



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

**TO:** The Honorable the Members of the Board of Regents  
**FROM:** Tony Lofrumento *Anthony Lofrumento Jr*  
**SUBJECT:** Summary of the November 2016 Meeting

**DATE:** December 1, 2016

**AUTHORIZATION(S):** *Mary Ellen Eia*

**Executive Summary**

**Issue for Decision**

Review of the Summary of the November 2016 Meeting of the Board of Regents.

**Proposed Handling**

Approval of the Summary of November 2016 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.

**Recommendation**

Approval of the Summary of the November 2016 meeting.

**Timetable for Implementation**

Effective December 13, 2016.

**VOTED**, that the Summary of the November 2016 Meeting of the Board of Regents of The University of the State of New York be approved.



**SUMMARY OF THE NOVEMBER 2016 MEETING**

**OF THE BOARD OF REGENTS**

**OF**

**THE UNIVERSITY OF THE STATE OF NEW YORK**

***Held at the State Education Building***

***Albany, New York***

***November 14 and 15, 2016***

***Anthony Lofrumento, Secretary  
Board of Regents***

## ***THE BOARD OF REGENTS***

The Board of Regents of The University of the State of New York held a public session on Monday, November 14, 2016 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

### **MEETING OF THE FULL BOARD, Monday, November 14<sup>th</sup> at 9:00 a.m.**

#### **Board Members in Attendance:**

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

Also present were Commissioner of Education, MaryEllen Elia, Executive Deputy Commissioner, Elizabeth Berlin, Acting Counsel and Deputy Commissioner for Legal Affairs, Alison B. Bianchi, and the Secretary, Board of Regents, Anthony Lofrumento. Regent James R. Tallon, Jr. was absent and excused.

Chancellor Betty A. Rosa called the meeting to order at 9:00 a.m. and provided thoughts for a moment of reflection.

### **ACTION ITEM**

#### **Executive Session Motion**

**MOVED**, that the Board of Regents convene in executive session today, Monday, November 14 at 3:30 PM. to discuss personnel matters.

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

## **PRESENTATION**

### **Every Student Succeeds Act (ESSA) – Part 1**

Commissioner Elia presented an update to the Board of Regents regarding the Every Student Succeeds Act (ESSA) (Attachments I and II.)

Chancellor Betty A. Rosa adjourned the meeting.

The Board of Regents of The University of the State of New York held a public session on Monday, November 14, 2016 at 3:45 p.m. pursuant to a call to duty sent to each Regent.

**MEETING OF THE FULL BOARD, Monday, November 14<sup>th</sup> at 3:35 pm**

**Board Members in Attendance:**

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

Also present were Commissioner of Education, MaryEllen Elia, Executive Deputy Commissioner, Elizabeth Berlin, Acting Counsel and Deputy Commissioner for Legal Affairs, Alison B. Bianchi, and the Secretary, Board of Regents, Anthony Lofrumento. Regent James R. Tallon, Jr. was absent and excused.

Chancellor Betty A. Rosa called the meeting to order at 3:45 p.m.

**ACTION ITEM**

**Executive Session Motion**

**MOVED**, that the Board of Regents convene in executive session on Tuesday, November 15 at 8:45 a.m. to discuss personnel matters.

**Motion by:** Chancellor Betty A. Rosa  
**Seconded by:** Regent Lester W. Young, Jr.  
**Action:** Motion carried unanimously

## **PRESENTATION**

### **Every Student Succeeds Act (ESSA) – Part 2**

Michael Cohen, President, Achieve and Linda Darling-Hammond, President, Learning Policy Institute and Charles E. Ducommun Professor of Education Emeritus at Stanford University presented an update to the Board of Regents regarding the Every Student Succeeds Act (ESSA) (Attachments III and IV.)

Chancellor Rosa adjourned the meeting.

The Board of Regents of The University of the State of New York held a public session on Tuesday, November 15, 2016 at 11:45 a.m. pursuant to a call to duty sent to each Regent.

**MEETING OF THE FULL BOARD, Tuesday, November 15<sup>th</sup> at 11:45 a.m.**

**Board Members in Attendance:**

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

Also present were Commissioner of Education, MaryEllen Elia, Executive Deputy Commissioner, Elizabeth Berlin, Acting Counsel and Deputy Commissioner for Legal Affairs, Alison B. Bianchi, and the Secretary, Board of Regents, Anthony Lofrumento.

Chancellor Betty A. Rosa called the meeting to order at 11:45 a.m. Regent Luis O. Reyes provided thoughts for a moment of reflection.

Chancellor Rosa provided the following statement at the start of the meeting:

I'd like to make a statement on behalf of the Board, the Department, and our State. We have been engaged for now for some time on the issue of looking at our students and the needs of our students. In that light, we have been engaged in many conversations. I know that both the Commissioner and members of this Board have talked about listening and being able to bring forth many competing at times concerns and issues.

Yesterday was particularly interesting in that we have acknowledged the uncertainty that we face as we move forth and we know that at the state we will continue to move forward with all our compassion, passion, and energy.

As we look at this issue as we did yesterday in terms of our assessments, we have had several conversations, some of them off-line and some of them on-line, in terms of this year. It is November and most of you know, we had to really look at many considerations, including we had conversations, as I shared yesterday, with our technical advisory committee, our TAC Committee. Hearing the many voices, we decided that for this year we would definitely and I want to state it again so there's no misunderstanding, that for this year we would continue with three full six-day testing as we did last year.

Our commissioner and this Board are absolutely open to continuing that discussion into the following year and thereby continuing the input of our TAC, the input of our constituents, the input of our great State and the members both parents, teachers and others that have a vested interest in the welfare of our children.

So, with that I'd like to continue the conversation, as Linda Darling-Hammond and Michael Cohen yesterday engaged us in a very thought-provoking conversation. We hope that all of us collectively can come together and keeping in mind not the interest of sometimes our organizations or our personal interests or sometimes interests that do not necessarily connect to the welfare of our children but at the end of the day we often ask the question, "what does this have to do with Children?"

### **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 October 2016 Meeting of the Board of Regents BR (A) 2**

**MOVED**, that the Summary of the October 2016 Meeting of the Board of Regents of The University of the State of New York be approved.

**Motion by:** Regent Kathleen M. Cashin  
**Seconded by:** Regent Christine D. Cea  
**Action:** Motion carried unanimously.

### **PROGRAM AREA CONSENT ITEMS**

#### **Higher Education**

**Saint Joseph's Seminary and College: Master Plan Amendment to Establish a Branch Campus and Offer a Master of Arts (M.A.) Degree Program in Theology  
BR (CA) 1**

**MOVED**, that That the Board of Regents approve a master plan amendment to authorize Saint Joseph’s Seminary and College to establish a branch campus in Poughkeepsie, NY, and to offer its first program at that location, a Master of Arts (M.A.) in Theology. The amendment will be effective until November 15, 2017, unless the Department registers the program prior to that date, in which case master plan amendment shall be without term.

**The State University of New York Monroe Community College, Damon City campus – Master Plan Amendment for Associate in Applied Science (A.A.S.) degree program in Child Care Practitioner  
BR (CA) 2**

**MOVED**, that the Board of Regents approve an amendment to the State University of New York master plan authorizing Monroe Community College to offer its first program in the Education discipline, an Associate in Applied Science (A.A.S.) degree in Child Care Practitioner, at the Damon City campus. The amendment will be effective until November 15, 2017, unless the Department registers the program prior to that date, in which case master plan amendment shall be without term.

**Permanent Authority to Confer Degrees: The Institute of Art-New York LLC (“doing business as” (dba) Sotheby’s Institute of Art-New York)  
BR (CA) 3**

**MOVED**, that the Board of Regents grant the Institute of Art-New York, LLC, (dba Sotheby’s Institute of Art-New York), permanent authority to confer degrees.

**P-12 Education**

**Proposed Amendment of Section 100.6 of the Commissioner’s Regulations Relating to the Establishment of Criteria for the Approval of Work-Readiness Assessments for Earning the New York State Career Development and Occupational Studies Commencement Credential  
BR (CA) 4**

**MOVED**, that paragraph (4) of subdivision (b) of section 100.6 of the Regulations of the Commissioner be amended as submitted, effective December 12, 2016, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to provide sufficient time for the Commissioner to approve work-readiness assessments for students to earn a NYS CDOS Commencement Credential on or after April 3, 2017 and to ensure that the emergency rule adopted at the September 2016 Regents meeting remains in effect until it can be adopted as a permanent rule.

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

**MOVED**, that the Board of Regents hereby gives consent to the issuance of bonds and/or bond anticipation notes by the Board of Education of the City School District of the City of Olean for a total in an amount not to exceed \$12,150,000, with \$900,000 to be expended from the existing building capital reserve fund and \$4,000,000, for a total request of \$15,250,000 to be used for certain capital improvements consisting of addition to and reconstruction of school buildings and facilities for and the issuance of such bonds and/or bond anticipation notes in excess of the constitutional debt limit of said school district.

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

**MOVED**, that the Board of Regents hereby gives consent to the issuance of bonds and/or bond anticipation notes by the Board of Education of the City School District of the City of Gloversville in an amount not to exceed \$37,800,000 for the construction of additions to and reconstruction of various district buildings, construction and reconstruction of athletic fields and facilities, site work, and the acquisition of original furnishings, equipment, machinery or apparatus thereon and therein and required for the purpose for which such buildings and facilities are to be used and the issuance of such bonds and/or bond anticipation notes in excess of the constitutional debt limit of said school district.

**Professional Practice**

**(Re)Appointments of Members to the State Boards for the Professions and (Re)Appointments of Extended Members to the State Boards for the Professions for Service on Licensure Disciplinary and/or Licensure Restoration and Moral Character Panels  
BR (CA) 5**

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

**Report of the Committee on the Professions Regarding Licensing Petitions  
BR (CA) 6**

**MOVED**, that the Regents approve the recommendations of the Committee on the Professions regarding licensing petitions.

**MOVED**, that the Regents approve the consent agenda items.

**Motion by:** Regent Judith Chin  
**Seconded by:** Regent Christine D. Cea  
**Action:** Motion carried unanimously.

## **STANDING COMMITTEE REPORTS**

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

Your ACCES Committee held its scheduled meeting on November 14, 2016. All members were present.

#### **MATTERS NOT REQUIRING BOARD ACTION**

**Regents 2017-2018 State Budget Priorities** – Your committee recommends that the Board of Regents approve budget priorities for Bridge to College and Careers Pilot Program and Independent Living Services. The Bridge Program is requesting \$10 million in new state funding to continue the program. Independent Living Services is requesting a \$5 million increase in state funding to support the expansion of independent living services and supports to maximize opportunities for individuals with disabilities to live and work in their community.

**2017 State Legislative Priorities** – Your committee recommends that the Board of Regents approve the legislative proposal for the 2017 session on the Reader's Aid Program. The proposed legislation would increase the annual aid cap per student, expand eligibility to include non-degree granting proprietary schools in New York State, provide eligibility for students with learning disabilities and print disabilities, and authorize the use of up to half of the funds for the purchase of assistive technology.

