



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

TO: The Honorable Members of the Board of Regents

FROM: Christopher J. Halpin, Secretary

SUBJECT: Summary of the June 2023 Meeting

DATE: July 6, 2023

AUTHORIZATION(S):

SUMMARY

Issue for Decision

Should the Board of Regents approve the Summary of the June 2023 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 June 2023 meeting.

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.

Background Information

Not applicable.

Related Regents Items

Not applicable.

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: that the Summary of the June 2023 Meeting of the Board of Regents of The University of the State of New York be approved.

Timetable for Implementation

Effective July 17, 2023.



SUMMARY OF THE JUNE 2023 MEETING

OF THE BOARD OF REGENTS

OF

THE UNIVERSITY OF THE STATE OF NEW YORK

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

June 12 and 13, 2023

***Christopher J. Halpin, 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 in Albany on Monday, June 12 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Monday, June 12 at 9:00 a.m.

Board Members in Attendance:

Lester W. Young, Jr., *Chancellor*
Roger Tilles
Christine D. Cea
Wade S. Norwood
Kathleen M. Cashin
James E. Cottrell
Judith Chin
Catherine Collins
Luis O. Reyes
Susan W. Mittler
Frances G. Wills
Aramina Vega Ferrer
Shino Tanikawa
Roger P. Catania

Also present were Commissioner, Betty A. Rosa, Executive Deputy Commissioner, Sharon Cates-Williams, Senior Deputy Commissioner for Education Policy, James Baldwin, Counsel and Deputy Commissioner for Legal Affairs, Daniel Morton-Bentley, and Secretary, Board of Regents, Christopher J. Halpin. Vice Chancellor Josephine Victoria Finn, and Regents Elizabeth S. Hakanson and Adrian I. Hale were absent and excused.

ACTION ITEM

Executive Session Motion

MOVED, that the Board of Regents convene in executive session on Monday, June 12th at 3:45 pm to discuss personnel matters and Tuesday, June 13th at 10:30 am to discuss litigation matters.

Motion by: Regent Roger Tilles
Seconded by: Regent Shino Tanikawa
Action: Motion passed. Regents Wade S. Norwood was absent for the vote.

PRESENTATION

Creating a Safe, Supportive and Affirming School Environment for Transgender and Gender Expansive Students: 2023 Legal Update and Best Practices

Kathleen DeCataldo, Ann Lanoue, Michael Montoya, Michael Paff, D Ed, School Psychologist for Highland High School and a student provided an overview of legal updates and best practices to foster an educational environment for all students that is safe and free from discrimination regardless of sex, gender identity or expression and to facilitate compliance with local, state and federal laws concerning bullying harassment discrimination and student privacy (Attachment I).

Chancellor adjourned the meeting.

MEETING OF THE FULL BOARD, Tuesday, June 13 at 10:50 a.m.

Board Members in Attendance:

Lester W. Young, Jr., *Chancellor*
Roger Tilles
Christine D. Cea
Wade S. Norwood
Kathleen M. Cashin
James E. Cottrell
Judith Chin
Catherine Collins
Luis O. Reyes
Susan W. Mittler
Frances G. Wills
Aramina Vega Ferrer
Shino Tanikawa
Roger P. Catania

Also present were Commissioner, Betty A. Rosa, Executive Deputy Commissioner, Sharon Cates-Williams, Senior Deputy Commissioner for Education Policy, James Baldwin, Counsel and Deputy Commissioner for Legal Affairs, Daniel Morton-Bentley, and Secretary, Board of Regents, Christopher J. Halpin. Vice Chancellor Josephine Victoria Finn, and Regents Elizabeth S. Hakanson and Adrian I. Hale were absent and excused. Regent Wade S. Norwood participated by videoconference from a private location.

SCHOLARSHIP AND AWARD PRESENTATIONS

2023 Regent Eleanor Powell Bartlett Career and Technical Education Scholarships

Chancellor Young opened the presentation of the 2023 Regent Eleanor Powell Bartlett Career and Technical Education (CTE) Scholarships.

Regent Eleanor Powell Bartlett endowed a scholarship to award \$1,000 each year to a senior-year CTE high school student seeking post-secondary opportunities in CTE. This inaugural scholarship recognizes the important role that CTE plays in New York. For this inaugural year two students are receiving a scholarship.

David Frank, Assistant Commissioner of the Office of Education Policy, introduced the following 2023 Regent Eleanor Powell Bartlett Career and Technical Education Scholarship Recipients.

The first recipient was Tyler Drexel, from the Duaneburg Central School District. Tyler is currently enrolled in Heavy Equipment/Construction program training and plans to enroll in the Entrepreneurship program at Schenectady County Community College.

The second recipient was Hannah Schermerhorn, from the Ichabod Crane Central School District. Hannah plans on attending Dutchess Community College to continue her studies in Aviation.

Better Beginnings Award

Chancellor Young introduced the Better Beginnings Award. Since 1991, the Board of Regents has sponsored the Better Beginnings Award, which is endowed by the Helen Bach Moss Memorial Fund and honors the life and career of Helen Bach Moss, a New York State educator who passed away in 1988.

The Better Beginnings award recognizes early childhood education as one of the most important investments in the long-term educational success of our students. Each year, the Better Beginnings Award recognizes an elementary teacher who exhibits the same qualities that made Helen Moss so impactful - finding and nurturing the strengths of each student while fostering relationships among students, parents, colleagues, administrators, and the community.

Chancellor Young expressed his gratitude to Dr. Michael Moss and family for funding this award for over three decades. Dr. Moss provided remarks upon the final award of the endowment.

Regent Frances G. Wills introduced the 2023 recipient of the Better Beginnings Award, Meaghan Boyle. Meaghan is a kindergarten special education teacher at Putnam Valley Elementary School.

She began her career as a teacher aide before going back to school to pursue a degree in teaching and has been teaching kindergarten at Putnam Valley Elementary School for 14 years. Recognizing the need to support her students to develop their independent living skills and academic potential, Meaghan also completed additional training to become a Board-Certified Behavior Analyst.

ACTION ITEMS

Charter Applications BR (A) 1 - REVISED

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

**Supplemental Charter Applications
BR (A) 1 - SUPPLEMENTAL**

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

**Summary of the May 2023 Meeting of the Board of Regents
BR (A) 2**

MOVED, that the Summary of the May 2023 Meeting of the Board of Regents of The University of the State of New York be approved.

Motion by: Regent Roger Tilles
Seconded by: Regent Christine D. Cea
Action: Motion passed unanimously.

**State Education Department May 2023 Fiscal Report
BR (A) 3**

MOVED, that the Board of Regents approve the State Education Department May 2023 Fiscal Report as presented.

Motion by: Regent Aramina Vega Ferrer
Seconded by: Regent Frances G. Wills
Action: Motion passed unanimously.

PROGRAM AREA CONSENT ITEMS

Higher Education

**Conferral of Degrees: Glasgow Caledonian New York College
BR (CA) 1**

MOVED, that the Board of Regents confer upon the following individuals, who have completed the requirements for registered degree programs at Glasgow Caledonian New York College, the respective degree as listed below.

