



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 March 2023 Meeting

**DATE:** April 6, 2023

**AUTHORIZATION(S):**

### SUMMARY

#### **Issue for Decision**

Should the Board of Regents approve the Summary of the March 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 April 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 March 2023 Meeting of the Board of Regents of The University of the State of New York be approved.

**Timetable for Implementation**

Effective April 18, 2023.



**SUMMARY OF THE MARCH 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***

***March 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, March 13 at 8:45 a.m. pursuant to a call to duty sent to each Regent.

### **MEETING OF THE FULL BOARD, Monday, March 13 at 8:45 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  
Elizabeth S. Hakanson  
Luis O. Reyes  
Susan W. Mittler  
Frances G. Wills  
Aramina Vega Ferrer  
Shino Tanikawa  
Roger P. Catania  
Adrian I. Hale

Also present were Commissioner, Betty A. Rosa, Executive Deputy Commissioner, Sharon Cates-Williams, Counsel and Deputy Commissioner for Legal Affairs, Daniel Morton-Bentley, and Secretary, Board of Regents, Christopher J. Halpin. Vice Chancellor Josephine Victoria Finn was absent and excused.

### **ACTION ITEM**

#### **Executive Session Motion**

**MOVED**, that the Board of Regents convene in executive session on Monday, March 13 at 11:40 a.m. to discuss litigation matters.

**Motion by:** Regent Roger Tilles  
**Seconded by:** Regent Catherine Collins  
**Action:** Motion passed. Regent Wade S. Norwood was absent for the vote.

## **PRESENTATION**

### **Presentation from Technical Advisory Committee (TAC) Co-Chairs on Setting Performance Standards for Assessments**

Jason Harmon, Zachary Warner, and Dr. Marianne Perie, NYS Technical Advisory Committee presented on the purpose and role of the TAC and provide a conceptual overview of establishing performance standards (i.e., cut scores) for educational assessments (Attachment I).

Chancellor adjourned the meeting.

**MEETING OF THE FULL BOARD, Monday, March 13 at 3:05 p.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  
Elizabeth S. Hakanson  
Luis O. Reyes  
Susan W. Mittler  
Frances G. Wills  
Aramina Vega Ferrer  
Shino Tanikawa  
Roger P. Catania  
Adrian I. Hale

Also present were Commissioner, Betty A. Rosa, Executive Deputy Commissioner, Sharon Cates-Williams, Counsel and Deputy Commissioner for Legal Affairs, Daniel Morton-Bentley, and Secretary, Board of Regents, Christopher J. Halpin. Vice Chancellor Josephine Victoria Finn was absent and excused.

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

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

**Motion by:** Regent Frances G. Wills  
**Seconded by:** Regent James E. Cottrell  
**Action:** Motion passed unanimously.

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

**MOVED**, that Board of Regents accept the February 2023 State Education Department Fiscal Report as presented.

**Motion by:** Regent Susan W. Mittler  
**Seconded by:** Regent Aramina Vega Ferrer  
**Action:** Motion passed unanimously.

**PROGRAM AREA CONSENT ITEMS**

**Adult Career and Continuing Education Services (ACCES)**

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

**MOVED**, that Rasheta Bunting be appointed for a three-year term beginning January 1, 2023, and ending December 31, 2025.

**Cultural Education**

**Proposed Repeal of Section 90.4, Addition of a New Section 90.4, and  
Amendment of Section 90.12 of the Regulations of the Commissioner of  
Education Relating to Central Library Services Aid and State Aid for Library  
Construction  
BR (CA) 2**

**MOVED**, that section 90.4 of the Regulations of the Commissioner of Education be repealed, a new section 90.4 of the Regulations of the Commissioner of Education be added, and section 90.12 of the Regulations of the Commissioner of Education be amended, as submitted, effective March 29, 2023.

**Higher Education**

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

**MOVED**, that the Board of Regents approve the master plan amendment application on the summary table (summary table in item).

**Proposed Amendment of Section 80-3.10 of the Regulations of the Commissioner of Education Relating to the Experience Requirement for Professional School Building Leader Certification  
BR (CA) 4**

**MOVED**, that section 80-3.10 of the Regulations of the Commissioner of Education be amended, as submitted, effective March 29, 2023.

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

**MOVED**, that the Board of Regents reappoint the following individual 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: Kathleen Ferguson (teacher member) for a four-year term commencing March 31, 2023, and expiring March 31, 2027, and for a two-year term as co-chair commencing March 31, 2023, and expiring March 31, 2025.

**Office of Counsel**

**Proposed Resolution Authorizing the Attendance of Meetings by Board Members Via Videoconferencing Under Extraordinary Circumstances  
BR (CA) 6**

**MOVED**, that pursuant to Chapter 56 of the Laws of 2022, the Board of Regents hereby adopts the proposed resolution authorizing the attendance at meetings by board members via videoconferencing under extraordinary circumstances.

**P-12 Education**

**Proposed Amendment of Sections 200.1(x) and 200.5 of the Regulations of the Commissioner of Education Relating to Special Education Due Process System Procedures  
BR (CA) 7**

**MOVED**, that sections 200.5 and 200.1(x) of the Regulations of the Commissioner of Education be amended, as submitted, effective April 10, 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 permit OATH to promulgate regulations related to special education due process hearings to promote the efficient resolution of due process complaints and to ensure that the emergency action taken at the January 2023 meeting remains continuously in effect.



**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) 8**

**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) 9**

**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 Assisting  
BR (CA) 10**

**MOVED**, that section 66.6 of the Regulations of the Commissioner of Education be repealed and a new section 66.6 of the Regulations of the Commissioner of Education be added, as submitted, effective April 10, 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 implement the provisions of section 9 of Chapter 506 of the Laws of 2021, which became effective January 1, 2023 and to ensure that the emergency action taken at the January 2023 meeting remains continuously in effect.

**Proposed Repeal of Section 66.6 and Addition of a New Section 66.6 to the  
Regulations of the Commissioner of Education Relating to the Continuing  
Education Requirements for Licensed Optometrists Certified to Prescribe and  
Use Therapeutic Pharmaceutical Agents  
BR (CA) 11**

**MOVED**, that section 66.6 of the Regulations of the Commissioner of Education be repealed and a new section 66.6 of the Regulations of the Commissioner of Education be added, as submitted, effective April 10, 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 implement the provisions of section 9 of Chapter 506 of the Laws of 2021, which became effective

January 1, 2023 and to ensure that the emergency action taken at the January 2023 meeting remains continuously in effect.