### **AUDITS/BUDGET AND FINANCE**

Your Committee on Audits/Budget and Finance had its scheduled meeting on November 14, 2016. Regent Josephine Finn, Chair of the Audits/Budget and Finance Committee, submitted the following written report. In attendance were committee members: Regent Finn, Char, Regent Tilles, Regent Young, Regent Collins, Regent Mead and Regent Hakanson.

Regents, in addition to Audits/Budget Committee Members, in attendance were: Chancellor Rosa, Vice Chancellor Brown, Regents Cashin, Cea, Cottrell, and Ouderkirk, as well as Commissioner Elia and Executive Deputy Commissioner Berlin.

#### **ITEMS FOR DISCUSSION**

Chair's Remarks: Regent Finn welcomed everyone and congratulated Donald Juron on his 34 ½ years of dedicated service. She introduced Don Juron, Chief Financial Officer, to present the October 2016 Fiscal Report and Sharon Cates-Williams, Deputy Commissioner, to present the Board of Regents Oversight of Financial Accountability Report and Overview of the SED Office of Audit Services.

## **2016 Fiscal Report**

Our Chief Financial Officer provided the Members with the October fiscal report that reflects actual expenditures through October 31, 2016 and projected expenditures through the lapse period ending June 30, 2017. Extensive spending controls continue for all funds. General Fund spending plans reflect the amounts appropriated in the 2016-17 enacted budget. General Fund accounts are in structural balance. Special Revenue accounts are all in structural balance on a current year basis and the accumulated negative balance in the Cultural Education Account is projected to remain at a negative \$3.6 million. Federal Funds reflect current year plans for two year grant awards.

### **Completed Audits**

The Department's Internal Audit Workgroup reviewed fifty-four audits that are being presented to the Committee this month. All fifty-four were issued by the Office of the State Comptroller (OSC). Thirty-nine audits were of school districts, seven BOCES, two of the State Education Department, one of the State Education Department and the Department of Health, one college, two charter schools, and two providers of special education services.

The findings were in the areas of budget and financial reporting, capital construction, cash, claims processing, employee and contractor finger printing, information technology, non-resident student tuition, payroll/leave accruals, procurement, Reimbursable Cost Manual compliance, reserve funds, school fire and safety, school lunch program, segregation of duties, student immunizations, and Tuition Assistance Program (TAP).

Deputy Commissioner, Sharon Cates-Williams, gave a brief overview of the State Education Department – Oversight of School Fire Safety Compliance

- Auditors visited 25 schools and found many did not complete the required number of fire drills; they also found that emergency evacuation plans at six schools did not include procedures to address evacuation of students who have disabilities or special needs.
- Almost 50 percent of the total number of private schools did not submit required inspection reports for the 2015-16 school year.
- The Department's electronic reporting system has not been verified for accuracy and lacks reporting capabilities to monitor school compliance.

The report's recommendations focused primarily on SED officials developing a risk-based approach for verifying, by site visit or other means, whether information provided in fire inspection report is accurate and schools are complying with fire safety requirements.

SED officials agreed with the report's recommendations and have indicated that they planned corrective action.

In addition, Deputy Commissioner, Sharon Cates-Williams, presented the SED Office of Audit Services Overview. The presentation covered the Office's responsibilities and other areas such as, the differences between auditing and monitoring, the types of internal and external audits done by the Office, and the purpose of audit summaries.

## **CULTURAL EDUCATION**

Your Committee on Cultural Education Committee had its scheduled meeting on November 14, 2016. The meeting was delayed and began at 1:10pm. Regent Roger Tilles, Chair of the Cultural Education Committee, submitted the following written report. In attendance were committee members: Regent Tilles, Chair, Regent Chin, Regent Cea, Regent Ouderkirk, Regent Cottrell and Regent Johnson

Regents In addition to CE Committee Members, in attendance were: Vice Chancellor Brown, Regents Norwood, Cashin, Collins, Mead, Hakanson, and Reyes as well as Commissioner Elia and Executive Deputy Commissioner Berlin.

## **ITEMS FOR DISCUSSION**

Chair's Remarks: Regent Tilles welcomed everyone and informed the committee that this would be an abbreviated meeting. The presentations on the Statewide Summer Reading Program and the Museum Accreditation would be postponed until a future meeting. Regent Tilles introduced State Librarian Bernard Margolis who led the discussion.

### **Appointments to the Advisory Council on Libraries - CE (A) 2**

Mr. Margolis requested that the Board review and consider appointments to the Advisory Council on Libraries as provided in 8 NYCRR 3.12(a)(3). The motion was to appoint Nate Hill and Charles Shatzkin the Advisory Council on Libraries for five-year terms beginning November 1, 2016 and ending September 30, 2021.

Motion made by Regent Johnson  
Seconded by Regent Cea  
Unanimously approved.

Executive Deputy Beth Berlin introduced two items for action. Committee members received documents with overviews of the 2017 State budget and legislative priorities. The legislative priority was the support of the Museum Education Act. Regent Tilles requested that a small typographical error be modified in the document that was distributed regarding the Museum Education Act. Both items were considered as one.

## **Regents 2017-2018 State Budget Priorities - CE (D) 4**

### **2017 State Legislative Priorities - CE (D) 3**

A motion to endorse the proposed legislative and budget priorities was made by Regent Ouderkirk.

Seconded by Regent Cea

Unanimously approved.

In final business, Executive Deputy Commissioner Berlin reported that the Statewide Summer Reading Program had achieved its goal of including at least 2 million school age children as participants. State Librarian Margolis reported that 2,101,952 school age children participated in the program in the summer of 2016. Commissioner Elia reminded the committee of the benefit of reading in student performance and achievement and congratulated the State Library and libraries across the state for this achievement and encouraged efforts to achieve greater participation in the program.

## **HIGHER EDUCATION**

Your Higher Education Committee held its scheduled meeting on November 15, 2016. All members were present.

### **MATTERS NOT REQUIRING BOARD ACTION**

#### **New Federal Regulations Concerning Teacher Preparation Programs**

Department staff presented information on the final federal regulations on teacher preparation which were released on October 12, 2016, and the new responsibilities given to the Department concerning collecting and reporting data and measuring quality of all state teacher preparation programs. HE (D) 2

#### **New York State Professional Standards and Practices Board for Teaching Annual Report**

Your Committee discussed a report on the activities of the New York State Professional Standards and Practices Board for Teaching. The co-chairs, Debra Calvino and Kate DaBoll-Lavoie provided a summary of the PSPB's activities in 2015-2016. HE (D) 3

**Amendment of Section 80-1.6 of the Regulations of the Commissioner of Education to Automatically Extend the Time Validity of Certain Expired Provisional, Initial or Transitional Certificates for Three Years if a Candidate Meets Certain Criteria and is Unable to Complete the Requirements for the Initial, Permanent or Professional Certificate in a Timely Manner**

Your Committee discussed amending Section 80-1.6 of the Commissioner's Regulations to automatically extend the time validity of certain expired provisional, initial or transitional certificates for three years if a candidate meets certain criteria and is unable to complete the requirements for the initial, permanent or professional certificate in a timely manner. It is anticipated that the proposed amendment will come before the Board of Regents for permanent adoption at its February 2017 meeting. If adopted at the February 2017 meeting, the proposed amendment will become effective on March 1, 2017. HE (D) 1

### **State Legislative and Budget Priorities**

Your Committee discussed the initiatives to be advanced during the 2017 legislative session and the proposals to be advanced during the 2017-18 budget cycle. HE (D) 4 & 5

### **CONSENT AGENDA**

The Board of Regents took action on the following consent agenda items at their November 15, 2016 meeting.

Saint Joseph's Seminary and College: Master plan amendment to establish a branch campus and offer a Master of Arts (M.A.) degree program in Theology. BR (CA) 1

The State University of New York Monroe Community College, Damon City campus – Master Plan Amendment for Associate in Applied Science (A.A.S.) degree program in Child Care Practitioner. BR (CA) 2

Permanent Authority to Confer Degrees: The Institute of Art-New York LLC ("doing business as" (dba) Sotheby's Institute of Art-New York) BR (CA) 3

### **P-12 EDUCATION**

Your P-12 Education Committee held its scheduled meeting on November 14, 2016. All members were present, except for Regent Tallon who was excused.

### **ACTION ITEMS**

#### **Initial Applications and Charters Authorized by the Board of Regents [P-12 (A) 1]**

Your Committee recommends that the Regents find that: (1) the proposed charter schools meet 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 Article 56 of the Education Law; and (4) granting the application will have a significant educational

benefit to the students expected to attend the charter school, and the Board of Regents therefore approves and issues a charter and provisional charter to the Hebrew Language Academy Charter School 2, for a term of five years in accordance with §2851(2)(p) of the Education Law.

Your Committee recommends that the Regents find that: (1) the proposed charter schools 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 Article 56 of the Education Law; and (4) granting the application will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves and issues a charter and provisional charter to the South Bronx Classical Charter School IV, for a term of five years in accordance with §2851(2)(p) of the Education Law.

Your Committee recommends that the Regents find that: (1) the proposed charter schools 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 Article 56 of the Education Law; and (4) granting the application will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves and issues a charter and provisional charter to the Syracuse Academy of Science and Citizenship Charter School for a term of five years in accordance with §2851(2)(p) of the Education Law.

The motion to approve all three schools was passed. Regents Collins and Mead abstained.

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

Madam Chancellor and Colleagues: Your P-12 Education Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on November 15, 2016, copies of which have been distributed to each Regent.

## **MATTERS NOT REQUIRING BOARD ACTION**

**Update on the Regents Exam Workgroup** [P-12 (D) 1] – the Committee was provided with an update on the Regents Exam Workgroup. The Workgroup has met multiple times since its creation, engaged in thoughtful discussions covering many different aspects of the Regents Exams, and drafted a set of recommendations that will be shared with the Board of Regents. The recommendations fall into five categories:

graduation requirements, college readiness, reporting of Regents Exam scores, appeals for Regents Exam results, and multiple curriculum pathways in mathematics. Jack Bierwirth, the Chair for the Workgroup, presented the recommendations and added that experts from Special Education, English language learners, and multi-language learners should be brought together to provide input into the draft package before final determinations are made.

**Update on the Standards and Assessment Workgroup** – the Committee was updated on the work of the Standards and Assessment Workgroup.

Based on consistent recommendations from educators throughout the state substantive changes were made to the Grades 3-8 ELA and Math tests for this last year:

- The lengths of the tests were reduced such that they contained fewer test questions.
- The tests were made untimed to provide students further opportunity to demonstrate what they know and can do by allowing them to work at their own pace.
- The department released more test questions (75%) than ever before and earlier than ever before.
- And the parent score reports are more user-friendly and useful to parents

By maintaining the current testing system it allows the Department to measure student development over time.

