



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 December 2019 Meeting
DATE: January 2, 2020
AUTHORIZATION(S): *Sharam K. Talae*

SUMMARY

Issue for Decision

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

Proposed Handling

Approval of the Summary of December 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 December 2019 meetings.

Timetable for Implementation

Effective January 14, 2020.

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



SUMMARY OF THE DECEMBER 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***

December 9 and 10, 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, December 9, 2019 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Monday, December 9th 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
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 Acting Commissioner and Acting Counsel and Deputy Commissioner for Legal Affairs, Shannon L. Tahoe and, Secretary, Board of Regents, Anthony Lofrumento.

ACTION ITEM

Executive Session Motion

MOVED, that the Board of Regents convene in executive session on Monday, December 9th at 9:05 a.m. to discuss litigation and personnel matters.

Motion by: Vice Chancellor T. Andrew Brown
Seconded by: Regent Christine D. Cea
Action: Motion carried unanimously.

MEETING OF THE FULL BOARD, Monday, December 9th at 10:15 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 Acting Commissioner and Acting Counsel and Deputy Commissioner for Legal Affairs, Shannon Tahoe and, Secretary, Board of Regents, Anthony Lofrumento.

Regent Wade S. Norwood provided words of reflection to open the meeting.

Regent Reyes introduced the Focus of Our Work Video: Key Immigration Issues and introduced Tatyana Kleyn who produced the video series. She described the development process and its impact.

PRESENTATION

Graduation Measures in New York State

Kimberly Wilkins, Deputy Commissioner, P-12 Instructional Support, Emily DeSantis, Assistant Commissioner, Public Affairs and Marie O'Hara, Director of Research, Achieve continued the November discussion regarding pathways to a NYS diploma (Attachment I - Revised.)

Chancellor Betty A. Rosa adjourned the meeting.

MEETING OF THE FULL BOARD, Monday, December 9th at 4:35 p.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 Acting Commissioner and Acting Counsel and Deputy Commissioner for Legal Affairs, Shannon L. Tahoe and, Secretary, Board of Regents, Anthony Lofrumento.

ACTION ITEMS

**Appointment to the Position of Executive Secretary, State Boards for Pharmacy and Midwifery
BR (A) 6**

MOVED, that the Board of Regents approve the appointment of Dina Jazrawi as the Executive Secretary to the State Board for Pharmacy and Midwifery effective December 9, 2019.

Motion by: Regent James E. Cottrell
Seconded by: Regent Roger Tilles
Action: Motion carried unanimously.

**Appointment of Deputy Commissioner for Higher Education
BR (A) 7**

MOVED, that the Board of Regents approve the appointment of Dr. William Murphy to Deputy Commissioner of Higher Education effective December 9, 2019.

Motion by: Regent Judith Chin
Seconded by: Regent Josephine Victoria Finn
Action: Motion carried unanimously.

**Appointment of Deputy Counsel
BR (A) 8**

MOVED, that the Board of Regents approve the appointment of Mr. Aaron Baldwin to Deputy Counsel effective December 9, 2019.

Motion by: Regent Elizabeth S. Hakanson
Seconded by: Regent Josephine Victoria Finn
Action: Motion carried unanimously.

**Appointment of Counsel & Deputy Commissioner for Legal Affairs
BR (A) 9**

MOVED, that the Board of Regents approve the appointment of Shannon Tahoe to Counsel & Deputy Commissioner for Legal Affairs effective December 9, 2019.

Motion by: Regent Judith Chin
Seconded by: Regent Elizabeth S. Hakanson
Action: Motion carried unanimously.

**Appointment of Interim Commissioner of Education and President of the
University of the State of New York
BR (A) 10**

MOVED, that the Board of Regents approve the appointment of Shannon Tahoe to Interim Commissioner and President of the University of the State of New York effective December 10, 2019.

Motion by: Regent Luis O. Reyes
Seconded by: Regent Judith Chin
Action: Motion carried unanimously.

