

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 207, 4401, 4402, 4403 and 4410.

Subdivision (c) of section 200.18 of the Regulations of the Commissioner of Education shall be amended, effective October 1, 2016, to read as follows:

(c) *The establishment of tuition rates and repayment of funds resulting from audits performed in accordance with subdivision (a) or (b) of this section.*

(1) A final audit report shall be issued for each such audit. [The final audit report shall be used to establish tuition rates based on audit. The rates based on audit shall be developed by the Commissioner and certified by the Director of the Budget.]

(i) The Commissioner shall review the final audit report, which shall be used to establish tuition rates based on audit to the extent the Commissioner determines that the audit findings and recommended disallowances contained therein are warranted and consistent with the Individuals with Disabilities Education Act (20 U.S.C. sections 1400 *et seq.*), Articles 81 and 89 of the Education Law, Parts 100 and 200 of the Commissioner's regulations and the Department's tuition reimbursement guidelines and requirements.

(ii) After consideration of the final audit by the Commissioner pursuant to subparagraph (i) of this paragraph, tuition rates based on audit shall then be established by the Commissioner and become final after certification by the Director of Budget.

