



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 2019 Meeting
DATE: October 24, 2019
AUTHORIZATION(S): *Elizabeth P Berlin*

EXECUTIVE SUMMARY

Issue for Decision

Review of the Summary of the October 2019 Meetings of the Board of Regents.

Proposed Handling

Approval of the Summary of October 2019 meetings.

Procedural History

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

Recommendation

Approval of the Summary of the October 2019 meetings.

Timetable for Implementation

Effective November 5, 2019.

VOTED, that the Summary of the October 2019 Meetings of the Board of Regents of The University of the State of New York be approved.



SUMMARY OF THE OCTOBER 2019 MEETING

OF THE BOARD OF REGENTS

OF

THE UNIVERSITY OF THE STATE OF NEW YORK

***Held at the State Education Building
Albany, New York***

October 7 and 8, 2019

***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 on Monday, October 7, 2019 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Monday, October 7th at 9:00 a.m.

Board Members in Attendance:

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

Also present were Interim Commissioner, Elizabeth Berlin; Acting Counsel and Deputy Commissioner for Legal Affairs, Shannon Tahoe; and, Secretary, Board of Regents, Anthony Lofrumento. Regent Wade S. Norwood was absent and excused.

Regent Judith Johnson provided words of reflection.

ACTION ITEM

Executive Session Motion

MOVED, that the Board of Regents convene in executive session on Monday, October 7th at 4:10 p.m. to discuss litigation and personnel matters.

Motion by: Vice Chancellor T. Andrew Brown
Seconded by: Regent Susan W. Mittler
Action: Motion carried unanimously.

PRESENTATION

Graduation Measures in New York State

Kimberly Wilkins, Deputy Commissioner, P-12 Instructional Support and Emily DeSantis, Assistant Commissioner, Public Affairs continued the September discussion regarding pathways to a NYS diploma (Attachment I.)

Chancellor Betty A. Rosa adjourned the meeting.

MEETING OF THE FULL BOARD, Tuesday, October 8th at 11:00 a.m.

Board Members in Attendance:

Betty A. Rosa, *Chancellor*
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

Also present were Interim Commissioner, Elizabeth Berlin; Acting Counsel and Deputy Commissioner for Legal Affairs, Shannon Tahoe; and, Secretary, Board of Regents, Anthony Lofrumento. Regent Judith Johnson was absent and excused.

Regent Reyes provided thoughts for a moment of reflection.

Chancellor Rosa asked Regent Mead to provide a brief announcement regarding the Regents Youth Advisory Council in Manhattan

ACTION ITEMS

**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 2019 Meeting of the Board of Regents
BR (A) 2**

MOVED, that the Summary of the September 2019 Meeting 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 Josephine Victoria Finn
Action: Motion carried unanimously.

PROGRAM AREA CONSENT ITEMS

Higher Education

Conferral of Degrees: Dowling College and Globe Institute of Technology BR (CA) 1

MOVED, that the Board of Regents confer upon the following individuals, who have completed the requirements for registered degree programs at Dowling College and Globe Institute of Technology, the respective degree as listed below:

Dowling College

The following student has completed the requirements for a Master of Science (M.S.) degree program:

Witt, Timothy J.

Globe Institute of Technology

The following student has completed the requirements for an Associate in Applied Science (A.A.S.) degree program:

Nival Tolentino, Eduardo K.

Plaza College: Regents Authorization to Award the Associate in Science (A.S.) Degree BR (CA) 2

MOVED, that the Board of Regents authorize Plaza College to award the Associate in Science (A.S.) degree on students who successfully complete registered programs at Plaza College effective October 8, 2019.

Proposed Amendment to Sections 80-3.15 and 80-4.3 of the Regulations of the Commissioner of Education Relating to the Extension of the Application Deadline for the Statement of Continued Eligibility (SOCE) for Certain Teachers of Students with Disabilities and to the Extension of the Deadline for Completing Teaching Experience While Under a HOUSSE Rubric for the SOCE and Limited Extension for Certain Teachers of Students with Disabilities BR (CA) 3

MOVED, that Sections 80-3.15 and 80-4.3 of the Regulations of the Commissioner of Education be adopted, as submitted, effective October 23, 2019.

**Proposed Amendments to Sections 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education Relating to the Eligibility Requirements for the Endorsement Pathway for Certification as an Educator in the Classroom Teaching Service or in the Educational Leadership Service
BR (CA) 4**

MOVED, that §80-5.8 and §80-5.20 of the Regulations of the Commissioner of Education be adopted effective October 23, 2019.

P-12 Education

**Proposed Amendments to Sections 100.2(hh), 200.7, 200.20 and Subpart 57-1 of the Regulations of the Commissioner of Education Relating to Reports of Child Abuse in an Educational Setting
BR (CA) 5**

MOVED, that Sections 100.2(hh), 200.7, 200.20, and Subpart 57-1 of the Regulations of the Commissioner of Education be amended, as submitted, effective October 23, 2019.