**Appointment of Acting Counsel & Deputy Commissioner for Legal Affairs
BR (A) 11**

MOVED, that the Board of Regents approve the appointment of Aaron Baldwin to Acting Counsel and Deputy Commissioner for Legal Affairs effective December 10, 2019.

Motion by: Regent Kathleen M. Cashin
Seconded by: Regent Elizabeth S. Hakanson
Action: Motion carried unanimously.

PROGRAM AREA CONSENT ITEMS

Office of Counsel

**Proposed Amendment to Section 3.8(b) of the Rules of the Board of Regents to Designate Counsel as the Deputy Commissioner of Education as specified in Education Law §101, who, in the Absence or Disability of the Commissioner or when a vacancy exists in the Office of Commissioner, Shall Exercise and Perform the Functions, Power, and Duties of the Commissioner
BR (CA) 7**

MOVED, that section 3.8(b) of the Rules of the Board of Regents be amended, as submitted, January 6, 2020, 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 immediately ensure that the Rules of the Board of Regents are immediately brought into conformance with changes in the Department's internal organization so as to ensure that in the absence or disability of the Commissioner or when a vacancy exists in the Office of Commissioner, the Counsel of the State Education Department may carry out his or her duties and responsibilities in a timely and efficient manner, including those relating to designation of the Counsel as the deputy commissioner of education under Education Law section 101.

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

Chancellor Rosa adjourned the meeting.

MEETING OF THE FULL BOARD, Tuesday, December 10th at 10:50 a.m.

Board Members in Attendance:

Betty A. Rosa, *Chancellor*
T. Andrew Brown, *Vice Chancellor*
Lester W. Young, Jr.
Wade S. Norwood
Christine D. Cea
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, Shannon L. Tahoe; Acting Counsel and Deputy Commissioner for Legal Affairs, Aaron Baldwin; and, Secretary, Board of Regents, Anthony Lofrumento. Regent Roger Tilles was absent and excused.

Regent Judith Chin provided words of reflection to open the meeting.

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

MOVED, that the Summary of the November 2019 Meeting of the Board of Regents of The University of the State of New York be approved.

Motion by: Regent Catherine Collins
Seconded by: Regent Christine D. Cea
Action: Motion carried unanimously.

PROGRAM AREA CONSENT ITEMS

Adult Career and Continuing Education Services

Appointments to the New York State Independent Living Council, Inc. BR (CA) 1

MOVED, that Luticha Doucette be appointed for a three-year term beginning January 1, 2020 and ending December 31, 2022.

MOVED, that Cynthia Alcozer be appointed to a three-year term beginning January 1, 2020 and ending December 31, 2022.

MOVED, that Aaron Baier be reappointed to a three-year term beginning January 1, 2020 and ending December 31, 2022.

MOVED, that Crystal Rivera be reappointed to a three-year term beginning January 1, 2020 and ending December 31, 2022.

MOVED, that John Zick be reappointed to a three-year term beginning January 1, 2020 and ending December 31, 2022.

MOVED, that Aileen Martin be reappointed to a three-year term beginning January 1, 2020 and ending December 31, 2022.

MOVED, that Doug Usiak be reappointed to a three-year term beginning January 1, 2020 and ending December 31, 2022.

Higher Education

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 BR (CA) 2

MOVED, that the existing Subpart 30-2 is 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 are amended, and addition of a new Subpart 30-3 of the Rules of the Board of Regents be added as an emergency action, effective January 6, 2020, 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 Part YYY of Chapter 59 of the Laws of 2019 relating to a revised annual teacher and principal evaluation system.

**Proposed Amendments to Sections 52.21, 57-2, 75.8, 80-1, 80-2, 80-3, 80-5, 80-6, 90.18, 100.2, 100.13, 100.15, 100.17, 100.19, 151-1, 154-2, and 200.2 of the Regulations of the Commissioner of Education and 30-1, 30-2, and 30-3 of the Rules of the Board of Regents Relating to Professional Development Plans and Other Related Requirements for School Districts and BOCES
BR (CA) 3**

MOVED, that Sections 52.21, 57-2, 75.8, 80-1, 80-2, 80-3, 80-5, 80-6, 90.18, 100.2, 100.13, 100.15, 100.17, 100.19, 151-1, 154-2, and 200.2 of the Regulations of the Commissioner of Education and 30-1, 30-2, and 30-3 of the Rules of the Board of Regents be amended, as submitted, effective December 31, 2019.

