

Executive Order No. 17 Local Government Mandate Evaluation Impact on Local Government and Property Taxpayers

Submitting Agency: New York State Office of Children and Family Services

NYCRR Citation: Amendments to Part 628

Description of the Regulation:

The purpose of this rule is to amend a specific provision in regulation that has created an impediment for non-profit providers that provide residential educational programs for children with disabilities in seeking reimbursement from LDSSs and school districts for services provided to these children throughout the pandemic. These children are determined to be in need of these highly specialized educational residential services due to the intensity of their mental health, developmental or behavioral health needs by local school districts' Committees on Special Education.

Statutory Authority for the Regulation: The Office of Children and Family Services (OCFS) has the authority to regulate the rates for maintenance reimbursements for residential committee on special education placements pursuant to Section 153 of the Social Services Law.

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1. Does the regulation impose a mandate on a county, city, town, village, school district or special district that requires such entity to:

a. Provide or undertake any program, project or activity;

Yes

No X

b. Increase spending for an existing program, project or activity (even if such program, project or activity is voluntarily undertaken by a local government unit);

Yes

No X

c. Grant any new property tax exemption, or broaden the eligibility or increase the value of any existing property tax exemption; or

Yes

No X

d. Carry out a legal requirement that would likely have the effect of raising property taxes.

Yes

No X

If the answer to all questions above are “no,” ensuring the regulation will not result in a mandate on local governments and property taxpayers, an accounting and the approval of the Office for Taxpayer Accountability are not required. If the answer to any question above is “yes,” and the regulation may have a fiscal impact on local governments and property taxpayers, please proceed to items 2 – 3.

2. Is the mandate required by federal law or regulation or state law?

Yes

No

- a. If yes, please cite the specific provision in the statute or federal regulation.
- b. If yes, please describe any elements of the regulation not specifically mandated by the statute or regulation. None

3. If any portion of the mandate is not required by federal or state law, please attach to this Checklist an Accounting for such portion containing:*

- a. A description of the mandate in the regulation;
- b. An accounting of the impacts of such mandate that includes:
 - (i) A fiscal impact statement;
 - (ii) A cost-benefit analysis, which includes:
 - (x) a specific delineation of the costs and benefits to local governments and property taxpayers; and
 - (y) a quantification of the impact on local government revenue and expenditures, where such impact is quantifiable based on available information (please consult with the Governor’s Office of Regulatory Reform if further guidance is needed);
- c. A description of input sought and received from affected local governments;
- d. A description of the proposed revenue sources to fund such mandate; and
- e. An explanation as to why this regulation should be advanced with a mandate.

*Note: The “Regulatory and Flexibility Analysis for Small Businesses and Local Governments” may be attached so long as the items set forth in 3 above are fully accounted for in the Analysis.

4. To be answered by the Deputy Secretary and Governor’s Counsel:

Is the cost impact of the mandate negligible?

Deputy Secretary: (name)

Yes

No

Governor's Counsel: (name)

Yes

No