**Proposed Amendment to §155.17 of the Regulations of the Commissioner of Education Relating to School Safety Plans
BR (CA) 6**

MOVED, that §155.17 of the Regulations of the Commissioner of Education be amended, effective October 14, 2019, as an emergency action for the preservation of the general welfare in order to conform §155.17 of the Commissioner's regulations with the amendments made to Education Law §2801-a, as amended by Section 32 of Part YY of Chapter 59 of the Laws of 2019 and to ensure that the emergency rule adopted at the July 2019 Board of Regents remains continuously in effect until it can be adopted as a permanent rule.

MOVED, that §155.17 of the Regulations of the Commissioner of Education be amended, as submitted, effective October 23, 2019.

**Proposed Amendment to Section 175.5 of the Regulations of the Commissioner of Education Providing for a Waiver for Up to Four School Years (2018-2019, 2019-2020, 2020-2021 and/or 2021-2022) for Certain School Districts That Cannot Meet the Minimum Instructional Hours Because of Safety and/or Scheduling Issues
BR (CA) 9 - REVISED**

MOVED, that section 175.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective October 14, 2019, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to provide schools districts with notice that if they cannot meet the minimum instructional requirements due to safety and/or scheduling issues they can apply to the Commissioner for a single waiver for up to four years of such requirements by November 15, 2019 and to ensure that the emergency rule adopted at the October 2019 meeting remains in effect until it can be adopted as a permanent rule.

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 the Board of Regents should approve the proposed (re)appointments.

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

MOVED, that the Regents approve the recommendations of the Committee on the Professions regarding the licensing petition and degree conferrals.

MOVED, that the Regents approve the consent agenda items.

Motion by: Regent Christine D. Cea
Seconded by: Regent Nan Eileen Mead
Action: Motion passed unanimously.

STANDING COMMITTEE REPORTS

ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES)

Your Adult Career and Continuing Education Services (ACCES) Committee held a meeting on October 7, 2019. All members were present, except for Regent Norwood, who was excused.

MATTERS NOT REQUIRING BOARD ACTION

Update on Pathways to a High School Equivalency Diploma – The Committee was provided with an update on the four pathways to a High School Equivalency (HSE) Diploma in New York State. The primary pathway to an HSE Diploma is by taking and passing the Test Assessing Secondary Completion (TASC™) exam which was adopted in 2014. In addition to the TASC™, there are three other pathways to achieve an HSE diploma: 24 College Credits – obtained via college credit earned; National External Diploma Program – enables local Board of Education to award a local HSE diploma based on an experimental program approved by the Commissioner; and, The Regents-HSE Exam – the option to substitute passing scores from prior Regents exams, or any other exam approved by the Commissioner, for corresponding TASC™ subtests. Data was presented showing the number of HSE diplomas awarded using each of the four pathways and a combined total of pathways by test year.

2020-21 Non-State Aid Budget and Legislative Priorities – The Committee was provided with an update on the 2020-21 potential Non-State Aid budget and legislative priorities for ACCES. The proposed priorities include: Enhancing supports and services for postsecondary success of students with disabilities; Bridge to college and careers pilot program; and, Expansion of the reader's aid program.

CULTURAL EDUCATION

Your Committee on Cultural Education had its scheduled meeting on October 8, 2019. Regent Roger Tilles and Regent Judith Johnson, Co-Chairs of the Cultural Education Committee, submitted the following written report. In attendance were committee members: Regent Tilles, Co-Chair, Regent Johnson, Co-Chair, Regent Cea, Regent Cottrell, Regent Ouderkirk and Regent Mead. Regents, in addition to Cultural Education Committee members, in attendance were: Chancellor Rosa, Vice Chancellor Brown, Regent Cashin, Regent Norwood, Regent Chin, Regent Collins, Regent Hakanson, Regent Reyes, and Regent Mittler. Also, in attendance were Interim Commissioner Beth Berlin and Counsel Shannon Tahoe.

ITEMS FOR DISCUSSION

Co-Chairs Regent Tilles and Regent Johnson welcomed everyone. Deputy Commissioner Mark Schaming informed the Regents of the newest issue of the New York History journal, which is now published under a new collaboration between the New York State Museum and Cornell University Press. Deputy Commissioner Schaming also provided an update on the New York State Summer School of the Arts 2019 summer session and shared a short video from one of the public concerts performed by the School of Orchestral Studies this summer.

Update on Programs and New Acquisitions at the State Archives (Discussion) [CE (D) 1]

Tom Ruller, State Archivist, provided an update on the status of State Archives programs and highlighted new acquisitions to the Archives' collection. The Archives preserves over 250 million documents representing New York's colonial and state governments and has responsibility for records management programs for state and local government records as well as providing services to non-government archival repositories across the state.

Appointment to the Regents Advisory Council on Libraries (Action) [CE (A) 1]

Deputy Commissioner Mark Schaming introduced the recommended appointments to the Library Regents Advisory Council. Members of the Library Regents Advisory Council advises the Board on issues concerning library policy, works with the officers of the State Education Department in developing a comprehensive statewide library and information policy, and makes recommendations to the Regents for implementing library programs and initiatives. The recommended appointments to the Library Regents Advisory Council are: Chancey Fleet, Assitive Technology Coordinator at New York Public Library (five-year term); Manami Tezuka, Supervisor of Library Media Services at Syracuse City School District (five-year term); Dr. Jamie Smith, Dean of Liberal Arts, Science, and Initiatives at Erie Community College (five-year term); and Tatiana Bryant, Assistant Professor/Outreach and Promotion Librarian, Adelphi University (four-year term).