**St. Paul's School of Nursing: Application for Permanent Degree Authority to Confer Degrees
BR (CA) 4**

MOVED, that that the Board of Regents extend provisional degree-granting authority for St. Paul's School of Nursing for a period of three years ending December 31, 2022. Consideration of degree-granting authority beyond December 31, 2022 will be contingent upon EA demonstrating improvement in financial health and the School's compliance with pertinent State and federal laws, regulations, and rules. Application for permanent degree-granting authority must be received 12 months prior to the end of the provisional authority period.

**Appointments to the State Professional Standards and Practices Board for Teaching
BR (CA) 5**

MOVED, that the Board of Regents approve the following appointments to the State Professional Standards and Practices Board for Teaching: Waiho (Patrick) Wong (teacher member) and Kathleen Briggs (teacher member), each for a four-year term beginning December 10, 2019 and ending December 31, 2023.

Office of Counsel

**2020 Regulatory Agenda
BR (CA) 6**

MOVED, that the 2020 Regulatory Agenda for the State Education Department be approved, as submitted.

P-12 Education

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

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 Enlarged City School District of the City of Newburgh in the total amount not to exceed \$59,000,000 for the additional capital improvement project consisting of upgrades and improvements to the heating, ventilation, air conditioning and air circulation systems in all of the district's existing school buildings and facilities, including ancillary, related and incidental improvements, equipment and apparatus necessary or appropriate in connection therewith, in excess of the constitutional debt limit of said school district.

Professional Practice

**(Re)Appointments of Members to the State Boards for the Professions and (Re)Appointments of Extended Members to the State Boards for the Professions for Service on Licensure Disciplinary and/or Licensure Restoration and Moral Character Panels
BR (CA) 9**

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

**Report of the Committee on the Professions Regarding Licensing Petitions
BR (CA) 10**

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 Susan W. Mittler
Seconded by: Regent Nan Eileen Mead
Action: Motion passed unanimously.

STANDING COMMITTEE REPORTS

CULTURAL EDUCATION

Your Committee on Cultural Education had its scheduled meeting on December 9, 2019. Regent Roger Tilles, Chair of the Cultural Education Committee, submitted the following written report.

In attendance were committee members: Regent Tilles, Chair, Regent Cea, Regent Cottrell, Regent Ouderkirk and Regent Mead. Regents, in addition to Cultural Education Committee members, in attendance were: Regent Cashin, Regent Norwood, Regent Hakanson, Regent Reyes, and Regent Mittler. Also, in attendance was Acting Education Commissioner Shannon Tahoe.

ITEMS FOR DISCUSSION

Chair Regent Tilles welcomed everyone. Deputy Commissioner Mark Schaming shared the following Office of Cultural Education updates:

- the State Archives will acquire the materials and documents the Department has received in commemoration of Regent Judith Johnson.
- the Regents Advisory Council on Libraries met recently review the work accomplished and to think through strategies to achieve a helpful 2030 Vision and Plan for New York's Libraries.

Update on Cultural Resource Directory Website (Discussion) [CE (D) 1]

Julie Daniels, Director of Educational Television and Public Broadcasting, provided a preview of the Office of Cultural Education's new Find NY Culture website. FindNYCulture.org will be a searchable directory of New York's 4600+ museums, libraries, historical societies, science centers, parks, zoos, university art galleries, planetariums, and more. Julie demonstrated how the site works, outlined its promotion to cultural organizations and educators, and discussed its use for addressing OCE administrative functions.

HIGHER EDUCATION

Your Higher Education Committee held its scheduled meeting on December 10, 2019. All members were present with the exception of Regent Tilles.