**Proposed Technical Amendment of Section 52.13 of the Regulations of the Commissioner of Education Relating to Licensure in the Profession of Public Accountancy  
BR (CA) 12**

MOVED, that section 52.13 of the Regulations of the Commissioner of Education be amended, as submitted, effective March 29, 2023.

MOVED, that the Regents approve the consent agenda items.

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

**STANDING COMMITTEE REPORTS**

**ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES)**

The ACCES Committee held its scheduled meeting on March 13, 2023. All members were present. Chancellor Lester W. Young, Jr., Regent James E. Cottrell, Regent Frances G. Wills, Regent Aramina Vega Ferrer, and Regent Adrian I. Hale also attended the meeting.

**MATTERS NOT REQUIRING BOARD ACTION**

**Apprenticeship Program** - Department staff presented on Adult Education partnership with Department of Labor on the approval of apprenticeships.

Deputy Commissioner Ceylane Meyers-Ruff reviewed the items on the Consent Agenda.

**CULTURAL EDUCATION**

The Cultural Education Committee held its scheduled meeting on March 13, 2023. All members were present. Chancellor Lester W. Young, Regent Wade S. Norwood, Regent Kathleen M. Cashin, Regent Judith Chin, and Regent Adrian I. Hale also attended the meeting.

## **MATTERS NOT REQUIRING BOARD ACTION**

**Talking Book and Braille Library** – Department staff presented an overview of the New York State Talking Book and Braille Library, a free library service for eligible residents of upstate New York who are unable to use standard print materials due to a visual, physical or reading disability.

Deputy Commissioner Mark Schaming provided an update on Women’s History Month event that occurred at the State Museum on March 8, 2023 that included the donation of a model of the Women’s Rights Pioneers Monument. Deputy Commissioner Schaming also reviewed an item on the Consent Agenda.

## **HIGHER EDUCATION**

The Higher Education Committee held its scheduled meeting on March 13, 2023. All members were present. Chancellor Lester W. Young, Jr., Regent Roger Tilles, Regent Elizabeth S. Hakanson, and Regent Adrian I. Hale also attended the meeting but did not vote on any action.

## **MATTERS NOT REQUIRING BOARD ACTION**

**Proposed Amendment of Section 52.21 of the Regulations of the Commissioner of Education Relating to School Counselor Education Program General Registration Requirements [HE (D) 1]** - Department staff presented proposed regulatory amendments to require registered school counselor education programs leading to Initial and/or Professional certification to include coursework or training in school violence prevention and intervention; the identification and reporting of suspected child abuse or maltreatment; and the prevention and intervention of harassment, bullying, and discrimination.

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

## **P-12 EDUCATION**

The P-12 Education Committee held its scheduled meeting on March 13, 2023. All members were present with the exception of Vice Chancellor Josephine Victoria Finn who was excused.

Chancellor Lester W. Young, Jr. and Regents Catherine Collins, Elizabeth S. Hakanson, Luis O. Reyes, Susan W. Mittler, and Adrian I. Hale also attended the meeting but did not vote on the action items.

## **ACTION ITEMS**

**Renewal Recommendation for a Charter School Authorized by the New York City Department of Education [P12 (A) 1]** – Department staff presented a recommendation for a charter renewal from the NYC DOE Chancellor. The NYC DOE Chancellor recommended that the Board of Regents approve a charter renewal for the following charter school authorized by the NYC DOE Chancellor pursuant to Article 56 of the Education Law (the NYS Charter Schools Act):

- Bedford Stuyvesant New Beginnings Charter School (NYC CSD 16) – a five-year renewal and revision to increase grade span and enrollment from K-8 with 729 students to K-12 with 1269 students over the course of the charter term, and the adoption of a co-leadership model.

The Committee recommends that the Board of Regents finds that Bedford Stuyvesant New Beginnings 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 Bedford Stuyvesant New Beginnings 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 motion passed unanimously.

**Revision Recommendations for Charter Schools Authorized by the New York City Department of Education [P12 (A) 2]** – Department staff presented recommendations for charter revisions from the NYC DOE Chancellor. The NYC DOE Chancellor recommended that the Board of Regents approve charter revisions 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 Global Learning Institute for Girls Charter School, The Shirley Rodriguez-Remeneski School (NYC CSD 7) – an enrollment decrease from 450 students 396 students;
- Future Leaders Institute Charter School (NYC CSD 3) – an enrollment decrease from 387 students to 342 students; and
- Imagine Me Leadership Charter School (NYC CSD 19) – a school design change from an all-boys model in K through Grade 5 and a coeducational model in Grades 6-8 to a coeducational model in K-8.

The Committee recommends that the Board of Regents finds that Bronx Global Learning Institute for Girls Charter School, The Shirley Rodriguez-Remeneski 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 charter revision of Bronx Global Learning Institute for Girls Charter School, The Shirley Rodriguez-Remeneski School and amends the provisional charter accordingly.

The Committee recommends that the Board of Regents finds that Future Leaders Institute 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 charter revision of Future Leaders Institute Charter School and amends the provisional charter accordingly.

The Committee recommends that the Board of Regents finds that Imagine Me Leadership 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 charter revision of Imagine Me Leadership Charter School and amends the provisional charter accordingly.

Regent Tilles and Regent Cashin voted no. The motion passed.

#### **MOTION FOR ACTION BY FULL BOARD**

The P-12 Education Committee recommends, and we move, that at its meeting on March 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**

### **Supporting English Language Learners and Multilingual Learners in New York State**

- Department staff from the Office of Bilingual Education and World Languages and guests presented updates on ways in which the Department and the field are supporting English language learners and multilingual learners.

Deputy Commissioner Angelique Johnson-Dingle reviewed the item on the Consent Agenda.

## **PROFESSIONAL PRACTICE**

The Professional Practice Committee held its scheduled meeting on March 13, 2023. All members were present except Vice Chancellor Josephine Victoria Finn, who was excused. Chancellor Lester W. Young, Jr., Regent Roger Tilles, Regent Kathleen M. Cashin, Regent Luis O. Reyes, Regent Susan W. Mittler, Regent Shino Tanikawa, and Regent Adrian I. Hale also attended the meeting, but did not vote on any action.