Motion: Regent Ouderkirk

Second: Regent Cottrell

Unanimous vote in favor of the motion.

Non-State Aid Budget and Legislative Initiatives (Discussion) [CE (D) 2]

Interim Commissioner Beth Berlin presented proposals for the Board's 2020 Non-State Aid budget and legislative priorities that relate to the Office of Cultural Education. The proposals include: an increase of \$11 million for State Aid for Library Construction (for a total of \$45 million), \$1.5 million for continuing access to the New York State Summer School of the Arts program, and \$5 million to support the enactment of the Museum Education Act.

HIGHER EDUCATION

Your Higher Education Committee held its scheduled meeting on October 7, 2019. All members were present except Regent Finn.

ACTION ITEM

MOTION FOR ACTION BY FULL BOARD

Madam Chancellor and Colleagues: Your Higher Education Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in

the written report of the Committee's deliberations at its meeting on October 7, 2019, copies of which have been distributed to each member of the Board of Regents.

Matters Requiring Board Action:

Fei Tian College – Change in Scope of Institutional Accreditation - Your Committee heard Department staff present a proposal by Fei Tian College to change its scope of accreditation to include the Middletown branch campus and the new degree programs to be offered at the branch campus. The Board of Regents is the Institutional Accrediting Agency for Fei Tian College. In accordance with Regents Rules Section 4-1.5(d), Regents accredited institutions that undergo a substantive change must apply to the Department for a substantive change of scope in accreditation which must be approved by the Board. The Board approved a change in scope of the institutional accreditation of Fei Tian College, in recognition of the institution's authority to award the Bachelor of Fine Arts (B.F.A.), Master of Fine Arts (M.F.A.), and Bachelor of Science (B.S.) degrees at the newly established branch campus in Middletown, NY.

Matters Not Requiring Board Action:

Proposed Amendments to Sections 80-3.15 and 80-4.3 of the Regulations of the Commissioner of Education Relating to the Limited Extension, Statement of Continued Eligibility and Subject Area Extension in Grades 7-12 for Certain Teachers of Students with Disabilities - Your Committee discussed whether the Board of Regents should approve the amendments to the Commissioner's Regulations that add general science and languages other than English to the list of subject areas for the limited extension and statement of continued eligibility (SOCE) for certain teachers of student with disabilities. Your Committee also discussed whether the Board of Regents should approve technical amendments to the Commissioner's Regulations that add certain special education certificate titles to the list of titles eligible for the limited extension, SOCE, and subject area extension in grades 7-12 for certain teacher of student teachers with disabilities. Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its January 2020 meeting. If adopted at the January 2020 meeting, the proposed amendment will become effective on January 29, 2020.

Non-State Aid Budget and Legislative Initiatives - Your Committee reviewed and discussed proposals for inclusion in the Board's 2020 State Budget and legislative priorities.

Consent Agenda

The Board of Regents acted on the following consent agenda items at the October 2019 meeting.

- Amendment to Sections 80-3.15 and 80-4.3 of the Regulations of the Commissioner of Education Relating to the Extension of the Application Deadline for the Statement of Continued Eligibility (SOCE) for Certain Teachers of Students with Disabilities and to the Extension of the Deadline for Completing Teaching Experience While Under a HOUSSE Rubric for the SOCE and Limited Extension for Certain Teachers of Students with Disabilities. The Board of Regents voted that Sections 80-3.15 and 80-4.3 of the Regulations of the Commissioner of Education be adopted, as submitted, effective October 23, 2019.
- Amendment to Sections 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education Relating to the Eligibility Requirements for the Endorsement Pathway for Certification as an Educator in the Classroom Teaching Service or in the Educational Leadership Service. The Board of Regents voted that Sections 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education be adopted effective October 23, 2019.
- Conferral of Degrees: Dowling College and Globe Institute of Technology. The Board of Regents approved the conferral of the respective degrees upon listed individuals who have completed the requirements for registered degree programs at Dowling College and Globe Institute of Technology.
- Plaza College: Regents Authorization to award the Associate in Science (A.S.) Degree. The Board of Regents voted to authorize Plaza College to award the Associate in Science (A.S.) degree on students who successfully completed programs at Plaza College effective October 8, 2019.

P-12 EDUCATION

Your P-12 Education Committee held its scheduled meeting on October 7, 2019. All members were present, except for Regent Norwood, who was excused.

MATTERS NOT REQUIRING BOARD ACTION

2020-21 Non-State Aid Budget and Legislative Priorities [P-12 (D) 1] – Your Committee discussed previous Non-State Aid proposals and identified and discussed new initiatives for consideration for inclusion in the Board’s 2020- 21 Non-State Aid budget and legislative priorities. The proposals will be sent back to committees as appropriate in November for further consideration and will come before the full Board in December for approval.

