

## DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** Pursuant to Local Law 2 of 2016, the Department of Citywide Administrative Services (“DCAS”) is proposing to amend rules implementing a reimbursement program for qualifying nonpublic schools that procure certain security services.

**When and where is the hearing?** DCAS will hold a public hearing on the proposed rules. The public hearing will take place at 10:00 am on June 30, 2025. The hearing will be in the Auditorium - 2<sup>nd</sup> Floor at 125 Worth Street, New York, New York 10013.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DCAS through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [dcasrulescomments@dcas.nyc.gov](mailto:dcasrulescomments@dcas.nyc.gov)
- **Mail.** You can mail comments to The Department of Citywide Administrative Services, c/o NPS Reimbursement Program, 1 Centre Street-17<sup>th</sup> Floor, New York, New York 10007.
- **Fax.** You can fax comments to The Department of Citywide Administrative Services, at (646) 500-7142-Attn: NPS Reimbursement Program
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling (212) 386-0040. You can also sign up in the hearing room before the hearing begins on June 30, 2025. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

**Is there a deadline to submit comments?** Yes, you must submit written comments by June 30, 2025.

**Do you need assistance to participate in the hearing?** You must tell DCAS by June 20, 2025 if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (212) 386-0040. You must tell us by June 20, 2025.

**Can I review the comments made on the proposed rules?** You can review the comments submitted online by visiting <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rules will be available to the public at The Office of the DCAS General Counsel at 1 Centre Street-19<sup>th</sup> Floor North, New York, New York 10007.

**What authorizes DCAS to make this rule?** Section 1043 of the New York City Charter (“City Charter”) and sections 10-172(c) and 10-172(m) of the Administrative Code of the City of New York (“Administrative Code”) authorize DCAS to make these proposed rules. These proposed rules were not included in DCAS’s regulatory agenda for this Fiscal Year.

**Where can I find DCAS’s rules?** DCAS’s rules are in title 55 of the Rules of the City of New York.

**What rules govern the rulemaking process?** DCAS must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

**Notice of Proposed Amendment** of Rules related to the implementation of a reimbursement program for qualifying nonpublic schools that procure certain security services.

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN** the Commissioner of The Department of Citywide Administrative Services by Section 811 of the New York City Charter and sections 10-172(c) and 10-172(m) of the Administrative Code of the City of New York and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department of Citywide Administrative Services hereby amends chapter 14 to title 55 of the Rules of the City of New York.

### **Statement of Basis and Purpose of Proposed Amendment to The Rules**

On January 5, 2016, Local Law 2 of 2016 (“the Law”) was enacted. The Law empowers the Mayor of the City of New York (“the Mayor”) to authorize a program that will reimburse qualifying nonpublic schools for the cost of purchasing certain security services. In a letter dated March 30, 2016, the Mayor authorized this reimbursement program for the 2016-17 school year. The Law also authorizes the Mayor to designate an agency or agencies to administer the reimbursement program. In a letter dated March 10, 2016, the Mayor designated the Department of Citywide Administrative Services (“DCAS”) to administer the Law. Finally, the Law authorizes DCAS to promulgate rules for the administration of the reimbursement program. DCAS is now amending these rules in order to reflect changes in the city’s processing platforms and update per the amendments in Local Law 4 of 2025 to Local Law 2 of 2016.

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The amendment to the rules:

- Adds definitions for Invoice Submission Portal, PASSPort, Qualifying Nonpublic School, and Reimbursement Period, deletes the definition for HHS Accelerator, and updates the definition for School Security Administrator;
- Replaces all references to HHS Accelerator;
- Adds HHS Accelerator Prequalification as a required step in PASSPort;

- Changes the student enrollment requirement from 300 to 150 students to increase the number of schools eligible for reimbursement;
- Changes the application requirement for schools to submit the prior year's Basic Educational Data System (BEDS) or Student Information Repository System (SIRS) reports for the current school year;
- Allows a School with multiple locations under one BEDS Code to station a Security Guard in any of those locations that satisfies the minimum student enrollment requirements;
- Adds a required document to the application; and
- Removes the requirement for submission of the Budget Task

The proposed rule also includes some minor plain language edits.

DCAS's authority for these rules is found in sections 811 and 1043 of the New York City Charter and subdivisions (c) and (m) of section 10-172 of the Administrative Code of the City of New York.

New text is underlined.

Deleted text is [bracketed].

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department unless otherwise specified or unless the context clearly indicates otherwise.

### **Proposed Rule Amendment**

Section 1. Section 14-01 of Chapter 14 of Title 55 of the Rules of the City of New York is amended to read as follows:

Definitions. As used in this chapter, the followings terms have the following meanings. Capitalized terms used in this chapter that are not specifically defined in this section have the same meanings set forth in Administrative Code § 10-172(a).

Commissioner. The term “Commissioner” means the Commissioner of the Department.

Department. The term “Department” means the Department of Citywide Administrative Services.

[HHS Accelerator. The term “HHS Accelerator” means the office that facilitates, on behalf of the Department, the application process for nonpublic schools that seek to participate in the

Reimbursement Program and the payment process for qualifying nonpublic schools that participate in the Reimbursement Program.]