**2017-2018 State Budget and Legislative Initiatives** [P-12 (D) 2 and 3] – the Committee discussed State budget proposals to be advanced during the 2017-2018 budget cycle and draft legislative initiatives to be advanced during the 2017 legislative session. Committee members commented positively on the addition of prior history for each item. They also requested that an increase to the District Superintendent salary cap be put back on the list and that we enhance our communication strategy when presenting our priorities to the Executive to provide a clear vision as to why they should support the Department in serving its mission to support schools.

### **Consent Agenda**

The Board of Regents will take action on the following consent agenda items at their November 15, 2016 meeting.

- Regulations relating to the Establishment of Criteria for the Approval of Work Readiness Assessments for Earning the NYS Career Development and Occupational Studies (CDOS) Commencement Credential.
- Petition of the City School District of the City of Olean for Consent to Exceed the Constitutional Debt Limit.
- Petition of the City School District of the City of Gloversville for Consent to Exceed the Constitutional Debt Limit.

## **P-12 EDUCATION/HIGHER EDUCATION JOINT MEETING**

Your P-12 Education Committee and Higher Education Committee held a joint meeting on November 14, 2016. All members were present, except for Regent Tallon who was excused.

### **MATTERS NOT REQUIRING BOARD ACTION**

**School Counseling, Certification Requirements for School Counselors and Program Registration Requirements for School Counseling Preparation Programs** [P-12/HE (D) 1] – the Committee discussed proposed amendments to regulations relating to school counseling, certification requirements for school counselors and program registration requirements for school counseling preparation programs. Discussion focused on the newly revised amendments as a result of feedback received through public comment and the series of meetings and discussions held since September 2015. The Committee requested that staff come back at a future meeting to discuss how the regulations would be implemented in elementary schools given that there is no funding attached. Following the 30-day public comment, it is anticipated that the proposed rule will be presented for permanent adoption at the February 2017 Regents meeting. If adopted at the February meeting, the proposed amendment will become effective on July 1, 2017.

## **PROFESSIONAL PRACTICE**

Your Professional Practice Committee held its scheduled meeting on November 14, 2016. All Committee members were present. Chancellor Betty S. Rosa, Vice-Chancellor T. Andrew Brown, Regent Kathleen M. Cashin and Regent Roger Tilles were also present, but did not vote on any case or action.

### **ACTION ITEMS**

#### **Professional Discipline Cases**

Your Committee recommends that the reports of the Regents Review Committees, including rulings, findings of fact, determinations as to guilt, and recommendations, by unanimous or majority vote, contained in those reports which have been distributed to you, be accepted in 4 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 40 consent order applications and 18 surrender applications be granted. [PPC EXS (A) 1-3]

These recommendations are made following the review of 62 cases involving sixteen registered professional nurses, fourteen licensed practical nurses, five licensed practical nurses who are also registered professional nurses, three pharmacies, three professional engineers, two dentists, two pharmacists, two veterinarians, one certified public

accountant, one chiropractor, one licensed master social worker, one occupational therapy assistant who is also an occupational therapist, one physical therapist, one psychologist, one registered professional nurse who is also a nurse practitioner (Adult Health), and one veterinary technician.

## **Restorations**

Your Committee recommends the following:

That the application of Prasad Chalasani for the restoration of his license to practice as a physician in New York State be denied. [PPC EXS (A) 4]

That the surrender of William Degraw's license to practice as a LPN in the state of New York be stayed, and that he be placed on probation for a period of two years, under specified terms and conditions. Upon successful completion of the probation, his license would be fully restored. [PPC EXS (A) 5]

That the application of Farid U. Syed for the restoration of his license to practice as a pharmacist in New York State be denied. [PPC EXS (A) 6]

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

Madam Chancellor and Colleagues: Your Professional Practice Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on November 14, 2016, copies of which have been distributed to each Regent.

## **MATTERS NOT REQUIRING BOARD ACTION**

Your Committee discussed several topics of interest, including:

Deputy Commissioner's Report/Update [Oral Report] -

- Full Board Consent Agenda Items
- Board (Re) Appointments
- Licensing Petitions

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

**Motion by:** Regent Roger Tilles  
**Seconded by:** Regent Kathleen M. Cashin  
**Action:** Motion carried unanimously.

**2017 State Legislative Priorities  
BR (A) 10**

**MOVED**, that the Regents affirm support for last year's proposals as well as approve the following one page proposals for the 2017 session:

ACCES - Reader's Aid  
Cultural Education - Museum Education Act  
Professional Practice - Enhanced Discipline Authority of the Licensed Professions

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

**Regents 2017-2018 State Budget Priorities  
BR (A) 11**

**MOVED**, that the Regents approve budget priorities as follows:

Electronic Licensing System	\$4.3 million*
Public Library Construction	\$6 million
Statewide e-Book platform	\$ 2.5 million
Bridge to College & Careers Pilot Program	\$10.0 million
Independent Living Services	\$ 5.0 million

\*Spending authority for existing revenue

**Motion by:** Regent Wade S. Norwood  
**Seconded by:** Regent Judith Chin  
**Action:** Motion carried unanimously.

**State Education Department October 2016 Fiscal Report  
BR (A) 3**

**MOVED**, that the Board accepts the October 2016 State Education Department Fiscal Report as presented.

**Motion by:** Regent Josephine Victoria Finn  
**Seconded by:** Regent James R. Tallon, Jr.  
**Action:** Motion carried unanimously.

**USNY Fiscal Agent Authorization  
BR (A) 4**

**MOVED**, that the Board of Regents designate Elizabeth Berlin as fiscal agent for USNY effective November 30, 2016.

**Motion by:** Regent James R. Tallon, Jr.  
**Seconded by:** Regent Judith Chin  
**Action:** Motion carried unanimously.

**Acceptance of a \$225,000 grant from The Bill and Melinda Gates Foundation  
BR (A) 5**

**MOVED**, that the Board of Regents accept the sum of \$225,000 from the Bill and Melinda Gates Foundation to support the work outlined.

**Motion by:** Regent Christine D. Cea  
**Seconded by:** Regent Kathleen M. Cashin  
**Action:** Motion carried unanimously.

**Acceptance of a \$200,000 grant from The Bill and Melinda Gates Foundation  
BR (A) 6**

**MOVED**, that the Board of Regents accept the sum of \$200,000 from the Bill and Melinda Gates Foundation to support the work outlined.

**Motion by:** Regent Kathleen M. Cashin  
**Seconded by:** Regent James E. Cottrell  
**Action:** Motion carried unanimously.

**APPOINTMENTS**

**Appointment to the Position of Executive Secretary, State Boards for Podiatry,  
Physical Therapy and Ophthalmic Dispensing  
BR (A) 7**

**MOVED**, that the Board of Regents approve the appointment of Thania F. Fernandez as the Executive Secretary to the State Boards for Podiatry, Physical Therapy and Ophthalmic Dispensing.

**Motion by:** Regent Roger Tilles  
**Seconded by:** Regent James R. Tallon, Jr.  
**Action:** Motion carried unanimously.

**Appointment to the Position of Executive Secretary, State Boards for Pharmacy  
and Midwifery  
BR (A) 8**

**MOVED**, that the Board of Regents approve the appointment of Kimberly A. Leonard as the Executive Secretary to the State Board for Pharmacy and Midwifery.

**Motion by:** Regent Kathleen M. Cashin  
**Seconded by:** Regent Roger Tilles  
**Action:** Motion carried unanimously.

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

**MOVED**, that the Board of Regents approve the appointment of Alison B. Bianchi to the position of Counsel and Deputy Commissioner for Legal Affairs effective November 16, 2016.

**Motion by:** Regent Roger Tilles  
**Seconded by:** Vice Chancellor T. Andrew Brown  
**Action:** Motion carried unanimously.

**Retirement of Don Juron, Chief Financial Officer (CFO)**

Chancellor Rosa asked Vice Chancellor Brown to express the Board's appreciation for Don Juron's 34 ½ years of outstanding service to the Department.

Chancellor Betty A. Rosa adjourned the meeting.

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

<b>Name of Institution</b>	<b>Program Area</b>	<b>County (City/Town) of Location</b>	<b>Description of Charter Action(s)</b>
Children’s Museum of the East End	CE	Suffolk (Bridgehampton)	Grant an absolute charter.
Friends of Herkimer Home State Historic Site	CE	Herkimer (Little Falls)	Amend certificate of incorporation to change the corporate name to “The Friends of Historic Central Mohawk Valley” and the purposes to amend its geographic region to be the entire Central Mohawk Valley.
Grenell Island Historical Association	CE	Jefferson (Clayton)	Merge with Grenell Island Improvement Association, Inc. with the Grenell Island Historical Association as the surviving corporation.
The Lawrence Historical Organization	CE	St. Lawrence (Lawrenceville)	Extend charter for five years.
Lodi Whittier Library	CE	Seneca (Lodi)	Amend charter to specify the trustee term length to be three years.
Long Island Wireless History Society	CE	Suffolk (Sayville)	Amend charter to change the corporate name to “The Long Island Radio & Television Historical Society” and to extend the charter for five years.
The Historical Society of the Palisades Interstate Park Region	CE	Rockland (Bear Mountain)	Extend charter for five years.
The Mastic Peninsula Historical Society	CE	Suffolk (Mastic)	Extend charter for five years.
Osborne Center for Social Justice	CE	Seneca (Auburn)	Extend charter for five years.
Pacem in Terris	CE	Orange (Warwick)	Grant an absolute charter.
Ripley Free Library	CE	Chautauqua (Ripley)	Dissolve charter and approval to distribute remaining assets to the Ripley Public Library.
Stillwater Free Library	CE	Saratoga (Stillwater)	Dissolve charter and approval to distribute remaining assets to the Stillwater Public Library.

<b>Name of Institution</b>	<b>Program Area</b>	<b>County (City/Town) of Location</b>	<b>Description of Charter Action(s)</b>
Westmoreland Historical Society	CE	Oneida (Westmoreland)	Extend charter for five years.
Catholic School Region of the Northwest and South Bronx	P12	New York (Manhattan)	Amend charter to add a school location.
The Child Development Council	P12	Broome (Johnson City)	Extend charter for three years.
FES Sports Academy	P12	Kings (Brooklyn)	Amend charter to change the corporate name to "Minority Enterprise Career Schools" and revise purposes to operate grades nine through twelve.
Love of Learning Montessori School	P12	Suffolk (Centerport)	Amend charter to add an additional campus location at Centerport United Methodist Church, 97 Little Neck Road, Centerport, NY 11721.
Our Sons and Daughters School	P12	Suffolk (Sag Harbor)	Extend charter for three years.
River-Park Nursery School	P12	New York (Manhattan)	Restate charter to update current trustees and IRS dissolution language.
St. Mark's Nursery School	P12	Nassau (Rockville Centre)	Amend charter to change the corporate address to 100 Hempstead Avenue, Rockville Centre, NY11570.
St. Francis College	HE	Kings (Brooklyn)	Amend charter to add authority to confer the Master of Fine Arts (M.F.A.) degree.

