




TO: The Honorable the Members of the Board of Regents
FROM: Tony Lofrumento
SUBJECT: Summary of the April 2021 Meetings
DATE: April 29, 2021
AUTHORIZATION(S): 

SUMMARY

Issue for Decision

Should the Board of Regents approve the Summary of the April 2021 Meetings 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 May 2021 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

Approval of the Summary of the April 2021 meetings.

VOTED, that the Summary of the April 2021 Meetings of the Board of Regents of The University of the State of New York be approved.

Timetable for Implementation

Effective May 10, 2021.



SUMMARY OF THE APRIL 2021 MEETINGS
OF THE BOARD OF REGENTS
OF
THE UNIVERSITY OF THE STATE OF NEW YORK
Held by Video Conference
April 12, 2021

Anthony Lofrumento, Secretary
Board of Regents

THE BOARD OF REGENTS

The Board of Regents of The University of the State of New York held a public session by video conference on Monday, April 12th at 9:30 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Monday, April 12th at 9:30 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
Josephine Victoria Finn
Judith Chin
Beverly L. Ouderkirk
Catherine Collins
Nan Eileen Mead
Elizabeth S. Hakanson
Luis O. Reyes
Susan W. Mittler
Frances G. Wills
Ruth B. Turner
Aramina Vega Ferrer

Also present were Commissioner, Betty A. Rosa; Counsel and Deputy Commissioner for Legal Affairs, Daniel Morton-Bentley; and Secretary, Board of Regents, Anthony Lofrumento.

Regent Luis O. Reyes provided the moment of reflection.

SCHOLARSHIP AND AWARD PRESENTATIONS

Vice Chancellor Emerita Adelaide L. Sanford Scholarships

Chancellor Young lead the presentation of the Vice Chancellor Emerita Adelaide L. Sanford Scholarships and welcomed Vice Chancellor Emerita Adelaide L. Sanford. Vice Chancellor Emerita Adelaide L. Sanford provided comments regarding current events and the importance of education and specifically education regarding criminal justice.

Anael Alston, Assistant Commissioner of the Office of Access, Opportunity and Community Engagement, introduced the following 2021 Vice Chancellor Emerita Adelaide L. Sanford Scholarship Recipients.

The first recipient was Giovanni Almonte, a graduating senior from Saunders Trade and Technical High School in the Yonkers City School District where he is the President of the school's MBK chapter and a NYS MBK Fellow. He has challenged himself by taking honors classes, including AP Psychology, College Link English and Regents Chemistry. Yonkers Superintendent Dr. Edwin Quezada has chosen Giovanni as an ambassador to represent the City of Yonkers and Giovanni has taken the opportunity to speak to his community in an effort to raise consciousness of social racism and to organize events to fundraise for this endeavor. Giovanni plans to study Marketing and Finance and to obtain a Business degree from Capital University.

The second recipient, Kenedi Catoe, is a graduating senior at Woodlands Middle/High School in the Greenburgh Central School District where she advocated for and was an integral part of creating My Sisters Keeper (MSK). Kenedi serves as President of the Woodlands Middle/High School National Honor Society and also the Student Council. She also serves as Treasurer of the Class of 2021 and is a member of the WMHS varsity golf and basketball teams. Greenburgh Superintendent Dr. Tahira DuPree Chase chose Kenedi as her special guest and to deliver the keynote speech to district staff, faculty and administrators on opening day of this school year, where Kenedi delivered a message of hope and understanding. During her out of school time Kenedi participates in several civic engagement organizations serving as a member of NYS Majority Leader Andrea Stewart Cousins' Youth Advisory Council, the Co-President of the Youth Empowerment Council for Change (YECC) of the Westchester County Youth Bureau, Treasurer of the White Plains/Greenburgh NAACP Youth Division and as a Youth Ambassador on the Commissioners' Youth Council at the Department of Community Resources at the Theodore Young Community Center. After graduation Kenedi plans to attend North Carolina Agricultural and Technical State University to study Computer Engineering.

Mary Drzonsc and Sharon Cates-Williams were thanked for reviewing and scoring the scholarship applications.

DISCUSSION ITEM

The NYS Board of Regents Framework on Diversity, Equity, and Inclusion in New York's Schools: A Call to Action - DRAFT BR (D) 1

Chancellor Young and Commissioner Rosa led a discussion on the draft Framework on Diversity, Equity, and Inclusion in New York's Schools.

P-12 EDUCATION COMMITTEE MEETING

The P-12 Education Committee held its scheduled meeting on April 12, 2021. All members of the Committee were present, except Regent Josephine Victoria Finn, who was absent and excused. Regent Turner and Regent Ferrer attended as well (See P-12 Education Committee Report on page 13).

HIGHER EDUCATION COMMITTEE MEETING

The Higher Education Committee held its scheduled meeting on April 12, 2021. All members of the Committee were present. Regent Turner and Regent Ferrer attended as well (See Higher Education Committee Report on page 12).

MEETING OF THE FULL BOARD, Monday, April 12th at 1:25 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
Josephine Victoria Finn
Judith Chin
Beverly L. Ouderkirk
Catherine Collins
Nan Eileen Mead
Elizabeth S. Hakanson
Luis O. Reyes
Susan W. Mittler
Frances G. Wills
Ruth B. Turner
Aramina Vega Ferrer

Also present were Commissioner, Betty A. Rosa; Counsel and Deputy Commissioner for Legal Affairs, Daniel Morton-Bentley; and Secretary, Board of Regents, Anthony Lofrumento.

DISCUSSION ITEM

**Proposed Amendment of Parts 275 and 276 and Section 277.1(b) of the Regulations of the Commissioner of Education Relating to Education Law §310 Appeals to the Commissioner of Education and the Initiation and Conduct of Proceedings for the Removal of School Officers
BR (D) 2**

Daniel Morton-Bentley led a discussion on the proposed amendment of Parts 275 and 276 and Section 277.1(b) of the Regulations of the Commissioner of Education Relating to Education Law §310 Appeals to the Commissioner of Education and the Initiation and Conduct of Proceedings for the Removal of School Officers.

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 March 2021 Meetings of the Board of Regents
BR (A) 2**

MOVED, that the Summary of the March 2021 Meetings 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 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 Meghan Parker be appointed for a three-year term beginning January 29, 2021 and ending December 31, 2023.

Higher Education

**Proposed Amendment of Section 52.21 of the Regulations of the Commissioner
of Education Relating to the Content Core Requirement in Computer Science
Teacher Preparation Programs
BR (CA) 2**

MOVED, that section 52.21 of the Regulations of the Commissioner of Education be amended, as submitted, effective April 28, 2021.

**Application for Surrender of Degree-Conferring Authority: Christie's
Education, Inc.
BR (CA) 3**

MOVED, that pursuant to §3.58(g)(2) of the Rules of the Board of Regents, the Board of Regents accepts the request from Christie's Education, Inc. to surrender, in whole, its degree-conferring authority.

