



The University of the State of New York

The State Education Department

State Review Officer

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SIXTEENTH REVISED GENERAL ORDER REGARDING CORONAVIRUS DISEASE 2019 AND RECOMENCEMENT OF TIMLINES UNDER 8 NYCRR PART 279

WHEREAS, the Centers for Disease Control ("CDC") has advised people to take precautions considering the Coronavirus Disease 2019 ("COVID-19") outbreak and noted that the best way to prevent illness is to avoid being exposed to this virus;

WHEREAS, on March 7, 2020, the Governor of the State of New York declared a disaster emergency in the State of New York in response to COVID-19;

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency in response to COVID-19;

WHEREAS, on March 16, 2020, the Governor of the State of New York declared under Executive Order 202.4 that all schools statewide must be closed by March 18, 2020 and that the 180-day instructional requirement for students may be suspended;

WHEREAS, on March 19, 2020, the Governor of the State of New York declared under Executive Order 202.7 that there may be prescribed modifications to the procedures for any notarial act;

WHEREAS, on March 20, 2020, the Governor of the State of New York declared under Executive Order 202.8 that there must be a 100 percent closure of non-essential businesses statewide and tolled the commencement, filing, or service of a legal proceeding until April 19, 2020;

WHEREAS, on April 16, 2020, the Governor of the State of New York declared under Executive Order 202.18 that the provisions of Executive Orders 202.4, 202.7 and 202.8 were continued through May 15, 2020;

WHEREAS, on May 8, 2020, the Governor of the State of New York declared under Executive Order 202.29 that the provisions of Executive Order 202.18 (incorporating Executive Orders 202.4, 202.7 and 202.8) were continued through June 7, 2020;

WHEREAS, on May 29, 2020, the Governor of the State of New York declared under Executive Orders 202.34 and 202.35 that the provisions of Executive Orders 202.4, 202.7 and 202.8) were continued through June 28, 2020;

WHEREAS, on June 26, 2020, the Governor of the State of New York declared under Executive Orders 202.41 and 202.45 that the provisions of Executive Orders 202.4, 202.7 and 202.8) were continued through July 26, 2020;

WHEREAS, on July 6, 2020, the Governor of the State of New York declared under Executive Order 202.48 that the provisions of Executive Orders 202.4, 202.7 and 202.8 were continued through August 5, 2020;

WHEREAS, on July 21, 2020, the Governor of the State of New York declared under Executive Order 202.53 that the provisions of Executive Orders 202.4, 202.7 and 202.8 were continued through August 20, 2020;

WHEREAS, on August 20, 2020, the Governor of the State of New York declared under Executive Order 202.57 that the provisions of Executive Order 202.53 (incorporating prior Executive Orders which in turn extended the provisions Executive Orders 202.4, 202.7 and 202.8) were continued through September 19, 2020;

WHEREAS, on September 18, 2020, the Governor of the State of New York declared under Executive Order 202.64 that the provisions of Executive Orders 202.53 and 202.57 (incorporating prior Executive Orders which in turn extended the provisions Executive Orders 202.4, 202.7 and 202.8) were continued through October 18, 2020;

WHEREAS, on October 14, 2020, the Governor of the State of New York declared under Executive Order 202.69 that the provisions of Executive Orders 202.53 and 202.57 (incorporating prior Executive Orders which in turn extended the provisions Executive Orders 202.4, 202.7 and 202.8) were continued through November 14, 2020;

WHEREAS, on November 13, 2020, the Governor of the State of New York declared under Executive Order 202.75 that the provisions of Executive Orders 202.53, 202.57, and 202.69 (incorporating prior Executive Orders which in turn extended the provisions Executive Orders 202.4, 202.7 and 202.8) were continued through December 13, 2020;

WHEREAS, on December 11, 2020, the Governor of the State of New York declared under Executive Order 202.81 that the provisions of Executive Orders 202.53, 202.57, 202.69 and 202.75 (incorporating prior Executive Orders which in turn extended the provisions Executive Orders 202.4, 202.7 and 202.8) were continued through January 10, 2021;

WHEREAS, on February 22, 2021, the Governor of the State of New York declared under Executive Order 202.95 that the provisions of Executive Order 202 were extended as modified, through March 24, 2021;

WHEREAS, on February 22, 2021, the Governor of the State of New York declared under Executive Orders 202.101 and 202.105 that the provisions of Executive Order 202 were extended as modified, through May 6 and May 27, 2021, respectively;

WHEREAS, on June 24, 2021, the Governor of the State of New York suddenly declared that the disaster emergency declared under Executive Order 202 was concluded;

WHEREAS, there have been over 2,100,000 cases of COVID-19 in the State of New York. Although for many this disease appears to cause only flulike symptoms, for others it can pose a serious risk, and over 42,900 people have died in the State of New York;

IT IS HEREBY ORDERED that in light of the sudden conclusion of the disaster emergency and the need for an orderly transition in the procedures for initiating appeals from an impartial hearing officer's decision, effective with the General Order issued by the undersigned on March 20, 2020 and continuing as further revised herein:

- 1) the statewide effects of the COVID-19 pandemic constitute good cause to continue the suspension of the requirement of personal service of Notice of Intention to Seek Review or Notice of Intention to Cross-Appeal pursuant to 8 NYCRR 279.2(a), (d) and a Request for Review as contemplated by 8 NYCRR 279.4(a) and **leave to effect alternate service of said documents upon all parties is hereby GRANTED THROUGH July 30, 2021** pursuant to 8 NYCRR 279.4(c)(2) in accordance with the following conditions—the petitioner shall send the Notice of Intention to Seek Review, Request for Review and any supporting papers to the respondent's last known address by Certified Mail, Return Receipt Requested. The petitioner shall then file an affidavit of service reflecting completion of the alternate service granted herein; **PROVIDED HOWEVER THAT THE CONDITIONS FOR ALTERNATE SERVICE OF SAID DOCUMENTS UNDER THIS ORDER WILL CONCLUDE ON JULY 30, 2021 AND SHALL THEREAFTER BE GOVERNED BY THE EXPRESS TERMS OF 8 NYCRR PART 279.**
- 2) said alternate service methods in this Order may be waived provided the parties shall agree in writing to an alternate method of service (e.g. e-mail, facsimile);
- 3) the timelines for serving and filing a Notice of Intention to Seek Review, a Notice of Intention to Cross-Appeal, and a Request for Review of an IHO decision dated between February 10, 2020 through December 14, 2020 shall be adjudicated in accordance with the undersigned's Thirteenth Revised General Order Dated December 31, 2020.

- 4) the timelines for serving and filing a Notice of Intention to Seek Review, a Notice of Intention to Cross-Appeal, and a Request for Review of an IHO decision dated December 15, 2020 or later **shall be adjudicated in accordance with the express terms of 8 NYCRR Part 279.**
- 5) nothing in this order shall preclude a party from initiating a State-level appeal from a decision of an IHO by serving and filing a Request for Review pursuant to Part 279 of State regulation or the provisions of this order;

IT IS FURTHER ORDERED that unless otherwise ordered by the undersigned, this Order shall be effective **until July 30, 2021 AND SHALL NOT BE RENEWED THEREAFTER.** The undersigned reserves the right to amend, modify, terminate, or extend this Order at any time as the circumstances involving the COVID-19 pandemic evolve. This Order shall be subject to and superseded by further action under law pursuant to the amendment of any applicable statute or regulation, Executive Order of the Governor of the State of New York, or order by a court of competent jurisdiction.

Dated: Albany, New York
July 8, 2021



JUSTYN P. BATES
CHIEF STATE REVIEW OFFICER