## **Appendix II**

### **REGENTS ACTIONS IN 64 PROFESSIONAL DISCIPLINE CASES AND 3 RESTORATION PETITIONS**

November 14 - 15, 2016

The Board of Regents announced disciplinary actions resulting in the surrender of 18 licenses, and 44 other disciplinary actions. The penalty indicated for each case relates solely to the misconduct set forth in that particular case. In addition, the Board acted upon 3 restoration petitions.

#### **I. SURRENDERS**

##### **Chiropractic**

Richard Seth Hurwitz a/k/a Richard S. Hurwitz; Woodmere, NY 11598; Lic. No. 009834; Cal. No. 29191; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Conspiracy to Commit Health Care Fraud, a felony.

##### **Engineering and Land Surveying**

Michael David Zimmerman; Professional Engineer; Sudbury, MA 01776; Lic. No. 076087; Cal. 29242; Application to surrender license granted. Summary: Licensee did not contest charges of practicing the profession of engineering with a lapsed license in the State of New Jersey and misrepresenting on a New York State registration renewal application that he had not been previously disciplined in any other jurisdiction.

Russell Kenneth Teal; Professional Engineer; North Canton, OH 44720; Lic. No. 083679; Cal. No. 29243; Application to surrender license granted. Summary: Licensee admitted to the charge of failing to comply with the mandatory continuing education requirements to be registered to practice as a professional engineer.

##### **Nursing**

Lorraine Casiano a/k/a Lorraine Meoni; Licensed Practical Nurse, Registered Professional Nurse; Setauket, NY 11733; Lic. Nos. 144252, 439287; Cal. Nos. 28996, 28997; Application to surrender licenses granted. Summary: Licensee admitted to charges of failing to follow proper procedure for the wasting of controlled substances and diverting Ativan tablets, a controlled substance, for her own use.

Susan Clow; Licensed Practical Nurse, Registered Professional Nurse; Rochester, NY 14612; Lic. Nos. 129330, 358371; Cal. Nos. 29095, 29094; Application to surrender licenses granted. Summary: Licensee admitted to charges of having been convicted of Driving While Intoxicated and having lied on the registration.

Richard Leeroy Downs; Licensed Practical Nurse; Cape Coral, FL 33990-1944, Cape Coral, FL 33990; Lic. No. 290094; Cal. No. 29149; Application to surrender license granted. Summary: Licensee admitted to the charge of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of the State of Florida, where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State.

Mark C. Rivinus; Registered Professional Nurse; West Roxbury, MA 02132; Lic. No. 304867; Cal. No. 29223; Application to surrender license granted. Summary: Licensee did not contest the charge of having been found guilty of professional misconduct in the State of Massachusetts, which conduct would be considered conduct in the profession which evidences moral unfitness, if committed in New York State.

Barbara Jean La Dore; Registered Professional Nurse; Myrtle Beach, SC 29579; Lic. No. 377132; Cal. No. 29227; Application to surrender license granted. Summary: Licensee admitted to the charge of practicing the profession of nursing while the ability to practice is impaired by carisoprodol, a muscle relaxant.

Stephen Francis Skolny; Registered Professional Nurse; Morris Run, PA 16939-0173; Lic. No. 488144; Cal. No. 29234; Application to surrender license granted. Summary: Licensee admitted to the charge of being unable to practice nursing with reasonable skill and safety to patients due to alcohol dependence.

Manohar Masih Mattu; Registered Professional Nurse; New Hyde Park, NY 11040; Lic. No. 469788; Cal. No. 29248; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of 3 counts of Rape in the 3rd Degree, a class E felony.

Linda A. Panetta; Registered Professional Nurse; Kennebunk, ME 04043; Lic. No. 236152; Cal. No. 29249; Application to surrender license granted. Summary: Licensee did not contest the charge of having been found guilty of professional misconduct in the State of Maine, which conduct would be considered failure to maintain accurate patient records, if committed in New York State.

Pamela G. Kerr; Registered Professional Nurse; Junction City, KS 66441; Lic. No. 247171; Cal. No. 29259; Application to surrender license granted. Summary: Licensee did not contest the charge of having been found guilty of professional misconduct in the State of Maine, which conduct would be considered failure to maintain accurate patient records, if committed in New York State.

Noelle Lynne Anderson; Registered Professional Nurse; Walled Lake, MI 48390; Lic. No. 595312; Cal. No. 29269; Application to surrender license granted. Summary: Licensee did not contest the charge of having been found guilty of professional misconduct in the State of Michigan, which conduct would be considered being

habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effects, if committed in New York State.

Elizabeth J. Calabro; Registered Professional Nurse; Marana, AZ 85658; Lic. No. 313537; Cal. No. 29270; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Driving Under the Influence of alcohol following a motor vehicle accident and having been prescribed pain medications for chronic illness which may affect her ability to safely practice nursing, in violation of substantial provisions of Arizona law regarding the practice of nursing.

### **Physical Therapy**

Laura Mary Flint; Physical Therapist; Murrells Inlet, SC 29576-5214; Lic. No. 006370; Cal. No. 29266; Application to surrender license granted. Summary: Licensee did not contest the charge of improperly delegating to an unlicensed aide functions requiring the professional judgment of a physical therapist, in South Carolina.

### **Public Accountancy**

Richard H. Dickinson; Certified Public Accountant; Saratoga Springs, NY 12866-9107; Lic. No. 039003; Cal. No. 29267; Application to surrender license granted. Summary: Licensee admitted to the charge of failure to notify the Department within 45 days of the 2010 disciplinary actions taken by the states of Vermont and Maine, revoking his license in each state.

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

### **Engineering and Land Surveying**

Michael Rabkin; Professional Engineer; Gouldsboro, PA 18424; Lic. No. 072225; Cal. No. 28907; Application for consent order granted; Penalty agreed upon: 12 month actual suspension, 12 month stayed suspension, 2 years probation to commence following service of 12 month actual suspension.

### **Nursing**

Lauren M. Weaver; Registered Professional Nurse; Rochester, NY 14621; Lic. No. 613572; Cal. No. 27742; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 3 months and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months.

Elizabeth DelBuono; Licensed Practical Nurse; Smithtown, NY 11787-5719; Lic. No. 282823; Cal. No. 27849; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation.

Beth Ann Ours; Licensed Practical Nurse; Utica, NY 13502; Lic. No. 291583; Cal. No. 28245; Found guilty of professional misconduct; Penalty: 24 month suspension, execution of last 18 months of suspension stayed, upon service of Order and concurrent with actual suspension, probation 24 months.

Althenia Sherrie Bethel; Licensed Practical Nurse; Rochester, NY 14611; Lic. No. 267477; Cal. No. 28312; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 3 months and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$250 fine payable within 6 months.

Eileen K. Leon a/k/a Eileen Katherine Leon; Licensed Practical Nurse, Registered Professional Nurse; West Haverstraw, NY 10993-1509; Lic. Nos. 258025, 581823; Cal. Nos. 28582, 28583; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$500 fine.

Melissa S. Verdi a/k/a Melissa Verdi; Licensed Practical Nurse; Cheektowaga, NY 14215; Lic. No. 297314; Cal. No. 28624; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Amanda Diane Shaw; Registered Professional Nurse; Gerry, NY 14740-9514; Lic. No. 687377; Cal. No. 28700; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Jeffrey John Mitchelson; Licensed Practical Nurse; Amsterdam, NY 12010; Lic. No. 293314; Cal. No. 28784; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Magdala Celestin; Licensed Practical Nurse; Elmont, NY 11003; Lic. No. 310672; Cal. No. 28785; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation to commence upon return to practice.

Cynthia Opuni Agyei a/k/a Cynthia Agyei Ohene a/k/a Cynthia Ohene; Registered Professional Nurse; West Orange, NJ 07052; Lic. No. 557686; Cal. No. 28831; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$1,000 fine.

Jennifer L. Hay; Licensed Practical Nurse; Manlius, NY 13104; Lic. No. 302060; Cal. No. 28836; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Patricia R. Beebe; Registered Professional Nurse; Lyons, NY 14489; Lic. No. 617846; Cal. No. 28868; Application for consent order granted; Penalty agreed upon: Indefinite

actual suspension for no less than 6 months and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice.

Elizabeth Ann Rocklin; Licensed Practical Nurse, Registered Professional Nurse; Canajoharie, NY 13317; Lic. Nos. 233432, 612286; Cal. Nos. 28870, 28869; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$500 fine.

William D. Kacinski Jr; Registered Professional Nurse; Centereach, NY 11720; Lic. No. 507857; Cal. No. 28921; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation.

Kristie Michelle Buehler; Licensed Practical Nurse; Seneca Falls, NY 13148; Lic. No. 323234; Cal. No. 28938; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Patricia A. Van Hoeven a/k/a Patricia Vanhoeven; Licensed Practical Nurse; Rome, NY 13440; Lic. No. 273933; Cal. No. 28947; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Theresa Armstrong; Licensed Practical Nurse; Rochester, NY 14611; Lic. No. 242303; Cal. No. 28948; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$500 fine.

Mathew H. Zarzycki; Licensed Practical Nurse; Putnam, CT 06260; Lic. No. 319715; Cal. No. 28949; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Megan Teresa Hardgrove; Registered Professional Nurse; North Babylon, NY 11703-1927; Lic. No. 660580; Cal. No. 28964; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Shirlene Stephanie Williams; Licensed Practical Nurse, Registered Professional Nurse; Conyers, GA 30013; Lic. Nos. 294818, 659813; Cal. Nos. 29008, 29009; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 11 month stayed suspension, 1 year probation, \$1,000 fine.

Suzanne T. Francis; Registered Professional Nurse, Nurse Practitioner (Adult Health); Farmington, NY 14425; Lic. No. 518746, Cert. No. 304300; Cal. Nos. 29030, 29031; Application for consent order granted; Penalty agreed upon: Indefinite actual suspensions until fit to practice, upon termination of suspensions, 2 years probation to commence upon return to practice, \$500 fine payable within 3 months.

Michael Troy Richmond; Licensed Practical Nurse; Bernhards Bay, NY 13028-4158; Lic. No. 306795; Cal. No. 29039; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Paul W. Waiting; Registered Professional Nurse; Seaford, NY 11783-1118; Lic. No. 612316; Cal. No. 29056; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Shanntel Raquel Okafor; Registered Professional Nurse; Jamaica, NY 11431-4305; Lic. No. 517893; Cal. No. 29074; Application for consent order granted; Penalty agreed upon: 4 month actual suspension, 20 month stayed suspension, 24 months probation.

Sarah Allison Frock; Licensed Practical Nurse; Athens, PA 18810-7786; Lic. No. 314047; Cal. No. 29238; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$500 fine.