**Conferral of Degrees: New York Studio School of Drawing, Painting & Sculpture
BR (CA) 4**

MOVED, that the Board of Regents confer upon the following individuals, who have completed the requirements for registered degree programs at New York Studio School of Drawing, Painting & Sculpture, the respective degree as listed below.

New York Studio School of Drawing, Painting & Sculpture

The following students have completed the requirements for the Master of Fine Arts (M.F.A.) award:

Jamie Allen
Rachael Ann Bohlander
Silas Joseph Borsos
Beatrice Marie Chessman
Halle Dillon
Francine Fanali
Helen Trimble Kohnke
Alexis Catherine Nunnelly
Anne-Sophie Hubschwerlin Plume
Michael Tee Reyes
Paula Bemerguy Sefer
Christopher Alexander Thixton
Lorena Vélez
Joseph Ward, III

**Proposed Amendment to Sections 52.21, 80-3.14, and 80-3.7 of the Regulations of the Commissioner of Education and Section 30-1.2 of the Rules of the Board of Regents Relating to Providing Flexibility Relating to Student Teaching, Individual Evaluation Pathway to Certification, Accreditation, and the Computer Science Tenure Area and Statement of Continued Eligibility in Response to the COVID-19 Crisis
BR (CA) 5**

MOVED, that sections 52.21, 80-3.14, and 80-3.7 of the Regulations of the Commissioner of Education and section 30-1.2 of the Rules of the Board of Regents be amended, as submitted, as an emergency measure, effective May 10, 2021, upon a finding by the Board of Regents that such action is necessary for the preservation of public health and the general welfare in order to immediately provide flexibility for certain higher education regulatory requirements in response to the COVID-19 crisis and to ensure that the emergency action taken at the February 2021 meeting remains continuously in effect.

**Appointment to the New York State Teachers' Retirement System Board
BR (CA) 6**

MOVED, that the Board of Regents appoint Ruth H. Mahoney to the New York State Teachers' Retirement System Board pursuant to Section 504(2)(a) of the Education Law for the remainder of a three-year term commencing May 1, 2021 and expiring May 1, 2022.

P-12 Education

**Proposed Amendment to Section 100.5(h) of the Regulations of the
Commissioner of Education Relating to Requirements for Awarding the New York
State Seal of Biliteracy (NYSSB or "the Seal")
BR (CA) 7**

MOVED, that section 100.5(h) of the Regulations of the Commissioner of Education be amended, as submitted, effective April 28, 2021.

**Proposed Amendment to Sections 125.1, 135.4, and 52.21 of the Regulations of
the Commissioner of Education and Section 30-3.2 of the Rules of the Board of
Regents Relating to Addressing the COVID-19 Crisis and the Reopening of
Schools
BR (CA) 8**

MOVED, that sections 125.1, 135.4, and 52.21 of the Regulations of the Commissioner of Education and section 30-3.2 of the Rules of the Board of Regents be amended, as submitted, effective April 28, 2021.

**Proposed Amendments to Sections 155.17(f) and 100.5(a) of the Regulations of
the Commissioner of Education and Section 30-3.16 of the Rules of the Board of
Regents Relating to Addressing the COVID-19 Crisis
BR (CA) 9**

MOVED, that Sections 155.17(f) and 100.5(a) of the Regulations of the Commissioner of Education and Section 30-3.16 of the Rules of the Board of Regents be amended, as submitted, effective April 28, 2021.

**Proposed Amendment to Sections 100.2 and 119.6 of the Regulations of the
Commissioner of Education Relating to the Implementation of the Crown Act
BR (CA) 10**

MOVED, that sections 100.2 and 119.6 of the Regulations of the Commissioner of Education be amended, as submitted, effective April 28, 2021.

**Proposed Amendment to Section 100.2(c) of the Regulations of the
Commissioner of Education to Implement Erin's Law
BR (CA) 11 - REVISED**

MOVED, that Section 100.2(c) be amended, as submitted, effective April 28, 2021.

**Proposed Amendment to Sections 100.2(cc), (gg) and 120.3(a) of the Regulations
of the Commissioner of Education Relating to the Uniform Violent or Disruptive
Incident Reporting System, Also Known as the School Safety and Educational
Climate Report
BR (CA) 12**

MOVED, that sections 100.2(cc), (gg) and 120.3(a) of the Regulations of the
Commissioner of Education be amended, as submitted, effective July 1, 2021.

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) 13**

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

**Report of the Committee on the Professions Regarding Licensing Petitions
BR (CA) 14**

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

**Proposed Amendment of Section 3.57 of the Rules of the Board of Regents
Relating to the Conferral of the Degree of Doctor of Medicine (M.D.) by the Board
of Regents
BR (CA) 15**

MOVED, that section 3.57 of the Rules of the Board of Regents be amended, as
submitted, effective April 28, 2021.

MOVED, that the Regents approve the consent agenda items.

Motion by: Regent Nan Eileen Mead
Seconded by: Regent James E. Cottrell
Action: Motion passed. Regent Collins abstained on the vote for BR
(CA) 15.

STANDING COMMITTEE REPORTS

HIGHER EDUCATION

Your Higher Education Committee held its scheduled meeting on April 12, 2021. All members of the Committee were present.

Action Items

MOTION FOR ACTION BY FULL BOARD

Mister 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 April 12, 2021.

Matters Requiring Board Action:

Proposed Amendment of Section 80-1.5 of the Regulations of the Commissioner of Education Relating to Extending the edTPA Safety Net in Response to the COVID-19 Crisis. Your Committee heard Department staff present a proposal to amend for emergency action section 80-1.5 of the Commissioner's Regulations extending the edTPA Safety Net to candidates who complete a student teaching or similar clinical experience during the 2021-2022 academic year while enrolled in a New York State registered teacher preparation program or a comparable out-of-state teacher preparation program, or complete the teaching experience requirement for certification through the Individual Evaluation pathway during the 2021-2022 academic year.

VOTED: That section 80-1.5 of the Regulations of the Commissioner of Education be amended, as submitted, as an emergency measure, effective April 13, 2021, upon a finding by the Board of Regents that such action is necessary for the preservation of public health and the general welfare in order to immediately provide additional flexibility related to the teacher performance assessment requirement in response to the COVID-19 crisis.

Matters Not Requiring Board Action:

None.

Consent Agenda Items:

- **Amendment to Section 52.21 Related to Content Core Requirement in the Computer Science Teacher Preparation Programs** - The Board Voted to amend of Section 52.21 of the Regulations of the Commissioner of Education relating to the Content Core requirement in the Computer Science Teacher Preparation Programs.

