



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents

FROM: Tony Lofrumento *Anthony Lofrumento Jr*

SUBJECT: Summary of the October 2020 Meeting

DATE: November 5, 2020

AUTHORIZATION(S): *Betty M...*

SUMMARY

Issue for Decision

Should the Board of Regents approve the Summary of the October 2020 Meeting of the Board of Regents?

Reason(s) for Consideration

Not applicable.

Proposed Handling

This issue will come before the Full Board for action at its November 2020 meeting.

Procedural History

This document summarizes the actions of the Board of Regents during the monthly meeting and is brought before the Full Board the following month for approval.

Background Information

Not applicable.

Related Regents Items

Not applicable.

Recommendation

Approval of the Summary of the October 2020 meeting.

VOTED, that the Summary of the October 2020 Meeting of the Board of Regents of The University of the State of New York be approved.

Timetable for Implementation

Effective November 16, 2020.



**SUMMARY OF THE OCTOBER 2020 MEETING
OF THE BOARD OF REGENTS
OF
THE UNIVERSITY OF THE STATE OF NEW YORK
*Held by Video Conference***

October 19, 2020

***Anthony Lofrumento, Secretary
Board of Regents***

THE BOARD OF REGENTS

The Board of Regents of The University of the State of New York held a public session by video conference on Monday, October 19, 2020 at 9:15 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Monday, October 19th at 9:15 a.m.

Board Members in Attendance:

T. Andrew Brown, *Vice Chancellor*
Roger Tilles
Lester W. Young, Jr.
Christine D. Cea
Wade S. Norwood
Kathleen M. Cashin
James E. Cottrell
Josephine Victoria Finn
Judith Chin
Beverly L. Ouderkirk
Catherine Collins
Nan Eileen Mead
Elizabeth S. Hakanson
Luis O. Reyes
Susan W. Mittler
Frances G. Wills

Also present were Interim Commissioner, Betty A. Rosa; Office of Counsel, Julia Patane; and, Secretary, Board of Regents, Anthony Lofrumento.

Vice Chancellor Brown called the meeting to order and reviewed ground rules for the video conference.

ACTION ITEM

Executive Session Motion

MOVED, that the Board of Regents convene in executive session on Monday, October 19th at 2:20 p.m. to discuss litigation matters.

Motion by:	Regent Roger Tilles
Seconded by:	Regent Josephine Victoria Finn
Action:	Motion carried unanimously.

REFLECTION

Regent Judith Chin provided words of reflection and a presentation of photographs from her school visits and the emphasis being put on precautions put in place as a result of the COVID-19 Pandemic.

Interim Commissioner Rosa provided comments in recognition of Principal Appreciation Month.

PRESENTATIONS

Reopening of Schools Update

Interim Commissioner Rosa and Kim Wilkins gave a presentation to the Board on the reopening of schools (Attachment I.)

ACTION ITEMS

Proposed Amendments to Sections 125.1, 135.4, and 52.21 of the Regulations of the Commissioner of Education and Section 30-3.2 of the Rules of the Board of Regents Relating to Addressing the COVID-19 Crisis and the Reopening of Schools BR (A) 3

MOVED, that Sections 125.1, 135.4, and 52.21 of the Regulations of the Commissioner of Education and Section 30-3.2 of the Rules of the Board of Regents be amended, as submitted, as an emergency measure, effective October 20, 2020, upon a finding by the Board of Regents that such action is necessary for the preservation of public health and the general welfare in order to immediately provide flexibility to certain regulatory requirements in response to the COVID-19 crisis and to plan for the reopening of schools (Attachment II.)

Motion by: Regent Christine D. Cea
Seconded by: Regent Wade S. Norwood
Action: Motion carried unanimously.

Proposed Amendments to Sections 52.3, 52.21, 57-4.5, 70.4, 74.6, 75.2, 75.5, 76.2, 79-9.3, 79-10.3, 79-11.3, 79-12.3, 801.13, 80-1.5, 80-3.15, 80-4.3, 83.5, 87.2, 87.5, 100.2, 100.4, 100.5, 100.6, 100.10, 100.21, 119.1, 119.5, 125.1, 151-1.4, 1542.3, 175.5, 200.4, 200.5, 200.7, 200.20 and 275.8 and addition of Section 279.5 to the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis BR (A) 5 - REVISED

MOVED, that Sections 52.3, 52.21, 57-4.5, 70.4, 74.6, 75.2, 75.5, 76.2, 79-9.3, 7910.3, 79-11.3, 79-12.3, 80-1.13, 80-1.5, 80-3.15, 80-4.3, 83.5, 87.2, 87.5, 100.2, 100.4, 100.5, 100.6, 100.10, 100.21, 119.1, 119.5, 125.1, 151-1.4, 154-2.3, 175.5, 200.4, 200.5, 200.7, 200.20 be amended and Section 275.8 be added, as submitted, as an emergency measure, effective October 20, 2020, upon a finding by the Board of Regents that such action is necessary for the preservation of public health and the general welfare in order to immediately provide flexibility to certain regulatory requirements in response to the COVID19 crisis and to ensure that the emergency action taken at the September meeting remains continuously in effect.

Motion by: Regent Christine D. Cea
Seconded by: Regent Catherine Collins
Action: Motion carried. Regent Ouderkirk was absent for this vote.

**Proposed Amendments to Sections 52.21, 60.6, 61.19, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 and addition of Section 80-5.27 to the Regulations of the Commissioner of Education Relating to Addressing the COVID19 Crisis
BR (A) 4**

MOVED, that Sections 52.21, 60.6, 61.19(b), 80-3.7, 80-1.2(b), 151-1.3(b), 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 be amended and a new section 805.27 be added, as submitted, as an emergency measure, effective October 20, 2020, upon a finding by the Board of Regents that such action is necessary for the preservation of public health and the general welfare in order to immediately provide flexibility to certain regulatory requirements in response to the COVID-19 crisis and to ensure that the emergency action taken at the September meeting remains continuously in effect.

Motion by: Regent Roger Tilles
Seconded by: Regent Susan W. Mittler
Action: Motion carried unanimously.

DISCUSSION ITEM

**2021-22 Non-State Aid Budget and Legislative Priorities
BR (D) 1**

Interim Commissioner Rosa, Phyllis Morris and Jennifer Trowbridge provided a presentation on the 2021-2022 non-state aid budget and legislative initiatives.

PRESENTATION

2021-22 State Aid Proposal

Regent Ouderkirk, Regent Mead, Phyllis Morris, Brian Cechnicki, Jennifer Trowbridge and Christina Coughlin presented information to the Board regarding the 2021-2022 Regents State Aid Proposal (Attachment III).

P-12 EDUCATION COMMITTEE MEETING

The P-12 Education Committee held its scheduled meeting on October 19, 2020. All members were present.

PRESENTATION

East Ramapo Monitor Update

Kim Wilkins, Ray Giamartino, Interim Superintendent, Deborah Wortham, Former Superintendent, Bruce Singer, State Monitor and Denise Lowe, State Monitor to the East Ramapo Union Free School District reported on the progress of the district in implementing its 2018-19 Strategic Academic Improvement and Fiscal Improvement Plans.