Invoice Submission Portal. The term “Invoice Submission Portal” means the system that facilitates, on behalf of the Department, the invoice submission and reimbursement process for participating Qualifying Nonpublic Schools.

PASSPort. The term “PASSPort” means the system that facilitates, on behalf of the Department, the application process for nonpublic schools that seek to participate in the Reimbursement Program.

Qualifying Nonpublic School. The term “Qualifying Nonpublic School” means any nonprofit elementary or secondary school in the city that (a) is other than (1) a school of the city school district of the city of New York, or (2) a school that shares space with a school of the city school district of the city of New York, (b) is providing instruction in accordance with the education law, (c) has been assigned a Basic Educational Data System (BEDS) code by the New York state department of education, or a similar successor identifier, and (d) is serving students in any combination of grades pre-kindergarten through twelve. Such definition shall not include any elementary or secondary school that is (1) eligible for rental assistance from the City of New York and (2) utilizes such City assistance pursuant to subparagraph (5) of paragraph (e) of subdivision 3 of section 2853 of the education law for the purpose of contracting for the provision of security services during the same school year for which the school receives reimbursements from the Reimbursement Program.

Reasonable Costs. The term “Reasonable Costs” means administrative expenses of a Security guard company as such term is defined in section 10-172 of the administrative code, including overhead, profit, equipment, supplies and uniform expenses, which are deemed reasonable by the Department. Such reasonable expenses may not exceed twenty-five percent (25%) of the wages earned by the Security Guard Company’s Security Guards at any given school in any given quarter pursuant to the Reimbursement Program.

Reimbursement Period. The term “Reimbursement Period” means a twenty-four (24) month period that commences on July 1 of each fiscal year, during which a Qualifying Nonpublic School must submit its invoices for the respective fiscal year. Invoices submitted after the Reimbursement Period has passed shall not be reimbursed. For example, a Qualifying Nonpublic School must submit its invoices for Fiscal Year 2026 between July 1, 2025 and June 30, 2027, and any invoices submitted after June 30, 2027 shall not be reimbursed.

Reimbursement Program. The term “Reimbursement Program” means the nonpublic school security guard reimbursement program authorized by the Mayor pursuant to Administrative Code § 10-172(b).

School Security Administrator. The term “School Security Administrator” means a person, appointed by the Dean, Principal, Administrator or governing body of a [qualifying nonpublic school] Qualifying Nonpublic School that participates in the Reimbursement Program, who

provides on-campus supervision to the Security services (as such term is defined in section 10-172 of the administrative code) provided pursuant to the Reimbursement Program.

§ 2. Subdivisions (a) through (c) of section 14-03 of chapter 14 of title 55 of the Rules of the City of New York are amended to read as follows:

(a) [HHS Accelerator] PASSPort. Any nonpublic school in the City of New York (hereinafter “school”) that seeks to participate in the Reimbursement Program must first create an account with [HHS Accelerator and complete HHS Accelerator’s business and service applications] PASSPort and complete the HHS Accelerator Prequalification.

(b) *Application*.

(i) After [completing HHS Accelerator’s business and service applications] creating an account in PASSPort and completing the HHS Accelerator Prequalification, a school may access the application to participate in the Reimbursement Program. The application will be on a form prescribed by the Department and will be accessed through [HHS Accelerator] PASSPort. For the [2019-2020] 2025-2026 school year, and for any subsequent school year in which the Reimbursement Program is authorized, the deadline to submit a completed application is May 15, unless the agency determines that due to an event that impacts public safety, which was not foreseen in advance of the May 15 deadline and which compromises the safety of one or more non-public schools, it is appropriate for the application to be due at a later date for one or more nonparticipating schools. This deadline applies to both new and existing schools that wish to participate in the Reimbursement Program. The Department shall use such application to determine whether a school is qualified to participate in the Reimbursement Program.

(ii) The application will require the school to provide the number of students enrolled at the school, which may include pre-kindergarten students who will be four years of age on or before December 1, or who will otherwise be eligible to attend kindergarten in the following school year. To participate in the Reimbursement Program a school must be a Qualifying Nonpublic School pursuant to Administrative Code § 10-172(a) and must enroll at least [300] 150 students. The Department will verify all enrollment information with the New York State Education Department as reported by the school on the prior year’s Basic Educational Data Systems (“BEDS”) or Student Information Repository System (“SIRS”) Nonpublic and Public Schools Report for the current school year for which the qualified nonpublic school is seeking reimbursement. A separate application is required from each school instructional site with its own individual BEDS code. [Multiple sites shall not be aggregated under one BEDS code.] A school’s prior year’s BEDS or SIRS enrollment number is considered final for the [corresponding] current school year.

(iii) All questions regarding the submission, uploading, or retention of documents in connection with the application must be submitted to [HHS Accelerator] PASSPort.