- **Application for Surrender of Degree-Conferring Authority: Christie’s Education, Inc** - Pursuant to §3.58(g)(2) of the Rules of the Board of Regents, the Board voted to accept the request from Christie’s Education Inc. to surrender, in whole, its degree-conferring authority Application for Surrender of Degree-Conferring Authority: Christie’s Education, Inc..
- **Conferral of Degrees: New York Studio School of Drawing, Painting & Sculpture** – The Board of Regents approved the conferral of degrees upon those individuals who completed the requirements for registered degree programs at New York Studio School of Drawing, Painting & Sculpture.
- **Amendment to Sections 52.21, 80-3.14, and 80-3.7 of the Regulations of the Commissioner of Education and Section 30-1.2 of the Rules of the Board of Regents** - The Board of Regents voted to amend, as submitted, as an emergency measure, effective May 10, 2021, upon a finding by the Board of Regents that such action is necessary for the preservation of public health and the general welfare in order to immediately provide flexibility for certain higher education regulatory requirements in response to the COVID-19 crisis and to ensure that the emergency action taken at the February meeting remains continuously in effect.
- **Appointment to the New York State Teacher’s Retirement System Board** – The Board of Regents voted to appoint Ruth H. Mahoney to the NYS Teachers’ Retirement System Board pursuant to Section 504(2)(a) of the Education Law for the remainder of a three-year term commencing May 1, 2021 and expiring May 1, 2022.

P-12 EDUCATION

Your P-12 Education Committee held its scheduled meeting on April 12, 2021. All members were present.

ACTION ITEMS

Proposed Amendment to Section 155.17 of the Regulations of the Commissioner of Education Relating to District-wide School Safety Plans [P-12 (A) 1]

Your Committee recommends that section 155.17 of the Regulations of the Commissioner of Education be amended, as submitted, effective April 13, 2021, 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 immediately implement the requirements of Chapter 168 of the Laws of 2020, as amended by Chapter 30 of the Laws of 2021, which requires school districts to include protocols for responding to a declared state disaster emergency involving a communicable disease in their district-wide safety plans.

The motion passed unanimously.

Proposed Amendment to Section 135.4 of the Regulations of the Commissioner of Education Relating to High School Students' Eligibility to Participate in Interscholastic Competition Until the Conclusion of the Interscholastic Athletic Spring Season [P-12 (A) 2]

Your Committee recommends that section 135.4 of the Regulations of the Commissioner of Education be amended, as submitted, effective April 13, 2021, 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 ensure that eligible students are able to complete their interscholastic athletic spring season during the year in which they graduate.

The motion passed unanimously.

Renewal Recommendations for Charter Schools Authorized by the Board of Regents [P-12 (A) 3]

Your Committee recommends that the Board of Regents finds that the **Compass 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 the **Compass 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, 2024**.

Your Committee recommends that the Board of Regents finds that the **Global Concepts 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 the **Global Concepts 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**.

Your Committee recommends that the **Growing Up Green 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 the **Growing Up Green 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, 2025**.

Your Committee recommends that the **Harriet Tubman 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 the **Harriet Tubman 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, 2024**.

Your Committee recommends that the **Niagara 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 the **Niagara 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 motion passed. Regents Collins and Mittler abstained from the vote for Global Concepts Charter School only.

Renewal Recommendations for Charter Schools Authorized by the New York City Department of Education Chancellor [P-12 (A) 4]

Your Committee recommends that the Board of Regents finds that the **Brooklyn Scholars 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 the **Brooklyn Scholars 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, 2025**.

Your Committee recommends that the Board of Regents finds that the **John V. Lindsay Wildcat 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 the **John V. Lindsay Wildcat 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 motion passed. Regent Collins abstained from the vote.

Charter Schools: Renewals to Charters Authorized by the Trustees of the State University of New York [P-12 (A) 5]

Your Committee recommends that the Board of Regents return the proposed charters for **Icahn Charter School 2, Icahn Charter School 3, Icahn Charter School 4, Icahn Charter School 6, Icahn Charter School 7, Success Academy Charter School – Bronx 3, and Success Academy Charter School – Harlem 6** 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 eligible applicants for the free and reduced price lunch program. The charters should be abandoned, and the schools should be directed to resubmit their applications no earlier than one year prior to the expiration of the charter term.”

The motion passed unanimously.

MOTION FOR ACTION BY FULL BOARD

Mr. 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 April 12, 2021.

Consent Agenda

The Board of Regents approved for permanent adoption the following consent agenda items at its April 12, 2021 meeting:

- Proposed Amendment to Section 100.5(h) of the Regulations of the Commissioner of Education Relating to Requirements for Awarding the New York State Seal of Biliteracy (NYSSB or “the Seal”).
- Proposed Amendment to Sections 125.1, 135.4, and 52.21 of the Regulations of the Commissioner of Education and Section 30-3.2 of the Rules of the Board of Regents Relating to Addressing the COVID-19 Crisis and the Reopening of Schools (COVID-19 Part VI & Reopening).
- Proposed Amendments to Sections 155.17(f) and 100.5(a) of the Regulations of the Commissioner of Education and Section 30-3.16 of the Rules of the Board of Regents Relating to Addressing the COVID-19 Crisis (COVID-19 Part VII).
- Proposed Amendment to Sections 100.2 and 119.6 of the Regulations of the Commissioner of Education Relating to the Implementation of the Crown Act.
- Proposed Amendment to Section 100.2(c) of the Regulations of the Commissioner of Education to Implement Erin’s Law.
- Proposed Amendment to Sections 100.2(cc), (gg) and 120.3(a) of the Regulations of the Commissioner of Education Relating to the Uniform Violent or Disruptive Incident Reporting System, Also Known as the School Safety and Educational Climate Report.

PROFESSIONAL PRACTICE

Your Professional Practice Committee held its scheduled meeting on April 12, 2021. All Committee members participated in the meeting by video conference call. Chancellor Lester W. Young, Jr., and Regent Aramina Vega Ferrer attended the meeting, but did not vote on any case or action.

ACTION ITEMS

Professional Discipline Cases

Your Committee recommends that the reports of the Regents Review Committees, including rulings, findings of fact, determinations as to guilt, and recommendations, by unanimous or majority vote, contained in those reports which have been distributed to you, be accepted in 4 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 33 consent order applications

be granted, with Regent Susan W. Mittler abstaining in one of those cases (Cal. No. 32149).

These recommendations are made following the review of 37 cases involving twelve registered professional nurses, nine licensed practical nurses, two licensed practical nurses who are also registered professional nurses, two pharmacists, one architect, one chiropractor, one clinical laboratory technician, one landscape architect, one licensed clinical social worker, one massage therapist, one pharmacy, one professional engineer, one registered dental assistant, and one veterinary technician.

MOTION FOR ACTION BY FULL BOARD

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 April 12, 2021.

MOVED, that the Committee Reports be approved.

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

State Education Department March 2021 Fiscal Report BR (A) 3

MOVED, that Board of Regents accept the March 2021 State Education Department Fiscal Report as presented.