## **ACTION ITEMS**

### **Professional Discipline Cases [PCC EXS (A) 1-3]**

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 3 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 13 consent order applications and 6 surrender applications be granted.

In the case of Paul Anthony White, Massage Therapist, Cal. No. 32562, submitted Application to Surrender License be deemed amended; that the calendar number in this matter be corrected to Calendar Number "32814" in lieu of Calendar Number "32562" wherever such latter Calendar Number was stated in the February 14, 2023 determination of the Board of Regents, and otherwise to remain effective as was provided in the February 14, 2023 determination of the Board of Regents and corresponding Vote and Order of the Deputy Commissioner for the Professions.

These recommendations are made following the review of 22 cases involving four licensed practical nurses, three certified public accountants, three registered professional nurses, two chiropractors, two dentists, two pharmacists, one audiologist, one psychologist, one registered professional nurse who is also certified as a nurse practitioner in Family Health, one respiratory therapy technician, and one veterinarian.

## **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 March 13, 2023, copies of which have been distributed to each Regent.

## **MATTERS NOT REQUIRING BOARD ACTION**

**Proposed Amendment of Section 29.15 of the Rules of the Board of Regents and Sections 79-9.6, 79-10.6, 79-12.6 of the Regulations of the Commissioner of Education Relating to Mental Health Practitioners' Diagnostic Privilege [PPC (D) 1] -** Department staff presented for discussion proposed amendments to clarify the requirements for issuance of the privilege to diagnose and create assessment-based treatment plans to qualified mental health counselors, marriage and family therapists, and psychoanalysts, licensed and registered under the Education Law. The proposed amendments will implement requirements established in Chapter 230 of the Laws of 2022 that allow the Department to issue the privilege, beginning June 24, 2024. Although the Department cannot issue the privilege until June 24, 2024, the proposed regulations will clarify for licensees seeking the privilege specific education and experience requirements and allow timely compliance.

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

**MOVED**, that the Committee Reports be approved.

**Motion by:** Regent Frances G. Wills  
**Seconded by:** Regent Aramina Vega Ferrer  
**Action:** Motion passed. Regents Kathleen M. Cashin, Catherine Collins, Elizabeth S. Hakanson, and Susan W. Mittler voted no.

Chancellor Young adjourned the meeting.

**Appendix I**  
**NEW YORK STATE BOARD OF REGENTS CHARTER ACTIONS**

<b>Name of Institution</b>	<b>Program Area</b>	<b>County of Location (City/Town)</b>	<b>Description of Charter Action(s)</b>
Belfast Historical Society	CE	Allegany (Belfast)	Extend provisional charter for five years.
Draves Arboretum	CE	Genesee (Darien)	Extend provisional charter for five years.
Drowned Lands Historical Society	CE	Orange (Pine Island)	Extend provisional charter for five years.
Hobart Historical Society	CE	Delaware (Hobart)	Extend provisional charter for five years.
Hudson Highlands Nature Museum	CE	Orange (Cornwall)	Amend charter to change the corporate name to "Hudson Highlands Nature Center".
Limeledge Botanical Garden and Arboretum	CE	Onondaga (Elbridge)	Grant provisional charter for five years.
The Little Club 1896 Foundation	CE	Saratoga (Saratoga Springs)	Grant Regents certificate of incorporation.
The Princeton Library in New York	CE	New York (New York)	Dissolve charter and approval to distribute remaining assets to Princeton University.
Roosevelt-Vanderbilt Historical Association	CE	Dutchess (Hyde Park)	Amend charter to add dissolution language.
Tribes Hill Heritage Center (THHC)	CE	Kings (Brooklyn)	Amend, replace, and restate Regents certificate of incorporation with a provisional charter for five years.
The Village of Babylon Historical and Preservation Society	CE	Suffolk (Babylon)	Consent to filing of certificate of assumed name "Conklin House".
Wheeler Historical Society	CE	Steuben (Bath)	Grant provisional charter for five years.
The Calhoun School, Inc.	P12	New York (New York)	Merge with the "Metropolitan Montessori School" with The Calhoun School, Inc. as the surviving corporation with the effective date of June 20, 2023.



<b>Name of Institution</b>	<b>Program Area</b>	<b>County of Location (City/Town)</b>	<b>Description of Charter Action(s)</b>
Chesterton Academy of Rochester	P12	Monroe (East Rochester)	Amend charter to change the corporate address and extend provisional charter for three years.
Immaculate Conception School of Allegany County	P12	Allegany (Wellsville)	Extend provisional charter for three years.
Manhattan Star Academy	P12	New York (New York)	Extend provisional charter for three years.
Peconic Community School	P12	Suffolk (Aquebogue)	Extend provisional charter for three years.
Rochester Classical Academy	P12	Monroe (Rochester)	Extend provisional charter for three years.
Silver Lake Preparatory School	P12	Richmond (Staten Island)	Grant provisional charter for three years.
Willow Glen Christian School	P12	Tompkins (Freeville)	Grant provisional charter for three years.
Davis College	HE	Broome (Johnson City)	Amend charter to change the corporate address.

## Appendix II

### REGENTS ACTIONS IN 22 PROFESSIONAL DISCIPLINE CASES AND 1 RESTORATION PETITION

March 13, 2023

The Board of Regents announced disciplinary actions resulting in the revocation of 3 licenses, surrender of 6 licenses, and 13 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 1 restoration petition.

#### I. REVOCATIONS AND SURRENDERS

##### Chiropractic

James Paul Walzer; Chiropractor; Fayetteville, NY 13066; Lic. No. 008622; Cal. No. 31934; Found guilty of professional misconduct; Penalty: Revocation.

James Robert Graziano; Chiropractor; Central Islip, NY 11722-3822; Lic. No. 010072; Cal. No. 33347; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Driving While Intoxicated, as an unclassified misdemeanor, and Driving While Intoxicated, as an E felony.

##### Nursing

John Francis Gargan III; Registered Professional Nurse, Nurse Practitioner (Family Health); New York, NY 10036-9010; Lic. No. 548322, Cert. No. 334335; Cal. Nos. 32549, 32550; Found guilty of professional misconduct; Penalty: Revocation.