Progress Update on the Rollout of the Next Generation English Language Arts and Mathematics Standards [P-12 (D) 2] - Staff updated the Committee on the guidance and resources created, as well as the activities accomplished to date related to the rollout of the Next Generation ELA and Math Standards.

Early Childhood Blue Ribbon Committee - Your Committee continued the discussion regarding the Early Childhood Blue Ribbon Committee's report and work thus far.

P-12 EDUCATION/HIGHER EDUCATION JOINT MEETING

Your P-12 Education and Higher Education Committees held their scheduled joint meeting on October 7th and 8th, 2019. All members were present on both days.

MATTERS NOT REQUIRING BOARD ACTION

Proposed Adoption of Part 121 to the Regulations of the Commissioner Relating to Student Data Privacy and Security [P-12/HE (D) 1] - Your Committees discussed adopting the proposed addition of Part 121 to the Commissioner's regulations to implement Education Law §2-d relating to protecting personally identifiable information.

ACTION ITEMS

Amendment of Subparts 30-2 and 30-3 of the Rules of the Board of Regents Relating to Annual Professional Performance Reviews (APPR) of Classroom Teachers and Building Principals to Implement Chapter 59 of the Laws of 2019 [P-12/HE (A) 1] - Your Committees recommended that the existing Subpart 30-2 be repealed, that the existing Subpart 30-3 be renumbered to Subpart 30-2, that the title of the new Subpart 30-2 and section 30-2.1 were amended, and addition of a new Subpart 30-3 of the Rules of the Board of Regents be added as an emergency action, effective October 8, 2019, upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to timely implement the provisions of section 52-m of the Part YYY of Chapter 59 of the Laws of 2019 relating to a revised annual teacher and principal evaluation system.

PROFESSIONAL PRACTICE

Your Professional Practice Committee held its scheduled meeting on October 8, 2019. All members were present. Chancellor Betty A. Rosa and Regent Kathleen M. Cashin were also present, 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 3 cases. In addition, your Committee recommends, upon the

recommendation of the Committee on the Professions, that 46 consent order applications and 9 surrender applications be granted.

These recommendations are made following the review of 58 cases involving twenty licensed practical nurses, thirteen registered professional nurses, three dentists, three licensed practical nurses who are also registered professional nurses, three professional engineers, one certified public accountant, one clinical laboratory technologist, one land surveyor, one licensed clinical social worker, one massage therapist, one pharmacist, one pharmacy, one physical therapist, one physical therapist assistant, one professional engineer professional corporation, one registered professional nurse who is also a nurse practitioner (Adult Health), and one respiratory therapy technician.

MOTION FOR ACTION BY FULL BOARD

Madam Chancellor and Colleagues: Your Professional Practice Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on October 8, 2019, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Your Committee discussed several topics of interest, including:

- Deputy Commissioner's Report/Update
- Full Board Consent Agenda Items
- Board (Re)Appointments
- Licensing Petitions/ Conferral of Degrees

Proposed Amendment to Sections 52.14 and 73.1 of the Regulations of the Commissioner of Education Relating to the Requirements for Chiropractic Education Programs and Education Requirements for Licensure as a Chiropractor (Discussion) - The purpose of the proposed amendment to sections 52.14 and 73.1 is to conform the preprofessional education requirements for licensure as chiropractor to the national standards.

Non-State Aid Budget and Legislative Initiatives (Discussion) - The Regents advance Non-State Aid budget and legislative requests every year, which reflect initiatives that support the Board's priorities by augmenting or adding funds to the State Education Department's budget.

Report revised October 10, 2019

MOVED, that the Committee Reports be approved.

Motion by: Regent Judith Chin
Seconded by: Regent Nan Eileen Mead
Action: Motion carried unanimously.

**State Education Department September 2019 Fiscal Report
BR (A) 3**

MOVED, that the Board accepts the September 2019 State Education Department Fiscal Report as presented.

Motion by: Regent Catherine Collins
Seconded by: Regent Elizabeth S. Hakanson
Action: Motion carried unanimously.

APPOINTMENT

**Appointment of Shannon Tahoe as Acting Counsel and
Deputy Commissioner for Legal Affairs
BR (A) 4**

MOVED, that the Board of Regents accept the appointment of Shannon Tahoe as Acting Counsel and Deputy Commissioner for Legal Affairs, effective October 8, 2019.

Motion by: Regent Luis O. Reyes
Seconded by: Regent Susan W. Mittler
Action: Motion carried unanimously.

Chancellor Rosa adjourned the meeting.

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)
Albany-Saratoga Sub Vets Memorial Foundation	CE	Schenectady (Schenectady)	Dissolve provisional charter.
Central Square Community Historical Society	CE	Oswego (Central Square)	Extend provisional charter for five years.
Clark Farm and Homestead History Museum	CE	Yates (Penn Yan)	Grant provisional charter for five years.
Cragsmoor Contemporary Arts	CE	Ulster (Cragsmoor)	Grant a Regents certificate of incorporation.
Morristown Gateway Museum	CE	St. Lawrence (Morristown)	Extend provisional charter for five years.
National September 11 Memorial and Museum at the World Trade Center	CE	New York (New York)	Grant an absolute charter and merger with National September 11 Memorial and Museum at the World Trade Center Foundation, Inc. with National September 11 Memorial and Museum at the World Trade Center as the surviving corporation.
Philipstown Masonic Historical Society	CE	Putnam (Nelsonville)	Extend provisional charter for five years.
The Oakdale Historical Society	CE	Suffolk (Oakdale)	Extend provisional charter for five years.
Saranac Lake Free Library	CE	Franklin (Saranac Lake)	Amend charter to: <ul style="list-style-type: none"> • specify trustee range to be not less than nine nor more than seventeen; • designate Commissioner as agent for service; and • update IRS dissolution language.