Glasgow Caledonian New York College

The following students have completed the requirements for the Master of Science (M.S.) award:

Anjana Baburaj
Jacqui Getz
Kate Wallace

Lidia Alvarez
Vishakha Hedau
Emily Macleod

**Appointments and Reappointments to the State Professional Standards and Practices Board for Teaching
BR (CA) 2**

MOVED, that the Board of Regents appoints and reappoints the following individuals to the State Professional Standards and Practices Board for Teaching (PSPB) pursuant to section 3.14 of the Rules of the Board of Regents and the PSPB Bylaws: Elizabeth Byrnes (student) for a two-year term commencing July 1, 2023 and expiring June 30, 2025; Steve Gamache (public) for a four-year term commencing June 30, 2023 and expiring June 30, 2027; James Skoog (administrator) for a four-year term commencing July 1, 2023 and expiring June 30, 2027; Denise Farrelly (higher education) to complete the unexpired portion of a four-year term commencing July 1, 2023 and expiring June 30, 2025; Natasha Cooke-Nieves (higher education) for a four year term commencing September 30, 2023 and expiring September 30, 2027; Glenn Jeffers (public) and Coretta Wright (administrator) for reappointment of a four-year term commencing July 1, 2023 and expiring on June 30, 2027; Julie Gorlewski (higher education) for reappointment commencing September 30, 2023 and expiring on September 30, 2027; Kathleen Briggs (teacher) and Patrick Wong (teacher) for reappointment of a four-year term commencing December 31, 2023 and expiring December 31, 2027.

**Master Plan Amendment
BR (CA) 3**

MOVED, that the Board of Regents approve the master plan amendment application for Vaughn College of Aeronautics and Technology in the item's summary table.

**Proposed Amendment of Section 52.21 of the Regulations of the Commissioner of Education Relating to the Pilot P-20 Partnerships for Principal Preparation Program
BR (CA) 4**

MOVED, that section 52.21 of the Regulations of the Commissioner of Education be amended, as submitted, effective June 28, 2023.

**Proposed Amendment of Section 80-2.1 of the Regulations of the Commissioner of Education Relating to the Deadline to Apply and Qualify for the Provisional School Counselor Certificate
BR (CA) 5**

MOVED, that section 80-2.1 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 17, 2023, as an emergency rule

upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to immediately extend the date by which candidates who completed a registered program leading to Provisional School Counselor certification would need to apply and qualify for this certificate to February 2, 2024, and to ensure that the emergency action taken at the April 2023 meeting remains continuously in effect.

Higher Education/ P-12 Education

**Proposed Amendment of Section 30-1.8 of the Rules of the Board of Regents and Sections 52.21, 80-3.2, 80-3.3, and 80-3.7 of the Regulations of the Commissioner of Education Relating to Establishing the Indigenous Culture and Language Studies (All Grades) Certificate
BR (CA) 6**

MOVED, that section 30-1.8 of the Rules of the Board of Regents and sections 52.21, 80-3.2, 80-3.3, and 80-3.7 of the Regulations of the Commissioner of Education be amended, as submitted, effective June 28, 2023.

P-12 Education

**Petition of the City School District of the City of Hornell for Consent to Exceed the Constitutional Debt Limit
BR (CA) 7**

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 Hornell in excess of the constitutional debt limit of said school district, in an amount not to exceed \$27,890,000, to be used to authorize certain capital improvements consisting of addition to, and construction and reconstruction of, existing school buildings and facilities, site improvements and the acquisition of certain original furnishings, equipment, and apparatus and other incidental improvements required in connection therewith for such construction and school use., in excess of the constitutional debt limit of said school district.

**Petition of the City School District of the City of Olean for Consent to Exceed the Constitutional Debt Limit
BR (CA) 8**

MOVED, that the Board of Regents hereby gives consent to authorize the district to continue to undertake and finance a “Modification of Capital Improvements Project, 2020” (“The Modified Project”) that continues to consist of addition to and reconstruction of, school buildings and other facilities, and various site and athletic field improvements, but now at a revised estimated maximum cost of \$30,300,000. To expend or apply toward The Modified Project (during the 2020-2021 fiscal year of the district, with this having already occurred) \$750,000 from the district’s capital reserve fund, to expend or apply toward The Modified Project (during the 2022-2023 fiscal year of the district) an

additional \$1,500,000 from the district's capital reserve fund, and to finance the balance of the cost of The Modified Project by the issuance of serial bonds or other obligations of the district in a revised aggregate principal amount of not to exceed \$28,050,000 pursuant to local finance law.

**Registration of Public Schools
BR (CA) 9**

MOVED, the schools listed on the table contained in the item be registered effective with the beginning of the 2023-24 school year.

**The Registration of Religious and Independent High Schools Visited
in the Spring of 2023
BR (CA) 10**

MOVED, that the following schools, which have requested high school registration and received pending registration, be fully registered:

<u>School</u>	<u>County</u>	<u>Recommended Status</u>
MDQ Academy	Suffolk	Registered
Al-Mamoor School	Queens	Registered
Shulamith School for Girls	Nassau	Registered
Shalsheles Bais Yaakov H.S.	Kings	Registered
Bnos Derech Yisroel of Monsey	Rockland	Registered

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) 11**

MOVED, that the Board of Regents approve the proposed (Re)Appointments of Members to the State Boards for the Professions and (Re)Appointments of Extended Members to the State Boards for the Professions.

**Report of the Committee on the Professions Regarding Licensing Petitions and
Degree Conferrals
BR (CA) 12**

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

**Proposed Amendment of Section 61.18 of the Regulations of the Commissioner of Education Relating to the Residency Program Requirement for Dental Licensure
BR (CA) 13**

MOVED, that section 61.18 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 15, 2023, as an emergency action, upon the finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare in order to timely implement the provisions of Chapter 613 of the Laws of 2022, which became effective November 21, 2022, and to ensure that the emergency action taken at the May 2023 meeting remains continuously in effect.

**Proposed Amendment of Section 64.1 of the Regulations of the Commissioner of Education Relating to Education Requirements for Licensure as a Registered/Practical Nurse
BR (CA) 14**

MOVED, that section 64.1 of the Commissioner's Regulations be amended, as submitted, effective July 17, 2023, as an emergency action, upon the finding by the Board of Regents that such action is necessary for the preservation of the public health, safety, and general welfare in order to immediately permit the Department to reject out-of-state nursing programs approved in the original jurisdiction if a nursing program is determined to be unsatisfactory to the department, and to ensure the emergency action taken at the April 2023 meeting remains continuously in effect.

**Proposed Technical Amendment of Section 68.3 of the Regulations of the Commissioner of Education Relating to the Requirements for Admission to the Examination for Licensure as an Engineer
BR (CA) 15**

MOVED, that section 68.3 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 17, 2023, as an emergency rule upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to immediately conform the Commissioner's regulations to Chapter 465 of the Laws of 2021, which became effective April 6, 2022, and to ensure the emergency action taken at the April 2023 meeting remains continuously in effect.

Cultural Education

**"Friends of LongHouse," Represented by Susan R. Gelman, Steven Felsher, Regina Sender Levin, Jane Johnson, Julie Jensen, Carole Rosenberg, and Marcia Wilson vs. Dianne Benson, Nina Gillman, Derick George, Deborah Nevins, Mark Levine, James Zajac, Alexandra Munroe, Sherri Donghia, Richard Dranitzke, Ayse Kenmore, Peter Olsen, and Suzanne Slesin as Trustees of LongHouse Reserve
BR (CA) 16**

MOVED, that the Board of Regents determines that a hearing in this matter is not required and adopts the attached recommended decision which dismisses the petition in its entirety, pursuant to § 3.31 (t) of the Rules of the Board of Regents. Petitioners have sought relief not available under Education Law § 226 (4), and petitioners have alleged facts which, even if proven true, would not warrant removal under Education Law § 226 (4).

MOVED, that the Regents approve the consent agenda items.