Rebecca Lynn Anderson; Registered Professional Nurse; San Diego, CA 92108-4382; Lic. No. 605718; Cal. No. 33371; Application to surrender license granted. Summary: Licensee did not contest the charge of, in the State of California, failing to accurately document the administration or wastage of the controlled substance fentanyl for three patients.

Diana Catherine Rusakovich; Registered Professional Nurse; Cohoes, NY 12047; Lic. No. 683870; Cal. No. 33393; Application to surrender license granted. Summary: Licensee did not contest the charge of medication administration errors.

Kimberlee Jo Ronan a/k/a Kimberlee Clark; Licensed Practical Nurse; Iowa City, IA 52245; Lic. No. 246608; Cal. No. 33408; Application to surrender license granted. Summary: Licensee did not contest the charge of, in the State of Iowa, striking a patient in the face with her hand.

## **Public Accountancy**

Julius Reich; Certified Public Accountant; Wallkill, NY 12589; Lic. No. 044341; Cal. No. 33411; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Manslaughter in the 1<sup>st</sup> Degree, a class B felony.

## **Veterinary Medicine**

Paul D. Fish; Veterinarian; Merrick, NY 11566; Lic. No. 004473; Cal. No. 33372; Application to surrender license granted. Summary: Licensee did not contest the charge of failing to document in a patient's medical record the strength of the DSS (dioctyl sodium sulfosuccinate) enema given and the type of subcutaneous fluid given to said patient.

## **II. OTHER REGENTS DISCIPLINARY ACTIONS**

### **Dentistry**

Joseph C. Delisi; Dentist; New York, NY 10032-4724; Lic. No. 035832; Cal. No. 33314; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 11 months stayed suspension, upon return to practice, 1 year probation, \$1,000 fine.

Pamela Jane Moses; Dentist; Cazenovia, NY 13035; Lic. No. 054624; Cal. No. 33363; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

### **Nursing**

Gustina M. Castello; Registered Professional Nurse; Freeport, NY 11520; Lic. No. 236487; Cal. No. 33248; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Lena McKenzie-Smith; Licensed Practical Nurse; Lithonia, GA 30058; Lic. No. 317292; Cal. No. 33261; Application for consent order granted; Penalty agreed upon: 2 months actual suspension, 22 months stayed suspension, upon return to practice in New York State, 2 years probation.

Kayleigh G. Morris; Licensed Practical Nurse; Ballston Spa, NY 12020; Lic. No. 300891; Cal. No. 33316; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon return to practice, 2 years probation, \$500 fine.

Judy Adler; Licensed Practical Nurse; Sound Beach, NY 11789; Lic. No. 145351; Cal. No. 33418; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation, \$500 fine.

## **Pharmacy**

Jiwon Yern; Pharmacist; Glen Oaks, NY 11004-1522; Lic. No. 050033; Cal. No. 33190; Application for consent order granted; Penalty agreed upon: 3 years stayed suspension, 3 years probation, \$10,000 fine.

Michael D. Visconti; Pharmacist; Constantia, NY 13044; Lic. No. 051036; Cal. No. 33304; Application for consent order granted; Penalty agreed upon: 1 year probation, \$500 fine.

## **Psychology**

Jennifer Noel Duffy; Psychologist; Centerport, NY 11721; Lic. No. 012248; Cal. No. 33235; Application for consent order granted; Penalty agreed upon: Partial actual suspension in the area of forensic psychology, upon return to full practice, 2 years probation, \$1,000 fine.

## **Public Accountancy**

Marla Pachter Manowitz; Certified Public Accountant; Westbury, NY 11590; Lic. No. 067146; Cal. No. 33135; Application for consent order granted; Penalty agreed upon: Partial actual suspension in the area of auditing for no less than 9 months, upon return to practice, 2 years probation, \$5,000 fine.

Stephen Robert Schmitz; Certified Public Accountant; Rochester, NY 14616-2916; Lic. No. 053540; Cal. No. 33191; Application for consent order granted; Penalty agreed upon: Partial actual suspension in the area of auditing for no less than 1 month, upon return to practice, 2 years probation, \$1,000 fine.

## **Respiratory Therapy**

Johnson Vazhappallil Mathew; Respiratory Therapy Technician; East Meadow, NY 11554; Lic. No. 004391; Cal. No. 33306; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$2,500 fine.

## **Speech-Language Pathology and Audiology**

U-Cheng Leong; Audiologist; Fairport, NY 14450; Lic. No. 002059; Cal. No. 33357; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation.

### **III. RESTORATION**

The Board of Regents voted on March 13, 2023, to deny the application for restoration of the physician license of Conrad R. Williams, Roselle, NJ 07203. Dr. Williams' license was surrendered April 9, 2015.

# ATTACHMENT I

## **New York State Education Department Assessment Technical Advisory Committee and Standard Setting**

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**Presentation to the New York State Board of Regents**

