
NEW YORK STATE
REGISTER

INSIDE THIS ISSUE:

- Opioid Overdose Prevention Program
- Elementary and Secondary Education Act (ESEA) and School and School District Accountability
- Recreational Harvest Regulations for Black Sea Bass

**Notice of Availability of State and Federal Funds
Adjudicatory Reports
Appendix**

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 October 4, 2015
- the 45-day period expires on September 19, 2015
- the 30-day period expires on September 4, 2015

ADJUDICATORY REPORTS

Office of Children and Family Services Division of Legal Affairs Bureau of Special Fair Hearings

Pursuant to Executive Order No.131 issued by Governor Mario Cuomo on December 4, 1989, and reconfirmed by Executive Order No. 2 issued by Governor Andrew M. Cuomo on January 1, 2011, each agency is required to publish a report that sets forth the steps taken by the agency to comply with the Order. The report of the former Department of Social Services, an Office of Children and Family Services' predecessor agency, detailed the steps taken to comply with the Order. Those provisions substantially continue to be in effect and applicable to the Office of Children and Family Services.

The Order requires that the report include "statistics on Article 78 proceedings brought against the agency, including the outcome of such proceedings and the reasons for any reversal or modification of an agency determination." The following statistics on Article 78 proceedings are from the period commencing January 1, 2007 to December 31, 2008:

- Cases Opened: 73
- Cases Closed: 26
- Stipulations of Settlement: 10
- Decisions Favorable to OCFS: 10
- Withdrawals or abandonment by petitioner: 4
- Decisions adverse to OCFS: 2
- Reasons for adverse decisions: –
 - Mistake of law as applied to facts: 0
 - Record deficient (no substantial evidence): 2
 - Remand due to procedural error: 0

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The Order requires that the report include "statistics on Article 78 proceedings brought against the agency, including the outcome of such proceedings and the reasons for any reversal or modification of an agency determination." The following statistics on Article 78 proceedings are from the period commencing January 1, 2009 to December 31, 2010:

- Cases Opened: 64
- Cases Closed: 37
- Stipulations of Settlement: 2

- Decisions Favorable to OCFS: 28
- Withdrawals or abandonment by petitioner: 2
- Decisions adverse to OCFS: 5
- Reasons for adverse decisions: –
 - Mistake of law as applied to facts: 0
 - Record deficient (no substantial evidence): 4
 - Remand due to procedural error: 1

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The Order requires that the report include "statistics on Article 78 proceedings brought against the agency, including the outcome of such proceedings and the reasons for any reversal or modification of an agency determination." The following statistics on Article 78 proceedings are from the period commencing January 1, 2011 to December 31, 2012:

- Cases Opened: 43
- Cases Closed: 30
- Stipulations of Settlement: 3
- Decisions Favorable to OCFS: 15
- Withdrawals or abandonment by petitioner: 2
- Decisions adverse to OCFS: 10
- Reasons for adverse decisions: –
 - Mistake of law as applied to facts: 0
 - Record deficient (no substantial evidence): 10
 - Remand due to procedural error: 0

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The Order requires that the report include “statistics on Article 78 proceedings brought against the agency, including the outcome of such proceedings and the reasons for any reversal or modification of an agency determination.” The following statistics on Article 78 proceedings are from the period commencing January 1, 2013 to December 31, 2014:

Cases Opened: 48

Cases Closed: 28

Stipulations of Settlement: 4

Decisions Favorable to OCFS: 16

Withdrawals or abandonment by petitioner: 5

Decisions adverse to OCFS: 3

Reasons for adverse decisions: –

Mistake of law as applied to facts: 0

Record deficient (no substantial evidence): 3

Remand due to procedural error: 0