### **Occupational Therapy**

Celeste Rolon; Occupational Therapy Assistant, Occupational Therapist; Huntington, NY 11743; Auth. No. 005878, Lic. No. 012530; Cal. Nos. 29080, 29081; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 24 months probation.

### **Pharmacy**

Nisar Rehman; Pharmacist; Garden City, NY 11040; Lic. No. 038486; Cal. No. 28807; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$5,000 fine.

Fauzia & Maher, Inc. d/b/a Rex Pharmacy; Pharmacy; 119-01 Rockaway Boulevard, Ozone Park, NY 11420; Reg. No. 016400; Cal. No. 28808; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$5,000 fine.

Pharmacade Pharmacy Inc; Pharmacy; 1049 East 163rd Street, Bronx, NY 10459; Reg. No. 014782; Cal. No. 28922; Application for consent order granted; Penalty agreed upon: \$25,000 fine payable by service of Order, 3 years probation.

Point Pharmacy LLC; Pharmacy; 900 Hunts Point Avenue, Bronx, NY 10474; Reg. No. 023294; Cal. No. 28936; Application for consent order granted; Penalty agreed upon: \$25,000 fine payable by service of Order, 3 years probation.

William Spieler; Pharmacist; Chestnut Ridge, NY 10977-4434; Lic. No. 032007; Cal. No. 28965; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, following service of actual suspension, 3 years probation, \$25,000 fine payable within 30 days.

## **Psychology**

Edward Michael Merski; Matawan, NJ 07747; Lic. No. 008433; Cal. No. 29239; Application for consent order granted; Penalty agreed upon: 6 month actual suspension, 18 month stayed suspension, 24 months probation to commence upon return to practice in the State of New York, \$2,000 fine payable within 30 days.

## **Social Work**

Jeffrey James Fudesco; Licensed Master Social Worker; Syracuse, NY 13210, Syracuse, NY 13201; Lic. No. 062749; Cal. No. 28877; Found guilty of professional misconduct; Penalty: \$500 fine, 2 year suspension, execution of suspension stayed, upon service of Order and concurrent with stayed suspension, probation 2 years.

## **Veterinary Medicine**

Ernest Vine a/k/a Ernest L. Vine; Veterinarian; Atlantic Beach, NY 11509; Lic. No. 003652; Cal. No. 28671; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 24 months probation, \$500 fine.

Christopher Louis Pedersen; Veterinary Technician; East Moriches, NY 11940; Lic. No. 004533; Cal. No. 28911; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for not less than 3 months and until successfully participate in course of therapy and treatment and until fit to practice, upon termination of suspension, 2 years probation to commence if and when return to practice.

Cassandra Fay Carvin; Veterinarian; Herkimer, NY 13350; Lic. No. 010048; Cal. No. 29041; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

## **III. RESTORATIONS**

The Board of Regents voted on November 15, 2016 to deny the application for restoration of the physician license of Prasad Chalasani, Jamaica, NY. Dr. Chalasani's license was originally revoked effective March 10, 2008.

The Board of Regents voted on November 15, 2016 to stay the execution of the order of surrender of the licensed practical nurse license of William Degraw, Sound Beach, NY, to place him on probation for two years under specified terms and conditions, and upon successful completion of probation, to fully restore his license. Mr. Degraw's license was originally surrendered October 24, 2006.

The Board of Regents voted on November 15, 2016 to deny the application for restoration of the pharmacist license of Farid Syed, Jersey City, NJ. Mr. Syed's license was surrendered effective November 5, 2007.

# ATTACHMENT I



engage<sup>ny</sup>

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Our Students. Their Moment.

## **Development of New York's Every Student Succeeds Act State Plan**

**Presented to the Board of Regents**

**November 14, 2016**

Review of ESSA Regional Meetings

Discussion of High Concept Idea: Supporting All Students

Revised Submission Timeline and Next Steps

# Important Caveat : A New Presidential Administration

- The draft negotiated rule-making for the Every Student Succeeds Act (ESSA) was developed and issued for public comment under the Obama Administration.
- The timelines that the New York State Education Department (NYSED) are working from are those that are outlined in the draft rules.
- The new presidential administration, coupled with a Republican majority in the House and Senate, could lead to changes in the draft rules and in the timeline.
- NYSED will keep the Board of Regents updated on any changes that occur to the draft rules, or the submission timelines.

# High Concept Ideas and Feedback from Regional State Plan Development Meetings

- The Department drafted a list of High Concept Ideas for the Board of Regents to consider including in the New York State ESSA plan and presented the High Concept Ideas to the Think Tank in October.
- The High Concept Ideas were presented to the Board of Regents in October and shared with stakeholders at 44 Regional ESSA State Plan Development Meetings.
- Participants in the Regional Meetings had the opportunity to both provide their feedback at the meetings and through a survey.

# Summary of Participation in Regional Meetings

- Meetings were conducted between October 18 and November 2 in each district superintendent region, each of the Big 4 Large City School Districts, and each borough in New York City.
- A total of 2206 persons participated in 40 Regional meetings. (We are awaiting statistics for 2 meetings.)
- Each facilitator prepared a summary of the Regional Meeting.
- A total of 585 surveys were submitted by participants.

# Materials Created to Support Regional Meetings

- **“Meeting in a Box”:**
  - Facilitator’s Guide
  - PowerPoint with Speaking Points
  - Templates for Summarizing Results
  - Commissioner’s Introductory Video
- **High Concept Idea Summary Sheets**
- **Webinars:**
  - For Facilitators:
    - One on Logistics of Meetings
    - One on High Concept Ideas
  - For Participants:
    - Overview of ESSA
    - “Mini Webinars” on individual High Concept Ideas

# Summary of Survey Results

Percent of Support (Strongly agree or agree)	HCI Numbers	Total Number
80%+	3, 5, 8, 11, 20	5
70% - 79%	2, 4, 6, 7, 13, 18, 21, 22, 26, 28, 29, 33, 35	13
60% - 69%	10, 14, 15, 16, 19, 24, 27, 31, 32	9
50% – 59%	9,12,25,34, 36	5
40% - 49%	1,23,30	3
Less than 40%	17	1

# Summary of Survey Results – High Concept Ideas 38 - 40

38. Should the Department use part of its 5% Title II set-aside for competitive grants designed to improve the quality of teaching and learning in New York State?	<b>Yes</b>	<b>No</b>	<b>Total</b>	
	288	238	526	
	55%	45%	100%	
39. Should the Department require LEAs, in their annual Title IIA applications, to describe how funds will be used to address gaps in equitable access to effective educators?	<b>Yes</b>	<b>No</b>	<b>Total</b>	
	288	236	524	
	55%	45%	100%	
40. Should Title I schools that are identified as Comprehensive (lowest 5%) be required to offer parents the opportunity to transfer their children to another public school in the district, or should it be an option for interested districts?	<b>Yes</b>	<b>No</b>	<b>Total</b>	
	187	322	509	
	37%	63%	100%	

# 37. What indicators can the Department use to hold schools accountable for student engagement?

## Most Common Answers:

- **Attendance: 99**
- **Extracurricular activities: 62**
- **Surveys: 50**
- **Parent and Family Engagement: 43**
- **Graduation Rate: 28**

41. What nationally recognized high school assessments would be appropriate to use in place of the Regents Exams?

## Most Common Answers:

- **AP: 122**
- **IB: 77**
- **SAT: 75**
- **ACT: 60**
- **None: 44**
- **Note: Some people believed the question meant the Regents would no longer be administered.**

42. What testing accommodations should NYSED make available for students with disabilities beyond those already provided?

## **Most Common Answers:**

- **Whatever is on the IEP: 34**
- **Ability Level Testing: 32**
- **Adaptive Technology: 23**
- **Reading Test: 19**

## **Some other ideas:**

- **Audio accommodations and voice to text.**
- **Modified Keyboard.**

43. What should be included in New York’s State-designed action for schools that do not test 95 percent of their students? The action must be “equally rigorous” to USDE’s pre-approved sanctions (“assign a lower summative rating to the school,” “assign the lowest performance level on the State’s Academic Achievement indicator,” or “identify the school for targeted support and improvement”)?

## **Most Common Answers:**

- Identify School for Targeted Support and Improvement: 35**
- Require Plan for Communicating and Educating Parents about Assessments: 26**
- Lower Summative Rating: 11**

Note: Many respondents said no action should be taken when schools do not meet the participation requirements.

# Summary of Survey Results: Percent Strongly Agree or Agree

## Most Supported

- HCI 5. To ensure that the appropriate assessment is administered to English learners and they are not over tested, New York proposes to seek USDE approval to not require English learners to take multiple English skills tests (i.e., the state ELA test and the NYSESLAT) in a single year to satisfy the English Language Arts (ELA) assessment requirement. **90%**
- HCI 11. To ensure that schools support students until they graduate, we will use 4- , 5- , and 6- year graduation rates to determine how well schools are doing in getting students to graduate. **87%**
- HCI 3. To ensure all students have access to advanced coursework, New York will seek USDE approval to allow grade 7 and grade 8 students to take a Regents exam in mathematics in lieu of the grade level mathematics test. **86%**

# Summary of Survey Results: Percent Strongly Agree or Agree

## Least Supported:

- HCI 17. To ensure that schools engage students, we will hold schools accountable based on measures of chronic absenteeism and removal of students from instruction (e.g., suspensions). **28%**
- HCI 1. To ensure all schools are provided with accurate measurement of their students' academic proficiencies, New York proposes to determine a State-designed rigorous action that will lead to improvements in the participation rate of schools that do not test 95 percent of their students (as opposed to an action designed by USDE). **42%**
- HCI 23. To ensure that principals and other school leaders receive the supports that are necessary, the Department will use the optional 3% set-aside under Title IIA to develop programs that provide for systemic improvements for principals and other school leaders. **43%**

# High Concept Ideas

# Organization of High Concept Ideas

High Concept Ideas are Organized in Accordance with USDE's draft ESSA State Application Plan Template and ESSA Think Tank Workgroups:

- Supporting All Students
- Supporting English Language Learners
- Challenging Academic Standards and Assessments
- Accountability Measurements and Methodologies
- Supporting Excellent Educators
- Supports for Improving Schools

# Supporting All Students: ESSA Requirements

Each state may grant waivers to allow schools that have less than 40% poverty to operate as a Title I Schoolwide Program School. In doing so, the State Educational Agency (SEA) must take into account how a schoolwide program will best serve the needs of the students in the school in improving academic achievement and other factors.



# High Concept Idea (HCI) #27

To ensure that all students have access to a well-rounded education, we will allow Title I schools that meet alternative criteria to implement a Schoolwide program, even if their poverty rates are below 40 percent.

# Stakeholder Feedback on HCI #27

- Majority (61%) of survey respondents supported this HCI.
- 11% of survey respondents indicated that they were not familiar with this idea and therefore did not wish to provide a response.
- Summary feedback from the Regional Meetings also highlighted widespread support for this HCI.