(c) [Response. The Department will respond, by regular and electronic mail, to each school that submits a complete application within 30 business days of the submission of the application. The response will state whether the school qualifies to participate in the Reimbursement Program. ]A complete application for the Reimbursement Program [shall consist of] must include:

(i) an organizational chart, which identifies the names and roles of the school's administrators and the hierarchy of the School;

(ii) [a complete and finalized BEDS form for the current school year, which has been filed with the New York State Education Department (NYSED)]the school's BEDS form for the prior year, or if the school does not have the prior year's BEDS form, the letter from NYSED assigning the school its BEDS [number] code;

(iii) a workscope document, which depicts the daily schedule of the school, as well as school closures;

(iv) proof of the School's non-profit, non-public status in the form of either a School Charter, Board of Regent's Certificate, or Certificate of Incorporation; [and]

(v) IRS 501(c)(3) Determination Letter which includes the school's tax identification number[.];

(vi) Attachment B, to be provided by the Department, wherein the school lists all of its locations under the same BEDS code and the enrollment count for each location; and

(vii) a certification from the School stating that the School does not use funding from the City of New York pursuant to subparagraph (5) of paragraph (e) of subdivision (3) of section 2853 of the Education Law for the provision of security services during the same school year that the School receives reimbursements from the NPS Program.

§ 3. Section 14-04 of chapter 14 of title 55 of the Rules of the City of New York is amended to read as follows:

*Memorandum of Understanding.*

If the Department notifies a school that it qualifies to participate in the Reimbursement Program, the Department shall also provide a Memorandum of Understanding ("MOU") regarding the school's participation in the Reimbursement Program. Each school must enter into a MOU with the City of New York, acting by and through the Department, before the school may receive funds through the Reimbursement Program. The MOU [and Budget Task] [shall]must be returned by the School to the Department no later than November 15 of the corresponding year. Failure to timely return the MOU [and Budget Task] to the Department shall result in the forfeiture of the School's acceptance into the Program for the school year at issue, and the school will need to reapply the following year if it seeks to participate in the Reimbursement Program. Any security expenses incurred by a school from the date of acceptance, but prior to the timely

return of the MOU will not be eligible for reimbursement. Upon execution of the MOU, such MOU shall take effect in accordance with applicable law.

§ 4. Subdivisions (a) and (f) of section 14-07 of chapter 14 of title 55 of the rules of the City of New York are amended to read as follows:

(a) *Number of Guards.*

(i) A school that enrolls between [300] 150 and 499 students may be reimbursed for Allowable Costs with regard to one (1) Security Guard; a school that enrolls between 500 and 999 students may be reimbursed for Allowable Costs with regard to two (2) Security Guards; and a school may be reimbursed for Allowable Costs with regard to an additional Security Guard for each additional 500 students enrolled in such school. Reimbursement for the Security Services provided by each Security Guard during periods of school-related instruction or school-related events may include the cost of different individuals providing Security Services at different times.

(ii) When calculating the number of students enrolled at a school, each school that has been assigned a BEDS code by the New York State Education Department will be considered distinct. The number of students at schools with distinct codes, even if such schools are contractually or otherwise related, will not be [considered] combined for the purposes of determining the number of guards pursuant to this subdivision.

(iii) The Department will adjust payments, including recoupment, based on verification of the school's enrollment information by the New York State Education Department.

(iv) A school that operates at more than one address under a single BEDS code will be eligible for reimbursement for the allowable costs of a security guard at each such address, provided that student enrollment at each such address satisfies the minimum student enrollment requirements of 150 students as set forth in subdivision (a) of section 14-07 of this chapter, and provided that the location does not share space with a school of the city school district of the city of New York. If no single location under a single BEDS code satisfies the minimum student enrollment requirements of 150 students, the school is ineligible for reimbursement for the allowable costs of a security guard.

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(f) *Payments.* The Department shall provide reimbursements on a quarterly basis after receiving satisfactory proof from the school of compliance with the requirements set forth in these Rules. Satisfactory proof must be submitted through [HHS Accelerator] the Invoice Submission Portal, and must include, but shall not be limited to, certified invoices, payroll records, timesheets and, when applicable, an annual report of incidents as required by section 14-05(f) of the Rules. Invoices must be submitted to the Department during the Reimbursement Period for the respective fiscal year. All invoices must be signed by an authorized signatory, or their successor, identified in the application submitted by each school.

§ 5. Subdivision (b) of section 14-08 of chapter 14 of title 55 of the rules of the City of New York is amended to read as follows:

(b) *Submission of Records.* Each school must submit all records supporting its reimbursement claims through [HHS Accelerator] the Invoice Submission Portal including, but not limited to, certified payroll records, invoices, and time sheets, which include the name, address, and unique employee identification number of each Security Guard.



**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Rules Relating to Security Assistance for Non-Public  
Schools**

**REFERENCE NUMBER: DCAS-13**

**RULEMAKING AGENCY: Department of Citywide Administrative Services**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

May 13, 2025  
Date

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Amendment of Rules Relating to Security Assistance for Non-Public Schools

**REFERENCE NUMBER:** 2025 RG 035

**RULEMAKING AGENCY:** Department of Citywide Administrative Services

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Senior Counsel

Date: May 21, 2025