Motion by: Regent Beverly L. Ouderkirk
Seconded by: Regent Catherine Collins
Action: Motion passed unanimously.

RESOLUTION

Regent Kathleen M. Cashin, Regent Catherine Collins and Commissioner Rosa provided remarks on the career and retirement of John L. D'Agati, Senior Deputy Commissioner for the Office of Education Policy at the end of April. He was presented with a Resolution in recognition of his service and dedication.

Chancellor Young 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)
Andover Historical Society	CE	Allegany (Andover)	Extend provisional charter for five years.
Holland Lodge Historical Society	CE	New York (New York)	Grant absolute charter.
The Homeville Museum	CE	Cortland (Homer)	Amend charter to change the corporate address and extend the provisional charter for five years.
Southwest Museum of the American Indian	CE	Nassau (East Meadow)	Grant provisional charter for five years.
Longview School	P12	Putnam (Brewster)	Amend charter to change the corporate address and extend the provisional charter for three years.
Our Lady of Fatima Catholic Academy	P12	Queens (Jackson Heights)	Grant provisional charter for three years.
Pascack Valley Learning Center	P12	Rockland (Airmont)	Extend provisional charter for three years and consent to filing of certificate of assumed name "Oneschool Global – New York".
Rambam Mesivta-Maimonides High School	P12	Nassau (Lawrence)	Amend charter to remove the girls high school which operates under the assumed name "Midreshet Shalhevet-Shalhevet High School for Girls".
St. Joseph Catholic Academy	P12	Queens (Long Island City)	Extend provisional charter for three years.
St. Michael Catholic Academy	P12	Queens (Flushing)	Grant an absolute charter.
Salesian High School	P12	Westchester (New Rochelle)	Grant provisional charter for three years.
Pratt Institute	OP	Kings (Brooklyn)	Amend charter to add authority to confer the Master of Landscape Architecture (M.L.A.) degree.

Appendix II

REGENTS ACTIONS IN 37 PROFESSIONAL DISCIPLINE CASES

April 12, 2021

The Board of Regents announced 37 disciplinary actions in 4 directly referred matters and 33 consent applications. The penalty indicated for each case relates solely to the misconduct set forth in that particular case.

I. REGENTS DISCIPLINARY ACTIONS

Architecture

Imre Szabo; Architect; Afton, NY 13730; Lic. No. 029095; Cal. No. 31620; Found guilty of professional misconduct; Penalty: Indefinite actual suspension until mentally fit to practice, upon return to practice, 5 years probation.

Chiropractic

Kimerly Talerico a/k/a Kimerly Angela Talarico a/k/a Kimerly Angela Walzer; Chiropractor; Fayetteville, NY 13066, Syracuse, NY 13224; Lic. No. 010216; Cal. No. 31262; Found guilty of professional misconduct; Penalty: 6 months actual suspension, 18 months stayed suspension, 2 years probation, \$500 fine.

Clinical Laboratory Technology

Geoffrey Stuart Fidelman; Clinical Laboratory Technician; Freeville, NY 13068-9750; Cert. No. 002161; Cal. No. 31901; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$250 fine.

Dentistry

Amberlee May Veihdeffer; Registered Dental Assistant; Warsaw, NY 14569; Cert. No. 001802; Cal. No. 32110; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Engineering, Land Surveying and Geology

Nari Motwani; Professional Engineer; Fort Lee, NJ 07024; Lic. No. 056831; Cal. No. 32076; Application for consent order granted; Penalty agreed upon: 6 months actual suspension, 18 months stayed suspension, 2 years probation, \$5,000 fine.

Landscape Architecture

Kimberly Anne Michaels; Landscape Architect; Ithaca, NY 14850-9601; Lic. No. 002031; Cal. No. 32140; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$2,500 fine.

Massage Therapy

Sihai Ju; Massage Therapist; New Hartford, NY 13413; Lic. No. 023828; Cal. No. 32188; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Nursing

Okike I. Geneba; Registered Professional Nurse; McKinney, TX 75070-4414; Lic. No. 553702; Cal. No. 29818; Application for consent order granted; Penalty agreed upon: 6 months actual suspension, 18 months stayed suspension, upon return to practice in New York State, 2 years probation.

Earline Shoavon Owens; Licensed Practical Nurse; New Windsor, NY 12553; Lic. No. 320588; Cal. No. 29972; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation.

Peter Karel Hornicek; Licensed Practical Nurse; Cohoes, NY 12047; Lic. No. 306741; Cal. No. 30181; Found guilty of professional misconduct; Penalty: Indefinite actual suspension until alcohol abuse free and fit to practice, upon return to practice, 2 years probation, \$500 fine.

Judith Ann Congdon; Licensed Practical Nurse; Fort Plain, NY 13339; Lic. No. 285835; Cal. No. 30406; Found guilty of professional misconduct; Penalty: Censure and reprimand, 2 years probation.

Margaret Siliato; Registered Professional Nurse; Coram, NY 11727; Lic. No. 543864; Cal. No. 31802; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

David Solomon Tindall; Registered Professional Nurse; Astoria, NY 11103; Lic. No. 524159; Cal. No. 31807; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 1 month and until alcohol abuse free and fit to practice, upon return to practice, 2 years probation, \$500 fine.

Linda Ann Lanza; Registered Professional Nurse; New City, NY 10956-1919; Lic. No. 485100; Cal. No. 31815; Application for consent order granted; Penalty agreed upon: 1 year actual suspension, 1 year stayed suspension, 2 years probation, \$1,000 fine.

Jaime Lee Gonzalez; Licensed Practical Nurse; Cortland, NY 13045; Lic. No. 324158; Cal. No. 31993; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Shayna Alexis Patterson; Licensed Practical Nurse; Rochester, NY 14612; Lic. No. 313833; Cal. No. 31996; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 3 months and until fit to practice, upon return to practice, 2 years probation.

Shishakea Clarkson; Licensed Practical Nurse; Albany, NY 12204; Lic. No. 331426; Cal. No. 32033; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation, \$250 fine.

Ann A. Cintino; Registered Professional Nurse; Bellmore, NY 11710-3433; Lic. No. 581875; Cal. No. 32087; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Julie Elizabeth Ensminger; Registered Professional Nurse; Dunkirk, NY 14048; Lic. No. 725610; Cal. No. 32094; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 3 months and until fit to practice, upon return to practice, 2 years probation.

Deborah Louise Plandowski a/k/a Debbie Louise Martinez; Licensed Practical Nurse, Registered Professional Nurse; Lackawanna, NY 14218; Lic. Nos. 222195, 446377; Cal. Nos. 32120, 32085; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Laurie Ann Bivona; Registered Professional Nurse; Staten Island, NY 10304; Lic. No. 496545; Cal. No. 32122; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon return to practice, 2 years probation, \$500 fine.