Action Items

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 December 10, 2019, copies of which have been distributed to each member of the Board of Regents.

Matters Requiring Board Action:

None

Matters Not Requiring Board Action:

Principal Talent Management System - Your Committee heard staff present an overview of a new software system being developed with a grant from the Wallace Foundation which will enable district leaders to tap into a larger pool of School Building Leader certified individuals who have experience and credentials that meet the district's needs for a specific building leadership position.

Consent Agenda

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

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 - The Board of Regents voted that the existing Subpart 30-2 is 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 are amended, and addition of a new Subpart 30-3 of the Rules of the Board of Regents be added as an emergency action, effective January 6, 2020, 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 Part YYY of Chapter 59 of the Laws of 2019 relating to a revised annual teacher and principal evaluation system. It is anticipated that the rule will be presented for permanent adoption at the February 2020 Regents meeting.

Proposed Amendments to Sections 52.21, 57-2, 75.8, 80-1, 80-2, 80-3, 80-5, 80-6, 90.18, 100.2, 100.13, 100.15, 100.17, 100.19, 151-1, 154-2, and 200.2 of the Regulations of the Commissioner of Education and 30-1, 30-2, and 30-3 of the Rules of the Board of Regents Relating to Professional Development Plans and Other Related Requirements for School Districts and BOCES - The Board of Regents voted that Sections 52.21, 57-2, 75.8, 80-1, 80-2, 80-3, 80-5, 80-6, 90.18, 100.2, 100.13, 100.15, 100.17, 100.19, 151-1, 154-2, and 200.2 of the Regulations of the Commissioner of Education and 30-1, 30-2, and 30-3 of the Rules of the Board of Regents be amended, as submitted, effective December 31, 2019.

Appointments to the Professional Standards and Practices Board for Teaching - The Board of Regents approved the appointments of Waiho (Patrick) Wong (teacher member) and Kathleen Briggs (teacher member) to the Professional Standards and Practices Board, each for a four-year term beginning December 10, 2019 and ending December 31, 2023.

St. Paul's School of Nursing: Application for Permanent Degree Authority to Confer Degrees - The Board of Regents voted to extend provisional degree-granting authority for St. Paul's School of Nursing for a period of three years ending December 31, 2022. Consideration of degree-granting authority beyond December 31, 2022 will be contingent upon Education Affiliates, Inc. demonstrating improvement in financial health and the School's compliance with pertinent State and federal laws, regulations, and rules. Application for permanent degree-granting authority must be received 12 months prior to the end of the provisional authority period.

P-12 EDUCATION

Your P-12 Education Committee held its scheduled meeting on December 9, 2019. All members were present.

ACTION ITEMS

Proposed Amendment of Sections 135.1 and 135.4 of the Commissioner's Regulations Relating to Extended Eligibility for Participation in Inclusive Athletic Activities [P-12 (A) 1]

Your Committee recommends that Sections 135.1 and 135.4 of the Regulations of the Commissioner of Education be amended, as submitted, effective December 10, 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 so that students who are over the age of 19 but who have not yet graduated high school can immediately participate in inclusive athletic activities.

The motion passed.

Charter Schools: Initial Applications Authorized by the Board of Regents [P-12 (A) 2]

Your Committee recommends that the Board of Regents find that: (1) the proposed charter school 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 2 of Section 2850 of Article 56 of the Education Law; and (4) granting the application will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents approve and issue a charter to Buffalo Academy of Science Charter School II, and amends the provisional charter of the education corporation Buffalo Academy of Science Charter School to permit the operation of such school for a term of five years, in accordance with §2851(2)(p) of the Education Law.

The motion passed. Regents Cashin and Collins abstained from the vote. Regent Mittler was in opposition.

Your Committee recommends that the Board of Regents find that: (1) the proposed charter school 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 2 of Section 2850 of Article 56 of the Education Law; and (4) granting the application will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents, therefore, approve and issue a charter and provisional charter to the Primary Hall Preparatory Charter School for a term of five years, in accordance with §2851(2)(p) of the Education Law.