DISCUSSION ITEM

Proposed Amendments to Sections 200.1 and 200.5 of the Regulations of the Commissioner of Education Relating to Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures P-12 (D) 1 - REVISED

Christopher Suriano presented revisions to the proposed amendments to §§ 200.1 and 200.5 of the Commissioner's regulations to expand the pool of applicants to serve as IHOs to hear special education due process complaints filed in New York City, require IHOs to render a decision using a consistent format to ensure IHOs maintain confidentiality consistent with NYSED guidelines that comply with the Family Educational Rights and Privacy Act and allow IHOs to conduct hearings by video conference or teleconference.

HIGHER EDUCATION COMMITTEE MEETING

The Higher Education Committee held its scheduled meeting on October 19, 2020. All members of the Committee were present.

DISCUSSION ITEM

Proposed Amendment to Section 80-1.5 of the Regulations of the Commissioner of Education Creating a Safety Net for the School Building Leader Assessment HE (D) 1

Laura Glass presented a revised proposed regulatory amendment to Section 80-1.5 of the Commissioner's regulations to create a safety net for the two-part Revised (May 2019) School Building Leader assessment, such that when the assessment becomes available, a candidate may take Part One of either the Revised (May 2019) School Building Leader assessment or the Revised (September 2013) School Building Leader assessment, and may take Part Two of either the Revised (May 2019) School Building Leader assessment or the Revised (September 2013) School Building Leader assessment, until August 31, 2024.

ACTION ITEM

Transfer of Degree-Conferring Authority Based Upon a Change of Ownership or Control: Bryant and Stratton College HE (A) 1

Leslie Templeman presented a recommendation concerning the transfer of degree-conferring authority from the Bryant & Stratton Limited Partnership, LLP, to Bryant & Stratton, Inc., a NYS not-for-profit, 501(c)(3) corporation upon the completion of the transfer of 100 percent of the ownership interest in the educational assets from the Limited Partnership to Bryant & Stratton, Inc.

Motion by: Regent Catherine Collins
Seconded by: Regent Frances G. Wills
Action: Motion carried unanimously.

MEETING OF THE FULL BOARD, Monday, October 19th at 2:05 p.m.

Board Members in Attendance:

T. Andrew Brown, *Vice Chancellor*
Roger Tilles
Lester W. Young, Jr.
Christine D. Cea
Wade S. Norwood
Kathleen M. Cashin
James E. Cottrell
Judith Chin
Catherine Collins
Nan Eileen Mead
Elizabeth S. Hakanson
Luis O. Reyes
Susan W. Mittler
Frances G. Wills

Also present were Interim Commissioner, Betty A. Rosa; Office of Counsel, Julia Patane; and, Secretary, Board of Regents, Anthony Lofrumento. Regents Josephine Victoria Finn and Beverly L. Ouderkirk were absent and excused.

Vice Chancellor Brown called the meeting to order.

**Charter Applications
BR (A) 1**

MOVED, that the Board of Regents approve each application in accordance with the recommendations contained in the summary table (see Appendix I).

**Summary of the September 2020 Meetings of the Board of Regents
BR (A) 2**

MOVED, that the Summary of the September 2020 Meetings of the Board of Regents of The University of the State of New York be approved.

Motion by: Regent Christine D. Cea
Seconded by: Regent Frances G. Wills
Action: Motion carried unanimously.

PROGRAM AREA CONSENT ITEMS

Higher Education

**Proposed Addition of Section 80-5.28 to the Regulations of the Commissioner of Education Creating a Transitional J Certificate for Spouses of Individuals on Full-Time Active Duty with the Armed Forces Whose Permanent Duty Station is in New York State
BR (CA) 1**

MOVED, that section 80-5.28 of the Regulations of the Commissioner of Education be added, as submitted, effective November 4, 2020.

**Proposed Amendment to Section 80-1.5 of the Regulations of the Commissioner of Education Creating Safety Nets for the Arts Content Specialty Tests (CSTs)
BR (CA) 2**

MOVED, that Section 80-1.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective November 4, 2020.

**Renewal of Permission to Operate in New York State: Hult International Business School
BR (CA) 3**

MOVED, that the Board of Regents grant permission to Hult International Business School to continue to offer courses toward the partial fulfillment of the following four Master's degree programs: Business Administration (MBA), International Business (MIB), Finance (MFin), and International Marketing (MIM). This approval will be effective for a five-year period beginning on October 27, 2020 and ending on October 31, 2025.

**Permission to Operate: Olivet University (California)
BR (CA) 9**

MOVED, that the Board of Regents grant permission to Olivet University (California) to continue to offer seven courses from its M.B.A. program and seven courses from its M.Div. program at Six Barclay Street in New York City. In addition, the Board of Regents should grant permission to Olivet University (California) to continue to offer seven courses from its M.Div. program at its location in Dover, NY. This approval will be effective from October 27, 2020 through December 31, 2020.

P-12 Education

Petition of the City School District of the City of Watervliet for Consent to Exceed the Constitutional Debt Limit BR (CA) 4

MOVED, that the Board of Regents hereby gives consent to the issuance of bonds and/or bond anticipation notes by the Board of Education of the City School District of the City of Watervliet in an amount not to exceed \$9,996,825 for a capital project consisting of the reconstruction and construction of improvements to School District facilities, including incidental costs and expenses in connection therewith, in excess of the constitutional debt limit of said school district.

Proposed Amendments to Sections 80-5.3, 80-5.4, 100.1, 100.2, 100.5, 100.6, 100.10, 117.3, 136.3, 145-2.1, 151-1.3, 154-2.2, 154-2.3, 156.3, and 200.4 of the Regulations of the Commissioner of Education Relating to Addressing the COVID19 Crisis and the Reopening of Schools BR (CA) 5

MOVED, that sections 80-5.3, 80-5.4, 100.1, 100.2, 100.5, 100.6, 100.10, 117.3, 136.3, 145-2.1, 151-1.3, 154-2.2, 154-2.3, 156.3, and 200.4 be amended, as submitted, as an emergency measure, effective November 14, 2020, upon a finding by the Board of Regents that such action is necessary for the preservation of public health and the general welfare in order to immediately provide flexibility to certain regulatory requirements in response to the COVID-19 crisis and to plan for the reopening of schools and to ensure the emergency action taken at the September 2020 Regents meeting remains continuously in effect.

Proposed Amendment of Section 135.4 of the Regulations of the Commissioner of Education Relating to Eligibility for Participation of Students Who Have Individualized Education Programs (IEPs) or Section 504 of the Rehabilitation Act of 1973 or Americans with Disabilities Act (ADA) Plans in Interschool Competition and Inclusive Athletic Activities BR (CA) 6

MOVED, that Section 135.4 is amended, as submitted, effective November 14, 2020 as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare to immediately clarify that schools and associations, etc., are not precluded from considering accommodation requests from otherwise qualified students with disabilities for participation in interschool competition or inclusive athletic activities who, pursuant to an IEP under the IDEA or an approved 504 or ADA plan, are not registered in the equivalent of three regular courses and to ensure that the emergency action taken at the September meeting remains in effect until the proposed rule can be permanently adopted.