Name of Institution	Program Area	County (City/Town) of Location	Description of Charter Action(s)
Sherman Historical Society	CE	Chautauqua (Sherman)	Grant provisional charter for five years.
Town of Schuyler Historical Society	CE	Oneida (Utica)	Grant provisional charter for five years.
The Francis School	P12	Richmond (Staten Island)	Dissolve charter, approval to store student records with Community Education Council 31 and approval to distribute remaining assets to St. Joseph Hill Academy Elementary and High School and Grasmere and Cameron Lakes Bluebelt Conservancy, Inc.
St. Aloysius Regional School	P12	Erie (Springville)	Extend provisional charter for three years.
New York Graduate School of Psychoanalysis	OP	New York (New York)	Extend provisional charter for five years.
Bramson ORT Technical Institute	ACCES	New York (New York)	Consent to filing of certificate of assumed name "Bramson ORT Institute of Technology".

Appendix II

REGENTS ACTIONS IN 58 PROFESSIONAL DISCIPLINE CASES

October 8, 2019

The Board of Regents announced disciplinary actions resulting in the revocation of 1 license, surrender of 9 licenses, and 48 other disciplinary actions. The penalty indicated for each case relates solely to the misconduct set forth in that particular case.

I. REVOCATION AND SURRENDERS

Dentistry

John W. Wolf; Dentist; Butner, NC 27509; Lic. No. 038642; Cal. No. 31345; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Conspiracy to Possess with Intent to Distribute Methamphetamine; and Possession of Child Pornography, both felonies.

Engineering, Land Surveying and Geology

Scott Leslie Schnall; Professional Engineer; Brooklyn, NY 11201; Lic. No. 075316; Cal. No. 30473; Application to surrender license granted. Summary: Licensee admitted to charges of knowingly making three material false statements with regard to proposed project applications filed with the New York City Department of Buildings which falsely certified that said applications and work proposed by said projects conformed to all applicable laws or regulations; negligently making four material false statements with regard to various proposed projects applications filed with the New York City Department of Buildings; and, between 2010 and 2014, filing six limited supervisory check applications with the New York City Department of Buildings that professionally certified that the proposed project complied with all applicable laws when said proposed projects failed to conform to the relevant Zoning Resolution.

Massage Therapy

Matthew Thomas Widener; Massage Therapist; Farmingville, NY 11738; Lic. No. 027130; Cal. No. 31433; Application to surrender license granted. Summary: Licensee admitted to the charge of conduct in the profession which evidences moral unfitness.

Nursing

John Richard Reta; Registered Professional Nurse; Fuquay Varina, NC 27526; Raleigh, NC 27603; Catskill, NY 12414; Lic. No. 658899; Cal. No. 29562; Found guilty of professional misconduct; Penalty: Revocation.

Diana L. Katzenberger; Licensed Practical Nurse; Liberty, NY 12754-1326; Lic. No. 294022; Cal. No. 31475; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Willful Violation of Health Laws, an unclassified misdemeanor.

Jessica Lynn Bosch; Registered Professional Nurse; Mandeville, LA 70448; Lic. No. 568875; Cal. No. 31491; Application to surrender license granted. Summary: Licensee admitted to the charge of having been found guilty of professional misconduct in Louisiana, where the conduct if committed in New York would constitute practicing the profession while the ability to practice is impaired by drugs.

Diane T. Davis; Licensed Practical Nurse; Tarrytown, NY 10591-4723; Lic. No. 107109; Cal. No. 31525; Application to surrender license granted. Summary: Licensee admitted to the charge of practicing while the ability to practice was impaired by fentanyl.

Paula Marie Kelly; Registered Professional Nurse; San Antonio, TX 78213; Lic. No. 529318; Cal. No. 31572; Application to surrender license granted. Summary: Licensee did not contest the charge of failing to accurately and completely document the administration of medication in a patient's Medical Administration Record.

Physical Therapy

Dahlia Fahmy; Physical Therapist; Northbrook, IL 60062; Lic. No. 014062 Cal. No. 31553; Application to surrender license granted. Summary: Licensee did not contest the charge of having been employed in the position of a physical therapist in the State of Florida without possessing a valid license to practice the profession of physical therapy.

Social Work

Charles W. Rhynhart; Licensed Clinical Social Worker; Albany, NY 12203; Lic. No. 035922; Cal. No. 31379; Application to surrender license granted. Summary: Licensee did not contest the charge of boundary violations.

II. OTHER REGENTS DISCIPLINARY ACTIONS

Clinical Laboratory Technology

Mariana Binkiwitz; Clinical Laboratory Technologist; Fredonia, NY 14063; Lic. No. 004326; Cal. No. 29764; Found guilty of professional misconduct; Penalty: Censure and reprimand, 1 year probation.

