
Feeney, Brigitt A - Albany, NY
Ferguson, Deanna J - Mountain Home Afb, ID
Fernandez, Hector J - Rochester, NY
Finnerty, David J - Walden, NY
Foley, Fiona A - Middletown, NY
Ford, Aricka O - Albany, NY
Forgert, Edward M - Milford, CT
Forman, Ann M - Hauppauge, NY
Fortes, Nicholas O - Croton, NY
Fox, Julie L - Boonville, NY
Foye, Molly C - Westerly, NY
Frank, Erika L - Mohawk, NY
Freeman, Adam M - Cuba, NY
Fregoe, April S - Massena, NY
Gaffney, Mayme - Temple, PA
Galella, Kristeen H - Oakdale, NY
Garcia, Anthony J - Johnson City, NY
Garcia, Kenny A - New York, NY
Gardner, Katie A - Bellmore, NY
Gardy, Nicholas M - Schenectady, NY
Gates, Maureen A - Pittsford, NY
Gavilan, Hernan R - East Elmhurst, NY
George, Heather L - Almond, NY
Germano, Kara A - Rochester, NY
Gibson, Davina L - Buffalo, NY
Gibson, Lindsey A - Ridgeland, SC
Gilbert, Wilbert - Spring Valley, NY
Glickman, Laurence T - Port Washington, NY
Goetz, Hilary C - Voorheesville, NY
Gogan, Bobbi L - Virginia Beach, VA
Goldberg, Lisa A - Cincinnati, OH
Gong, Sean W - Cheektowaga, NY
Gonzalez, Omar A - Dix Hills, NY
Gorham, Morgan L - Fort Edward, NY
Graham, Katherine J - Pavilion, NY
Gratton, Sara B - New Bedford, MA
Green, Kelley A - Niagara Falls, NY
Greene, Colleen M - Orlando, FL
Greevey, Damien J - Cornwall on Hudson, NY
Gregoire, Jason P - Watervliet, NY
Griffen, Stephen J - Loudonville, NY
Grosen, Alex J - Beaver Dams, NY
Gublo, Billie Jo A - Nichols, NY
Guerttee, Michael J - Voorheesville, NY
Gugino, Rasella M - North Collins, NY
Guo, Li-Wu - Little Rock, AK
Guy, Christopher C - Glens Falls, NY
Guzman, Kristy M - Stony Point, NY
Hagen, Lisa M - Charlotte, NC
Haigh, Kristie L - Geneseo, NY
Halliburton, Philip A - Laurelton, NY
Hanford, Kimberly E - Fairport, NY
Hanlon, Robert P - Cedarhurst, NY
Hanson, Carol L - West Hempstead, NY
Hardy, Corey - Riverhead, NY
Hargrove, Shanell N - Rochester, NY
Harrington, Steven P - Caledonia, NY
Harstad, Mark N - Webster, NY
Hartnett, Meghan K - Gloversville, NY
Hauser, Sarah J - Johnstown, NY
Hayden, Apollo K - Catskill, NY
Heather, Jessica L - Newark Valley, NY
Heathwood, Kevin B - East Islip, NY
Heilberg, Carl E - Brooklyn, NY
Hemmer, Christopher J - Vestal, NY
Hemsley, Gordon P - Wayne, PA
Hendershot, Derek P - Nunda, NY
Hensel, Christopher J - Brooklyn, NY
Heptig, Scott M - Remsenburg, NY
Hernandez-Selmon, Arika L - Yorktown, VA
Hern, Sonya L - Tonawanda, NY
Hersman, Elizabeth J - Levittown, NY
Hickey, Vincent - Ronkonkoma, NY
Higgins, Kevin E - Waterloo, NY
Hill, Richard E - Niagara Falls, NY
Hill, Vergia - Wyandanch, NY
Hiller, Jared S - Brooklyn, NY
Hodgkinson, Bridget C - Delmar, NY
Hogan, Jessica R - Auburn, NY
Holmes, Erik F - Cobleskill, NY
Holze, Christopher A - West Hempstead, NY
Hooley, Hilary C - Fayetteville, NY
Horace, Christopher J - Rockville Centre, NY
Hornbeck, Chad J - Stamford, NY
Horner, Melissa M - Mechanicville, NY
Horrigan, Thomas E - Hudson Falls, NY
Howard, Chanta M - Far Rockaway, NY
Howe, Amanda M - Utica, NY
Huang, Kuanhua - Rego Park, NY
Hughes, SCott - East Amherst, NY
Hughes, William K - Sayville, NY
Hulbert, Jeremy A - Newfield, NY
Hung-Yap, Katy - Hopewell Junction, NY
Hunt, Deborah - Buffalo, NY
Hurley, Patricia A - Fort Salonga, NY
Illeg, Dina A - West Seneca, NY
Jaboin, Josette - Powder Spgs, GA
Jackson, Erin K - Rochester, NY
Jackson, Timothy T - Rochester, NY
Jacobs, Patricia F - Mineville, NY
James-Archie, Nola E - Wappingers Falls, NY
Jamison, Antonine - Brooklyn, NY
Jean-Louis, Nadine V - Highland Mills, NY
Jeselnik, Jaclyn F - Pound Ridge, NY
John, Agnes E - Staten Island, NY
Johnson, Ashley N - North Collins, NY
Johnson, Michael P - Coram, NY