The motion passed. Regents Cashin and Collins abstained from the vote. Regent Mittler was in opposition.

MOTION FOR ACTION BY FULL BOARD

Madam Chancellor and Colleagues: Your P-12 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 December 10, 2019, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Proposed Amendments to Sections 156.1, 156.2, 156.3, 156.4, 156.5, and 156.12 of the Commissioner's Regulations Relating to Pupil Transportation [P-12 (D) 1]

Your committee discussed updating the regulations pertaining to pupil transportation to align to current policies and procedures of the New York State Department of Motor Vehicles and the New York State Department of Transportation relating to pupil transportation.

It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the April 2020 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the April 2020 meeting, the proposed amendment will become effective on April 22, 2020.

Early Childhood Blue Ribbon Committee Workforce Focus Group Update [P-12 (D) 2]

Staff updated the Committee on the work of the Early Childhood Blue Ribbon Committee Workforce Focus Group's recommendations to improve teacher and leader preparation programs.

Consent Agenda

The Board of Regents will take action on the following consent agenda item at its December meeting:

- Petition of the Enlarged City School District of the City of Newburgh for Consent to Exceed the Constitutional Debt Limit

PROFESSIONAL PRACTICE

Your Professional Practice Committee held its scheduled meeting on December 10, 2019. All members were present. Chancellor Betty A. Rosa and Regent Cashin were also present but did not vote on any case or action.

ACTION ITEMS

Professional Discipline Cases

Your Committee recommends, upon the recommendation of the Committee on the Professions, that 38 consent order applications and 6 surrender applications be granted. These recommendations are made following the review of 44 cases involving eleven licensed practical nurses, nine registered professional nurses, four pharmacists, two architects, two massage therapists, two physical therapists, one acupuncturist, one certified public accountant, one dentist, one licensed master social worker, one licensed practical nurse who is also a registered professional nurse, one pharmacy, one professional engineer, one professional engineer professional corporation, one registered professional nurse who is also a nurse practitioner (Adult Health), one registered professional nurse who is also a nurse practitioner (Family Health), and one veterinary technician.

In the matters of Patricia Jean Kendall a/k/a Patricia J. Kendall-Cargill, R.N.*, N.P. (Family Health) (31116, 31117), these matters were the subject of a motion to sever and to consider separate and apart from the balance of the calendar, and were separately approved by Committee vote, with Regent Collins abstaining.

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 December 10, 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
- Conferral of Degrees

Proposed Amendment to Section 70.9 of the Regulations of the Commissioner of Education Relating to Continuing Education in the Profession of Public Accountancy (Emergency Action)

The proposed amendment conforms the regulation to Chapter 413 of the Laws of 2018, which, effective January 1, 2020, amends the Education Law by eliminating the three-year exemption from mandatory continuing education for newly licensed certified public accountants.

Proposed Amendment to Section 79-13.5 of the Regulations of the Commissioner of Education Relating to the Establishment of a New Restricted License for Clinical Laboratory Technologists in Toxicology (Emergency Action)

The proposed amendment conforms the regulation to Chapter 227 of the Laws of 2019, which, effective December 28, 2019, amends the Education Law by establishing a new restricted license for clinical laboratory technologists in toxicology and allows individuals employed by a New York State Department of Health certified laboratory, who meet the requirements for a restricted license, to receive a certification allowing them to perform toxicology laboratory services.

MOVED, that the Committee Reports be approved.

Motion by: Regent Elizabeth S. Hakanson
Seconded by: Regent Nan Eileen Mead
Action: Motion carried unanimously.

State Education Department November 2019 Fiscal Report BR (A) 3

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

Motion by: Regent Judith Chin
Seconded by: Regent Beverly L. Ouderkirk
Action: Motion carried unanimously.

2020-2021 Regents State Aid Proposal
SA (A) 1
BR (A) 5

MOVED, that the Regents adopt the attached as their proposal on State Aid to school districts for the school year 2020-2021.