Dentistry

Miriam R. Lampert; Dentist; Delmar, NY 12054; Lic. No. 053784; Cal. No. 30934; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Neal F. Vallins; Dentist; New York, NY 10065; Lic. No. 033241; Cal. No. 31172; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$5,000 fine.

Engineering, Land Surveying and Geology

Terrence Thomas Mroczkowski; Land Surveyor; Otego, NY 13825; Lic. No. 049959; Cal. No. 29950; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

John Cosmo Valerio; Professional Engineer; Mineola, NY 11501; Lic. No. 064012; Cal. No. 31248; Application for consent order granted; Penalty agreed upon: Censure and reprimand, \$1,000 fine.

Valerio Associates Consulting Engineers PC; Engineering; Mineola, NY 11501; Cal. No. 31249; Application for consent order granted; Penalty agreed upon: \$500 fine.

Charly Fares Ayoub; Professional Engineer; Brooklyn, NY 11209; Lic. No. 080182; Cal. No. 31317; Application for consent order granted; Penalty agreed upon: 6 months actual suspension, 18 months stayed suspension, 2 years probation, \$10,000 fine.

Nursing

Nora Esther Cummings; Registered Professional Nurse; Altamont, NY 12009; Lic. No. 544200; Cal. No. 30012; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Joseph James Saccaro a/k/a Joseph J. Saccaro; Licensed Practical Nurse; Middle Island, NY 11953; Lic. No. 271659; Cal. No. 30388; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Maria Lei Perry; Licensed Practical Nurse; Fort Edward, NY 12828-1282; Lic. No. 281895; Cal. No. 30977; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Timothy J. Dublynn; Registered Professional Nurse; Staten Island, NY 10308-1302; Lic. No. 625567; Cal. No. 31015; Application for consent order granted; Penalty agreed upon: 2 months actual suspension, 22 months stayed suspension. Upon return to practice, 2 years probation.

Jerry Matthew Cook; Licensed Practical Nurse; Rome, NY 13440; Lic. No. 280521; Cal. No. 31055; Found guilty of professional misconduct; Penalty: Indefinite actual suspension of at least 3 months, until licensee is substance abuse-free and fit to practice. Upon return to practice, 2 years probation, \$500 fine.

Tracey Patrice Walker a/k/a Tracey P. Bailey; Licensed Practical Nurse; Brockport, NY 14420; Lic. No. 265600; Cal. No. 31056; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$250 fine.

Brittani Lynne Johnson; Licensed Practical Nurse; Farmington, NY 14425; Lic. No. 316584; Cal. No. 31064; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Louise M. Munson; Licensed Practical Nurse; Stuyvesant, NY 12173; Lic. No. 226618; Cal. No. 31082; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Shirley Gauthier; Licensed Practical Nurse; Rockville Centre, NY 11570; Lic. No. 298680; Cal. No. 31100; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation.

Daniel Leon; Registered Professional Nurse; Williamsville, NY 14221; Lic. No. 733758; Cal. No. 31119; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Jack L. Ssemanda; Licensed Practical Nurse; Silver Spring, MD 20904-5322; Lic. No. 301877; Cal. No. 31123; 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.

Kara Ann Irvin; Licensed Practical Nurse; East Meadow, NY 11554-1617; Lic. No. 265309; Cal. No. 31139; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Tonya Lee Helmer; Licensed Practical Nurse; Castile, NY 14427-1442; Lic. No. 312611; Cal. No. 31144; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Deja Jantel Davis; Licensed Practical Nurse; Rochester, NY 14621; Lic. No. 323990; Cal. No. 31150; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$250 fine.

Mary C. Freytag; Registered Professional Nurse; Hubberdsville, NY 13355; Lic. No. 567567; Cal. No. 31154; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Marvellous Otaigbe Umheni; Licensed Practical Nurse; Houston, TX 77070; Lic. No. 299273; Cal. No. 31157; Application for consent order granted; Penalty agreed upon: Censure and Reprimand. Upon return to practice in the State of New York, 1 year probation, \$500 fine.

James Palomado Pabelonia; Registered Professional Nurse; Valley Stream, NY 11580-5212; Lic. No. 666373; Cal. No. 31181; Application for consent order granted; Penalty agreed upon: 3 months actual suspension, 21 months stayed suspension, 2 years probation, \$500 fine.

Chantiel Ashanique Cox; Licensed Practical Nurse; Huntington Station, NY 11746; Lic. No. 313537; Cal. No. 31182; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Mary E. Barselle a/k/a Mary E. Cahan; Registered Professional Nurse; Georges Mill, NH 03751-0240; Lic. No. 336693; Cal. No. 31202; 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.

Candace F. Love; Licensed Practical Nurse; Buffalo, NY 14214; Lic. No. 266160; Cal. No. 31217; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension of at least 1 month and until fit to practice. Upon return to practice, 2 years probation, \$500 fine.