# Supporting All Students: ESSA Requirements

Each state is required to support the collection and dissemination to local educational agencies (LEAs) and schools of effective parent and family engagement strategies.



# High Concept Idea (HCI) #28

To ensure that all students benefit from strong home-school partnerships, we will promote state, district, and school-level strategies for effectively engaging parents and other family members in their student's education.

# Stakeholder Feedback on HCI #28

- Strong majority (80%) of survey respondents supported this HCI.
- Summary feedback from the Regional Meetings also highlighted widespread support for this HCI.

# Supporting All Students: ESSA Requirements

Each state is required to describe in its state plan how it will support LEAs in the accurate identification of English learners, children with disabilities, migratory children, and homeless children and youth.



# High Concept Idea (HCI) #29

To ensure that schools are meeting the diverse academic and non-academic needs of all students, we will support districts in strengthening early intervention strategies for English Learners; Students with Disabilities; Migrant Youth; Youth in Foster Care; Homeless Youth; Youth in Temporary Housing; Neglected, Delinquent, and At-Risk Students as defined in Title I, Part D; and other at-risk/underserved groups such as girls and LGBTQ Youth.

# Stakeholder Feedback on HCI #29

- Majority (76%) of survey respondents supported this HCI.
- Summary feedback from the Regional Meetings also highlighted widespread support for this HCI.

# Supporting All Students: ESSA Requirements

Each SEA must describe in its state plan the system of performance management for implementation of State and LEA plans regarding supporting all students. The description must include information on the SEA's review and approval of LEA plans, collection and use of data, monitoring, continuous improvement, and technical assistance.



# High Concept Idea (HCI) #30

To ensure that LEAs are developing and implementing plans that meet the academic and non-academic needs of all students, we will deploy a data-driven performance management system focused on differentiated technical assistance, progress monitoring, compliance review, and corrective action in support of continuous improvement of student outcomes.

# Stakeholder Feedback on HCI #30

- 49% of survey respondents supported this HCI.
- 19% of survey respondents were neutral on this HCI.
- 12% of survey respondents indicated that they were not familiar with this idea and therefore did not wish to provide a response.

# Supporting All Students: ESSA Requirements

Each SEA must describe in its state plan how it will develop and/or update existing policies and procedures to reduce barriers and ensure that all students have stable and consistent access to public school programming.



# High Concept Idea (HCI) #31

To ensure that Migrant Youth; Youth in Foster Care; Homeless Youth; Youth in Temporary Housing; and LBGQT youth experience the maximum level of educational stability, we will develop and/or update policies, procedures, and guidance related to transportation, disputes and continuous enrollment practices.

# Stakeholder Feedback on HCI #31

- Majority (70%) of survey respondents supported this HCI.
- Summary feedback from the Regional Meetings also highlighted widespread support for this HCI.

# Supporting All Students: ESSA Requirements

Each SEA that receives Title I Part D funding must submit, for approval by the Secretary, a plan for assisting in the transition of children and youth between correctional facilities and locally operated programs.



# High Concept Idea (HCI) #32

To ensure that students served in Neglected and Delinquent facilities graduate from high school and meet college- and career- readiness standards, the Department will work closely with the New York State Office of Children and Family Services, the New York State Department of Corrections and Community Supervision, and other agencies as appropriate, to develop a plan for requiring facilities to create a formal transition plan for each student. Additionally, the Department will require each LEA to identify a liaison to support the implementation and monitoring of those plans for all students who return to their district.

# Stakeholder Feedback on HCI #32

- Majority (63%) of survey respondents supported this HCI.
- Summary feedback from the Regional Meetings also highlighted widespread support for this HCI.

# New High Concept Ideas: Supporting All Students

- Non-SED members of the Supporting All Students Work Group have developed and shared additional High Concept Ideas for consideration by the Work Group.
- The additional HCIs will be distributed to all Work Group members for additional input and then shared broadly with the Think Tank.

# ESSA State Plan Timeline – November 2016 – February 2017



## Timeline for Submission of ESSA Plan to USDE in July 2017

Activity	Date
November Board of Regents Meeting- Staff will present a summary of feedback on High Concept Ideas from Regional Meetings. Staff will also present an ESSA area overview and the related High Concept Ideas.	November 14 - 15, 2016
Field Survey on Measures of School Quality and Student Success	November – December 2016
December Board of Regents Meeting – Staff will present an ESSA area overview and the related High Concept Ideas.	December 12 - 13, 2016
January Board of Regents Meeting – Staff will present an ESSA area overview and the related High Concept Ideas.	January 9 - 10, 2017
Public Engagement – Survey and Regional Meetings Conducted	January/February 2017 (TBD)

**Please note:** Timeline may change based on new presidential administration.

# ESSA State Plan Timeline – March 2017 – May 2017



## Timeline for Submission of ESSA Plan to USDE in July 2017

Activity	Date
March Board of Regents Meeting – Staff will present draft plan and seek permission to release for public comment.	March 13 - 14, 2017
The Department will release the draft plan for public comment.	March 15 – April 17, 2017
Proposed weeks for 2 <sup>nd</sup> Regional ESSA State Plan Development Meeting – Open to the Public. Regional staff will gather public comments on the draft plan.	March 20 – April 7, 2017
May Board of Regents Meeting – Staff will present any changes to the draft plan based on public comment, and request permission to send revised draft state plan to Governor.	May 8 - 9, 2017

**Please note:** Timeline may change based on new presidential administration.

# ESSA State Plan Timeline – May 2017 – July 2017



## Timeline for Submission of ESSA Plan to USDE in July 2017

Activity	Date
Application with Governor for 30 days	May 10 – June 8, 2017
June Board of Regents Meeting- Staff will seek approval to submit final state plan to USDE.	June 12 - 13, 2017
Deadline to submit ESSA State Plan to USDE	July 5, 2017 (subject to Board discussion and agreement)

**Please note:** Timeline may change based on new presidential administration.

# ATTACHMENT II

## New York State Education Department ESSA State Plan High Concept Ideas

### Challenging Academic Standards and Assessments

1. To ensure all schools are provided with accurate measurement of their students' academic proficiencies, New York proposes to determine a State-designed rigorous action that will lead to improvements in the participation rate of schools that do not test 95 percent of their students (as opposed to an action designed by USDE).
2. To ensure all students have access to advanced coursework, New York develop procedures to allow districts to administer and accept multiple types of alternatives to state assessments at the secondary level.
3. To ensure all students have access to advanced coursework, New York will seek USDE approval to allow grade 7 and grade 8 students to take a Regents exam in mathematics in lieu of the grade level math test.
4. To ensure all students have equal access to learning and being able to demonstrate what they have learned, New York proposes to:
  - a. Expand on the current set of testing accommodations that enable students with disabilities to participate in assessment programs on an equal basis with their nondisabled peers.
  - b. Provide accessibility features that will enhance the test experience for all students, including the use of assistive technologies on computer-based tests as they are developed.
5. To ensure that the appropriate assessment is administered to English learners and they are not over tested, New York proposes to seek USDE approval to not require English learners to take multiple English skills tests (i.e., the state ELA test and the NYSESLAT) in a single year to satisfy the English Language Arts (ELA) assessment requirement.
6. To ensure that parents, teachers, principals, other school leaders, and administrators can address specific needs of students in relation to assessments, the State proposes to report assessment sub-scores in student-level reports provided to the parents and school.

### Accountability Methodologies and Measurements

7. To ensure that schools focus on students with low performance in ELA and math, we will give schools "full credit" for students who are proficient (Level 3 and 4 scores on Grade 3-8 assessments and Levels 4 and 5 on Regents) and "partial credit" for students who are partially proficient (Level 2 scores on grade 3-8 assessments and Level 3 on Regents).
8. To ensure that students are able to meet assessment requirements for graduation, we will give schools credit for a student's best score on state exams within four years of the student entering high school.
9. To incentivize schools to make efforts to have students reach advanced levels of proficiency, we will give "extra credit" to schools for students who are performing at the advanced or college- and career- readiness level.
10. To ensure that all schools value student proficiency, student growth, and improving student outcomes, we will hold schools accountable for percentages of students who are proficient and partially proficient in ELA and math; progress in increasing the percentage of proficient students over time; and growth of students in ELA and math from year to year.
11. To ensure that schools support students until they graduate, we will use 4-, 5-, and 6- year graduation rates to determine how well schools are doing in getting students to graduate.

12. To ensure that schools support students regardless of the subgroup that they are part of, we will hold schools accountable for closing gaps between groups of students.
13. To ensure that schools maximize opportunities for students, we will create a high school “Success Index” that gives partial credit for students who successfully complete the TASC through AHSEP programs and programs at the school, BOCES, or night school; and extra credit for students who earn a Regents diploma with advanced designation, CTE endorsements, or a Seal of Biliteracy.
14. To ensure that all students benefit from access to rigorous coursework, we will measure student participation in advanced coursework and measure the degree to which students score at specified levels on advanced high school assessments or earn college credit.
15. To ensure that students have access to a well-rounded curriculum, we will differentiate school performance by using student results on Grades 4 and 8 Science exams; Science and Social Studies Regents; and approved graduation pathway examinations.
16. To ensure that school districts have time to implement improvement strategies, we will create new lists of Comprehensive Support and Improvement Schools once every three years.
17. To ensure that schools engage students, we will hold schools accountable based on measures of chronic absenteeism and removal of students from instruction (e.g., suspensions).

#### **Supporting Excellent Educators**

18. To ensure that all students have equitable access to the most effective educators, regardless of their physical location, the Department will support school districts, BOCES and Institutes of Higher Education to develop comprehensive systems of educator support that address five common challenge areas: 1) preparation; 2) recruitment and hiring; 3) professional development and growth; 4) retention of effective teachers; and 5) extending the reach of the most effective educators to the most high-need students; and family and community engagement.
19. To ensure that educators entering the field from preparatory programs understand and are prepared to enter the profession, the Department will increase the minimum placement requirement of 100 hours, require that these placements include a full-time workload for an extended period (e.g., one semester), and require that field experience occur throughout the preparatory program rather than at the end of the program to allow prospective educators exposure to the rigors of the profession before committing to program completion.
20. To ensure that educators entering the field from preparatory programs understand the demands of the profession and are prepared to enter it, the Department will work to expand clinically rich preparatory programs.
21. To ensure that novice educators receive the supports that are necessary to persist in the profession, the Department will seek to revise the current first year mentoring requirement to require a full school year of formal mentoring.
22. To ensure that early career educators (both those new to teaching and to leadership) receive the supports that are necessary to persist in the teaching profession, the Department will develop and encourage districts/Boards of Cooperative Education Services (BOCES) to adopt induction models to support educators during the first three years of their educators’ careers.
23. To ensure that principals and other school leaders receive the supports that are necessary, the Department will use the optional 3% set-aside under Title IIA to develop programs that provide for systemic improvements for principals and other school leaders.