Julie Marie Grey; Registered Professional Nurse; Middlesex, NY 14507; Lic. No. 635817; Cal. No. 32131; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Andrew Graves; Licensed Practical Nurse; Bay Shore, NY 11706; Lic. No. 325660; Cal. No. 32146; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation, \$500 fine.

Jennifer Anne Hawkins; Registered Professional Nurse; Marietta, NY 13110; Lic. No. 667263; Cal. No. 32150; Application for consent order granted; Penalty agreed upon: Censure and reprimand, 1 year probation, \$1,500 fine.

Melody Adalia Figueroa a/k/a Melody A. Abshier; Registered Professional Nurse; Bushkill, PA 18324; Lic. No. 655153; Cal. No. 32156; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, upon return to practice in New York State, 2 years probation, \$500 fine.

Judith Falar Eroy; Registered Professional Nurse; Irondequoit, NY 14617; Lic. No. 582622; Cal. No. 32158; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$750 fine.

Christy Amber Harris; Licensed Practical Nurse; Walton, NY 13856; Lic. No. 303380; Cal. No. 32170; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon return to practice, 2 years probation, \$500 fine.

Zenaida Saldana; Licensed Practical Nurse, Registered Professional Nurse; Fulton, NY 13069; Lic. Nos. 251204, 508337; Cal. Nos. 32194, 32187; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Brent Anthony Gibson; Registered Professional Nurse; Binghamton, NY 13903-1942; Lic. No. 649154; Cal. No. 32198; Application for consent order granted; Penalty agreed upon: 4 months actual suspension, 20 months stayed suspension, upon return to practice, 2 years probation, \$500 fine.

Verna B. Nelson; Licensed Practical Nurse; Minetto, NY 13115; Lic. No. 278466; Cal. No. 32206; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Pharmacy

Amitkumar Patel; Pharmacist; Edison, NJ 08820; Lic. No. 056942; Cal. No. 32091; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$2,500 fine.

Shawn Burke; Pharmacist; Spencer, NY 14883; Lic. No. 057760; Cal. No. 32171; Application for consent order granted; Penalty agreed upon: Censure and reprimand, 1 year probation, \$1,000 fine.

Nature's Apothecary, LLC; Pharmacy; Ithaca, NY 14850; Reg. No. 034303; Cal. No. 32172; Application for consent order granted; Penalty agreed upon: Censure and reprimand, \$1,000 fine.

Social Work

Anthony Pugliese; Licensed Clinical Social Worker; Staten Island, NY 10312; Lic. No. 026907; Cal. No. 32090; Application for consent order granted; Penalty agreed upon: 6

months actual suspension, 18 months stayed suspension, upon return to practice, 2 years probation.

Veterinary Medicine

Verner Merritt Ingram III; Veterinary Technician; Norwood, NY 13668; Lic. No. 007241; Cal. No. 32028; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

ATTACHMENT I
The NYS Board of Regents
Framework on Diversity,
Equity, and Inclusion in
New York's Schools:
A Call to Action - **DRAFT**



April 2021



The NYS Board of Regents Framework on Diversity, Equity, and Inclusion in New York’s Schools: A Call to Action

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1 **Introduction**
2

3 The New York State Constitution authorizes the Board of Regents to oversee the
4 general supervision of all educational activities within the State. The Regents exercise
5 their authority in various ways, including by promulgating rules and regulations,
6 adopting student learning standards, establishing academic and graduation
7 requirements, and providing guidance and best practices to the field. The Board may
8 also exercise its authority by adopting policy positions on issues of significant
9 educational and societal importance.

10
11 It is important for the Board of Regents to establish and communicate to all New
12 Yorkers its beliefs and expectations for all students – especially at pivotal moments in
13 history. The nation is at such a moment now. Finally, we appear ready to address our
14 long history of racism and bigotry, and the corrosive impact they have had on every
15 facet of American life.

16
17 A confluence of events has brought us to this point of reckoning, including:
18

- 19 • The senseless, brutal killing of Black and Brown men and women at the hands of
20 law enforcement – and the ensuing demands for real and enduring racial justice
21 in the face of this inhumanity;
- 22 • A dangerous spike in violence aimed at Asian Americans and Pacific Islanders –
23 fueled in part by lies that attempt to link the Asian community with the creation
24 and spread of the Coronavirus;
- 25 • A renewed wave of discrimination and hateful rhetoric directed at those thought to
26 be different or somehow “not quite” American, including (but not limited to) Jewish
27 Americans, Muslim Americans, LGBTQ¹ individuals, individuals with disabilities,
28 immigrants and refugees, especially those arriving at the southern border.
- 29 • The terrible toll that COVID-19 has had on all our lives, communities, and school
30 systems. The disproportionate impact of this pandemic has surfaced and further
31 exacerbated long-standing educational inequities, predominantly impacting
32 Black, Latinx, Asian, Indigenous and poor student populations and students with
33 disabilities. Additionally, school closures and the resulting learning loss for our
34 most marginalized students compound existing learning disparities, leading to the
35 potential for poor life outcomes and lingering long-term effects.

36
37 These national tragedies have combined to create a perfect storm – a storm that is
38 powerful enough to propel us beyond the systemic racism that has come to define
39 America’s institutions. This systemic racism pervades all aspects of our lives, including
40 policing, education, healthcare, employment, housing, access to capital, and in almost
41 every other conceivable realm. It limits our potential as individuals, as communities, and
42 as a nation. There is no single, isolated answer that will solve these pervasive
43 problems; rather, the approach must be holistic and inclusive – and the State Education

¹ This initialism stands for lesbian, gay, bisexual, transgender, and queer or questioning.

44 Department and New York's schools will be an integral part of the solution. The way we
45 educate new generations of students will shape our nation's course for years to come.

46
47 **The Danger of a Single Story**

48
49 Nigerian author Chimamanda Ngozi Adichie warned of the dangers inherent in telling a
50 story from only one perspective. She explained that "the single story creates
51 stereotypes, and the problem with stereotypes is not that they are untrue, but that they
52 are incomplete. They make one story become the only story."

53
54 When one story becomes the only story, it becomes the "definitive" story. But when that
55 happens in school, it cheats students of the opportunity to learn the entirety of the
56 nation's history. And it deprives many of them the chance to see themselves as part of
57 the American story.

58
59 How can students fully comprehend Westward Expansion without knowing what it was
60 like for Native Americans to be violently displaced from their homes and forced to walk
61 the Trail of Tears? How can they understand the full import of America's involvement in
62 World War II without hearing firsthand accounts of Japanese Americans who were
63 interned in concentration camps by their own government?

64
65 We must tell the stories of all those who have contributed to the development of this
66 country and all those who continue to make it the diverse and beautiful tapestry it is
67 today: those who are indigenous to the land; those who were taken from their African
68 homes and brought to America's shores in chains; those who journeyed here as part of
69 the great European migration of the 19th and 20th centuries; those who traveled from
70 Asia and India, the Caribbean, Puerto Rico, Mexico, Central and South America – and
71 those who today seek refuge from poverty, violence, and tyranny.