March 13, 2023



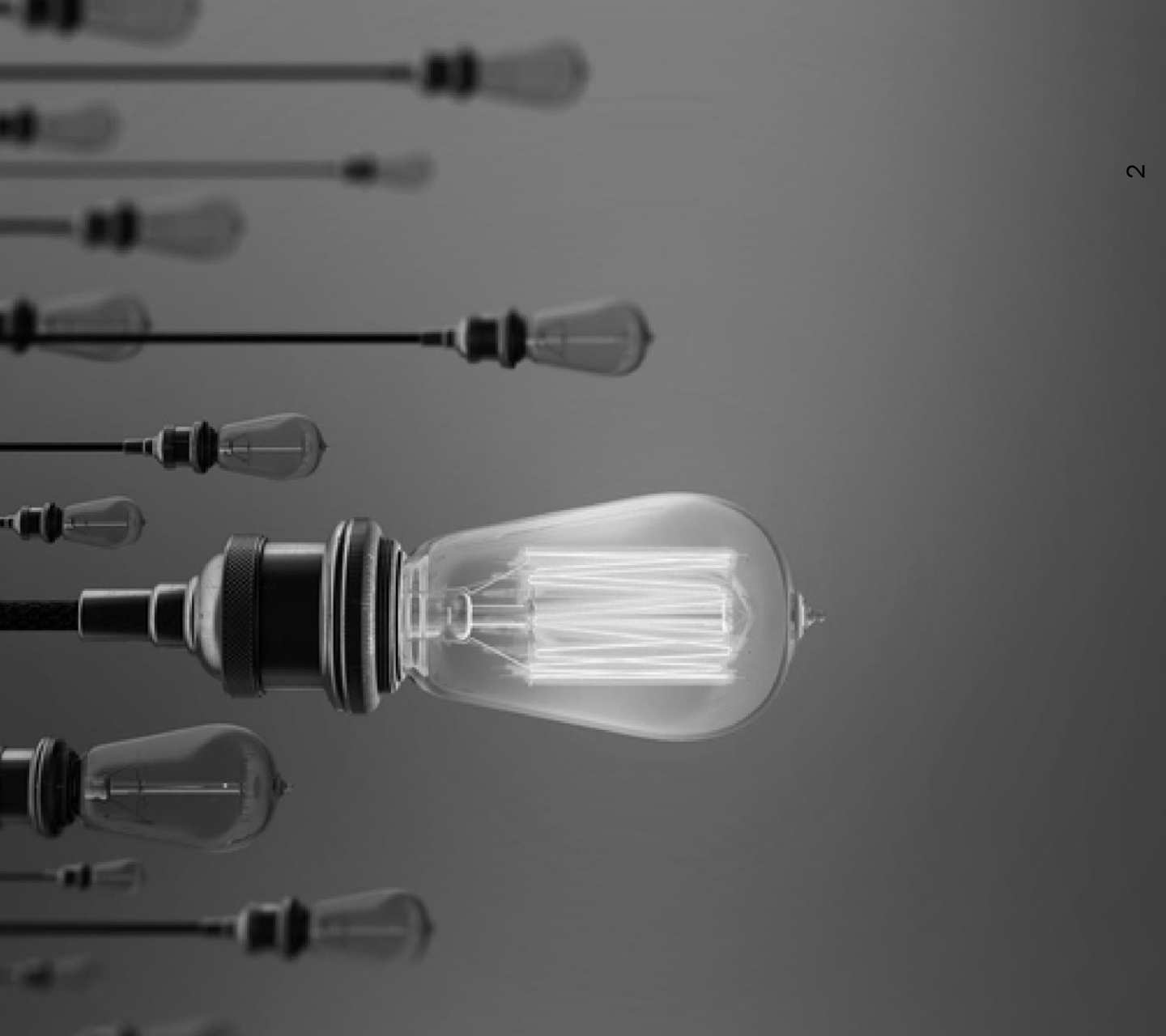
New York State  
EDUCATION DEPARTMENT  
Knowledge > Skill > Opportunity

# Introduction

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## Goals:

1. To introduce you to the composition and role of the New York State Education Department's Assessment Technical Advisory Committee (TAC)
2. To preview the process of setting cut scores on our state assessments



# What is the Role of the Technical Advisory Committee?

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The Technical Advisory Committee (TAC) is an advisory board composed of nationally known and respected psychometricians and other professionals in the field of student assessment appointed to advise the Board of Regents and the New York State Education Department (NYSED).

## The TAC Advises NYSED on:

- Current and proposed policy relating to testing and test development;
- Issues related to grade-by-grade testing;
- Emerging educational and assessment issues;
- Designing research programs and how to implement them; and
- A broad-based comprehensive assessment validity agenda.



# New York State TAC Co-Chairs



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# The New York State TAC



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# **Standard Setting**

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*...cut scores embody value judgments as well as technical and empirical considerations.*

—Standards in Psychological and Educational Testing, 2019

# What is Standard Setting?



Applying professional judgment to the question “How much is *just enough*?”



It results in recommended cut scores that separate performance levels.

# Types of Standards

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## Content Standards

- Specify the grade-level or course **content** that students should learn
  - In September 2017, the Board of Regents approved the New York State Next Generation Learning Standards for English Language Arts and Mathematics, which became effective at the beginning of the 2022-2023 school year.

