



The University of the State of New York

The State Education Department

State Review Officer

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NINTH REVISED GENERAL ORDER REGARDING

CORONAVIRUS DISEASE 2019

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 Order 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, as of the date of this Order, there have been over 455,000 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 25,400 people have died in the State of New York;

IT IS HEREBY ORDERED that given the significant number of identified cases and the continuing concern over a resurgence of COVID-19 in the State of New York and the severity of risk posed to the families, school district personnel and the public, and given the above public health recommendations from public health authorities, effective with the General Order issued by the undersigned on March 20, 2020 and continuing as further revised herein:

- 1) the disaster emergency is deemed good cause to suspend the requirement of personal service of a 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 alternate service of said documents upon all parties is hereby **GRANTED** pursuant to 8 NYCRR

279.4(c)(2) in accordance with the following conditions—the petitioner shall send the 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;

- 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) from March 20, 2020 through October 18, 2020, the disaster emergency is deemed good cause to serve a late Request for Review (and supporting papers) from an IHO decision dated on or dated after February 10, 2020; consequently the 25-day timeline for serving and filing a notice of intention to seek review shall be tolled from March 20, 2020 to October 18, 2020;
- 4) nothing in this order shall preclude a party from initiating a State-level appeal from a decision of an impartial hearing officer by serving and filing a Request for Review pursuant to Part 279 of State regulation or the provisions of this order;
- 5) in a Request for Review not encompassed by this Order, nothing in this Order shall preclude a party from setting forth the specific reasons that constitute good cause for untimely service of a late Request for Review in accordance with Part 279;
- 6) a respondent shall not be precluded from seeking an extension of the due date of a State Review Officer's decision in order to accommodate an extension of the timeline for serving a responsive pleading under Part 279 of State regulation;

IT IS FURTHER ORDERED that this Order shall remain in effect until October 18, 2020, unless otherwise ordered by the undersigned. 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
September 28, 2020


JUSTYN P. BATES
CHIEF STATE REVIEW OFFICER