Emma Mulloy Cerasoli; Licensed Practical Nurse; Glenmont, NY 12077; Lic. No. 279257; Cal. No. 31224; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Yahchika Capri Leonard; Registered Professional Nurse; Cleveland, OH 43128-1237; Lic. No. 698134; Cal. No. 31246; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension of at least 1 year and until mentally fit to practice. Upon return to practice in the State of New York, 2 years probation.

Maria A. Tavaréz; Licensed Practical Nurse, Registered Professional Nurse; New York, NY 10032; Lic. Nos. 250801, 494396; Cal. Nos. 31253, 31185; Application for consent order granted; Penalty agreed upon: 3 months actual suspension, 21 month stayed suspension, 2 years probation, \$1,000 fine.

Kellianne Marie Billins; Licensed Practical Nurse; Utica, NY 13501-4708; Lic. No. 258913; Cal. No. 31258; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until successfully participate in course of therapy and treatment and until fit to practice. Upon return to practice, 2 years probation. Order to supersede Order No. 30345.

Dymphna Gilhooley; Registered Professional Nurse, Nurse Practitioner (Adult Health); New York, NY 10021; Lic. No. 454595, Cert. No. 302574; Cal. Nos. 31275, 31276;

Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation, \$1,000 fine.

Amanda D. Engle; Licensed Practical Nurse; Middleburgh, NY 12122-0224; Lic. No. 285459; Cal. No. 31286; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice. Upon return to practice, 2 years probation.

Laurie Ann Guererri a/k/a Laurie Ann Chelenza Guererri; Licensed Practical Nurse, Registered Professional Nurse; Phelps, NY 14532; Lic. Nos. 151643, 444869; Cal. Nos. 31289, 31290; Application for consent order granted; Penalty agreed upon: 2 months actual suspension, 22 months stayed suspension. Upon return to practice, 2 years probation, \$500 fine.

Julie Ann Stokley; Licensed Practical Nurse, Registered Professional Nurse; Westhampton Beach, NY 11978-2061; Lic. Nos. 265093, 580162; Cal. Nos. 31319, 31320; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation, \$500 fine.

Neeroopa Davi Surendranath; Registered Professional Nurse; North Baldwin, NY 11510-1001; Lic. No. 654004; Cal. No. 31339; Application for consent order granted; Penalty agreed upon: 3 months actual suspension, 21 months stayed suspension, 2 years probation, \$500 fine, 25 hours public service.

Tammy Lynn Vermilling; Licensed Practical Nurse; Yorkville, NY 13495-1707; Lic. No. 125802; Cal. No. 31355; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation.

Moira Frances Deneen Canty; Registered Professional Nurse; Rockville Centre, NY 11570; Lic. No. 491804; Cal. No. 31365; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation, \$500 fine.

Kristin Marie Fralick; Registered Professional Nurse; Albany, NY 12205; Lic. No. 645877; Cal. No. 31439; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension of at least 6 months and until fit to practice. Upon return to practice, 2 years probation, \$500 fine.

Pharmacy

Glen Cove Pharmacy LLC d/b/a Glen Cove Chemists; Pharmacy; Glen Cove, NY 11542; Reg. No. 025220; Cal. No. 31127; Application for consent order granted; Penalty agreed upon: Censure and reprimand, \$2,500 fine.

Margaret Chen; Pharmacist; Rego Park, NY 11374-1561; Lic. No. 052405; Cal. No. 31161; Application for consent order granted; Penalty agreed upon: 2 months actual suspension, 22 months stayed suspension, 2 years probation.

Physical Therapy

Josue Santiago; Physical Therapist Assistant; Miami, FL 33137; Cert. No. 005884; Cal. No. 30374; Application for consent order granted; Penalty agreed upon: 2 months actual suspension, 22 months stayed suspension, 2 years probation.

Public Accountancy

Leo Berg; Certified Public Accountant; Glen Cove, NY 11542-2923; Lic. No. 115046; Cal. No. 31038; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Respiratory Therapy

Connianne Marie Wendell; Respiratory Therapy Technician; West Sand Lake, NY 12196; Lic. No. 004711; Cal. No. 31201; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation, \$500 fine.



New York State
EDUCATION DEPARTMENT
Knowledge > Skill > Opportunity

ATTACHMENT I

Graduation Measures in New York State

Board of Regents
October 7, 2019



Blue Ribbon Commission

Goal:

To undertake a thoughtful and inclusive process to reaffirm what a New York State high school diploma means and what it ought to signify to ensure educational excellence and equity for all New York State children.

Purpose:

The purpose of the Commission is to review research, practice and policy and to gather input from across the state, to help inform recommendations to:

- reconsider current diploma requirements;
- ensure all students have access to multiple graduation measures; and
- ensure a transition plan timeline allows time to prepare for and implement any changes.

Phases of Work

Phase I: Information Gathering

Regional Workgroups

- Regent(s)
- DS/Big 5
- SED

Regional and Stakeholder Feedback on Guiding Questions

Review of Research and Practices in Other States



Phase II: Blue Ribbon Commission

Blue Ribbon Commission Meets and Develops Recommendations



Phase III: Regents Discussion

Board of Regents Presentation and Policy Discussion

Phase I: Information Gathering

Regional Workgroups

Phase I:
Information
Gathering

Regional
Workgroups

Regional and
Stakeholder
Feedback on
Guiding Questions

Review of
Research and
Practices in
Other States

Regional Workgroups

- Led by Board of Regents Member
- Supported by BOCES District Superintendent(s) and Big Five district staff
- Coordinated by SED internal team

Phase I: Information Gathering

Internal SED Team

SED team to help in this effort that reflects the vast expertise and breadth of SED.