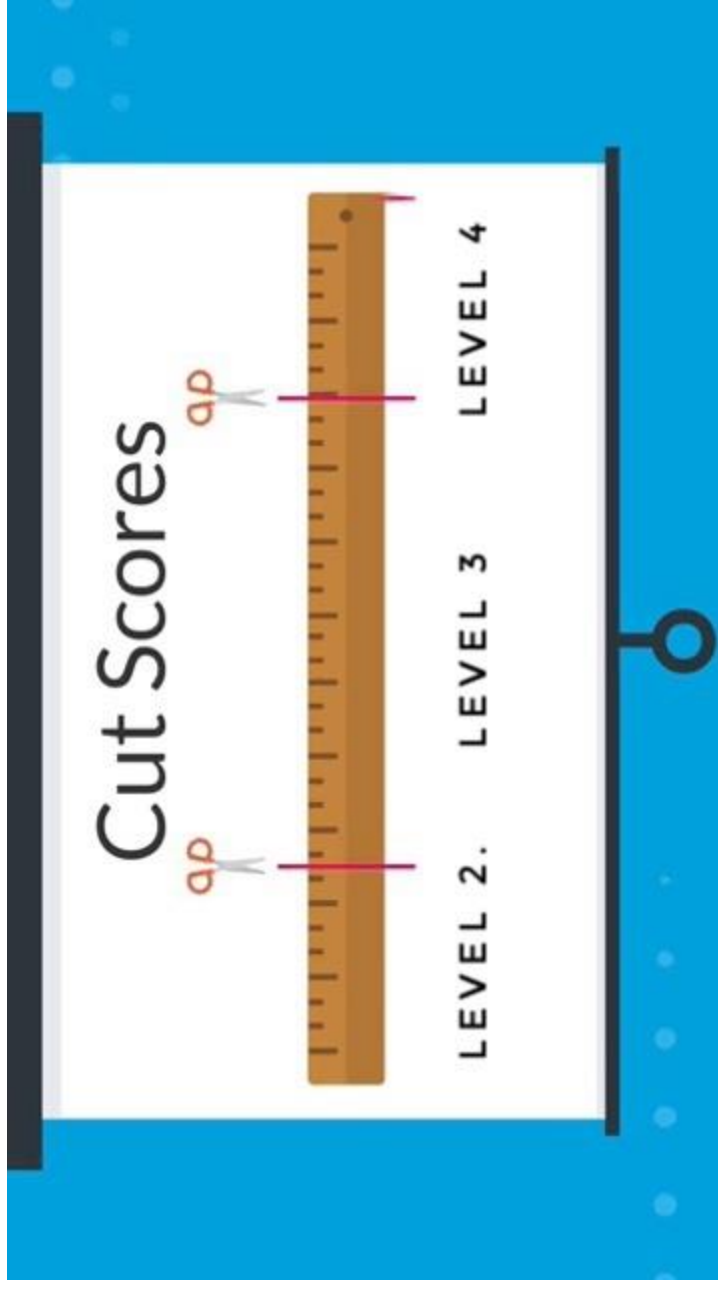
## Performance Standards

- Specify the **amount** of knowledge and/or skills relative to the content standards required to achieve an outcome or classification
  - Performance Level Descriptors (PLDs)
  - Cut Scores

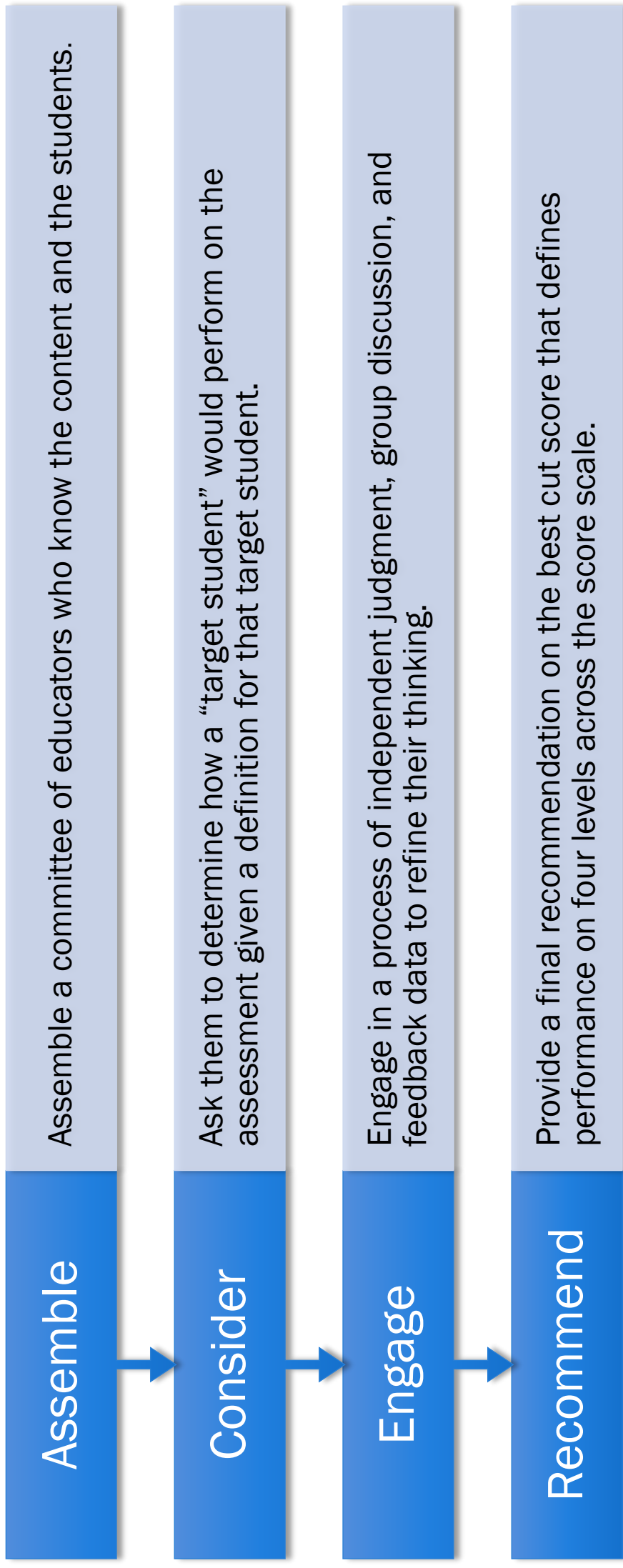


# What is a Performance Standard?

Performance level descriptors (PLDs) say in words what is meant by Levels 2, 3, and 4.