Motion by: Regent Judith Chin
Seconded by: Regent James E. Cottrell
Action: Motion passed unanimously.

STANDING COMMITTEE REPORTS

ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES)

The ACCES Committee held its scheduled meeting on June 12, 2023. All members were present, except Regent Elizabeth S. Hakanson, who was absent and excused. Chancellor Lester W. Young, Jr., Regent James E. Cottrell, Regent Frances G. Wills, and Regent Aramina Vega Ferrer also attended the meeting.

MATTERS NOT REQUIRING BOARD ACTION

Independent Living Services - Department staff presented on ACCES-VR funding that supports the delivery of independent living services to New Yorkers with disabilities.

CULTURAL EDUCATION

The Cultural Education Committee held its scheduled meeting on June 12, 2023. All committee members were present except Regent Elizabeth S. Hakanson, who was excused. Chancellor Lester W. Young, Regent Wade S. Norwood, Regent Kathleen M. Cashin, and Regent Judith Chin also attended the meeting

MATTERS NOT REQUIRING BOARD ACTION

Deputy Commissioner's Report - Department staff presented a history of the Juneteenth holiday. Staff also presented a review of cultural resources available to students, teachers, and parents as well as collaborations with P-12 education. These resources and collaborations include: the FindNYCulture.org website; the NY Minute in History podcast; the P-3 cultural resources projection; and the Office of Cultural Education's newsletter.

Friends of the LongHouse Petition for Removal of the Trustees of LongHouse Reserve – Department staff presented the issue of whether the Cultural Education Committee should recommend to the full Board of Regents to hold a hearing pursuant to Education Law § 226 (4) and 8 NYCRR 3.31(t) on the application of the representatives of the “Friends of LongHouse” to remove respondents as Trustees of LongHouse Reserve.

Department staff presented two options for the Committee’s consideration: 1) dismiss the petition and forego a formal hearing or 2) recommend to the full Board of Regents to conduct a hearing. Regent Catania motioned to dismiss the petition and forego a hearing and Regent Cea second the motion. Regent Roger Tilles and Regent Cotrell recused themselves and the motion passed unanimously.

HIGHER EDUCATION

The Higher Education Committee held its scheduled meeting on June 12, 2023. All members were present. Chancellor Lester W. Young, Jr. and Regent Roger Tilles also attended the meeting but did not vote on any action.

MATTERS NOT REQUIRING BOARD ACTION

Proposed Amendment of Section 80-5.23 of the Regulations of the Commissioner of Education Relating to the Requirements for the Endorsement of a Certificate for Service as a School Counselor [HE (D) 1] - Department staff presented proposed regulatory amendments to revise the requirements for endorsing certificates from another U.S. state or territory or the District of Columbia for school counselor certification and create a separate pathway that recognizes comparable school counselor education programs from another U.S. state or territory or the District of Columbia for school counselor certification.

Deputy Commissioner William Murphy reviewed the items on the Consent Agenda.

P-12 EDUCATION

The P-12 Education Committee held its scheduled meeting on June 12, 2023. All members were present with the exception of Vice Chancellor Josephine Victoria Finn. Chancellor Lester W. Young, Jr, Regent Catherine Collins, Regent Luis O. Reyes, and Regent Susan W. Mittler also attended the meeting but did not vote on the action items.

ACTION ITEMS

Proposed Amendment of Section 151-1.3 of the Regulations of the Commissioner of Education Relating to the Universal Pre-Kindergarten Program (UPK) Staffing Qualifications [P12 (A) 1 - REVISED] - Department staff presented proposed amendments to section 151-1.3(e) of the Commissioner’s regulations for emergency

adoption to change the date by which school districts must submit a waiver that would allow personnel employed by an eligible agency that is collaborating with such district to provide prekindergarten services to meet the staff qualifications prescribed by the licensing or registering agency from August first to September first of the current school year.

The Committee recommends that the Board of Regents finds that section 151-1.3 of the Regulations of the Commissioner of Education be amended, as submitted, effective June 16, 2023, as an emergency rule upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to immediately conform the Commissioner's regulations to Part A of Chapter 56 of the Laws of 2023.

The motion passed unanimously.

Proposed Amendment of Section 136.5 of the Regulations of the Commissioner of Education Relating to Requiring Non-public Schools to Follow Concussion Management Protocols [P12 (A) 2] - Department staff presented proposed amendments to the Commissioner's regulations implementing Chapter 617 of the Laws of 2022 which requires non-public schools to follow the same rules and regulations on concussion management protocols as public schools.

The Committee recommends that the Board of Regents finds that section 136.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 1, 2023, as an emergency action, upon the finding by the Board of Regents that such action is necessary for the preservation of the public health, safety, and general welfare in order to timely implement Chapter 617 of 3.

The motion passed unanimously.

Renewal Recommendations for Charter Schools Authorized by the New York City Department of Education [P12 (A) 3] - Department and NYCDOE staff presented recommendations for charter renewals from the NYC DOE Chancellor. The NYC DOE Chancellor recommended that the Board of Regents approve charter renewals for the following charter schools authorized by the NYC DOE Chancellor pursuant to Article 56 of the Education Law (the NYS Charter Schools Act):

- **Bronx Academy of Promise Charter School** (NYC CSD 9) – (Five-year renewal with decrease in authorized enrollment from 815 to 615 and a revised mission statement); and
- **VOICE Charter School of New York** (NYC CSD 30) – (Three-year renewal).

The Committee recommends that the Board of Regents finds that Bronx Academy of Promise Charter School (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight

hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents, therefore, approves the renewal application of Bronx Academy of Promise Charter School as proposed by the Chancellor of the New York City Department of Education, and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2028.

The Committee recommends that the Board of Regents finds that VOICE Charter School of New York (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents, therefore, approves the renewal application of VOICE Charter School of New York as proposed by the Chancellor of the New York City Department of Education, and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2026.

The motion passed. Regent Cashin and Regent Tanikawa opposed.

Renewal Recommendations for Charter Schools Authorized by the Trustees of the State University of New York [P12 (A) 4 - REVISED] - Department staff recommended that the Board of Regents send the following proposed charters back with comments for SUNY's reconsideration:

- **Bronx Charter School for Better Learning II** (NYC CSD 11) (Three-year early renewal term from 2025 to 2028 to align its charter term with the education corporation and Bronx Charter School for Better Learning – current expiration 7/31/25);
- **Harlem Village Academy East Charter School** (NYC CSD 4) (Three-year early renewal term from 2025 to 2028 to align its charter term with the affiliated education corporation, Harlem Village Academy West Charter School and its charters – current expiration 7/31/25); and
- **Harlem Village Academy West 2 Charter School** (NYC CSD 5) (Four-year renewal term from 2024 to 2028 to align its charter term with the education corporation and Harlem Village Academy West Charter School – current expiration 7/31/24).

The Committee recommends that the Board of Regents return the proposed charters for Bronx Charter School for Better Learning II, Harlem Village Academy East Charter School, and Harlem Village Academy West 2 Charter School to the Trustees of the State University of New York for reconsideration, with the following comment and recommendation, “Approving the renewal of any charter school years before the expiration of the charter does not allow timely review of the school’s educational and fiscal soundness; community support; legal compliance; or means by which the school will meet

or exceed enrollment and retention targets for students with disabilities, English language learners, and students who are economically disadvantaged. The charters should be abandoned, and the schools should be directed to resubmit an application no earlier than one year prior to the expiration of the charter terms. While we believe SUNY's continued practice of approving early renewals violates both the spirit and intent of the Charter Schools Act, and is contrary to the established practices of every other authorizer in the state, the law, in its present form, prevents the Regents from taking action to end the practice. Over the past six years, SUNY has repeatedly disregarded Regents' objections on this matter.