**Petition of the City School District of the City of Little Falls for Consent to Exceed
the Constitutional Debt Limit
BR (CA) 10**

MOVED, that the Board of Regents hereby gives consent to the issuance of bonds and/or bond anticipation notes by the Board of Education of the City School District of the City of Little Falls in an amount not to exceed \$30,425,000 for a capital project consisting of the reconstruction and construction of improvements to school district facilities, including incidental costs and expenses in connection therewith, in excess of the constitutional debt limit of said school district.

Professional Practice

**(Re)Appointments of Members to the State Boards for the Professions and
(Re)Appointments of Extended Members to the State Boards for the Professions
for Service on Licensure Disciplinary and/or Licensure Restoration and Moral
Character Panels
BR (CA) 7**

MOVED, that Board of Regents approve the proposed (re)appointments.

**Report of the Committee on the Professions Regarding Licensing Petitions
BR (CA) 8**

MOVED, that the Board of Regents approve the recommendations of the Committee on the Professions regarding the degree conferrals.

MOVED, that the Regents approve the consent agenda items.

Motion by: Regent James E. Cottrell
Seconded by: Regent Catherine Collins
Action: Motion passed unanimously.

STANDING COMMITTEE REPORT

HIGHER EDUCATION

Your Higher Education Committee held its scheduled meeting on October 19, 2020. All members of the Committee were present.

Action Items

MOTION FOR ACTION BY FULL BOARD

Your Higher Education Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation below.

Matters Not Requiring Board Action:

Proposed Amendment to Section 80-1.5 of the Regulations of the Commissioner of Education to Create a Safety Net for the School Building Leader Assessment

Your Committee discussed proposed amendments to Section 80-1.5 that would create a safety net for the two-part Revised (May 2019) School Building Leader assessment, such that when the assessment becomes available, a candidate may take Part One of either the Revised (May 2019) School Building Leader assessment or the Revised (September 2013) School Building Leader assessment, and may take Part Two of either the Revised (May 2019) School Building Leader assessment or the Revised (September 2013) School Building Leader assessment, until August 31, 2024.

Matters Requiring Board Action:

Proposed Change of Ownership and Control of Bryant & Stratton College

Your Committee discussed whether the Board of Regents should approve the transfer of ownership and control of 100% of the ownership interest in the educational assets of the College to a New York State not-for-profit corporation, Bryant & Stratton, Inc., in which the Prentice Family Foundation will have the sole membership.

VOTED: That contingent upon the transfer of the ownership interest in the educational assets of Bryant & Stratton College, from the Bryant & Stratton Limited Partnership, to Bryant & Stratton, Inc., a New York State not-for-profit 501(c)(3) corporation, in which the Prentice Family Foundation, also a 501(c)(3) nonprofit charitable organization, has sole membership, the Board of Regents approves the transfer of New York State degree conferring authority to Bryant & Stratton, Inc, which will subsequently be renamed, Bryant & Stratton College, Inc.

Consent Agenda

The Board of Regents acted on the following consent agenda item at the October 2020 meeting.

Proposed Amendment to Section 80-1.5 of the Regulations of the Commissioner of Education Creating Safety Nets for the Arts Content Specialty Tests (CSTs)

The Board of Regents approved the proposed amendment to Section 80-1.5 of the Regulations of the Commissioner of Education Creating Safety Nets for the Arts Content Specialty Tests (CSTs).

Proposed Addition of Section 80-5.28 to the Regulations of the Commissioner of Education Creating a Transitional J Certificate for Spouses of Individuals on Full-Time Active Duty with the Armed Forces Whose Permanent Duty Station is in New York State

The Board of Regents voted to adopt the proposed amendment to add Section 80-5.28 to the Regulations of the Commissioner of Education creating a Transitional J certificate for spouses of individuals on full-time active duty with the Armed Forces whose permanent duty station is in New York State, giving them the time needed to complete the requirements for certification, including the examination requirement(s).

Renewal of Permission to Operate in New York State: Hult International Business School

The Board of Regents granted permission to Hult International Business School to continue to offer courses toward the partial fulfillment of the following four Master's degree programs: Business Administration (MBA), International Business (MIB), Finance (MFin), and International Marketing (MIM). This approval will be effective for a five-year period beginning on October 27, 2020 and ending on October 31, 2025.

Permission to Operate: Olivet University (California)

The Board of Regents granted permission to Olivet University (California) to continue to offer seven courses from its M.B.A program and seven courses from its M.Div. program at Six Barclay Street in New York City. In addition, the Board of Regents granted permission to Olivet University (California) to continue to offer seven courses from its M.Div. program at its location in Dover, NY. This approval will be effective from October 27, 2020 through December 31, 2020.

P-12 EDUCATION

Your P-12 Education Committee held its scheduled meeting on October 19, 2020. All members were present.

MATTERS NOT REQUIRING BOARD ACTION

East Ramapo Monitor Update

The State monitors assigned by the Commissioner to the East Ramapo Union Free School District will report on the progress of the district in implementing the district's Strategic Academic Improvement and Fiscal Improvement Plans

Proposed Amendments to Sections 200.1 and 200.5 of the Regulations of the Commissioner of Education Relating to Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures [P-12 (D) 1 - REVISED]

Your Committee discussed revising the proposed amendments to §§ 200.1 and 200.5 of the Commissioner's regulations to expand the pool of applicants to serve as impartial hearing officers (IHOs) to hear special education due process complaints filed in New York City, require IHOs to render a decision using a consistent format to ensure IHOs maintain confidentiality consistent with NYSED guidelines that comply with the Family Educational Rights and Privacy Act (FERPA), and allow IHOs to conduct hearings by video conference or teleconference.

Consent Agenda

The Board of Regents unanimously approved the following consent agenda items at its October 19, 2020 meeting:

- Proposed Amendment of Section 135.4 of the Regulations of the Commissioner of Education Relating to Eligibility for Participation of Students Who Have Individualized Education Programs (IEPs) or Section 504 of the Rehabilitation Act of 1973 or Americans with Disabilities Act (ADA) Plans in Interschool Competition and Inclusive Athletic Activities
- COVID IV: Proposed Amendments to Sections 80-5.3, 80-5.4, 100.1, 100.2, 100.5, 100.6, 100.10, 117.3, 136.3, 145-2.1, 151-1.3, 154-2.2, 154-2.3, 156.3, and 200.4 of the Regulations of the Commissioner of Education Relating to Addressing the COVID-19 Crisis and the Reopening of Schools
- Debt Limit Request – City School District of the City of Watervliet
- Debt Limit Request – City School District of the City of Little Falls

PROFESSIONAL PRACTICE

Your Professional Practice Committee held its scheduled meeting on October 19, 2020. All members participated in the meeting by video conference call. Vice Chancellor T. Andrew Brown also participated but did not vote on any case or action.