Jolls, Deborah S - Gowanda, NY
Jones, Stephanie E - Johnstown, NY
Kane, Donald E - Katonah, NY
Karst, Stephanie N - Raleigh, NC
Keida, Goodson, Amanda L - Saugus, NY
Kelberer, William A - Youngstown, NY
Keller, Justin R - Fairport, NY
Kendrick, Sjene N - Brooklyn, NY
Keys, Leterrence M - Sunnyvale, NY
Kimble, Scott L - Woodhull, NY
Kimmerling, Richard N - Shirley, NY
King, Austin S - Stephentown, NY
Kinney, Joseph C - Frankfort, NY
Knox, Mitchell D - Columbia, SC
Korkin, Joseph S - Esperance, NY
Korol, Tris - Hurley, NY
Kurian, Sheejo - San Antonio, TX
La Duke, Joshua R - Watertown, NY
Laboy, David J - Sound Beach, NY
Laveglia, Domenico - Ronkonkoma, NY
Le Clair, Curtis A - Altamont, NY
Leaver, Ryan W - Largo, FL
Lento, Winifred M - Wading River, NY
Lesser, Stefanie M - Syosset, NY
Levine, Allison S - Miami, FL
Levine, Helisse E - Stamford, CT
Lewis, Valerie A - Walden, NY
Lieb, Carey J - Fulton, NY
Lipscomb, Nicole M - Staten Island, NY
Lissade, Patricia - North Bellmore, NY
Littlefield, Brett P - Hilton, NY
Lochard, Princess B - Brentwood, NY
Lord, Tracy A - E Worcester, NY
Loris, Trish M - Middle Island, NY
Lossowski, Vincent W - Rochester, NY
Loucks, Richard V - Rome, NY
Love, Josh M - Brooklyn, NY
Love, Nicholas J - Wesley Chapel, FL
Lukas, Meredith G - New Lebanon, NY
Lurenz, Patricia M - Johnstown, NY
Lyle, Katherine M - Baldwin, NY
Mac Donald, Matthew B - Carmel, NY
Mac Intosh, Siobhaun K - Medford, MA
Mack, David L - West Henrietta, NY
Magistrale, Lynn M - Lancaster, NY
Malone, Suzanne L - Albany, NY
Marbury, Jon - Jamaica, NY
Marfone, Jacqueline D - Syracuse, NY
Marro, Robert P - Melville, NY
Martin, Lindsay M - North Syracuse, NY
Martin, Regina A - Syracuse, NY
Matthews, Nathaniel A - North Chili, NY
Maxwell, Elisia - Albany, NY
Mayer, Elizabeth A - N Tonawanda, NY
Maynard, Christopher M - East Rockaway, NY
Mayweather, Brittany S - Albany, NY
Mazza, David E - Middle Island, NY
McAllister, Matthew P - Holley, NY
McCabe, Blake P - Vestal, NY
Miscellaneous Notices/Hearings