The motion passed unanimously.

Renewal Recommendations for Charter Schools Authorized by the Board of Regents [P12 (A) 6] - Department staff presented recommendations for charter renewals. NYSED recommended that the Board of Regents approve charter renewals for the following charter schools authorized by the Board of Regents pursuant to Article 56 of the Education Law (the NYS Charter Schools Act):

- **Charter High School for Law and Social Justice** (NYC CSD 10) – (Four-year renewal and revisions to amend its Key Design Elements, increase the school's authorized enrollment from 450 students to 475 students in Grades 9-12, and eliminate the requirement to contract with a CMO and allow the school to replace its current contract with Shared Space Professional Development, Inc. (SSPD) with a partnership contract with SSPD for professional development beginning in the 2023-2024 school year);
- **Collegiate Academy for Mathematics and Personal Awareness Charter School** (NYC CSD 19) – (Four-year renewal);
- **Edmund W. Gordon Brooklyn Laboratory Charter School** (NYC CSD 13) – (Three-year renewal and a revision to decrease its grade span to remove Grades 9 through 12 from its current Grade 6 through 12 configuration beginning in the 2023-2024 school year);
- **Emblaze Academy Charter School** (NYC CSD 8) – (Three-year renewal and a revision to decrease its enrollment from 360 students to 300 students);
- **John W. Lavelle Preparatory Charter School** (NYC CSD 31) – (Four-year renewal and revisions to amend its Key Design Elements);
- **Lois and Richard Nicotra Early College Charter School** (NYC CSD 31) – (Four-year renewal and revisions to amend its Key Design Element);
- **Math, Engineering, and Science Academy Charter High School** (NYC CSD 32) – (Five-year renewal);
- **New Visions Charter High School for Advanced Math and Science III** (NYC CSD 22) – (Five-year renewal and a revision to decrease its authorized enrollment from 500 students to 430 students);
- **New Visions Charter High School for the Humanities II** (NYC CSD 8) – (Five-year renewal);
- **OnTECH Charter High School** (Syracuse City School District) – (Four-year renewal and revisions to decrease its enrollment from 360 students to 300 students)

and, amend the Brain-Based Learning Key Design Element by modifying the start of the school day from 10:00 a.m. to “later than 8:30 a.m.” beginning in the 2023-2024 school year);

- **South Bronx Classical Charter School II** (NYC CSD 7) – (Five-year renewal);
- **Southside Academy Charter School** (Syracuse City School District) – (Four-year renewal);
- **Urban Dove Team Charter School II** (NYC CSD 7) – (Five-year renewal); and
- **Utica Academy of Science Charter School** (Utica City School District) – (Four-year renewal and revisions to increase its enrollment from 858 students to 975 students and amend its Key Design Elements).

The Committee recommends that the Board of Regents finds that Charter High School for Law and Social Justice: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regent, therefore approves the renewal application of Charter High School for Law and Social Justice and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2027.

The Committee recommends that the Board of Regents finds that that Collegiate Academy for Mathematics and Personal Awareness Charter School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regent, therefore approves the renewal application of Collegiate Academy for Mathematics and Personal Awareness Charter School and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2027.

The Committee recommends that the Board of Regents finds that Edmund W. Gordon Brooklyn Laboratory Charter School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents, therefore, approves the renewal application of Edmund W. Gordon Brooklyn

Laboratory Charter School and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2026.

The Committee recommends that the Board of Regents finds that Emblaze Academy Charter School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents, therefore, approves the renewal application of Emblaze Academy Charter School and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2026.

The Committee recommends that the Board of Regents finds that John W. Lavelle Preparatory Charter School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regent, therefore approves the renewal application of John W. Lavelle Preparatory Charter School and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2027.

The Committee recommends that the Board of Regents finds that Lois and Richard Nicotra Early College Charter School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents, therefore, approves the renewal application of Lois and Richard Nicotra Early College Charter School and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2027.

The Committee recommends that the Board of Regents finds that Math, Engineering, and Science Academy Charter High School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant

educational benefit to the students expected to attend the charter school, and the Board of Regent, therefore approves the renewal application of Math, Engineering, and Science Academy Charter High School and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2028.

The Committee recommends that the Board of Regents finds that New Visions Charter High School for Advanced Math and Science III: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regent, therefore approves the renewal application of New Visions Charter High School for Advanced Math and Science III and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2028.

The Committee recommends that the Board of Regents finds that New Visions Charter High School for the Humanities II: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regent, therefore approves the renewal application of New Visions Charter High School for the Humanities II and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2028.

The Committee recommends that the Board of Regents finds that OnTECH Charter High School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents, therefore, approves the renewal application of OnTECH Charter High School and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2027.

The Committee recommends that the Board of Regents finds that South Bronx Classical Charter School II: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the

purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents, therefore, approves the renewal application of South Bronx Classical Charter School II and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2028.

The Committee recommends that the Board of Regents finds that Southside Academy Charter School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regent, therefore approves the renewal application of Southside Academy Charter Sch I and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2027.

The Committee recommends that the Board of Regents finds that Urban Dove Team Charter School II: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents, therefore, approves the renewal application of Urban Dove Team Charter School II and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2028.

The Committee recommends that the Board of Regents finds that Utica Academy of Science Charter School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regent, therefore approves the renewal application of Utica Academy of Science Charter School and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2027.

There was a motion to sever New Visions Charter High School for the Humanities II, OnTECH Charter High School, and Urban Dove Team Charter School II from the package

of the fourteen schools listed above. Regent Tanikawa made the motion, and Regent Tilles seconded it.

The motion did not carry.

The members then voted on the entire package of fourteen renewals.

The motion passed. Regent Tanikawa opposed.

Revisions to Charters Authorized by the Board of Regents [P12 (A) 7] - Department staff presented recommendations for charter revisions. NYSED recommended that the Board of Regents approve charter revisions for the following charter schools authorized by the Board of Regents pursuant to Article 56 of the Education Law (the NYS Charter Schools Act):

- **Brooklyn Laboratory Charter School** (NYC CSD 13) – (Decrease its grade span to remove Grade 6 through Grade 8 from its current Grade 6 through Grade 12 configuration beginning in the 2023-2024 school year); and
- **Ivy Hill Preparatory Charter School** (NYC CSD 18) – (Decrease its authorized enrollment from the currently approved 360 students to 265 students).

The Committee recommends that the Board of Regents finds that (1) the Brooklyn Laboratory Charter School meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to amend the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to amend the charter will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents, therefore, approves the charter revision for Brooklyn Laboratory Charter School and amends the provisional charter accordingly.

The Committee recommends that the Board of Regents finds that (1) the Ivy Hill Preparatory Charter School meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules, and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to amend the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to amend the charter will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents, therefore, approves the charter revision for Ivy Hill Preparatory Charter School and amends the provisional charter accordingly.

The motion passed unanimously.

MOTION FOR ACTION BY FULL BOARD

The P-12 Education Committee recommends, and we move, that at its meeting on June 13, 2023, the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Proposed Amendments to Section 200.5 of the Regulations of the Commissioner of Education Relating to Special Education Due Process System Procedures [P12 (D) 1] - Department staff presented revisions to the proposed amendment of section 200.5 of the Regulations of the Commissioner of Education relating to: limiting extensions in special education due process hearings; permitting enforcement of mediation and resolution agreements through the use of state complaint procedures set out in section 200.5(l); adding new requirements regarding the conduct of attorneys and non-attorney representatives in special education due process hearings; permitting impartial hearing officers the authority to determine, with consent of the parties, whether a hearing be conducted in-person, by teleconference, or videoconference.