72
73 As Pulitzer Prize-winning journalist Isabel Wilkerson instructs, understanding another's
74 perspective does not happen easily; it requires hard work, particularly on the part of
75 those in the "dominant caste." Ms. Wilkerson writes:

76
77 Radical empathy, on the other hand, means putting in the
78 work to educate oneself and to listen with a humble heart to
79 understand another's experience from their perspective, not
80 as we imagine we would feel. Radical empathy is not about
81 you and what you think you would do in a situation you have
82 never been in and perhaps never will. It is the kindred
83 connection from a place of deep knowing that opens your
84 spirit to the pain of another as they perceive it.

85
86 The nation's founders laid the groundwork that established America as a democratic
87 republic. The founding ideals are democracy, rights, liberty, opportunity, and equality.
88 However, our history courses often fail to underscore our nation's long, often turbulent
89 struggle between the ideals of freedom and equality and, more recently, voting rights.

90 All students deserve to learn about America’s entire, unvarnished history – even when
91 that complete story casts an unflattering light on historical figures who have long been
92 revered.

93
94 Schools must create opportunities for all students to learn from multiple perspectives –
95 perspectives that are just as important and valid as the narrow point of view from which
96 history and other content areas have traditionally been taught. We must always be
97 vigilant to guard against the danger of a single story.

98

99 **Impact of Systemic Racism on New York’s Students**

100

101 Martin Luther King, Jr. famously reminded us that “the arc of the moral universe is long,
102 but it bends toward justice.” Over time, we *have* made substantial progress towards
103 fulfilling America’s creed, which declares that all people are created equal. In 2008, we
104 elected the first African American president; in 2020, we elected the first African
105 American and South Asian American woman vice president.

106

107 Yet, despite these and other historic milestones, true equality of opportunity is not
108 available to many Americans, in no small part because we have not yet found a way to
109 provide all students with an education that prepares them for success in school and in
110 life.

111

112 The statistics are as frightening as they are familiar:

113

- 114 • African American and Latinx students have proficiency rates that range from 16
115 to 23 percentage points lower than their white peers on New York State’s English
116 language arts and math assessments.²
- 117 • While 91 percent of the State’s white students graduate from high school on time,
118 only 78 percent of African American and 77 percent of Latinx students do so.³
- 119 • A [CDC report](#) found mortality rates associated with COVID-19 among American
120 Indian and Alaska Natives to be 1.8 times greater than among non-Hispanic
121 whites while cases among American Indian and Alaska Native persons was 3.5
122 times greater that among White persons.⁴
- 123 • The most underrepresented group receiving in-person instruction in New York
124 City is Asian American students, making up just under 12 percent of students in-
125 person while they represent 18 percent of students overall.⁵

² New York State Education Department, 2019, [State Education Department Releases Spring 2019 Grades 3-8 ELA & Math Assessment Results](http://www.nysed.gov/news/2019/state-education-department-releases-spring-2019-grades-3-8-ela-math-assessment-results), <http://www.nysed.gov/news/2019/state-education-department-releases-spring-2019-grades-3-8-ela-math-assessment-results>

³ New York State Education Department, 2021, [State Education Department Releases 2016 Cohort High School Graduation Rates](http://www.nysed.gov/news/2021/state-education-department-releases-2016-cohort-high-school-graduation-rates), <http://www.nysed.gov/news/2021/state-education-department-releases-2016-cohort-high-school-graduation-rates>

⁴ Arrazola J, Masiello MM, Joshi S, et al., 2020, “[COVID-19 Mortality Among American Indian and Alaska Native Persons — 14 States, January–June 2020](https://doi.org/10.15585/mmwr.mm6949a3),” MMWR Morb Mortal Wkly Rep 2020; 69:1853–1856. DOI, <http://dx.doi.org/10.15585/mmwr.mm6949a3>

⁵ Balingit, Moriah, Natanson, Hannah and Chen, Yutao, 2021, “[As schools reopen, Asian American students are missing from classrooms](https://www.washingtonpost.com/education/asian-american-students-home-school-in-person-pandemic/2021/03/02/eb7056bc-7786-11eb-8115-9ad5e9c02117_story.html),” *The Washington Post*, https://www.washingtonpost.com/education/asian-american-students-home-school-in-person-pandemic/2021/03/02/eb7056bc-7786-11eb-8115-9ad5e9c02117_story.html

126 The consequences of these disparities are devastating. For example:
127

- 128 • In 2019, 40 percent of white Americans held a bachelor's degree, while only 26
129 percent of African Americans and 19 percent of Hispanic Americans did so, as
130 well.⁶
- 131 • While approximately eight percent of white Americans live in poverty, 18 percent
132 of Latinx and 21 percent of African Americans do.⁷
- 133 • Perhaps most troubling, "in 2018 African Americans represented 33 percent of
134 the sentenced prison population, nearly triple their 12 percent share of the U.S.
135 adult population. Whites accounted for 64 percent of adults but 30 percent of
136 prisoners. And while Hispanics represented 16 percent of the adult population,
137 they accounted for 23 percent of inmates."⁸

138
139 There are individuals behind each of these data points. Some of them were provided
140 with the educational opportunities and supports they needed to thrive in school; many
141 were not. The data are a stark reminder of the difficult work that remains; they can and
142 should be used to expose the inequities that persist throughout the system.
143

144 The Department, and the schools and districts it oversees, must use data to establish
145 clear expectations for students and their families. They must set goals and targets that
146 are connected to academic attainment and growth. *The work we do must always focus*
147 *on outcomes – and the outcome that matters most in our education system is student*
148 *learning.*

149
150 However, merely reporting the numbers can cause us to focus on the symptoms of
151 structural, institutional, and systemic inequities, losing sight of what lies beneath the
152 surface, at the deeper policy level. For example, discussions of New York's
153 "achievement gap" can be misinterpreted if we fail to account for the lack of student
154 opportunities to learn. As New York's education policymakers, it is our responsibility to
155 go deeper than the numbers might initially reveal; we must also examine and address
156 the *root causes* of the persistent disparities that impact student and life outcomes. We
157 know that students who attend under-resourced schools do not achieve at the same
158 level as students who attend fully resourced schools. We must stop repeating the same
159 actions that have produced these results.
160

⁶ U.S. Census Bureau, 2020, [U.S. Census Bureau Releases New Educational Attainment Data](https://www.census.gov/newsroom/press-releases/2020/educational-attainment.html),
<https://www.census.gov/newsroom/press-releases/2020/educational-attainment.html>

⁷ Stebbins, Samuel and Frohlich, Thomas C., 2019, "[The poverty rates for every group in the US: From age and sex to citizenship status](https://www.usatoday.com/story/money/2019/11/06/united-states-poverty-rate-for-every-group/40546247/)," *USA Today*, <https://www.usatoday.com/story/money/2019/11/06/united-states-poverty-rate-for-every-group/40546247/>