Internal SED Team

- P12
- ACCES
- Accountability
- Bilingual and World Languages
- Communications
- Counsel
- Curriculum & Instruction
- Government Relations
- Higher Education
- Professions
- PTECH
- Regents Office
- Special Education
- Student Support Services

Phase I: Information Gathering

Regional Meetings & Feedback

Regional Meetings in Each Regent Judicial District:

- At least one meeting in each Judicial District
- Outreach to a vast array of regional stakeholders and organizations to ensure every region is part of the conversation
- Format of meetings will provide for discussions to bring ideas forward in a concise, consistent and thoughtful way
- Ideas and information will be captured in each regional area

Public Comment Email Box:

- Establish public comment email box for those who wish to contribute thoughts and ideas but cannot make a meeting

GradMeasures@nysed.gov

Phase I: Information Gathering

Regional Meeting Outreach

Regents Identified Organizations & Individuals

- List of 49 organizations Regents provided to SED
- Community leaders
- Community organizations

Regional Representation of

- CSA
- ESSAA
- NAACP
- NYSASBO
- NYSCOSS
- NYSFSA
- NYSPTA
- NYSSBA
- NYSUT
- SAANYS
- UFT
- Urban League

Workforce

- BCNYS
- Economic development representatives
- NYATEP
- Dept. of Labor

Higher Education

- SUNY/CUNY
- CiCU
- Assoc. of Proprietary Colleges

Student Representatives

- MBK Fellows
- Office of Special Education Youth Advisory Panel

Special Populations

- 11 organizations identified by OSE
- 41 organizations identified by OBEWL

DS Identified Orgs Big 5 School Districts

Research Agencies

- Education Trust
- High Achievement NY
- Rockefeller Institute

Phase I: Information Gathering

Regional Meeting Publicity

NEW: Graduation Measures Listserv

- All individuals & organizations on previous slide
- Sign up via NYSED.gov

Graduation Measures Webpage

All information on the effort including Regents presentations, news releases, meeting schedule, Chancellor's columns, etc.

Social Media

- Twitter
- Facebook
- LinkedIn

News Releases

Direct Outreach Via Listservs

- News & Notes
- Parent Newsletter
- MBK
- Program areas
- **NEW:** Graduation Measures

Op-Ed Opportunities:

- OnBoard
- Additional publications

Phase I: Information Gathering

Guiding Questions

1. What do we want our children to know and to be able to do before they graduate?
2. How do we want them to demonstrate such knowledge and skills?
3. To what degree does requiring passage of Regents exams improve student achievement, graduation rates and college readiness?
4. What other measures of achievement (e.g., capstone projects, alternative assessments or engagement in civic and community activities) could serve as indicators of high school completion?
5. How can measures of achievement accurately reflect the skills and knowledge of our special populations, such as students with disabilities and English language learners?

Phase I: Information Gathering

Review of Research & Practices in Other States

- Two major components of the information gathering phase are:
 - Review of Current Research
 - Compilation of practices in other states
- SED is seeking a partner to undertake these two components of the information gathering phase.

Draft Timeline

Phase I: Information Gathering

- **November 2019 – January 2020:**
 - Regional workgroups hold meetings and gather feedback from across the state.
 - Review of research and practices in other states.
- **February 2020:**
 - Establish the Blue Ribbon Commission (BRC) and draft meeting schedule.
 - Compile Regional Meeting feedback and review of research and practices in other states.

Phase II: Blue Ribbon Commission

- **March 2020:** Commission's first meeting – the BRC convenes and defines the scope of its work.
- **April 2020:** Blue Ribbon Commission second meeting to identify priority areas and a framework for moving forward. Establish sub-groups for priority areas.
- **May 2020 – September 2020:** Sub-groups meet.
- **October 2020 – November 2020:** Sub-groups develop proposed recommendations.
- **Winter 2021:** Sub-groups advance recommendations to the BRC.
- **Spring 2021 – Summer 2021:** The BRC finalizes recommendations and a report is prepared.

Phase III: Regents Discussion

- **Fall 2021:** The Blue Ribbon Commission's final report is presented to the Board of Regents for consideration.

Immediate Next Steps

- Regents fill out survey on availability and which area in judicial district is preferred meeting location.
- If needed, a planning call can be held with the Regent, Secretary to the Board, local District Superintendents and Internal SED Team in advance of regional meeting.
- Work with Regents and DSs to determine dates and locations of the meetings, so they can be announced in November.
- Regional workgroups collect the contact information of individuals and organizations the Regents, DSs and Big 5 Districts have identified.
- Based on feedback from Regents on the Guiding Questions, the Internal SED Team will develop the toolkit to host the meetings. The toolkit will be completed by the November Board of Regents meeting.