Motion by: Regent Nan Eileen Mead
Seconded by: Regent Catherine Collins
Action: Motion carried unanimously.

2020-21 Non-State Aid Budget and Legislative Priorities
BR (A) 4 – REVISED

MOVED, that the Board of Regents vote to approve 2020-21 Non-State Aid Budget and Legislative Priorities.

Motion by: Regent Luis O. Reyes
Seconded by: Regent Catherine Collins
Action: Motion carried unanimously.

Chancellor Rosa extended appreciation and gratitude to the Board and SED staff for their efforts and wished all a happy and safe holiday season – then 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)
Barker Public Library	CE	Niagara (Barker)	Extend provisional charter for five years.
Friends of Mills Mansion	CE	Dutchess (Staatsburg)	Consent to filing of certificate of assumed name "Friends of Mills at Staatsburgh".
H. Lee White Maritime Museum at Oswego	CE	Oswego (Oswego)	Extend provisional charter for five years.
The International Professional Wrestling Hall of Fame	CE	Stone Ridge (Ulster)	Grant provisional charter for five years.
Manlius Library	CE	Onondaga (Manlius)	Amend charter to: <ul style="list-style-type: none"> • Specify the trustee range to be not less than five nor more than fifteen; • designate the service area of the library by specified census blocks; and • update IRS dissolution language.
New Amsterdam History Center	CE	New York (New York)	Amend charter to change corporate address.
The New Museum of Contemporary Art	CE	New York (New York)	Amend charter to increase the trustee range to 60.
Rodman Public Library	CE	Jefferson (Rodman)	Amend charter to: <ul style="list-style-type: none"> • Specify the trustee range to be not less than five nor more than nine; • designate the library's service area to be coterminous with the Town of Rodman; • designate Commissioner as agent for service; and • update IRS dissolution language.
Woodstock Museum	CE	Ulster (Woodstock)	Extend provisional charter for five years.

Catholic Central High School	P12	Broome (Binghamton)	Consent to filing of certificate of assumed name "Catholic Schools of Broome County".
Catholic School Region of Dutchess	P12	New York (New York)	Amend charter to delete school location, St. Mary School.
Catskill Wheelhouse	P12	Greene (Catskill)	Amend charter to operate an afterschool program, vacation camp and homeschooling enrichment programs and extend provisional charter for three years.
Kelm Academy	P12	Nassau (Valley Stream)	Grant a Regents certificate of incorporation.
Longview School	P12	Putnam (Brewster)	Extend provisional charter for three years.
The Winchendon School - Brooklyn	P12	Kings (Brooklyn)	Extend provisional charter for three years.
Daemen College	HE	Erie (Snyder)	Amend charter to add authority to confer the Master of Business Administration (M.B.A.) degree.

Appendix II

REGENTS ACTIONS IN 44 PROFESSIONAL DISCIPLINE CASES December 9 - 10, 2019

The Board of Regents announced disciplinary actions resulting in the surrender of 6 licenses and 38 other disciplinary actions. The penalty indicated for each case relates solely to the misconduct set forth in that particular case.

I. SURRENDERS

Acupuncture

Xin-Hui Liu a/k/a Xin Hui Liu a/k/a Xinhui Liu; Acupuncturist; Great Neck, NY 11021; Lic. No. 000946; Cal. No. 30981; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Unlawful Surveillance in the 2nd Degree, a class E felony, and Unauthorized Practice of a Profession, a class E felony.

Architecture

Charles Alfred Schmitt; Architect; New York, NY 10012; Lic. No. 010727; Cal. No. 30964; Application to surrender license granted. Summary: Licensee admitted to the charge of failing to review plans he signed and sealed; failing to maintain a written evaluation of the professional services represented by said plans which were not prepared by him or by someone under his direct supervision; and stating on applications filed with the New York City Department of Buildings that there were no changes in use, egress or occupancy when there were.