ACTION ITEMS

Professional Discipline Cases

Your Committee recommends that the reports of the Regents Review Committees, including rulings, findings of fact, determinations as to guilt, and recommendations, by unanimous or majority vote, contained in those reports which have been distributed to you, be accepted in 6 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 28 consent order applications and 10 surrender applications be granted.

These recommendations are made following the review of 44 cases involving fourteen registered professional nurses, nine licensed practical nurses, four architects, two licensed master social workers, two licensed practical nurses who are also registered professional nurses, one licensed practical nurse who is also a registered professional nurse who is also a nurse practitioner (Adult Health), one pharmacist, one physical therapist, one podiatrist, one professional engineer, one professional engineering professional corporation, one psychologist, and one registered professional nurse who is also a nurse practitioner (Psychiatry).

MOTION FOR ACTION BY FULL BOARD

Vice-Chancellor and Colleagues: Your Professional Practice Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the report of the Committee's deliberations at its meeting on October 19, 2020.

MOVED, that the Committee Report be approved.

Motion by: Regent Judith Chin

Seconded by: Regent Christine D. Cea

Action: Motion carried unanimously.

RESOLUTION

Regent Christine D. Cea provided remarks on the career and retirement of Kevin G. Smith, Deputy Commissioner for the Office of Adult Career and Continuing Education Services (ACCES) at the end of October. Regent Cea presented a Resolution in recognition of his service and dedication. Interim Commissioner Rosa also commended Kevin and his work as well. (Attachment IV)

Vice Chancellor Brown adjourned the meeting. The Board went into Executive Session.

Appendix I
NEW YORK STATE BOARD OF REGENTS CHARTER ACTIONS

Name of Institution	Program Area	County (City/Town) of Location	Description of Charter Action(s)
Boston Free Library Association	CE	Erie (Boston)	Amend the charter to designate the library's service area to be coterminous with the Town of Boston and the Town of Colden.
Brunswick Community Library	CE	Rensselaer (Brunswick)	Amend charter to specify the number of trustees to be not less than five nor more than fifteen.
The East End African American Museum and Center for Excellence	CE	Suffolk (Southampton)	Extend provisional charter for five years.
Friends of Harmony Hall-Jacob Sloat House	CE	Rockland (Sloatsburg)	Extend provisional charter for five years.
The Forsyth-Warren Tavern Living History Farm and Museum	CE	Niagara (Lockport)	Grant a provisional charter for five years.
Museum of American Armor	CE	Nassau (Old Westbury)	Extend provisional charter for five years.
Cold Spring Harbor Laboratory	HE	Nassau (Cold Spring Harbor)	Amend charter to change the name of its graduate program from "Cold Spring Harbor Laboratory, Watson School of Biological Sciences" to "Cold Spring Harbor Laboratory, School of Biological Sciences".
College Center of the Finger Lakes	HE	Steuben (Corning)	Dissolve charter and approval to distribute remaining assets to Alternative School for Math and Science, an education corporation.
Hofstra University	HE/OP	Nassau (Hempstead)	Amend charter to add authority to confer the Doctor of Nursing Practice (D.N.P.) degree.
The Juilliard School	HE	(New York) New York	Amend charter to increase the maximum number of trustees to be 45.
St. Lawrence University	HE	St. Lawrence (Canton)	Amend charter to update certain tax exempt and dissolution language.
Utica College	HE/OP	Oneida (Utica)	Amend charter to add authority to confer the Master of Social Work (M.S.W.) degree

Appendix II

REGENTS ACTIONS IN 44 PROFESSIONAL DISCIPLINE CASES

October 19, 2020

The Board of Regents announced disciplinary actions resulting in the revocation of 3 licenses and 1 certificate, surrender of 9 licenses and 1 certificate, and 30 other disciplinary actions. The penalty indicated for each case relates solely to the misconduct set forth in that particular case.

I. REVOCATIONS AND SURRENDERS

Architecture

Joseph H. Hurwitz; Architect; West Hurley, NY 12491-0248; Lic. No. 010075; Cal. No. 31953; Application to surrender license granted. Summary: Licensee did not contest the charge of willfully failing to comply with the mandatory continuing education requirements to be registered to practice as an architect.

Nursing

Claudette J. Stephens a/k/a Claudette J. Collins; Licensed Practical Nurse; Calverton, NY 11933; Deltona, FL 32738-2542; Lic. No. 198400; Cal. No. 29493; Found guilty of professional misconduct; Penalty: Revocation.

Jamie Victoria Stevenson; Registered Professional Nurse, Nurse Practitioner (Psychiatry); York, PA 17404; Lic. No. 739639, Cert. No. 402326; Cal. Nos. 30878, 30879; Application to surrender license and certificate granted. Summary: Licensee admitted to the charge of failing to report disciplinary action taken by the Maryland Board of Nursing on an application for licensure as a registered professional nurse in the State of New York.

Gwen Elizabeth Bruno; Licensed Practical Nurse, Registered Professional Nurse, Nurse Practitioner (Adult Health); Salamanca, NY 14779-1454; Lic. Nos. 238420, 507640, Cert. No. 303946; Cal. Nos. 30973, 30974, 30975; Found guilty of professional misconduct; Penalty: Revocation.

Susan Pearl Bourgeois; Registered Professional Nurse; Phoenix, AZ 85053; Lic. No. 541327; Cal. No. 32142; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Felony Theft, a class 4 felony, in the State of Arizona.

Dana Paul Hurtubise; Registered Professional Nurse; Portland, ME 04103-2083; Lic. No. 438260; Cal. No. 32169; Application to surrender license granted. Summary: Licensee did

not contest the charge of failing to accurately document the administration or wasting of medication in the State of Maine.

Ellen Frances Sullivan; Registered Professional Nurse; West Belmar, NJ 07719-3477; Lic. No. 294657; Cal. No. 32178; Application to surrender license granted. Summary: Licensee did not contest the charge of failing to disclose on her New York registration renewal application that she voluntarily surrendered her New Jersey nursing license.

Margaret Mary Devitt-Morgan a/k/a Margaret M. Devitt-Kay; Registered Professional Nurse; Albertville, MN 55301; Lic. No. 471053; Cal. No. 32181; Application to surrender license granted. Summary: Licensee did not contest the charge of misappropriating a narcotic drug in the State of Texas.

Natalie Jo Flynn; Registered Professional Nurse; Cleveland, OH 44119; Lic. No. 552788; Cal. No. 32203; Application to surrender license granted. Summary: Licensee admitted to the charge of being impaired by alcohol while working as a nurse in the State of Ohio.

Sharon Marie Barstow; Registered Professional Nurse; Deville, LA 71328-9443; Lic. No. 524406; Cal. No. 32204; Application to surrender license granted. Summary: Licensee admitted to the charge of having been found guilty of professional misconduct in the State of Louisiana, where the conduct if committed in New York would constitute moral unfitness in the practice.