2023 National Superintendent of the Year Recognition - Department staff and invited guests recognized Kevin McGowan, superintendent of Brighton Central Schools, who was recently named the 2023 National Superintendent of the Year.

Proposed Amendments to State ESSA Plan - Accountability “Rebuild” Phase - Department staff presented proposed amendments to the accountability section of the approved Every Student Succeeds Act Plan (ESSA), which will eventually require amendments to section 100.21 of the Regulations of the Commissioner of Education. The proposed adjustments to the ESSA plan reflect a two-year accountability transition plan and relate to updated procedures for the review of school and district performance for the 2023–2024 school year based on 2022–2023 school year results and the 2024–2025 school year based on 2023–2024 school year results.

Deputy Commissioner Jason Harmon reviewed the items on the Consent Agenda.

PROFESSIONAL PRACTICE

The Professional Practice Committee held its scheduled meeting on June 13, 2023. All members were present except Vice Chancellor Josephine Victoria Finn and Regent Elizabeth S. Hakanson, who were excused. Regent Wade S. Norwood participated by videoconference. Chancellor Lester W. Young, Jr., Regent Roger Tilles, Regent Kathleen M. Cashin, Regent Judith Chin, Regent Luis O. Reyes, Regent Susan W. Mittler, Regent Aramina Vega Ferrer, and Regent Shino Tanikawa also attended the meeting, but did not vote on any action.

ACTION ITEMS

Professional Discipline Cases [PCC EXS (A) 1 – REVISED and PPC EXS (A) 2 - 3]

The 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 5 cases, with Regent Collins abstaining from 5 cases (Calendar Nos 30292, 30435, 32719, 32718, 33182). In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 26 consent order applications and 2 surrender applications be granted.

These recommendations are made following the review of 33 cases involving seven licensed practical nurses, seven registered professional nurses, three certified public accountants, three licensed practical nurses who are also registered professional nurses, two midwives, one dental hygienist, one dentist, one dentist who is also holds a certificate to administer General Anesthesia, one licensed master social worker, one licensed mental health counselor, one massage therapist, and one pharmacist.

Restorations [PPC EXS (A) 4-6]

The Committee recommends that the application of Juliet J. Clifford for the restoration of her license to practice as a Registered Professional Nurse in New York State be granted. [PPC EXS (A) 4]

The Committee recommends that prior to his return to practice as a Registered Professional Nurse in the State of New York, Matthew Piegari must obtain at his own expense a mental health evaluation, from a board-certified psychiatrist, licensed mental health practitioner or other health care professional or program previously approved by the Director of the Office of Professional Discipline. Further, that if during his mental health evaluation, it is determined, by the mental health care Evaluator that Matthew Piegari needs mental health therapy, that he be required to engage and continue in therapy with a treating board-certified psychiatrist, licensed mental health practitioner or other health care professional or program previously approved by the Director. Upon determination by the treating mental health practitioner that Matthew Piegari is fit to practice and remains fit to practice and receipt of documentation to that effect; and that Matthew Piegari completes a reentry program, to be undertaken live with in-person attendance and which is comprised of forty (40) contact hours of didactic study, one hundred and sixty (160) hours of clinical study; said course to be previously approved, in writing, by the Director of the Office of Professional Discipline; and that he successfully completes the National Council Examination for Registered Nurses (NCLEX-RN), as determined by the Director of the Office of Professional Discipline. Thereafter, the execution of the surrender of his license to practice as a Registered Professional Nurse be stayed; that, upon his return to practice, he be placed on probation for a period of five years under specified terms of probation that include unannounced drug testing; and upon completion of probation, that his license be fully restored. [PPC EXS (A) 5]

The Committee recommends that the application of Steve Yunatanov for the restoration of his license to practice as a Dentist in New York State be denied. [PPC EXS (A) 6]

Long-Term Clinical Clerkships [PPC EXS (A) 7 – REVISED]

The Committee recommends that the applications for Medical University of Lublin, University of Silesia in Katowice, Fatima College of Medicine, and American University of Antigua to place students in long-term clinical clerkships in New York be approved, in accordance with and subject to the recommendations of the Advisory Committee on Long-term Clinical Clerkships.

The motion passed unanimously. Regent Collins opposed.

Proposed Addition of Section 29.20 to the Rules of the Board of Regents and Repeal of Sections 52.44 and 52.45, Repeal and Addition of New Sections 79-17.1, 79-17.2, 79-18.1, 79-18.2, Amendment of Sections 79-17.3, 79-17.5, 79-18.3, and 79-18.5, and Addition of Sections 79-17.6 and 79-18.6 to the Regulations of the Commissioner of Education Relating to the Licensure of Applied Behavior Analysts and Certification of Applied Behavior Analyst Assistants [PPC (A) 1] - Department staff presented for emergency action proposed amendments to conform the requirements for licensure and practice as a Licensed Behavior Analyst and certification as a Certified Behavior Analyst Assistant with provisions in Chapter 818 of the Laws of 2021 (Chapter 818) and Chapter 641 of the Laws of 2022 (Chapter 641). The amendments will conform New York's requirements to national standards while ensuring appropriate preparation for the provision of applied behavior analysis services pursuant to a diagnosis and order from authorized professionals to treat individuals with behavioral health conditions. Following publication in the State Register, the Department received numerous comments from multiple commenters. Emergency action is necessary due to the volume and complexity of the public comments, which require additional time to review to determine potential revisions. Emergency action is further necessary because Chapter 818's provisions become effective June 30, 2023 and Chapter 641's provisions became effective November 22, 2022.

The Committee recommends that:

- Section 29.20 of the Rules of the Board of Regents be added , sections 52.44 and 52.45 of the Regulations of the Commissioner of Education be repealed, sections 79-17.1, 79-17.2, 79-18.1, 79-18.2 of the Regulations of the Commissioner of Education be repealed and new sections 79-17.1, 79-17.2, 79-18.1, 79-18.2 of the Regulations of the Commissioner of Education be added, and sections 79-17.3 and 79-18.3 of the Regulations of the Commissioner of Education be amended, as submitted, effective June 30, 2023, 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 in order to timely implement the requirements of Chapter 818 of the Laws of 2021, which becomes effective June 30, 2023; and

- Sections 79-17.5, and 79-18.5 of the Regulations of the Commissioner of Education be amended, and sections 79-17.6 and 79-18.6 of the Regulations of the Commissioner of Education be added, as submitted, effective June 13, 2023, 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 in order to timely implement the requirements of Chapter 641 of the Laws of 2022, which became effective November 22, 2022.

The motion passed unanimously.

MOTION FOR ACTION BY FULL BOARD

The 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 June 13, 2023, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Proposed Amendment of Section 29.7 of the Rules of the Board of Regents and Sections 63.6 and 63.8 of the Regulations of the Commissioner of Education Relating to the Registration and Operation of Central Fill Pharmacies [PPC (D) 1] - Department staff presented for discussion a proposed amendment to the Commissioner's regulations to establish definitions for central fill pharmacies and originating pharmacies, requirements for the registration and regulation of resident and non-resident central fill pharmacies and requirements for originating pharmacies. The proposed amendment to the Regents Rules further establishes that it is misconduct for a pharmacy operating as a central fill pharmacy or an originating pharmacy engaged in central fill activity to fail to adhere to the requirements set forth in section 63.6 of the Commissioner's regulations.