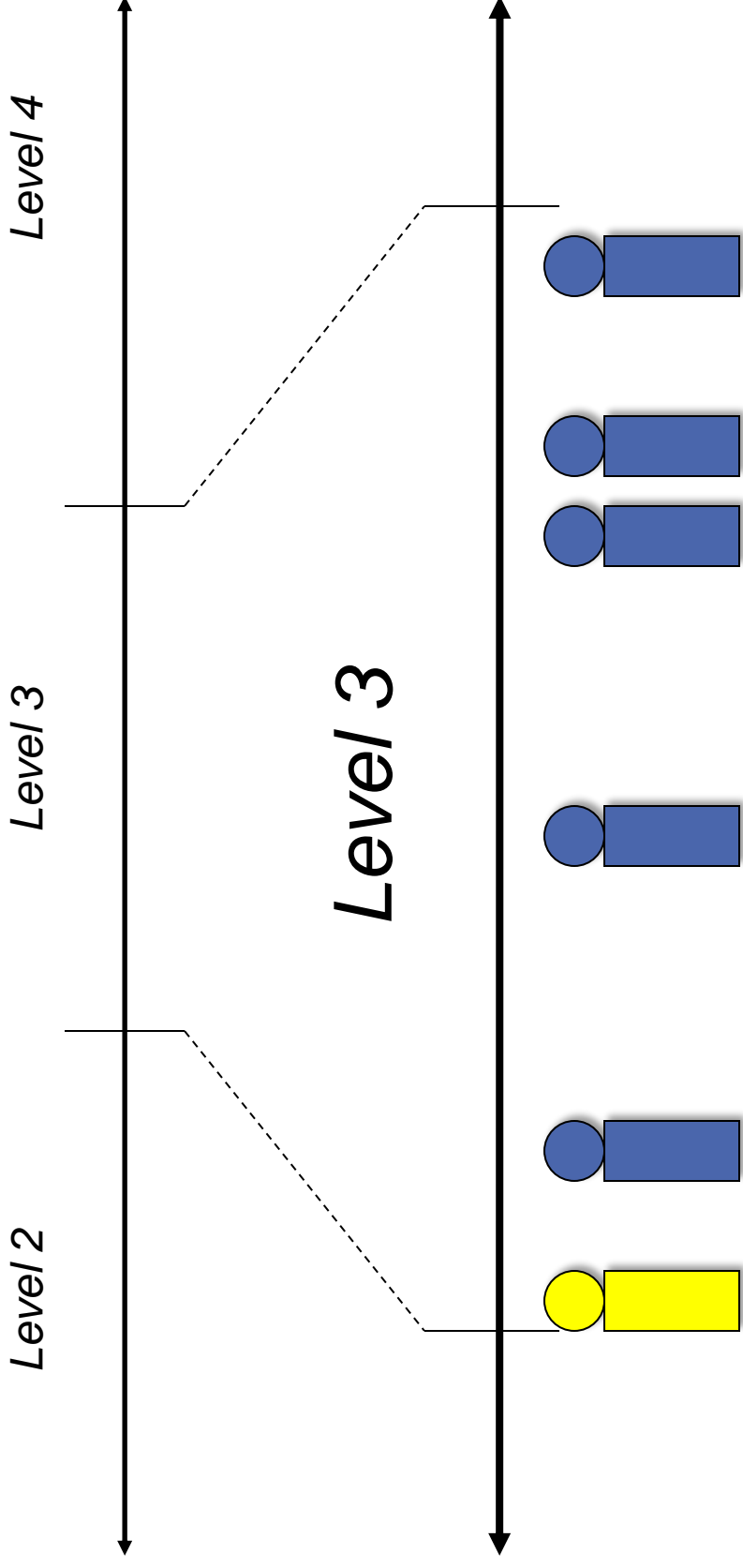


# What is the general design for standard setting?





# Who is the target student in standard setting?



# The Target Student = Borderline

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The idea of borderline performance is key to any standard setting procedure.

Most performance level descriptions describe the entire range, not just borderline.

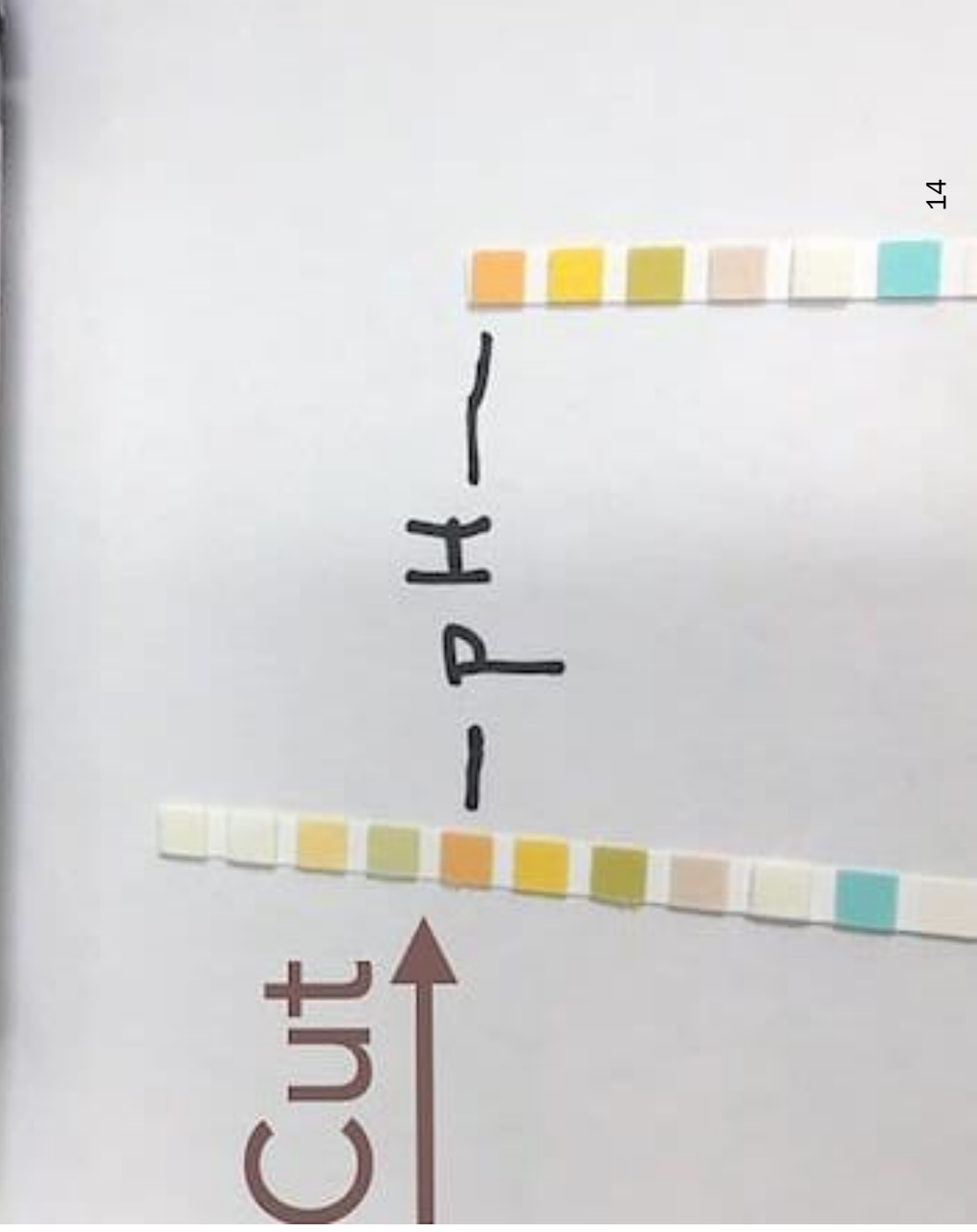
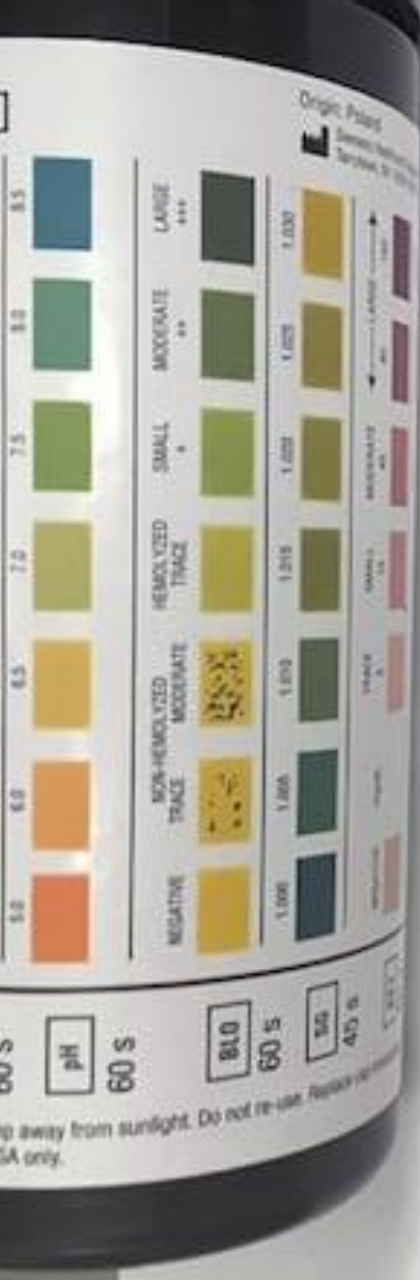
Because borderline performance is directly related to the placement of the cut score, a good portion of standard setting must be spent gaining a common understanding of what it means to be “borderline.”