Physical Therapy

Emmanuel Kanaka Daya Sagar Jonnakuti; Physical Therapist; East Meadow, NY 11554-3421; Lic. No. 013935; Cal. No. 31856; Application to surrender license granted. Summary: Licensee did not contest the charge of providing inappropriate treatment to two patients.

II. OTHER REGENTS DISCIPLINARY ACTIONS

Architecture

Amanda Everson Costanza; Architect; Rochester, NY 14618; Lic. No. 033082; Cal. No. 31257; Application for consent order granted; Penalty agreed upon: Censure and reprimand, \$1,000 fine.

Christopher Angelo Costanza; Architect; Rochester, NY 14618; Lic. No. 032624; Cal. No. 31762; Application for consent order granted; Penalty agreed upon: Censure and reprimand, \$1,000 fine.

Oscar M. Torres; Architect; Great Neck, NY 11021-4701; Lic. No. 034382; Cal. No. 31774; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$2,500 fine.

Engineering, Land Surveying and Geology

Anthony Joseph Tarantino; Professional Engineer; Massapequa Park, NY 11762; Lic. No. 087739; Cal. No. 31883; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, 50 hours public service, \$3,500 fine.

Tarantino Engineering PC; Massapequa Park, NY 11762; Cal. No. 31884; Application for consent order granted; Penalty agreed upon: \$3,500 fine.

Nursing

Keisha E. Zicari a/k/a Keisha Elaine Zicari; Licensed Practical Nurse; Rochester, NY 14605; Lic. No. 286917; Cal. No. 28961; Found guilty of professional misconduct; Penalty: 1 year actual suspension, 1 year stayed suspension, 2 years probation, \$500 fine.

Latasha Denise Coleman; Licensed Practical Nurse; Rochester, NY 14611; Lic. No. 295020; Cal. No. 29750; Found guilty of professional misconduct; Penalty: Indefinite actual suspension until alcohol-abuse-free and fit to practice, upon return to practice, 2 years probation, \$500 fine.

Denise Robin Root; Registered Professional Nurse; Warners, NY 13164; Lic. No. 649929; Cal. No. 30874; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Olivia Ashley Daniti; Registered Professional Nurse; Kings Park, NY 11754; Lic. No. 647111; Cal. No. 30902; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Kelly Anne Wescott; Licensed Practical Nurse; Troy, NY 12182; Lic. No. 273968; Cal. No. 30904; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for 1 year and until mentally fit to practice, upon return to practice, 2 years probation.

Patricia A. Morse; Licensed Practical Nurse; Savona, NY 14879; Lic. No. 301655; Cal. No. 31115; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation.

Jeanelle Lynn Brinkley; Registered Professional Nurse; Saginaw, TX 76131; Lic. No. 727569; Cal. No. 31392; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, upon return to practice in the State of New York, 2 years probation, \$500 fine.

Monique Nanette Venisee; Licensed Practical Nurse; Rochester, NY 14621; Lic. No. 315306; Cal. No. 31405; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Brandy Lee Colburn a/k/a Brandy Colburn; Registered Professional Nurse; New Hartford, NY 13413; Lic. No. 667620; Cal. No. 31758; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Staci M. Rowan; Registered Professional Nurse; Albany, NY 12205; Lic. No. 515617; Cal. No. 31817; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Shakim Rivera; Licensed Practical Nurse; Holbrook, NY 11741; Lic. No. 299253; Cal. No. 31822; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Marvia Herrera; Registered Professional Nurse; Ellenville, NY 12428-5118; Lic. No. 745007; Cal. No. 31838; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Jason Anthony Pereira; Licensed Practical Nurse, Registered Professional Nurse; Newburgh, NY 12550; Lic. Nos. 280428, 644337; Cal. Nos. 31842, 31843; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Stephen Kurt Roggemann; Registered Professional Nurse; Stony Brook, NY 11790-1721; Lic. No. 331621; Cal. No. 31854; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation.

Elisa Lynn Frey; Licensed Practical Nurse; Utica, NY 13502; Lic. No. 248215; Cal. No. 31867; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$250 fine.

Patricia Ann Washco; Licensed Practical Nurse, Registered Professional Nurse; Albany, NY 12208; Lic. Nos. 145781, 447761; Cal. Nos. 31937, 31938; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Jillian Jhaneene Ellison; Licensed Practical Nurse; Mount Vernon, NY 10550; Lic. No. 321546; Cal. No. 32061; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Jackie Lynn Bowker; Registered Professional Nurse; Waxhaw, NC 28173-6529; Lic. No. 369047; Cal. No. 32168; Application for consent order granted; Penalty agreed upon: 2

years stayed suspension, upon return to practice in the State of New York, 2 years probation, \$500 fine.

Pharmacy

Tommy Vinghiep Huynh; Pharmacist; Brooklyn, NY 11228; Lic. No. 060624; Cal. No. 31501; Application for consent order granted; Penalty agreed upon: 1 year probation, \$2,500 fine.

Podiatry

Richard M. Steiner; Podiatrist; New Rochelle, NY 10805; Lic. No. 002552; Cal. No. 31857; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$1,000 fine.

Psychology

Henry S. Glickman; Psychologist; Scarsdale, NY 10583-6402; Lic. No. 004024; Cal. No. 30378; Application for consent order granted; Penalty agreed upon: Censure and reprimand, \$1,000 fine.

Social Work

Carla Christina Caicedo; Licensed Master Social Worker; Mohegan Lake, NY 10547; Lic. No. 068715; Cal. No. 31797; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Christian Paul Garces; Licensed Master Social Worker; Bronx, NY 10473; Lic. No. 098604; Cal. No. 31803; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

ATTACHMENT I



Recover, Rebuild, and Renew the Spirit of Our Schools

Update on School Reopening: P12 and Higher Education

Presentation to the Board of Regents

October 19, 2020



New York State
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UPDATE ON REOPENING OF SCHOOLS

DOH's COVID
School Report
Card

Student
Attendance and
Educational
Neglect

Unit of Study
Requirements

Instructional
Experiences

Instructional
Models

Staying
Connected

Career and
Technical
Education

Digital Equity

NYS
Assessments

APPR

2020-2021
Snow Day Pilot

DOH's COVID School Report Card

Issues raised by the field include:

- Multiple data sources (e.g., student/staff reports vs. Local Department of Health);
- School, Laboratory and LDH reported data results may inadvertently duplicate a case;
- Increased anxiety in community when LDH report does not match school report card due to time lag in school receiving information; and
- Requirement that schools attest COVID-19 positive cases are verified with the LDH.



STUDENT ATTENDANCE AND EDUCATIONAL NEGLECT

- Schools must take daily attendance and report it in SIRS.
- Schools should take proactive steps to engage students and families at the first indication of attendance issues.
- SED is working on new codes to accurately reflect attendance instruction modality.
- SED/OCFS will hold a joint webinar on educational neglect and child abuse in a remote setting.