McEneaney, Jacqueline - New York, NY
McGinley, M Allen - Red Bank, NJ
McLean, Marcus J - Peru, NY
McReynolds, Veronica - Huntington Station, NY
Mehmel, Dyann M - Middle Island, NY
Mellitt, John P - New Paltz, NY
Mendoza, Eric A - Goshen, NY
Mentry, Edward M - Watertown, NY
Mercurio, Cassandra A - Babylon, NY
Merle, Emily S - W Hempstead, NY
Mescall, Matthew D - Lancaster, NY
Messina, Joseph E - Dix Hills, NY
Middleton, Zora N - Albany, NY
Miller, Jason A - Lockport, NY
Mineo, Gregory M - Dix Hills, NY
Mitchell, David B - Brooklyn, NY
Mitola, Gregory M - Dix Hills, NY
Mogavero, Kristen D - Massapequa, NY
Monette, Stephen C - Oswego, NY
Monte, Laura D - E Aurora, NY
Mooney, Nolan P - Syracuse, NY
Moore, Bruce D - Voorheesville, NY
Moore, Morgan D - Albany, NY
Morone-Crocitto, Jennifer F - Albany, NY
Morris, Connor T - Center Moriches, NY
Moses, Jessica - Queens Village, NY
Mosher, Aimee M - Gardiner, NY
Murray, Amanda E - Chittenango, NY
Nagel, Kurt P - Cheektowaga, NY
Napier, Shelly T - Brooklyn, NY
Natoli, Joanne - Suffern, NY
Neal, Renee L - Passaic, NJ
Nebush, Theresa M - Frankfort, NY
Nehring, Christopher W - Amityville, NY
Newby, Vicki L - Fort Worth, TX
Nguyen, Nguyet T - Castle Creek, NY
Nixon, Leonard M - Torrington, CT
Nogue, Joshua M - New Paltz, NY
Norman, Ashley R - Mt Vernon, NY
Norris, Dominick C - Heber City, UT
Nostrand, Troy - Craryville, NY
Novak, Jennifer E - Wantagh, NY
Nunnery, Richard A - Lyndonyville, NY
Nuzzo, Stephanie M - Geneva, NY
O'Hanlon, Kaleigh R - Schenectady, NY
O'Bryan, Elizabeth M - Seattle, WA
O'Neil, Kathryn R - Deer Park, NY
O'Neil, Kimberly A - Wingdale, NY
Oates, Glenda - Hudson, OH
Okayo, Asha G - Tucker, GA
Oldenburgh, Thomas J - Massena, NY
Olszewski, Nathan P - West Seneca, NY
Ostrowski, Kathleen M - Buffalo, NY
Paddock, Colleen M - Ballston Spa, NY
Paff, Carissa M - Watervliet, NY
Palma, Duane A - Hilton, NY
Palmer, John J - East Syracuse, NY
Palmer, Renee D - Troy, NY
Paoff, April L - Auburn, NY
Pashayan, Laura - Garden City, NY
Patterson, Jeremy C - Herkimer, NY
Peale, Christie E - New York, NY
Pearson, Kevin C - Amityville, NY
Pellerin, Kelly S - Queensbury, NY
Pericak, Arlene M - Fairfax, VA
Perry, Matthew P - New York, NY
Philip, Timmy S - Bronx, NY
Phillips, Jesse N - Valatie, NY
Pierre, Fritzi - Hempstead, NY
Pinder, Shelton I - Freeport, NY
Piszczatowski, Joseph - Glen Cove, NY
Platania, Paul A - Greenvale, NY
Poidevin, Antonella - Carmel, NY
Polden, Jacqueline R - Carmel, NY
Pollock, John C - Uniondale, NY
Pomella, Bruce A - San Francisco, CA
Ponce De Leon, Raymond I - Brooklyn, NY
Ponticelli, Peter O - Miller Place, NY