⁸ Gramlich, John, 2019, "[The Gap Between the Number of Blacks and Whites in Prison is Shrinking](https://www.pewresearch.org/fact-tank/2019/04/30/shrinking-gap-between-number-of-blacks-and-whites-in-prison/)," The Pew Research Center, <https://www.pewresearch.org/fact-tank/2019/04/30/shrinking-gap-between-number-of-blacks-and-whites-in-prison/>

161 **Diversity, Equity, and Inclusion**

162
163 *The Board of Regents and the New York State Education Department have come to*
164 *understand that the results we seek for all our children can never be fully achieved*
165 *unless we re-focus every facet of our work through an equity and inclusion lens (see*
166 *also New York State’s Every Student Succeeds Act Plan). This understanding has*
167 *created an urgency around promoting equitable opportunities that help all children*
168 *thrive. New York State understands that the responsibility of education is not only to*
169 *prevent the exclusion of historically silenced, erased, and disenfranchised groups, **but***
170 ***also to assist in the promotion and perpetuation of cultures, languages and ways***
171 ***of knowing that have been devalued, suppressed, and imperiled by years of***
172 ***educational, social, political, economic neglect and other forms of oppression.***⁹
173

174 **Definitions**

175
176 The act of defining is often the direct attempt to make something definite, distinct, or
177 clear. Our purpose is not to restrict, but to provide clarity to the concepts of diversity,
178 equity, and inclusion. These definitions are not intended to be exhaustive. Rather, they
179 are meant to be foundational. The definitions listed below can be credited to the
180 University of California, Berkeley Center for Equity, Inclusion, and Diversity and the
181 University of Houston’s Center for Diversity and Inclusion.

182 **Diversity:** *Includes but is not limited to race, color, ethnicity, nationality, religion,*
183 *socioeconomic status, veteran status, education, marital status, language, age, gender,*
184 *gender expression, gender identity, sexual orientation, mental or physical ability, genetic*
185 *information, and learning styles.*

186 When thinking about diversity, it is important to note that the terminology has broadened
187 over time. For example, ten years ago, diversity was synonymous with racial and ethnic
188 minorities. Today, people we once referred to as “minorities” are now considered part of
189 the global majority. Also, aspects such as socioeconomic status, gender identity, sexual
190 orientation, and disability may be considered when referring to diverse populations. With
191 this broadened definition, inclusivity of someone’s varied identities are considered.

192 **Equity:** *The guarantee of fair treatment, access, opportunity, and advancement for all*
193 *while striving to identify and eliminate barriers that have prevented the full participation*
194 *of all groups.*

195 The principle of equity acknowledges that there are historically under-served and under-
196 represented populations and that fairness regarding these unbalanced conditions is
197 needed to assist equality in the provision of effective opportunities to all groups.

198 At its core, equity requires that we *create the opportunity* for all students to succeed and
199 thrive in school no matter who they are, where they live, where they go to school, or
200 where they come from.

⁹ New York State Education Department, 2018, [Culturally Responsive-Sustaining Education Framework](http://www.nysed.gov/common/nysed/files/programs/crs/culturally-responsive-sustaining-education-framework.pdf).
<http://www.nysed.gov/common/nysed/files/programs/crs/culturally-responsive-sustaining-education-framework.pdf>

201 **Inclusion:** *Authentically bringing traditionally excluded individuals and/or groups into*
202 *processes, activities, and decision/policy making in a way that shares power and*
203 *ensures equal access to opportunities and resources.*

204 ***Through this Framework, the Board of Regents asserts its expectation that all***
205 ***school districts will develop policies that advance diversity, equity, and inclusion***
206 ***– and that they will implement such policies with fidelity and urgency.***

207 **Role of the Board of Regents and NYS Education Department**

208 The benefits that derive from creating diverse, equitable, and inclusive environments
209 are certainly not limited to the school setting. It is difficult to imagine any institution that
210 would not benefit from greater diversity, equity, and inclusiveness – and that includes
211 the New York State Education Department. The Department has, of course, always
212 adhered strictly to all laws and State policies regarding fairness in the workplace. But
213 we must do more, for the good of the Department and its employees and as a model for
214 schools to emulate. We must lead by example.
215

216
217
218 The Board of Regents will establish a Diversity, Equity, and Inclusion Workgroup of the
219 Board of Regents. The Workgroup will be representative of SED and the University of
220 the State of New York (USNY) and will provide policy direction and recommendations to
221 the full board on matters related to diversity, equity, and inclusion within SED and
222 USNY.
223

224 NYSED’s stated mission is “to raise the knowledge, skill, and opportunity of all the
225 people in New York.” In most states, the Education Department deals only with P-12
226 education. But in New York, we have a comprehensive system –USNY– to help us
227 achieve this ambitious mission.
228

229 **The Role of School Districts**

230
231 Districts have a critical role in elevating the issues of diversity, equity and inclusion;
232 setting policies; establishing data targets; reviewing and modifying their curricula; and
233 more.¹⁰
234

235 We recognize that much of this work is *already* happening in districts across the State.
236 Equity warriors are working to create school communities that are more diverse, more
237 equitable, and more inclusive than ever before. Many of New York’s education
238 stakeholders and their organizations have elevated this issue to the very top of their
239 agendas. Their efforts must be recognized and applauded. It is a movement and it is
240 growing every day in state houses, schoolhouses and at dinner tables across New York
241 and the nation.
242

¹⁰ It is important to remember that in New York State, curricula are adopted locally; they are *not* mandated by the State.

243 At the same time, however, some districts have not yet made diversity, equity, and
244 inclusion a priority in their schools. Others may simply be looking for the State to
245 provide the guidance and tools they need to do so.

246

247 **Suggested Elements of a District’s Diversity, Equity, and Inclusion Policy**

248

249 This must be a comprehensive approach, taking into account the entirety of the
250 schooling process, including:

251

252 • **Governance:** Establishing a district Diversity, Equity and Inclusion Committee
253 representative of all stakeholders, including students.

254

255 • **Teaching and learning:** Addressing the need for inclusive and culturally
256 responsive teaching and learning, including but not limited to:

257

258 ○ curricula in all content areas;

259 ○ books and instructional materials;

260 ○ pedagogical practices and professional development;

261 ○ classroom grouping policies and practices;

262 ○ student support systems for all developmental pathways;

263 ○ full and equitable opportunities to learn for all students; and

264 ○ multiple assessment measures.

265

266 As part of this work, districts may consider:

267

268 ○ Specifically acknowledging the role that racism and bigotry have played, and
269 continue to play, in the American story.