Deputy Commissioner Sarah Benson reviewed the items on the Consent Agenda.

PROFESSIONAL PRACTICE/HIGHER EDUCATION JOINT COMMITTEE

The Joint Professional Practice/Higher Education Committee held its scheduled meeting on June 13, 2023. All members were present except Vice Chancellor Josephine Victoria Finn who was excused. Regent Wade S. Norwood participated by videoconference. Chancellor Lester W. Young and Regent Roger Tilles also attended the meeting but did not vote on any action.

ACTION ITEMS

Proposed Addition of Section 29.21 to the Rules of the Board of Regents and Section 59.16 of the Regulations of the Commissioner of Education and Amendment of Section 80-5.6 of the Regulations of the Commissioner of Education

Relating to Temporary Practice by Certain U.S. Servicemembers and Servicemembers' Spouses Licensed or Certified in Another State [PPC/HE (A) 1] - Department staff presented proposed amendments to the Regents Rules and the Commissioner's regulations for emergency adoption to implement federal Public Law 117-333 (effective January 25, 2023) which permits the portability of professional licenses of servicemembers and their spouses who are relocated to New York State by a military order for military service. The proposed amendment provides for a temporary practice certificate for out-of-state licensed professionals and a permit for out-of-state licensed or certified educators.

The Committee recommends that section 29.21 of the Rules of the Board of Regents and section 59.16 of the Regulations of the Commissioner of Education be added, and section 80-5.6 of the Regulations of the Commissioner of Education be amended, as submitted, effective June 13, 2023, as an emergency action, upon a finding that such action is necessary for the preservation of the public health and the general welfare in order to timely implement the provisions of federal law Public Law 117-333, effective January 5, 2023, which will increase the number of licensed professionals and practicing educators in New York State.

The motion passed unanimously.

MOTION FOR ACTION BY FULL BOARD

The Joint Professional Practice/Higher Education Committee recommends, and we move, that the Board of Regents act affirmatively upon the recommendation in the written report of the Committee's deliberations at its meeting on June 13, 2023, copies of which have been distributed to each Regent.

MOVED, that the P-12 Education Committee Item, Renewal Recommendations for Charter Schools Authorized by the Board of Regents [P-12 (A) 6] be severed from the P-12 Education Committee Report

Motion by: Regent Susan W. Mittler
Seconded by: Regent Kathleen M. Cashin
Action: Motion did not pass.

MOVED, that the Committee Reports be approved.

Motion by: Regent Judith Chin
Seconded by: Regent Christine D. Cea
Action: Motion passed. Regent Kathleen M. Cashin, Catherine Collins and Susan W. Mittler opposed.

Chancellor Young adjourned the meeting.

Appendix I
NEW YORK STATE BOARD OF REGENTS CHARTER ACTIONS

Name of Institution	Program Area	County of Location (City/Town)	Description of Charter Action(s)
Brooklyn Public Library	CE	Kings (Brooklyn)	Merge with “Brooklyn Historical Society” with the Brooklyn Public Library as the surviving corporation.
Finger Lakes Cultural & Natural History Museum	CE	Yates (Penn Yan)	Consent to filing of certificate of assumed name “Saunders Finger Lakes Museum”.
Mabel D. Blodgett Memorial Library	CE	Yates (Rushville)	Grant a provisional charter for five years.
Vernon Public Library	CE	Oneida (Vernon)	Amend charter to specify the number of trustees to be not less than five nor more than seven and update IRS dissolution language.
Asian-American Coalition of Education (ACE)	P12	Queens (Flushing)	Consent to filing of certificate of assumed name “Around the World”.
Harbor Waldorf School	P12	Suffolk (Sag Harbor)	Extend provisional charter for three years.
Montessori School of Syracuse	P12	Syracuse (Onondaga)	Grant provisional charter for three years.
Parker-Jordan Christian Academy	P12	Erie (Little Genesee)	Amend charter to add authority to operate grades 9-12.
Cazenovia College	HE	Madison (Cazenovia)	Amend charter to remove all authority for the College to confer any degrees and conduct any educational activities; permit its purposes to be limited to only those necessary or appropriate for the college to conduct its business affairs relating to its wind-down and closure; and change the corporate name to “The Office of the Institution Formerly Known as Cazenovia College”. Effective July 31, 2023.
Manhattanville College	HE	Westchester (Harrison)	Update amendment previously approved May 16, 2023 nunc pro tunc to reflect an effective date of September 1, 2023.

Name of Institution	Program Area	County of Location (City/Town)	Description of Charter Action(s)
Mercy College	HE	Westchester (Dobbs Ferry)	Amend charter to change the corporate name to "Mercy University" effective August 22, 2023.

Supplemental Summary Table

Name of Institution	Program Area	County of Location (City/Town)	Description of Charter Action(s)
Catholic Central High School of Troy	P12	Rensselaer (Troy)	Consolidate with "St. Ambrose School", a religious corporation, to form the "Catholic Central School" with an absolute charter in the first instance granted to "Catholic Central School".
Mountain Lake Academy	P12	Essex (Lake Placid)	To merge with "Mountain Lake Children's Residence, Inc." a not-for-profit corporation, with the Mountain Lake Academy as the surviving corporation, extend the provisional charter and amend purposes to include residential facility.

Appendix II

Regents Actions in 32 Professional Discipline Cases and 3 Restoration Petitions

June 12 - 13, 2023

The Board of Regents announced disciplinary actions resulting in the revocation of 4 licenses, surrender of 2 licenses, and 26 other disciplinary actions. The penalty indicated for each case relates solely to the misconduct set forth in that particular case. In addition, the Board acted upon 3 restoration petitions.

I. REVOCATIONS AND SURRENDERS

Nursing

Amanda Zieminski; Licensed Practical Nurse; Staten Island, NY 10310; Lic. No. 295608; Cal. No. 30292; Found guilty of professional misconduct; Penalty: \$10,000 fine, Revocation.

Linda Sue Parnell a/k/a Linda Sue Doyle; Licensed Practical Nurse, Registered Professional Nurse; Syracuse, NY 13219; Lic. Nos. 168394, 450739; Cal. Nos; 32719, 32718; Found guilty of professional misconduct; Penalty: Revocation.

Lisa Beth Cronin a/k/a Lisa B. Vivenzio; Registered Professional Nurse; Vernon, CT 06066; Lic. No. 389182; Cal. No. 33088; Application to surrender license granted. Summary: Licensee did not contest the charge of, in the State of Connecticut, abusing or utilizing alcohol excessively.

Nadia Eileen Lapinski; Registered Professional Nurse; Warminster, PA 18974; Lic. No. 636125; Cal. No. 33402; Application to surrender license granted. Summary: Licensee did not contest the charge of, from in or about February 2016 through in or about December 2016, in the Commonwealth of Pennsylvania, suffering from chemical abuse or dependency, specifically Heroin, Percocet, Oxycodone, and Methamphetamines.

Public Accountancy

Richard Scott Eitelberg; Certified Public Accountant; Commack, NY 11725; Lic. No. 070829; Cal. No. 33182; Found guilty of professional misconduct; Penalty: Revocation.

II. OTHER REGENTS DISCIPLINARY ACTIONS

Dentistry

James Merle Roger; Dentist, Dental General Anesthesia; Depew, NY 14043; Lic. No. 056896, Cert. No. 001227; Cal. Nos. 33443, 33444; Application for consent order

granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation, \$5,000 fine.