Poore, Glendon E - Lisbon, NY
Preischel, Ann E - Hamburg, NY
Provencher, Emily C - Barker, NY
Quelis, Ambar L - Albany, NY
Quinn, Daniel P - Clifton Park, NY
Raguckas, Leilani - Taylor, PA
Rathbun, Cameron J - Plattsburgh, NY
Raymond, Kimberly A - Whitehall, NY
Rebelo, Joshua C - Friendsville, PA
Redhead, Dwayne - Roosevelt, NY
Reed, Jessica H - Salamanca, NY
Regan, Catherine R - New York, NY
Regan, Robert F - Long Beach, NY
Reichardt, Kristin J - Ballston Spa, NY
Reichen, Bethany M - Queensbury, NY
Reidy, Jana L - Pine City, NY
Reilly, Kristen E - Latham, NY
Reimann, Jacqueline H - Buffalo, NY
Reinisch, Kevin E - Selkirk, NY
Reiter, Sheena M - New York, NY
Reyes, Kathy - Yorktown Heights, NY
Reynolds, Tami N - Roslinand, MA
Rhoney, Kevin P - Lewiston, NY
Rice, Christopher J - Levittown, NY
Richards, Linda M - West Babylon, NY
Robins, William G - Greenport, NY
Robinson, Patricia - Middle Island, NY
Rodgers, Kyle S - Centereach, NY
Rodgers, Matthew R - Lindenhurst, NY
Rodriguez, Alyssa J - Middletown, NY
Rommel, Jacob R - Little Meadows, PA
Root, Helen K - Rochester, NY
Rosen, Ian M - Flushing, NY
Rosenberg, Benjamin E - New York, NY
Ross, Leighton - Centereach, NY
Rowley, David J - Mennon, NY
Roy, Elizabeth K - Averill Park, NY
Rozboril, Michael G - Port Crane, NY
Rudinger, Rachel E - Albany, NY
Russell, Darcy L - Brushton, NY
Russell, James H - East Northport, NY
Ryan, John P - Auburn, NY
Ryan, Kyle M - Clifton Park, NY
Sacco, Matthew A - Ithaca, NY
Salfas, Brian - Brooklyn, NY
Salters, Adam - Stony Point, NY
Sanfilippo, Matthew J - Hicksville, NY
Sawyer, Alexandria - Paul Smiths, NY
Sawyer, Neddy E - Ossining, NY
Scaccia, Anthony - Lakeview, NY
Schell, Tyler L - Schoharie, NY
Schettino, Caitlin A - Alexandria, VA
Schlegel, Ann M - Medina, NY
Schlossberg, Tyler L - Schoharie, NY
Schettino, Caitlin A - North Syracuse, NY
Schrack, William E - Bayville, NY
Schmide, Henry W - Lockport, NY
Schweich, Christopher H - Massapequa Pk, NY
Schweich, John T - Caledonia, NY
Scott, Megan M - Massena, NY
Scott, Sara K - Minot Afb, ND
Sears, Kelsey M - Westport, NY
Shann, Kaila J - Centerach, NY
Sheehan, Earle J - Niagara Falls, NY
Sherbino, Theresa M - Plessis, NY
Short, Lakisha D - Lawrenceville, GA
Sieracki, Daniel J - Lackawanna, NY
Silver, Elizabeth R - Kinderhook, NY
Simeone, Rebecca E - Delmar, NY
Skinner, Garrett - Albany, NY
Small, Dennis A - Chantilly, VA
Smith, Ian R - New York, NY
Smith, Kyris S - Ticonderoga, NY
Snowden, Denise M - Ellenwood, GA
Snyder, Miranda A - Canastota, NY
Soares, Teresa G - Miller Place, NY
Soblosky, Nicole A - Albany, NY
Spears, Steven C - Brakon, NY