### **Supporting English Language Learners**

24. To ensure that accountability for ELLs/MLLs beginning in their first year of enrollment is equitable and reliable, New York State will use student specific factors (such as prior schooling, level of English proficiency, and age) to determine whether a student takes either the ELA or NYSESLAT to set a baseline for accountability in Year 1, after which schools will be held accountable for a student's growth in language arts on that same assessment in Year 2 and beyond Year 2.
25. To ensure that language arts assessments of ELLs/MLLs are equitable and accurate, New York State will seek funding to develop and implement high quality native/home language arts assessments aligned to standards and curricula.
26. To ensure that ELLs/MLLs have enough time and English instruction to understand coursework, New York State ELLs/MLLs will be expected to become English proficient in three to six years, and this timeline should be extended based on factors like age, prior amount of schooling, and the level of proficiency at entry.

### **Supporting All Students**

27. To ensure that all students have access to a well-rounded education, we will allow Title I schools that meet alternative criteria to implement a Schoolwide program, even if their poverty rates are below 40 percent.
28. To ensure that all students benefit from strong home-school partnerships, we will promote state, district, and school-level strategies for effectively engaging parents and other family members in their student's education.
29. To ensure that schools are meeting the diverse academic and non-academic needs of all students, we will support districts in strengthening early intervention strategies for English Learners; Students with Disabilities; Migrant Youth; Youth in Foster Care; Homeless Youth; Youth in Temporary Housing; Neglected, Delinquent, and At-Risk Students as defined in Title I, Part D; and other at-risk/underserved groups such as girls and LGBTQ Youth.
30. To ensure that LEAs are developing and implementing plans that meet the academic and non-academic needs of all students, we will deploy a data-driven performance management system focused on differentiated technical assistance, progress monitoring, compliance review, and corrective action in support of continuous improvement of student outcomes.
31. To ensure that Migrant Youth; Youth in Foster Care; Homeless Youth; Youth in Temporary Housing; and LGBTQ youth experience the maximum level of educational stability, we will develop and/or update policies, procedures, and guidance related to transportation, disputes and continuous enrollment practices.
32. To ensure that students served in Neglected and Delinquent facilities graduate from high school and meet college- and career- readiness standards, the Department will work closely with the New York State Office of Children and Family Services, the New York State Department of Corrections and Community Supervision, and other agencies as appropriate, to develop a plan for requiring facilities to create a formal transition plan for each student. Additionally the Department will require each LEA to identify a liaison to support the implementation and monitoring of those plans for all students who return to their district.

### **Support and Improvement For Schools**

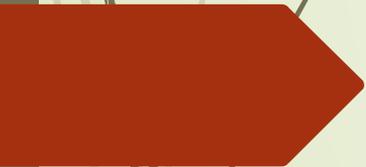
33. To ensure that school improvement plans are tailored to the identified needs of schools, we will require low-performing schools to complete a diagnostic needs assessment that looks at whole school practices and use the results as the basis for school improvement plans.

34. To ensure that plans are driving improvement, schools identified as low-performing will conduct an annual review and develop annual plans in collaboration with the families and school community.
35. To ensure that schools identified as Comprehensive are able to address the specific areas that are contributing to their identification status, Comprehensive schools will have some flexibility in the school reform model they pursue.
36. To ensure that schools and districts identified as low performing have the flexibility to address their specific needs, we will not pursue the Direct Service Set Asides option contained in ESSA.

The Department is also requesting assistance from the public in answering these additional questions:

37. What indicators can the Department use to hold schools accountable for student engagement?
38. Should the Department use part of its 5% Title II set-aside for competitive grants designed to improve the quality of teaching and learning in New York State?
39. Should the Department require LEAs, in their annual Title IIA applications, to describe how funds will be used to address gaps in equitable access to effective educators?
40. Should Title I schools that are identified as Comprehensive (lowest 5%) be required to offer parents the opportunity to transfer their children to another public school in the district, or should it be an option for interested districts?
41. What nationally recognized high school assessments would be appropriate to use in place of the Regents Exams?
42. What testing accommodations should NYSED make available for students with disabilities beyond those already provided?
43. What should be included in New York's State-designed action for schools that do not test 95 percent of their students? The action must be "equally rigorous" to USDE's pre-approved sanctions ("assign a lower summative rating to the school," "assign the lowest performance level on the State's Academic Achievement indicator," or "identify the school for targeted support and improvement")?

## **ATTACHMENT III**



# ESSA and Equity

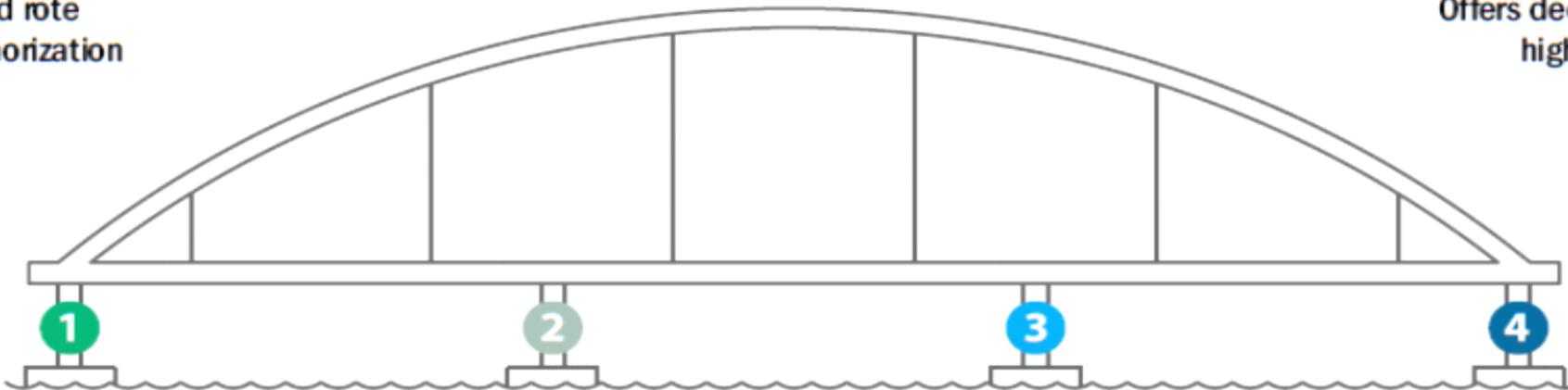
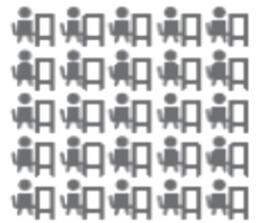
Opportunities to Close the Opportunity Gap

# The Four Pillars of Opportunity

Bridging Equity Through the  
Elementary and Secondary School Act

## Factory Model

Relies on outdated rote  
thinking and memorization



High-Quality  
Curriculum &  
Assessment



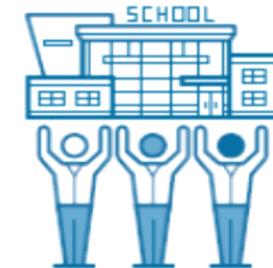
Multiple  
Measures of  
Success



Adequate,  
Equitable  
Resources



Proven  
Interventions



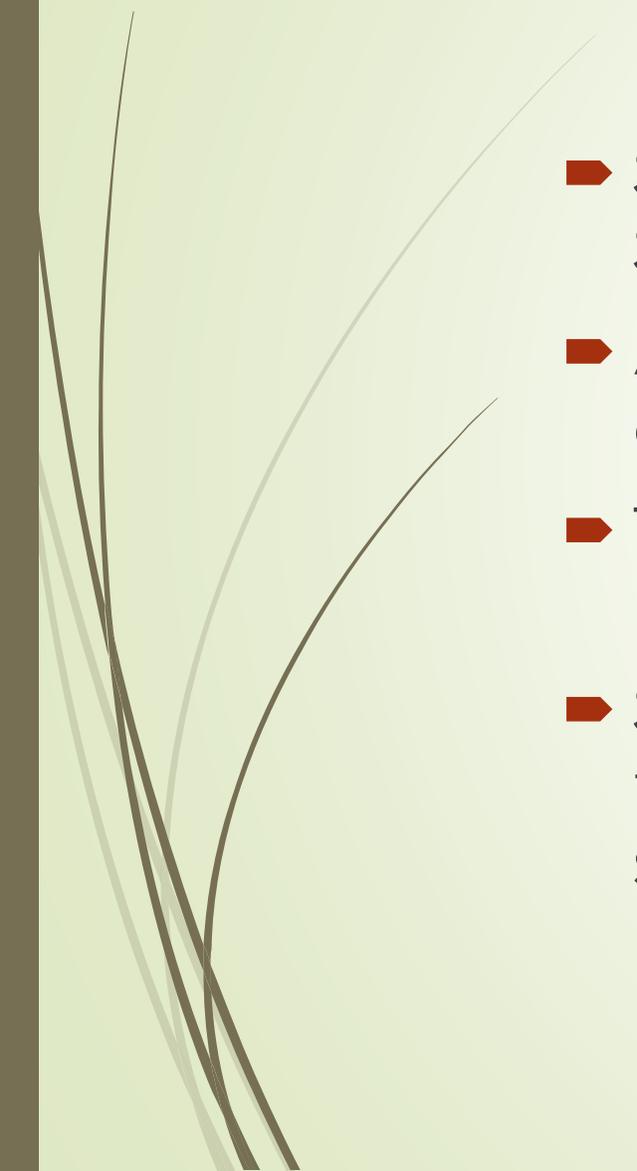
## 21st-Century Model

Offers deeper learning and  
higher-order thinking





# I. Higher Order Skills for All Students

- ▶ States are expected to adopt challenging Academic Standards for all students
  - ▶ Assessments must measure “higher order thinking skills and understanding”
  - ▶ These may include “portfolios, projects or extended-performance tasks”
  - ▶ Scores may be based on multiple assessments during the course of the academic year rather than a single summative assessment.
- 



When teachers use and score performance assessments, they can develop a deeper understanding of academic standards and of student learning, which translates into more effective teaching and thereby enhances equity.



