



Office of Children and Family Services

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Commissioner

CERTIFICATION FOR AN EMERGENCY ADOPTED RULE OFFICE OF CHILDREN AND FAMILY SERVICES

I, Sheila J. Poole, Commissioner of the New York State Office of Children and Family Services (OCFS), hereby certify that the attached amendments to Part 628 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York are duly adopted by me. These amendments are adopted pursuant to the provisions of sections 20(3)(d) and 34(3)(f) of the New York State Social Services Law, under which the Commissioner of OCFS may promulgate regulations necessary to carry out the purposes of the agency. I determined that it is necessary for the preservation of the general welfare that this amendment be adopted on an emergency basis as authorized by section 202(6) of the State Administrative Procedure Act, effective immediately upon filing with the Department of State.

These amendments are adopted as an emergency measure because time is of the essence. They are required on an expedited basis to maintain the general health, safety, and welfare of children that are determined to be in need of highly specialized educational residential services by local school districts' Committee on Special Education (CSE), due to the intensity of their mental health, developmental or behavioral health needs. The purpose of this rule is to remove an existing regulatory barrier that precludes maintenance reimbursement for residential CSE programs when a student has been absent from the program for more than 15 days, in recognition that wide-spread, unanticipated absences in excess of fifteen days have occurred in residential CSE programs as a direct result of COVID-19 and the state of emergency declared in relation to the pandemic within New York.

Dated: August 24, 2020

A handwritten signature in black ink, appearing to read "S. Poole". The signature is written in a cursive style with a large initial "S" and a smaller "Poole" following.

Sheila J. Poole
Commissioner