Laura Sampson; Dental Hygienist; Staten Island, NY 10309; Lic. No. 019896; Cal. No. 33473; Application for consent order granted; Penalty agreed upon: 2 months actual suspension, 22 months stayed suspension, 2 years probation.

Chongmin Park; Dentist; Williston Park, NY 11596; Lic. No. 050303; Cal. No. 33514; Application for consent order granted; Penalty agreed upon: Partial suspension in the area of orthodontics and orthopedics for no less than 6 months, upon return to full practice, 1 year probation, \$2,500 fine.

Massage Therapy

Donna Marie Maenza; Massage Therapist; Ronkonkoma, NY 11779; Lic. No. 030012; Cal. No. 33478; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation.

Mental Health Practitioners

Laurie Faye Schwartz; Licensed Mental Health Counselor; New York, NY 10023-7134; Lic. No. 003884; Cal. No. 33438; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 1 year and until fit to practice, upon return to practice, 2 years probation, \$1,500 fine.

Midwifery

Lydia HeeEun Doublestein; Midwife; Surrey, British Columbia V3R 5V9, Canada; Lic. No. 001802; Cal. No. 33311; Application for consent order granted; Penalty agreed upon: 2 years actual suspension, 1 year stayed suspension, upon return to practice in New York State, 1 year probation.

Carolyn Elayne Protter; Midwife; Long Beach, CA 90802; Lic. No. 001934; Cal. No. 33312; Application for consent order granted; Penalty agreed upon: 2 months actual suspension, 1 year stayed suspension, upon return to practice in New York State, 1 year probation.

Nursing

Gigi Mathew; Licensed Practical Nurse, Registered Professional Nurse; East Meadow, NY 11554; Lic. Nos. 284952, 583449; Cal. Nos. 32176, 32177; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation, \$1,500 fine.

Carrie Jean Brynien a/k/a Carrie J. Brynien; Licensed Practical Nurse; Syracuse, NY 13224; Lic. No. 260812; Cal. No. 32583; Application for consent order granted; Penalty

agreed upon: Indefinite actual suspension until fit to practice, upon return to practice, 2 years probation, \$500 fine.

Robin Mary Giammichele; Licensed Practical Nurse; Ellenville, NY 12428; Lic. No. 323088; Cal. No. 32958; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation.

Sarah Alice Criddle; Registered Professional Nurse; Oxford, NY 13830; Lic. No. 558896; Cal. No. 33009; Application for consent order granted; Penalty agreed upon: Censure and reprimand, 1 year probation, \$250 fine.

Andrew R. Uschold; Registered Professional Nurse; North Tonawanda, NY 14120; Lic. No. 657146; Cal. No. 33407; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Chikara Leikeish Jennings; Licensed Practical Nurse; Rochester, NY 14619; Lic. No. 340345; Cal. No. 33421; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, upon return to practice, 2 years probation, \$250 fine.

Melissa Ann Walker; Registered Professional Nurse; Schodack Landing, NY 12156-9709; Lic. No. 501255; Cal. No. 33441; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation.

Joy D. Lawrence; Licensed Practical Nurse, Registered Professional Nurse; Manorville, NY 11949; Lic. Nos. 298825, 677710; Cal. Nos. 33452, 33453; Application for consent order granted; Penalty agreed upon: 4 months actual suspension, 20 months stayed suspension, 2 years probation, \$250 fine.

Michelle F. Leo; Licensed Practical Nurse; Massapequa, NY 11758; Lic. No. 330243; Cal. No. 33474; Application for consent order granted; Penalty agreed upon: 6 months actual suspension, 18 months stayed suspension, upon return to practice, 2 years probation.

Kyle J. Thompson; Registered Professional Nurse; Gansevoort, NY 12831; Lic. No. 734118; Cal. No. 33480; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Nichole D. Fountain; Licensed Practical Nurse; Plattsburgh, NY 12903; Lic. No. 299711; Cal. No. 33484; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon return to practice, 2 years probation, \$500 fine.

Patricia Ciani; Registered Professional Nurse; Massapequa Park, NY 11762; Lic. No. 663670; Cal. No. 33574; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Pharmacy

Kevin Michael McCabe; Pharmacist; Staatsburg, NY 12580; Lic. No. 048615; Cal. No. 33289; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Public Accountancy

Justin Stephen McAuliffe; Certified Public Accountant; Gilbert, AZ 85295; Lic. No. 109092; Cal. No. 33406; Application for consent order granted; Penalty agreed upon: 2 months actual suspension, 22 months stayed suspension, 2 years probation, \$1,000 fine.

Michael John Sanatar; Certified Public Accountant; Huntington, NY 11743; Lic. No. 086807; Cal. No. 33420; Application for consent order granted; Penalty agreed upon: Partial actual suspension in auditing the financial statements of employee benefit plans for no less than 1 month, upon return to full practice, 2 years probation, \$1,000 fine.

Social Work

Neil Hutchins; Licensed Master Social Worker; Bronx, NY 10456; Lic. No. 031078; Cal. No. 33491; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 6 months and until fit to practice, upon return to practice, 2 years probation.

III. RESTORATIONS

The Board of Regents voted on June 13, 2023 to grant the application for restoration of the registered professional nurse license of Juliet J. Clifford, Mt. Vernon, NY 10553. Ms. Clifford's license was surrendered February 23, 2016.

The Board of Regents voted on June 13, 2023 to stay the execution of the order of surrender of the registered professional nurse license of Matthew Piegari, Jamesport, NY 11947, to place him on probation for five years under specified terms and conditions, and upon successful completion of probation, to fully restore his license. Mr. Piegari's license was surrendered May 19, 2015.

The Board of Regents voted on June 13, 2023 to deny the application for restoration of the dentist license of Steve V. Yunatanov, Kew Gardens, NY 11415. Dr. Yunatanov's license was revoked on January 9, 2007.

ATTACHMENT I



New York State
EDUCATION DEPARTMENT

Knowledge > Skill > Opportunity

Creating a Safe, Supportive, and Affirming School Environment for Transgender and Gender Expansive Students: 2023 Legal Update and Best Practices

June 12, 2023

Board of Regents

A graphic featuring a transgender pride flag (pink, white, and blue stripes) overlaid on a white brick wall. Several words are written in blue and pink capital letters across the flag: "PEACE", "DIGNITY", "HOPE", "UNITY", "INCLUSION", "EQUALITY", and "JUSTICE". At the bottom, several hands of different colors (black, pink, blue) are raised, symbolizing support and solidarity.