270 ○ Adopting a Culturally Responsive Sustaining (CR-S) Framework that
271 specifically embeds the ideals of diversity, equity, and inclusion by creating
272 student-centered learning environments that affirm cultural identities; fosters
273 positive academic outcomes; develops students’ abilities to connect across
274 lines of difference; elevates historically marginalized voices; empowers
275 students as agents of social change; and contributes to individual student
276 engagement, learning, growth, and achievement through the cultivation of
277 critical thinking.

278

279 NYSED's own CR-S framework is grounded in four principles:
280

- 281 1. Welcoming and Affirming Environment
- 282 2. High Expectations and Rigorous Instruction
- 283 3. Inclusive Curriculum and Assessment
- 284 4. Ongoing Professional Learning

285
286 ○ Ensuring coherent opportunities for students to actively participate in
287 experiences that prepare them for a lifetime of civic engagement and social
288 justice activism, including, for example, completing capstone projects. The
289 [materials developed by NYSED's Civic Readiness Task Force](#) provide a
290 helpful foundation for this work.

- 291
- 292 ● **Family and community engagement:** Ensuring family and community
293 engagement practices are based on mutual trust, confidence and respect.
294
- 295 ● **Workforce Diversity:** Practices and policies for the recruitment and retention of
296 a diverse workforce in all areas and levels. A [recent report](#) released by the Albert
297 Shanker Institute goes so far as to call teacher diversity a civil right for students.
298 This report argues that exposing students to a diverse range of teachers and
299 school leaders reduces stereotypes and prepares students for an increasingly
300 global society. A [2019 NYSED report](#) is a helpful resource on this topic as well.
301
- 302 ● **Diverse schools and learning opportunities:** Take creative steps to enhance
303 the level of socioeconomic and racial diversity within district schools (even if the
304 district's student population is relatively homogeneous). Ensure coursework,
305 programs, and activities are accessible to all students, regardless of their
306 disability status, native language, income level, or any other basis.

307
308 A 2019 [compilation of data and research](#) by The Century Foundation details
309 some of the ways that racial and socioeconomic integration benefits students and
310 the wider community, including:

- 311 ○ Academic and Cognitive Benefits
312 *On average, students in socioeconomically and racially diverse*
313 *schools – regardless of a student's own economic status – have*
314 *stronger academic outcomes than students in schools with*
315 *concentrated poverty.*
- 316
- 317 ○ Civic and Social-Emotional Benefits
318 *Racially and socioeconomically diverse schools offer students*
319 *important social-emotional benefits by exposing them to peers of*
320 *different backgrounds. The increased tolerance and cross-cultural*
321 *dialogue that result from these interactions is beneficial for civil society.*
322
- 323

324 ○ Economic Benefits
325 *Providing more students with integrated school environments is a cost-*
326 *effective strategy for boosting student achievement and preparing*
327 *students for work in a diverse global economy.*
328

329 ● **Student supports, discipline, and wellness:** Districts should consider:
330

- 331 ○ Programs and practices that enhance all students' self-identity, self-
332 confidence and self-esteem.
- 333 ○ Implementing non-discriminatory discipline policies and practices.
- 334 ○ Focusing on the well-being of the "whole child" by always considering
335 and addressing the full range of student developmental pathways.

336 **Conclusion**

337
338
339 We are at an inflection point in the nation's history. With great urgency, we must move
340 beyond the rhetoric of a commitment to educational equity and use this moment of
341 societal unrest to reset and reimagine our system of education. We are morally
342 obligated to seize this moment and redefine what is possible for all of New York's
343 students.
344

345 New York's collective response requires a recommitment to public education and a
346 significant investment in teaching and learning to ensure that every neighborhood
347 school is a place we would want our own children to attend.
348

349 The approach we take must always include perspectives that support and build the self-
350 esteem and identity of all children, especially those who have been historically
351 marginalized in school and in society.
352

353 We must create an ecosystem of success built upon a foundation of diversity, equity,
354 inclusion, access, opportunity, innovation, trust, respect, caring, relationship-building,
355 and so much more.
356

357 **This is a call to action.**

358
359 Together, we will interrupt the practices that for too long have harmed New York's
360 vulnerable, marginalized students.
361

362 Together, we will create environments for learning that reduce the pernicious
363 predictability of who will succeed and who will fail.
364

365 Together, we will lift up and support *all* of New York's students.

ATTACHMENT II



Resolution in Recognition of the Service and Dedication of John L. D'Agati

Dr. John D'Agati will retire from his service as Senior Deputy Commissioner for the Office of Education Policy at the end of April 2021.

Inspired by his parents, who were first-generation Americans and placed a high value on education, he entered public service with the goal of supporting policies that ensure people of all ages can access educational opportunities. During a decade at the helm of the Office of Higher Education, he has done much to advance that goal, managing an extensive portfolio of programs and services to support students to and through college.

John is a product of New York higher education institutions and served several years as a higher education administrator. When he joined the Department as Deputy Commissioner for Higher Education in 2011, he brought a private sector business background and twenty years of experience working for the New York State Legislature. His deep understanding of politics, higher education finance, and the role of higher education in economic development have been invaluable.

As Deputy, he provided thoughtful guidance and support to hundreds of colleges and universities, always with a focus on protecting students' interests. He created a new process to streamline the approval and registration of higher education programs. In his role overseeing New York's educator pipeline, he worked with stakeholders to support the creation of a new accrediting body for educator preparation and secured and oversaw a major foundation grant to improve the preparation of school principals.

Just as teachers and principals are vital to our education system, John recognizes that the Department's people are its most important asset. He has been a mentor to countless staff members, offering training, guidance, and a listening ear, and has dedicated time and energy to building a strong team of managers to carry on the work.

Following an all-too-brief retirement in 2019, he returned to assist the Department through a leadership transition. Having such an experienced Senior Deputy proved especially fortuitous when the pandemic hit. He has helped to steer us through the storm, and now he deserves to get back to his retirement.

John, with your deep knowledge of the education sector, your unique perspective, sense of humor, and compassion for others, you have served the students of our State with distinction. We thank you for your lifelong commitment to educational opportunity for New Yorkers and wish you joy, good health, and quality time with your loved ones as you enter this next chapter.

BE IT THEREFORE RESOLVED on this 12th day of April 2021 that the Members of the New York State Board of Regents acknowledge the service and dedication of John L. D'Agati to the State Education Department and the people of the State of New York.

A handwritten signature in black ink, appearing to read "Lester W. Young, Jr.", written over a horizontal line.

Lester W. Young, Jr.
Chancellor

A handwritten signature in black ink, appearing to read "Kathleen M. Cashin", written over a horizontal line.

Kathleen M. Cashin
Co-Chair, Higher Education
Committee

A handwritten signature in black ink, appearing to read "Catherine Collins", written over a horizontal line.

Catherine Collins
Co-Chair, Higher Education
Committee

A handwritten signature in black ink, appearing to read "Betty A. Rosa", written over a horizontal line.

Betty A. Rosa
Commissioner