Speedling, Claire M - New Paltz, NY
Spring, Joseph J - Rochester, NY
Springer, Lynn M - Queensbury, NY
St John, Jennifer A - Suffern, NY
Stavroulakis, Hrisovalantis - Milton, NY
Stearns, Benjamin P - Buffalo, NY
Steed, Colleen A - Newport News, VA
Stehlin, Karen A - Saratoga Springs, NY
Stellwagon, Thomas W - Holly Ridge, NC
Stephens, Craig A - Massapequa, NY
Stevens, Janet L - Scotiaville, NY
Stevenson, Michelle - Tappan, NY
Stone, Daniel J - N Syracuse, NY
Stone, Jennifer L - Tonawanda, NY
Straub, Rebecca M - Rochester, NY
Suro, Christopher - Bronx, NY
Sullivan, Kevin M - Albany, NY
Sutton, Earl D - Troy, NY
Sylvestre, Rosemarie - Latham, NY
Tamburino, Michael A - Auburn, NY
Thomas, Deborah S - Potsdam, NY
Tilley, Gary J - Troy, NY
Tomaino, Matthew P - Rome, NY
Torres, Andrew - West Babylon, NY
Torres, Andrew - West Havenstraw, NY
Torres, Francisco J - Bronx, NY
Tremblay, Chelsea E - Saranac Lake, NY
Trihe, Barbara D - Staten Island, NY
Trimmer, Helen D - Washington, DC
Tringali, Debra A - Smithtown, NY
Trippodo, Danielle L - New Windsor, NY
Tou, Ashley A - Valatie, NY
Tucker, Kristina M - Utica, NY
Tufano, Cory - Albany, NY
Tullar, Lara A - Amityville, NY
Turner, Danielle K - Farmingville, NY
Turner, Juno E W - Brooklyn, NY
Tyo, Amy M - Pensacola, FL
Ulsch, Christina S - Athens, NY
Underwood, Robert J - Katonah, NY
Valencia, Claudia - West Harrison, NY
Valsaint, Marie M - New York, NY
Van Deusen, Daniel R - New York, NY
Van Meter, Katherine C - Little Falls, NY
Varin, Jordan J - Plattsburgh, NY
Vasquez, Arianna R - Patchogue, NY
Vassell, Germie A - Middletown, NY
Villanova, Angela N - Clifton Park, NY
Wagner, Keith - Poestenkill, NY
Waldron, Donald R - Saranac, NY
Walker, Troy L - Comer, NY
Ward, Justin M - Allegany, NY
Wells, Stacy A - Mastic Beach, NY
Wellspeak, Alanna M - Albany, NY
Wen, Jacky - Middle Village, NY
Wendell, Fred C - Dryden, NY
Wenner, Garsha K - Central Islip, NY
West, Stacy L - Saratoga Spgs, NY
White, Christine F - Garden City, NY
Wilchcombe, Basil - Elmont, NY
Williams, Agatha P - Uniondale, NY
Williams, Melissa R - Brooklyn, NY
Williams, Sharon C - Brooklyn, NY
Williamson, Peter A - Floral Park, NY
Winterling, Tracey A - Middletown, NY
Witman, Wynn D - Barton, NY
Wolf, Brian W - Clifton Park, NY
Wood, Jamie - Troy, NY
Wood, Jordan C - Williamson, NY
Wright, Alexander B - Fayetteville, NY
Wright, Courtney D - Durham, NC
Wright, Rebecca A - Watertown, NY
Wyatt, Tiffany N - Troy, NY
Young, Kimberly E - Durham, NY
Young, Meredith L - Lowville, NY
Yousef, Bryan B - Croghan, NY
Zippriess, Bernard P - Cortlandt Manor, NY
Zugibe, Thomas P - Somerville, MA