PEACE DIGNITY HOPE
UNITY INCLUSION EQUALITY
JUSTICE



Updates

- **Laws**
- **School Climate Support**
- **Transitioning at School**
- **Privacy and Confidentiality**
- **Best Practices**
- **Resources**



Common Language

- **LGBTQ+ - Lesbian, Gay, Bisexual, Transgender, Queer or Questioning**
 - The “+” (plus) is used to be inclusive of all gender identities and sexual orientations that may not fall neatly into the other five initials.
- **TGE – Transgender and Gender Expansive**



Strengthening Legal Protections

- [The New York State Human Rights Law \(HRL\)](#), amended by the [Gender Expression Non-Discrimination Act \(GENDA\)](#) in 2019, expressly prohibits discrimination by educational institutions against students and applicants based on their actual or perceived sex and gender identity or expression
- [New York State Education Law §3201-a](#)
- [The Dignity for All Students Act](#)
- [Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681–1688](#)



Privacy and Confidentiality

- Student Safety
- School Records
- Name Changes



School Climate for LGBTQ Students

56%

**OF LGBTQ+ STUDENTS
SURVEYED REPORTED
HARASSMENT BASED ON
THEIR GENDER EXPRESSION**

GLSEN National Survey 2019

- **“A LOT OF TEACHERS DON’T SHUT DOWN NEGATIVE OR TRANSPHOBIC CONVERSATIONS.”**
- **“THE ADMINISTRATORS WHO PERSONALLY CHANGED MY NAME IN THE SYSTEM HAVE DEAD-NAMED ME AND MISGENDERED ME.”**
- **“TEACHERS DON’T SAY MUCH OF ANYTHING WHEN ‘LITTLE’ MICROAGGRESSIONS HAPPEN.”**
- **“TAKING A NEUTRAL GROUND IS NOT INHERENTLY A GOOD THING.”**

Transitioning at School

- Create a culture of acceptance and respect for all students
- Normalize and accept pronouns and name changes



Best Practices

- Non-gendered language & activities
- Student-centered supportive clubs
- Inclusive instruction & curriculum
- Visible displays of support
- Policies & Practices that specifically address LGBTQ students





Resources for Schools

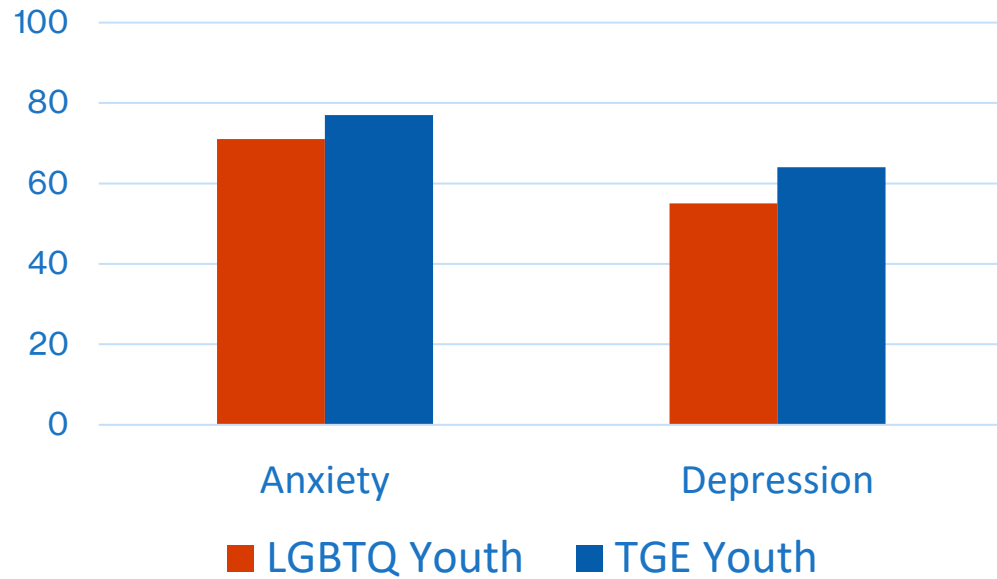
“Help transgender kids because it helps all kids.”

New York State Parent



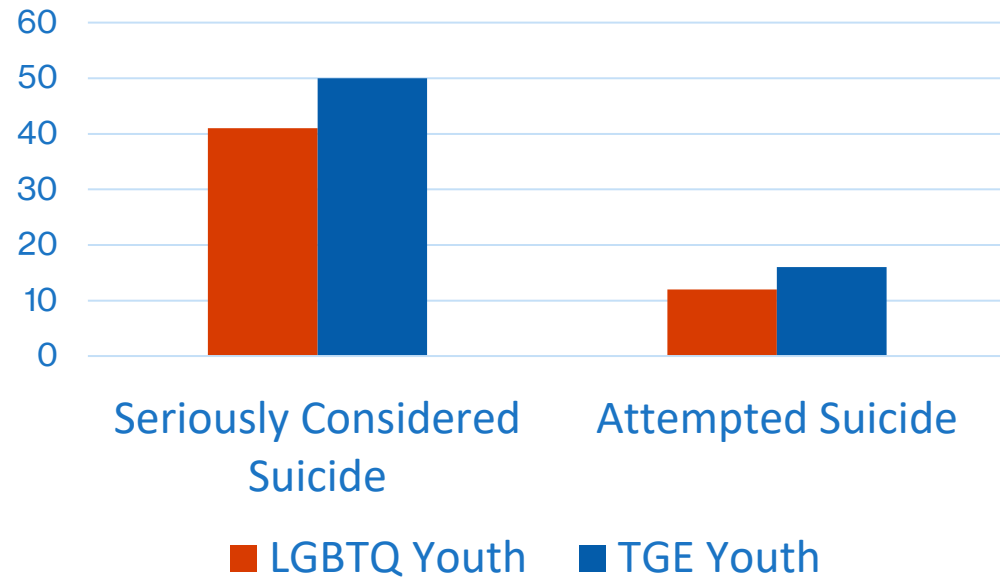
Insights into LGBTQ Mental Health

Symptoms Reported by
New York LGBTQ Youth



Insights into LGBTQ Mental Health

Suicide Statistics Reported by New York LGBTQ Youth



[2022 Trevor Project National Survey on LGBTQ Youth Mental Health New York](#)

NY Student Input



“I’M GLAD WE ARE MAKING A CHANGE AND MAKING SCHOOLS BETTER FOR PEOPLE WHO WILL COME AFTER US. BUT IT IS A LITTLE FRUSTRATING THAT NOTHING WAS DONE BEFORE NOW.”

“I AM EXCITED TO BE THE CHANGE. BUT IT’S TAKING SO MUCH TIME OUT OF OUR LIVES.”

“I WANT OTHERS TO KNOW IT’S NOT WRONG TO THINK YOU WERE BORN THE WRONG GENDER, OR TO LIKE PEOPLE OF ALL GENDERS.”

“JUST BE POLITE TO EVERYBODY. TREAT SOMEONE LIKE A PERSON, AND NOT LIKE THEY’RE STRANGE OR OUT OF PLACE. SMALL THINGS LIKE THAT WILL GO A LONG WAY.”

Supports Save Lives

40%

**OF LGBTQ YOUTH WHO
REPORTED HAVING AT LEAST
ONE ACCEPTING ADULT IN
THEIR LIVES WERE LESS
LIKELY TO ATTEMPT SUICIDE**



[Trevor Project Accepting Adults Reduce Suicide Attempts Among LGBTQ Youth](#)

Professional Development

- **Continuous professional development on LGBT competencies**
- **Train in cultural responsiveness and legal protections**
- **Consult with local LGBTQ+ youth organizations**



Lived Experience

**A NYS student
shares her lived
experience**



Arrowood Law
Pride for Youth
Northwell Health
Empire Justice Center
New York State Association of School
Psychologists
New York Civil Liberties
New York City Department of Education
Capital Region BOCES Counsel
Offices of LGBTQ Health Services-NYSDOH
Office of Children and Family Services
Riverstone Consulting
Trevor Project
Pride Center of Rockland County
NYSED Office of Counsel
NYSED Office of Education Management
NYSED Office of Student Support Services



2023 LEGAL UPDATE AND BEST PRACTICES

EDUCATION

RESPECT

SAFETY

Thank you!

PEACE

DIGNITY

HOPE

Questions?

HUMANITY

INCLUSION

EQUALITY

JUSTICE