Unit of Study Requirements



Grades 7-12

- Revised definition of “unit of study”
 - at least 180 minutes of instruction per week throughout the school year, or the equivalent. **Equivalent shall mean at least 180 minutes of instructional time for instruction delivered in a traditional face to face model or through alternative instructional experiences, including but not limited to through digital technology or blended learning, that represents standards-based learning under the guidance and direction of an appropriately certified teacher. Instructional experiences shall include, but not be limited to meaningful and frequent interaction with an appropriately certified teacher; academic and other supports designed to meet the needs of the individual student and instructional content that reflects consistent academic expectations as in-person instruction. Any alternative instructional experience must include meaningful feedback on student assignments and methods of tracking student engagement.**

Key Question



Are the instructional experiences, when considered as a whole, comparable in rigor, scope and magnitude to a traditionally delivered (180 minutes/week) unit of study?

Instructional Experiences



Instructional experiences **must** include:

- meaningful and frequent interaction with an appropriately certified teacher;
- academic and other supports designed to meet the needs of the individual student; and
- instructional content that reflects academic expectations consistent with those which would be required for in-person instruction.



Instructional experiences *may* include, **but are not limited to:**

- completing online modules or tasks;
- viewing instructional videos;
- responding to posts or instructor questions;
- engaging with other class participants in an online or phone discussion;
- conducting research;
- doing projects; or
- meeting with an instructor face to face, via an online platform, or by phone.

Instructional Models for Remote Instruction

Synchronous Instruction:

Teaching and learning that happens in real time with direct simultaneous interaction between teachers and students through video and/or audio.

Asynchronous Instruction:

Teaching and learning that does not happen in real time. Teachers plan activities and lessons that students access at flexible times throughout the day.



Student Engagement:

All models of Instruction must attend to creating experiences that will engage and stimulate student learning and include substantive interaction with teachers.



What Do Teachers Need?



High quality professional development addressing the creation of online curriculum and effective instructional strategies that will engage students in standards-based activities

- \$1.3 Million CARES Act Administrative funds to assist in this effort
- TRLE Grant

Staying Connected



Spring 2020

- Connected NYS educators to examples of emotional support, equitable solutions, and instructional practices utilized to stay connected to students and families during COVID-19 building closures



Moving Forward

- Plan to continue sharing best practices during reopening and throughout the 2020-2021 school year
- Next edition anticipated in October 2020



Office of Career and Technical Education (CTE) Updates

Office of CTE Reviewed & Updated:

- Office policies and protocols to provide consistency amongst all associates;
- Materials/resources located on the CTE website to reflect most up-to-date practices, policies, and protocols; and
- All CTE program approval/reapproval applications for the 2020-21 and 2021-2022 school year.
 - CTE program reapproval applications for the 2020-21 year were due June 30, 2020.
 - CTE program applications for new programs to operate in 2020-21 and 2021-22 are due November 1, 2020.
- The federal Methods of Administration (MOA) Plan to monitor civil rights compliance in CTE programs receiving federal Perkins funds.



Digital Equity – P12 Data

P12 School Digital Equity Survey - June 2020

- 50% of schools responded
 - 300K+ students did not have a device
 - 200K+ students did not have internet access
 - Top barrier: Cost
 - Teachers: 4200 without device, 3500 without internet
 - LMS: Google

Ongoing Data Collection

- Fall 2020 BEDS (School-Level)
- (Re-Issue) Digital Equity Survey - October
- Fall 2021 Student-Level Data

Addressing Digital Equity



Webinar Series

The NY State Library has planned a series of webinars on topics related to Digital Equity.



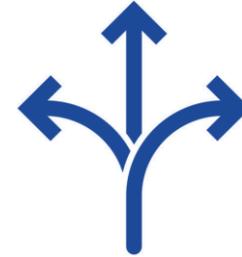
Sharing Ideas

NYSED will build on successful Continuity of Learning site to provide ideas, resources, and best practices for teachers, schools, and communities.



TRLE Grant

The Teaching in Remote Learning Environments program will provide educators with tools, resources, and training to facilitate blended/remote instruction.



Funding Flexibility

NYSED has issued guidance to schools and districts related to fiscal flexibilities for federal funding sources to assist with technology-related expenses.



Digital Equity Summit

NYSED will bring together key stakeholder groups to identify key issues and develop strategies for addressing digital equity in New York.

New York State Assessments

- **Uncertainty abounds this school year.** Interim Commissioner Rosa and the Department are **closely monitoring the situation throughout the State.**
- It is early in the school year. **Decisions about NYS assessment programs will be informed by data and put the health and safety of students and teachers first.**
- **Assessments must be given in a fair, equitable and safe manner for all students and teachers.** If this cannot be accomplished, NYSED will apply for federal waivers.
- It will not be possible to administer any of this year's State assessments remotely. Therefore, if any tests are administered this school year, they must be in person in school buildings.
- In September, U.S. Secretary of Education Betsy DeVos notified all 50 states that we should not expect to receive waivers as was allowed in 2020. However, **the political context and public health considerations may well change as the school year advances.**
- In addition to the State assessments, the National Assessment of Educational Progress (NAEP) has selected approximately 90 schools for the 2021 reading and math assessments.

APPR

LEAs should review their currently approved APPR plans to ensure they are consistent with their plans under an in-person, remote, or hybrid instructional model.

Implementation Concerns:

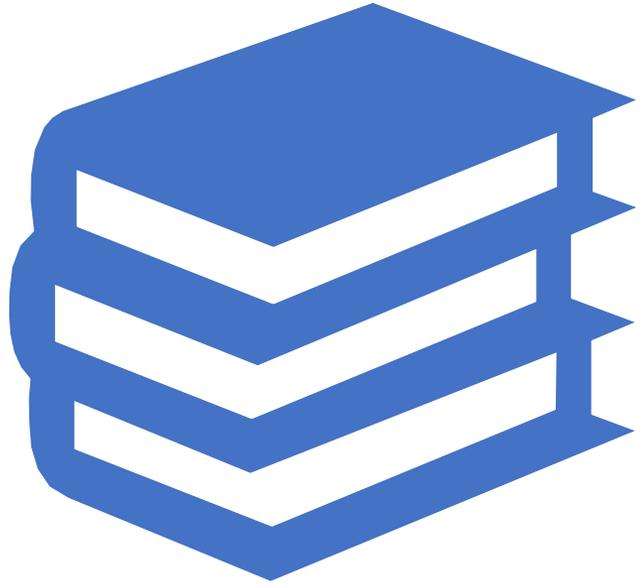
- LEAs face an ever-shifting public health landscape and fully implementing evaluation requirements may be a challenge this year.
- There is uncertainty regarding the administration of State exams in a remote or hybrid model and could impact an LEA's ability to complete the student performance category of evaluations.

Opportunities for Innovation and Adaptation:

- In May, the Board of Regents permanently adopted new APPR regulations that allow LEAs who desire greater flexibility.
- The plans can be adapted to meet local needs and various instructional models and, likely, would not require a material change to an approved APPR plan.