# Borderlines in Education and Other Fields

Points Between:

- Highest bacteria count in safe water /  
Lowest bacteria count in polluted water
- Worst essay that deserves score of 6 /  
Best essay that deserves a 5
- Best performing “proficient” student /  
Worst performing “advanced” student
- Lowest score that passes /  
Highest score that fails

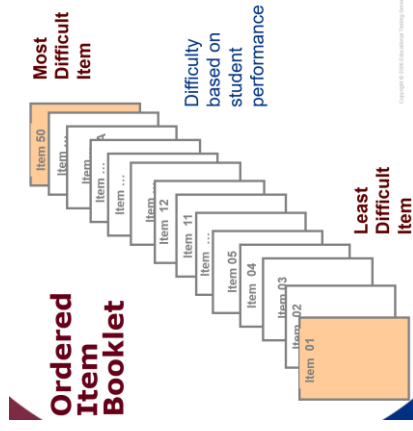


# Methodology

## Method

- There are multiple research-based methods for setting cut scores
- New York most frequently uses Bookmark, which is the most commonly used method across states

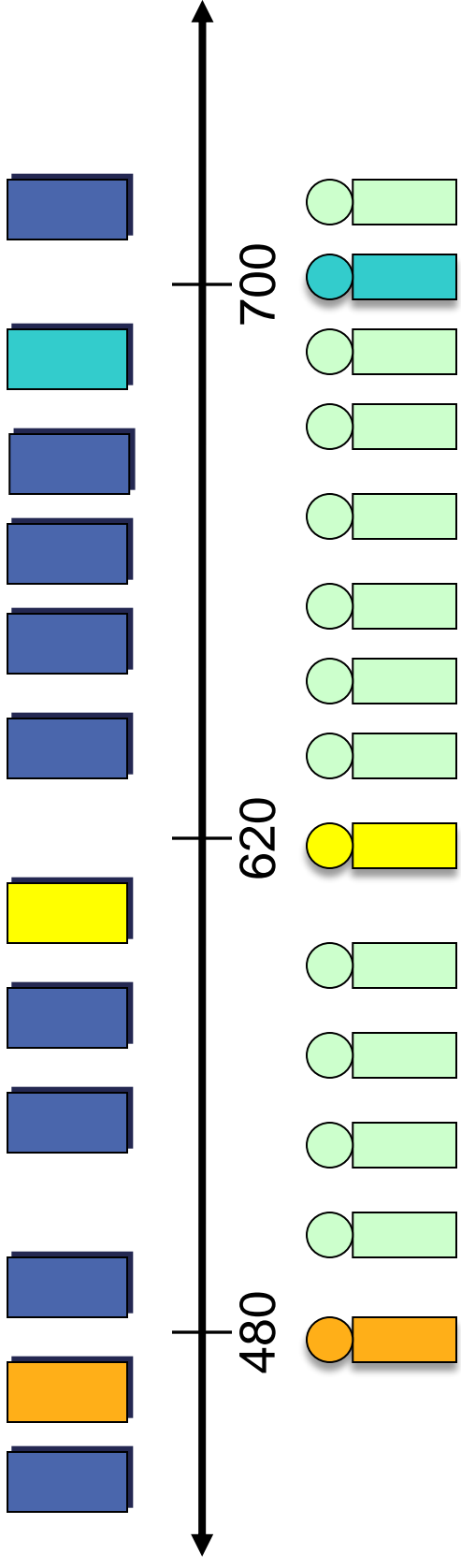
## Tool



## Process

- Use a set of items ordered by difficulty (Ordered Item Booklet, OIB)
- Find the place in the OIB that separates performance levels
- Place a bookmark at that location and record bookmark placement

# Students and Items Can Be Scaled Together



The last item that a target student can answer correctly 2/3 of the time identifies the area of the cut score.

# Content Expertise

This process sets criterion referenced cut scores (based on content) not normative (fixed percentage).

The educators bring their content expertise to bear to match the knowledge and skills required to answer each item to the knowledge and skills listed in the performance level descriptors.

They make judgments independently, but then talk with the other educators in their panel to hear different viewpoints.

# Data Added To The Process

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## Feedback data

- The ordered item booklet gives them some information on item difficulty as they are ordered based on student performance.
- Panels are given information on how many students would be in each performance level based on the most recent administration of the test and their cut scores.

## Other reference data can be provided

- Historical data
- Other state tests
- NAEP





# Policy

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Ultimately, cut scores are a policy decision. Educators provide recommendations based on content; policymakers consider results compared to the purpose and use of the assessments.



# Summary

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## **TAC Role**

Advise the State on technical issues around testing

## **Cut Score Process**

A combination of policy and technical considerations applied through a standardized process

## **Policymakers' Role**

Provide guidance on the policy that informs performance standards





# Thank you

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