Joseph A. Mucciolo; Architect; Wantagh, NY 11793; Lic. No. 025906; Cal. No. 31503; Application to surrender license granted. Summary: Licensee did not contest the charge of filing 10 Technical Report Statement of Responsibility ("TR-1") forms with the New York City Department of Buildings identifying responsibility for special inspections when he was not a registered Special Inspection Agency or a Director of a Special Inspection Agency.

Nursing

Vanessa Bequis; Registered Professional Nurse; Belleville, NJ 07109-1606; Lic. No. 679064; Cal. No. 31713; Application to surrender license granted. Summary: Licensee did not contest the charge of forging her timecard in the State of New Jersey.

Physical Therapy

Mary E. Whelan a/k/a Mary Glynn; Physical Therapist; Madison, NJ 07940; Lic. No. 022529; Cal. No. 29763; Application to surrender license granted. Summary: Licensee admitted to the charge of having committed professional misconduct in New Jersey.

Veterinary Medicine

William C. Lerner; Veterinary Technician; Alden, NY 14004; Lic. No. 000692; Cal. No. 31551; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Grand Larceny in the 2nd Degree.

II. OTHER REGENTS DISCIPLINARY ACTIONS

Dentistry

Michael David Krochak; Dentist; New York, NY 10022; Lic. No. 037027; Cal. No. 31331; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$1,000 fine.

Engineering, Land Surveying and Geology

Inhwan Chang; Professional Engineer; Fort Lee, NJ 07024; Lic. No. 083433; Cal. No. 31313; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$2,500 fine.

Sead Engineering P.C.; Professional Engineering; Flushing, NY 11358; Cal. No. 31314; Application for consent order granted; Penalty agreed upon: \$2,500 fine.

Massage Therapy

Cory Andrew Schmidt; Massage Therapist; Woodstock, NY 12498-1311; Lic. No. 027583; Cal. No. 30941; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, upon return to practice, 2 years probation .

Christopher James Taylor; Massage Therapist; Waterford, NY 12188; Lic. No. 027749; Cal. No. 31431; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation.

Nursing

Andrew John Montemurro; Licensed Practical Nurse; Levittown, NY 11756; Lic. No. 320910; Cal. No. 30245; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation.

Scott David Leuthe; Registered Professional Nurse, Nurse Practitioner (Adult Health); West Seneca, NY 14224; Lic. No. 455930, Cert. No. 302555; Cal. Nos. 30404, 30405; Application for consent order granted; Penalty agreed upon: 3 months actual suspension, 21 months stayed suspension, upon return to practice, 2 years probation, \$5,000 fine.

Ruthmae Gordon; Licensed Practical Nurse; Brooklyn, NY 11234; Lic. No. 315392; Cal. No. 30849; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation.

Marivic P. Pacumio; Registered Professional Nurse; South San Francisco, CA 94080; Lic. No. 446403; Cal. No. 30870; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, upon return to practice in the State of New York, 2 years probation, \$500 fine.

Christa Marie Kelsey; Registered Professional Nurse; Canandaigua, NY 14424; Lic. No. 662743; Cal. No. 31096; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$750 fine.

Patricia Jean Kendall a/k/a Patricia J. Kendall-Cargill; Registered Professional Nurse, Nurse Practitioner (Family Health); Brockport, NY 14420; Lic. No. 452646, Cert. No. 334642; Cal. Nos. 31116, 31117; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Julia Margaret Lecomte a/k/a Julia Margaret Visciarelli; Registered Professional Nurse; Albany, NY 12209; Lic. No. 336533; Cal. No. 31214; Application for consent order granted; Penalty agreed upon: 3 years stayed suspension, 3 years probation, \$500 fine.

Elaine Mary Stich; Registered Professional Nurse; Rochester, NY 14624; Lic. No. 466450; Cal. No. 31228; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Charmaine Jeannette Kelley; Licensed Practical Nurse; Troy, NY 12180; Lic. No. 238165; Cal. No. 31230; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation.