2020-2021 Snow Day Pilot

- The Department established a one-year pilot to enable school districts to pivot to remote instruction on what would otherwise be a day of school closure due to a snow emergency.
 - Provides flexibility for districts
 - Must be consistent with each district's re-opening educational plan
- This pilot is in effect for the 2020-21 school year, after which the Department will review the outcome of the pilot.
- **Districts may participate at their local discretion—snow days may still be held.**
- Instruction **must** be provided for the same length of time as an in-person day.



HIGHER EDUCATION

Guidance Updated

“Guidance for New York State Colleges and Universities on Reopening for the 2020-21 Academic Year” was released in August 2020 and **updated on October 5, 2020.**

This document will continue to be updated periodically.



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GUIDANCE FOR NEW YORK STATE COLLEGES AND UNIVERSITIES ON REOPENING FOR THE 2020-21 ACADEMIC YEAR

NOTE: THIS GUIDANCE IS CURRENT AS OF JULY 31, 2020 AND MAY BE REVISED PERIODICALLY. VISIT THE NEW YORK STATE EDUCATION DEPARTMENT'S [OFFICE OF HIGHER EDUCATION WEBSITE](#) FREQUENTLY TO ENSURE YOU HAVE THE MOST UP-TO-DATE VERSION.

Board of Regents Higher Education Committee Co-Chairs
Kathleen M. Cashin, Regent J.D. #2 & Catherine Collins, Regent J.D. #8



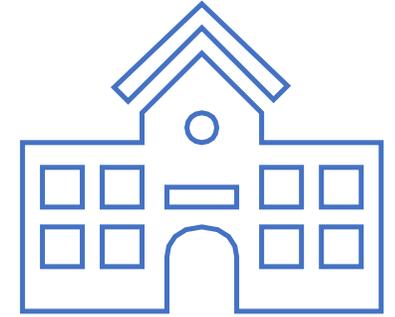
Updates to Higher Education Guidance

Certification Flexibility	<ul style="list-style-type: none">■ Emergency COVID-19 certificate extended■ edTPA safety net through 2020-21 Academic Year■ International applicants fingerprinting expedited
Flexibilities for Colleges	<ul style="list-style-type: none">■ Distance education flexibility Fall/Spring■ Verifying HS Diplomas/Transcripts
Educator Preparation Program Flexibilities	<ul style="list-style-type: none">■ Accreditation timeline extended

Current Considerations for Flexibility

Certification Flexibility Proposed	<ul style="list-style-type: none">▪ New School Building Leader (SBL) exam operational April 2020▪ SBL exam Safety Net proposed through August 2024
Education Preparation Program (EPP) Flexibilities Proposed	<ul style="list-style-type: none">▪ Proposal to extend deadline until 2022 for SBL curricular updates to align with Professional Standards for Educational Leaders (PSELs)▪ Proposal to extend program completion requirement flexibilities for School District Leader (SDL) programs
Professional Licensure Clinical Experiences	<ul style="list-style-type: none">▪ Office of Professions is considering feedback from the field regarding challenges with clinical internships/experiences

Sector Updates



CUNY

- Official numbers not in, but initial est. Fall enrollment decline ~ 4.5%
- Vast majority of instruction is online
- Some on-campus lab-based courses/activities

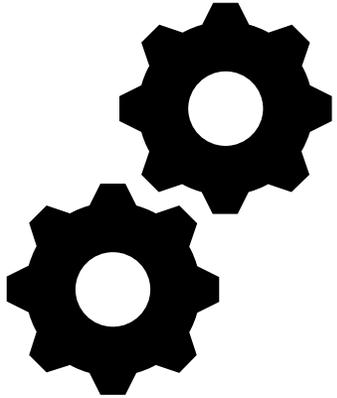
SUNY

- Official numbers not in, but initial est. Fall enrollment decline ~ 5.5%
- Bigger decline for Community Colleges: ~ 10%
- Majority offering hybrid of campus-based, face-to-face and online instruction
- SUNY has created a robust COVID Dashboard system

Independent/Private

- Official numbers not in, but initial est. indicates general decline in enrollments with some reporting flat enrollment and others sharp declines
- International students large decline
- Majority offering hybrid of campus-based, face-to-face and online instruction
- Approximately 25 schools online (mainly downstate/NYC)

FOLLOW UP TO DATE



CHALLENGES AHEAD

- Department will continue to update guidance based upon feedback from the field to provide policy and regulatory flexibility
- Department is working with stakeholders on current issues related to:
 - Student teaching and clinical experience concerns for educator preparation programs
 - Clinical experience challenges for professional licensure programs
 - Financial and budget-related challenges
 - Social-emotional issues and students w/disabilities
 - Dual enrollment and Opportunity programs challenges
 - Digital divide and equity/access

Addressing the Digital Divide & Engaging Students

Internet & Device Access	<ul style="list-style-type: none">• Reach out to students to conduct a technology needs assessment to identify the nature and extent of digital access issues• Mobile wi-fi hotspots and devices• Wi-fi access in strategic locations• Provide students with laptops or tablets
Supports for Faculty in Using Instructional Technology	<ul style="list-style-type: none">• Professional development for faculty in remote learning tools & online instructional design• Utilize tech expertise of some faculty members to mentor other faculty members• Ensure all classrooms have video cameras; consider using GoPro cameras for labs• Consider asynchronous or evening instruction and posting lecture videos online to facilitate participation by students in different time zones
Supports for Student Support Services	<ul style="list-style-type: none">• Professional development for faculty and staff in remote student advising—ensures advisors know which students will be online.• Guidance for students on how each tech platform is used for different services (classes, advising, career services, etc.)• Zoom office hours for student affairs



Thank you!

ATTACHMENT II

COVID-19 Emergency Regulations Part VI & Further Regulatory Flexibility for the Reopening of Schools

October 19, 2020



COVID-19 PANDEMIC

- As a result of the pandemic and the Governor's numerous Executive Orders, the Department adopted emergency regulations at the April, May, June, July, and September 2020 Board of Regents meetings to address the issues resulting from the interruptions caused by the COVID-19 crisis and to plan for the reopening of schools.
- The Department is proposing further regulatory changes to provide additional flexibility to the field and students during this crisis, to address anticipated issues resulting from the continued interruptions caused by the COVID-19 crisis and to prepare for the reopening of schools.

Early Learning

- **Registration extension for voluntarily registered schools**
Commissioner's regulations are amended to provide that any voluntarily registered nursery school or prekindergarten whose registration expires in the 2019-2020 or 2020-2021 school year, and does not receive a required on-site visit from Department staff due to the COVID-19 crisis will have their registration extended, subject to revocation for cause and their registration will be up for renewal in the 2021-2022 school year.

Higher Education

• **Coaching Evaluations**

- Commissioner's regulations are amended to provide additional flexibility for temporary coaching candidates of extracurricular interscholastic sports.
- These candidates are required to receive a satisfactory evaluation by the principal or athletic director for each of the preceding three years that they coached in the sport for which a professional coaching certificate is sought.
- The Department permanently adopted amendments at the September 2020 Regents meeting which provided that candidates who held a temporary coaching certificate for the winter 2019-2020 and/or spring 2020 sports season did not have to have receive an evaluation by the principal or athletic director for such sports seasons for professional coaching certification due to the COVID-19 crisis.
- The Department is now proposing to expand the time period during which candidates are not required to receive an evaluation for this certification to include the fall 2020, winter 2020-2021, and spring 2021 sports seasons.