For further information contact: Marianne Miller, New York State
Retirement Systems, 110 State St., Albany, NY 12244, (518) 474-3502

PUBLIC NOTICE
Department of State
F-2016-0586
Date of Issuance – November 2, 2016

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program (NYSCMP). The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2016-0586, or “27-41 West Street, Block 2570, Lot 1”, the applicant, M&H Realty, LLC, proposes construction of a mixed-use development of an underutilized waterfront site of approximately 2 million gross square feet in the Greenpoint neighborhood of Brooklyn. The 7.2 acre project site is bounded by Oak Street to the north, West Street to the east, and Quay Street and the East River to the west and is situated just north of the Bushwick Inlet. The site is currently an asphalt paved lot used as a lumber warehouse and truck rental facility. The proposed project includes upland development of three base buildings and four towers, associated private drives, public access areas including a 40 feet wide continuous shore public walkway, a waterfront park, and shoreline stabilization. The waterfront access, walkway, and park elements will be developed to be consistent with the Greenpoint-Williamsburg Waterfront Access Plan (WAP).

Some of the work in support of the shore public walkway would occur within state regulated tidal wetland adjacent areas, requiring a tidal wetlands permit from the New York State Department of Environmental Conservation (NYS DEC). According to the information submitted to the DOS, portions of the public walkway would extend waterward of the current mean high water mark.

Shoreline stabilization activities subject to federal permitting requirements include removal of construction and demolition debris and deteriorated riprap and bulkhead remains below mean high water and/or spring high water, installation of a new sheet pile bulkhead, concrete headwall with riprap revetment, three pile supported outfalls extending over the new riprap revetment, gravel beach and beach grass planted areas inboard of a low riprap revetment. Federal permits are requested under the U.S. Army Corps of Engineers Nationwide Permit Program for the bank stabilization work and for installation of two new outfall structures handling storm water discharges to the East River. The project is anticipated to result in approximately 100 cubic yards of new waterway in the East River.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, November 17, 2016.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE
Department of State
F-2016-0634
Date of Issuance – November 2, 2016

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program (NYSCMP). The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2016-0634, Village of Amityville, is proposing to construct a new 105 linear foot vinyl bulkhead. The bulkhead height will be at an elevation of 4.9 feet (ten year storm). The purpose of the proposed is to provide resiliency against storm surge and rising tides and to prevent sedimentation of the creek. The proposed bulkhead is located in Amityville Creek, Corner of Perkins Avenue and Riverside Avenue, Village of Amityville, Suffolk County.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, November 17, 2016.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE
Department of State
F-2016-0793
Date of Issuance – November 2, 2016

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program (NYSCMP). The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2016-0793, or “Randall’s Island Living Shoreline Project”, the applicant, New York City Department of Parks and Recreation (NYCDPR), is proposing to create 1,000 linear feet of intertidal and multiple-purposed shoreline along the Harlem River. The project site includes environmentally degraded areas and areas exhibiting deterioration and underuse, presently offering limited appeal and safe public accessibility to the waterfront.

The project proposes to revitalize the shoreline environment across a 2.5 acre portion of the northwest corner of Randall’s Island through implementing a combination of structural and non-structural or nature-based design elements. Among the project goals is to create an accessible, appealing design for improved public shoreline accessibility and enjoyment while also maximizing ecological and habitat values, improve water quality, and perform flood/erosion control functions. Historically, this shoreline was characterized by salt marsh, sandy beaches, and rocky shoals. The project proposes to grade a portion of the existing shore to add a beach and a series of bio-engineered terraces designed to enhance the overall intertidal structure and diversity, add shallow water habitat, and improve shoreline resilience to vessel wakes, high-energy storm waves, and changing water levels.

The project will involve removal of unstable portions of a collapsing seawall comprised of stacked stones dating to the 1870s. According to the information received by the Department of State, to avoid potential for disturbance of contaminated fill, the current proposal will remove this seawall without excavation of soils. The site’s exposed
and eroding surfaces will then be treated with a thick planting of diverse, salt-tolerant native species. Historic stone from the old seawall will be reused in creating the terraces. The construction in this southwest corner of the site will be overseen by an archaeologist due to potential to uncover 19th century structures.

Upland plantings of native trees, meadow, and shrub thicket species will transition to the water’s edge and the intertidal environment. Additionally, approximately 9 square yards of the site will be regarded to create a more stable slope in the area beneath the RFK Bridge.