Lynn Ann Gifford; Registered Professional Nurse; Ballston Spa, NY 12020; Lic. No. 481409; Cal. No. 31247; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Lindsey Elizabeth Harvey; Licensed Practical Nurse; Hampton Bays, NY 11946; Lic. No. 298248; Cal. No. 31279; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Kimberly A. Daleo; Registered Professional Nurse; Hauppauge, NY 11788-4446; Lic. No. 672721; Cal. No. 31305; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Daniel P. Karper; Registered Professional Nurse; Marcellus, NY 13108; Lic. No. 747960; Cal. No. 31327; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Jennifer Lynn Race; Licensed Practical Nurse; Canandaigua, NY 14424; Lic. No. 299692; Cal. No. 31344; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Elizabeth Pichardo; Registered Professional Nurse; Rochester, NY 14615; Lic. No. 687835; Cal. No. 31369; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Shannon M. Whitmarsh a/k/a Shannon M. Bernhardt a/k/a Shannon Bredesen; Licensed Practical Nurse; Farmington, NY 14425; Lic. No. 271781; Cal. No. 31373; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$250 fine.

Nerraw Akbar Black, Jr. a/k/a Nerraw Akbar Black; Licensed Practical Nurse; Amsterdam, NY 12010-3021; Lic. No. 327270; Cal. No. 31380; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$250 fine.

Susan Michalak; Licensed Practical Nurse; Lake Luzerne, NY 12846; Lic. No. 178776; Cal. No. 31389; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$250 fine.

Karen Gail Bell; Licensed Practical Nurse, Registered Professional Nurse; Cheektowaga, NY 14225; Lic. Nos. 256176, 503250; Cal. Nos. 31400, 31401; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Erika Lashawn Lofton; Licensed Practical Nurse; Rochester, NY 14613-2219; Lic. No. 313147; Cal. No. 31403; Application for consent order granted; Penalty agreed upon: 2 months actual suspension, 22 months stayed suspension, upon return to practice, 2 years probation.

Michael Harris Trudeau a/k/a Michael H. Trudeau; Licensed Practical Nurse; Ogdensburg, NY 13669; Lic. No. 312923; Cal. No. 31414; Application for consent order granted; Penalty agreed upon: 6 months actual suspension, 18 months stayed suspension, upon return to practice, 2 years probation, \$1,000 fine.

Lori Lea Hummer; Licensed Practical Nurse; Waterloo, NY 13165; Lic. No. 213790; Cal. No. 31437; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$250 fine.

Pharmacy

Sharp Drugs, Inc. d/b/a Island Drug and Surgical; Pharmacy; West Hampton Beach, NY 11978; Reg. No. 016876; Cal. No. 31244; Application for consent order granted; Penalty agreed upon: 1 year probation, \$5,000 fine.

Joseph Pierro; Pharmacist; West Hampton Beach, NY 11978; Lic. No. 031912; Cal. No. 31245; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$5,000 fine.

Mark Kelso Taylor; Pharmacist; Galloway, NJ 08205; Lic. No. 061550; Cal. No. 31358; Application for consent order granted; Penalty agreed upon: Censure and reprimand, 1 year probation, \$2,500 fine.

John P. Maffucci; Pharmacist; Somers, NY 10589; Lic. No. 034821; Cal. No. 31361; Application for consent order granted; Penalty agreed upon: 3 years actual suspension, Upon return to practice, 3 years probation, \$1,000 fine.

Kerry Dwight Hall; Pharmacist; Brooklyn, NY 11236-5204; Lic. No. 050480; Cal. No. 31461; Application for consent order granted; Penalty agreed upon: \$10,000 fine.

Physical Therapy

Nathan Brant; Physical Therapist; Buffalo, NY 14222; Lic. No. 033033; Cal. No. 31251; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Public Accountancy

Edward Richardson Jr.; Certified Public Accountant; Southfield, MI 48075; Lic. No. 111609; Cal. No. 30868; Application for consent order granted; Penalty agreed upon: 1 year actual suspension, 1 year stayed suspension, 2 years probation, \$2,500 fine.

Social Work

Brittanie L. Root; Licensed Master Social Worker; Whitehall, NY 12887; Lic. No. 097590; Cal. No. 31384; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.