Higher Education

- **School Building Leader (SBL) Programs**

- At its December 2017 meeting, the Board of Regents approved requiring school building leader (SBL) programs, that are registered or seek registration on or after December 1, 2020, to be aligned with the Professional Standards for Educational Leaders (PSELs), with some modifications.
- Programs have been aligned with the Interstate School Leaders Licensure Consortium (ISLLC) Standards.
- The Department is proposing to amend the Commissioner's regulations to extend the date by which SBL programs must be aligned with the new PSELs until September 1, 2022 to provide SBL programs additional time to conform with the new standards due to the COVID-19 crisis.

Higher Education

- **Annual Professional Performance Reviews (APPR)**
 - The Department is proposing to make a corresponding amendment to the Commissioner's regulations to provide that the definition of "Leadership standards" for purposes of APPR reviews will mean the new PSEL standards for reviews conducted on and after the 2024-2025 school year.
 - This amendment aligns the date by which SBL programs must adopt the new PSEL standards with the date the PSEL standards will be used in conducting APPR reviews



Questions?



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2021-2022 Regents State Aid Proposal

Board of Regents Meeting
October 2020

2020-21 State Aid Levels

- **Final 2020-21 state aid amounts remain uncertain.**
- **Receipt of additional Federal revenues to offset potential state aid reductions or supplement current school district funding levels are possible.**

Pandemic Adjustment

- **The 2020-21 enacted budget reduced each major school district's 2020-21 state aid level by the amount of Federal CARES Act funds each school district received (the "Pandemic Adjustment").**
- **The Federal CARES Act funds were required to be allocated to school districts based on the distribution of Federal Title I dollars. The Title I formula is very progressive, which means the highest need districts in the state receive the most aid. Similarly, the highest need districts experienced the greatest impact from the Pandemic Adjustment.**

Pandemic Adjustment

- **The Federal CARES Act requires school districts to use a portion of their CARES Act allocation to provide equitable services to students and teachers in non-public schools, which prevents districts from being able to fully backfill the reduction in state aid with Federal funds.**
- **The impact on an individual school district depends on the proportion of the district's students attending non-public schools.**

Repeal of the Pandemic Adjustment

- **To address these issues, the Regents could consider advancing a proposal to repeal the Pandemic Adjustment and restore each district's state aid levels to ensure no district experiences an aid loss in 2020-21.**
- **This would also enable districts to use their Federal CARES Act funds for their intended purpose – to prevent, prepare for, and respond to coronavirus.**

Transportation

- In the spring, school districts were required, by Executive Order, to close by March 18, 2020. Executive Orders subsequently extended such closures in two week increments until the Governor announced on May 1, 2020 that schools would be closed for the remainder of the 2019-20 school year.
- As a result, between March 18 and May 1, there was the potential for schools to reopen and school districts needed to keep transportation employees and vendors on standby to be in a position to resume transportation services if schools were directed to reopen pursuant to Executive Order.

Transportation

- In addition, districts were required by Executive Order to provide remote instruction and meals for students during periods of school closure in the spring. Several schools implemented these requirements by using school buses to deliver school meals, homework packets and wi-fi access.
- However, Education Law does not currently permit districts to be reimbursed through transportation aid for transportation that was not provided, or for use of school buses to provide meals, homework and wi-fi.

Transportation

To address these issues, the Regents could consider advancing a proposal to:

- **allow districts to be reimbursed for actual costs incurred to keep transportation vendors and employees on standby between March 18, 2020 and May 1, 2020, and**
- **allow districts to be reimbursed for costs incurred in using school buses to deliver school meals, homework packets and wi-fi access.**

Potential 2020-21 State Aid Reductions

- An across-the-board state aid reduction would disproportionately impact high-need, low-wealth school districts, as high need districts receive over 69 percent of all formula-based state aid.
- High need districts are heavily reliant on state aid as an overall proportion of their local budget.
- If reductions to 2020-21 state aid levels become necessary, the Regents could consider messaging reductions be made on a progressive basis approach. The Regents could also consider communicating an equitable way in which any reductions are imposed on school districts and on charter schools.

Promoting School District Efficiencies

- **Some of the fiscal challenges school districts are facing due to the pandemic have the potential to be addressed through school district mergers or service consolidation.**
- **The Regents could consider incentivizing such efficiencies through approaches such as indexing the Reorganization Incentive Aid formula to inflation.**

Financial Technical Assistance

- **The Department needs additional resources to provide technical assistance to those districts with the greatest fiscal challenges, which have been exacerbated by the pandemic.**
- **The Regents could consider re-advancing the 2020-21 Regents proposal to provide the Department with additional state operations funds to increase our capacity to provide school districts with technical support on financial and management matters.**



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Thank You

ATTACHMENT IV



Resolution in Recognition of the Service and Dedication of Kevin G. Smith

Kevin Smith will retire from service as Deputy Commissioner for the Office of Adult Career and Continuing Education Services (ACCES) at the end of October 2020. He has served in this capacity for over 10 years and accomplished much during his tenure.

Kevin has led with distinction, utilizing an extensive portfolio of programs and services to assist individuals with disabilities to achieve and maintain employment and to support independent living through education, rehabilitation, and career development.

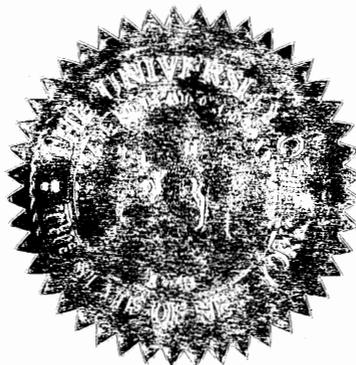
Kevin's role in overseeing statewide policy and administration of High School Equivalency tests led to his work in the development of the Test Assessing Secondary Completion (TASC) to replace the GED in New York State allowing countless individuals the opportunity to obtain a high school equivalency diploma.

Kevin has worked with the Advisory Council on Postsecondary Education for Students with Disabilities to improve access to postsecondary institutions, support better graduation outcomes, and assisted in the formation of Regents budget priorities for student accommodations necessary to their learning. His guidance has led to the Reader's Aid funding transformation.

Kevin G. Smith, you have been hard working, innovative, articulate and tireless in all of your pursuits. We thank you for your strong commitment to our work and wish you the best as you enter the next chapter in your life.

BE IT THEREFORE RESOLVED on this 19th day of October 2020 that the Members of the New York State Board of Regents acknowledge the service and dedication of Kevin G. Smith to the State Education Department and the people of the State of New York.

T. Andrew Brown
Vice Chancellor



Christine D. Cea
Co-Chair, Adult Career and
Continuing Education
Services

Beverly L. Ouderkirk
Co-Chair, Adult Career and
Continuing Education
Services

Betty A. Rosa
Interim Commissioner of
Education