Overall, the design is intended to make a park space safer for the public, with greener, more diverse intertidal and coastal habitat. The project will offer further opportunities for public education and interpretation. The project is funded in part through a Title 11 Environmental Protection Fund (EPF) grant award through the New York State Department of State.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice or November 17, 2016.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2016-0849

Date of Issuance – November 2, 2016

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2016-0849, National Park Service, is proposing to add armor to the barge landing beach on the southwest side of Liberty Island to correct damage done by Hurricane Sandy. The project is located within Manhattan, New York County. Substrate will be excavated and the armorng will be placed with zero net fill at existing grade. The armorng will cover an area approximately 36 feet wide by 48 feet long (1,697 sq. ft.), with approximately 40 feet of the length being below the mean high water level. The concept for the armoring is an articulated concrete block system. The proposed structures are intended to prevent future similar impacts to facilities resulting from wind and storm surge.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, December 2, 2016.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000; Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Susquehanna River Basin Commission

Projects Rescinded for Consumptive Uses of Water

SUMMARY: This notice lists the approved by rule projects rescinded by the Susquehanna River Basin Commission during the period set forth in “DATES.”


ADDRESSES: Susquehanna River Basin Commission, 4423 North Front St., Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel; telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, being rescinded for the consumptive use of water pursuant to the Commission’s approval by rule process set forth in 18 CFR § 806.22(e) and § 806.22(f) for the time period specified above:

Rescinded ABRs Issued
1. Seneca Resources Corporation, Pad ID: DCNR 007 Pad H, ABR-201110012, Delmar Township, Tioga County, PA.; Rescind Date: September 7, 2016.

2. Seneca Resources Corporation, Pad ID: DCNR 595 Pad A, ABR-201405001, Covington Township, Tioga County, PA.; Rescind Date: September 7, 2016.


DATED: October 14, 2016.

Stephanie L. Richardson, Secretary to the Commission.

PUBLIC NOTICE

Susquehanna River Basin Commission

Projects Approved for Consumptive Uses of Water

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in “DATES.”


ADDRESSES: Susquehanna River Basin Commission, 4423 North Front St., Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel; telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission’s approval by rule process set forth in 18 CFR § 806.22(f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR 806.22(f):
1. Atlas Resources, LLC, Pad ID: Rhodes Well Pad, ABR-201201018.R1, Gamble Township, Lycoming County, PA; Consumptive Use of Up to 3.6000 mgd; Approval Date: September 2, 2016.

2. Chesapeake Appalachia, LLC, Pad ID: Moyer, ABR-201111022.R1, Leroy Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 2, 2016.

3. Chesapeake Appalachia, LLC, Pad ID: Schlapfer, ABR-201202006.R1, Albany Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 2, 2016.

4. Chesapeake Appalachia, LLC, Pad ID: Moyer, ABR-201202019.R1, Overton Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 2, 2016.

5. Chief Oil & Gas LLC, Pad ID: L & L Construction A Drilling Pad #1, ABR-201202014.R1, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 6, 2016.

6. SWN Production Company LLC, Pad ID: Shively Pad, ABR-201108011.R1, Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: September 6, 2016.

7. Range Resources – Appalachia, LLC, Pad ID: Gulf USA 40H-
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PUBLIC NOTICE

Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen, Building Standards And Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2016-0234 Matter of Syosset Industrial Park, LLC., Leon Reich, 1061 E. 19th Street, Brooklyn, NY 11230 for an appeal and or variance concerning fire safety and building code requirements including an appeal and/or variance for fire separation distance and exterior wall openings.

Involved is the existing building with a shirt washing operation, located at 235 G Robbins Lane, Town of Oyster Bay, Nassau County, New York.

2016-0336 Matter of Carlie Hanson, R.A, LEED, for COR Development Company, LLC, 540 Towne Drive, Fayetteville, NY 13066 for a variance concerning fire safety and building code requirements including an appeal and/or variance for fire separation distance and exterior wall openings.

Involved is the construction of four mixed occupancy buildings with new streets as part of the development, known as “Syracuse Inner Harbor Development Project, Parcel B”, located at 720 and 750 Van Rensselaer Street, Syracuse, Onondaga County, New York.