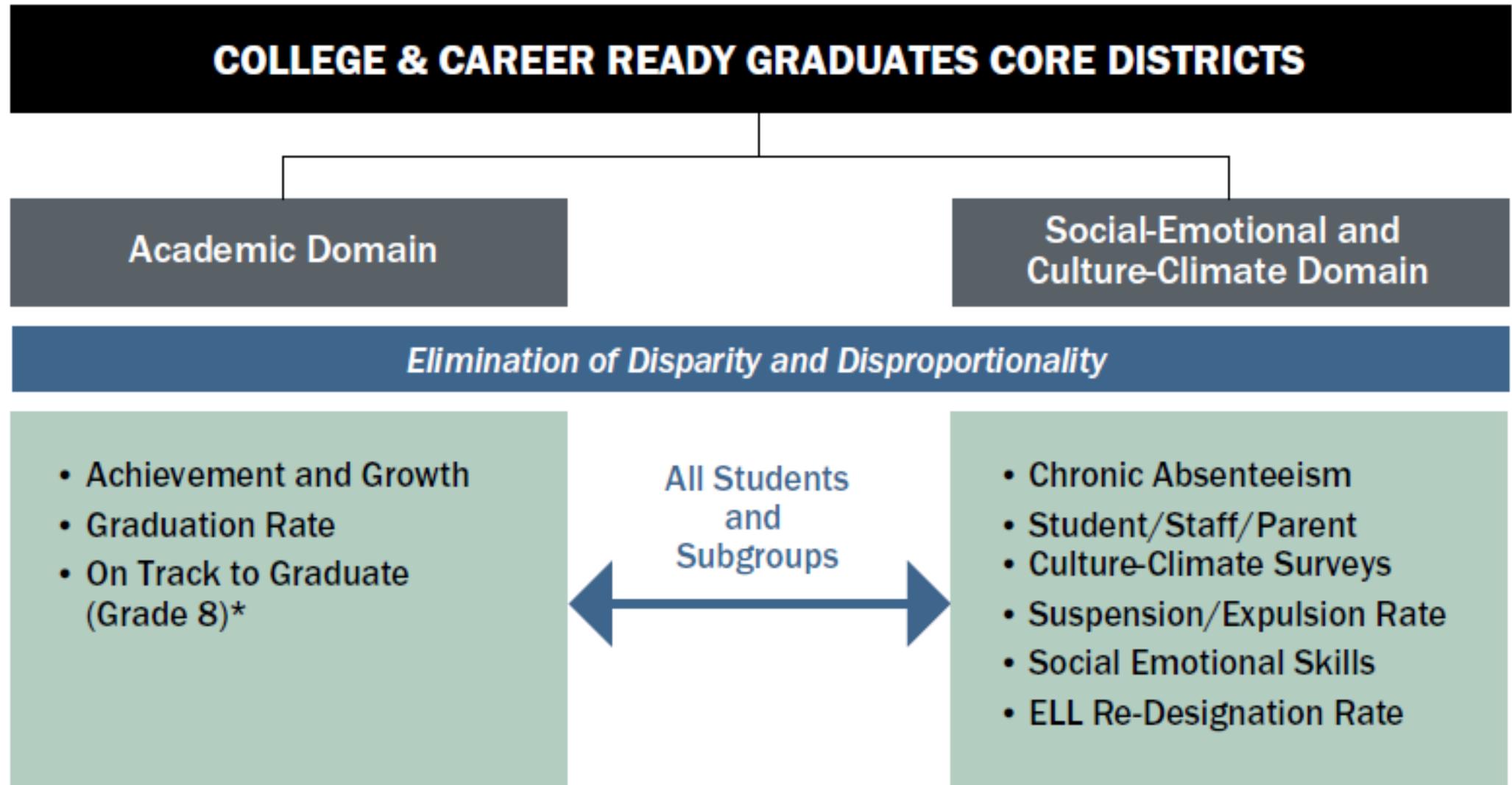
## II. Equity Measures

- ▶ Academic Achievement
- ▶ Academic Growth
- ▶ Graduation Rates (4 year and, at state discretion, extended)
- ▶ English language proficiency gains
- ▶ Indicators of “school quality” or “student success”
  - School climate
  - Student inclusion (reduction of suspension/expulsion)
  - Opportunities to learn



States can take the initiative to design systems that capture more information about the factors that matter most for student success and that provide the most useful incentives for school improvement.

**Figure 2**  
**CORE District's Accountability System**





## III. Resource Equity

- Equitable Access to Effective, Experienced, In-Field Teachers
- Reporting Per Pupil School Expenditures by Source & Purpose
- State Plans Must Describe How Equity Will be Achieved and how school zones will avoid concentrations of poverty
- Comparability
- Maintenance of Effort
- Supplement not Supplant
- Incentives for Districts that Use Weighted Student Formulas
- Required Resource Audit for Schools Identified for Assistance



A path toward a more equitable future has been forged by a number of states and districts that have initiated more equitable funding strategies based on students' needs.



ESSA also authorizes the Student Support and Academic Enrichment Grant to help states and local school districts address opportunity gaps by targeting additional funding to better serve disadvantaged students.



# Student Support and Academic Enrichment Grants

- Safe and Healthy Students
- Well-Rounded Curriculum
- Effective Use of Technology

A critical component of the improvement funding under ESSA is the requirement that state and local districts report resource inequities for schools receiving this funding and support. This provision can help drive more equitable distribution of state and local dollars, and allow for meaningful community and stakeholder monitoring.



## IV. Equity Strategies and Evidence-Based Interventions

- Early Childhood Education
  - Community Schools
  - Integration and School Diversity
- 
- Redesigning Schools
  - Productive Literacy and Numeracy Curricula
  - High-Quality Professional Development



This is an opportunity for states and districts to examine root causes of inequities across and within both districts and schools, and develop plans for addressing these issues.

## College and Career Readiness, Equity & ESSA

Michael Cohen, President, Achieve  
November 14, 2016

Presentation to New York Board of Regents



# Defining “College and Career Ready”

All students should graduate from high school ready for college, careers and life, prepared to pursue the future of their choosing. By 2020, 65% of all jobs, and 92% of traditional STEM jobs, will require postsecondary education and training. College- and career-ready (CCR) graduates should be able to enter and succeed in entry-level postsecondary courses without the need for remediation and specifically should have:

- **Mastery of rigorous knowledge and skills in core academic disciplines** including English Language Arts/Literacy, Mathematics, History, Civics, Science, Art and Music. Content knowledge and skills in Mathematics and in English Language Arts/literacy are foundational to the study of all other disciplines and high school graduates are often asked to demonstrate competency in these subjects before they can begin further study (at two- and four-year colleges), enter certain job training/apprenticeship programs or pursue the military career of their choice.
- **The skills and dispositions necessary to be successful in charting their postsecondary path.** Many of the skills a CCR graduate has are obtained through academics. The skills most demanded by colleges and employers are, by design, inherent in rigorous K-12 expectations — the ability of students to communicate effectively (both verbally and in written communications), to solve problems, to think critically and develop informed arguments, and to analyze information and data. Collaborating, communicating and presenting information and using research to make informed judgments are among the critical skills that are developed through academics. Emerging research shows that there are essential dispositions, such as having an academic mindset, initiative, adaptability and resilience, which also impact postsecondary success.
- **Successfully participated in postsecondary opportunities** through advanced coursework (AP, IB, dual enrollment) as well as career and technical education, work-based learning and other opportunities for exploring interests, aptitudes and goals so that graduates can successfully navigate pathways that connect education and employment after high school.

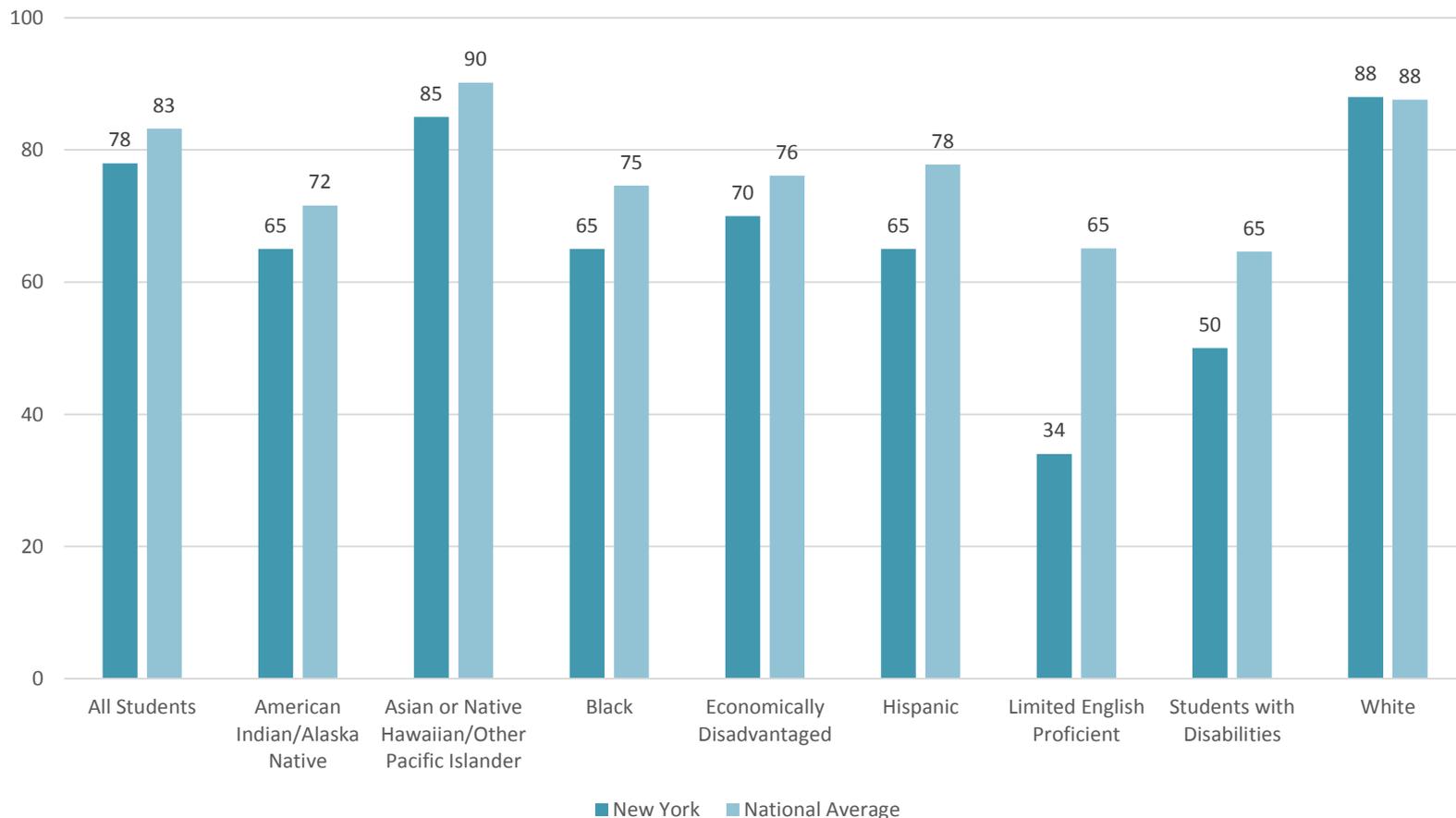
# Needed: State Leadership For College and Career Readiness

- **Too many NY students leave high school poorly prepared for college and career.**
  - Focus today on academic preparation
  - **Inequity:** There are significant “preparation gaps” based on race, ethnicity and income
- **State policies can help improve preparation and close gaps....but not as NY has designed them.**
- **ESSA can provide powerful leverage, if you approach it thoughtfully**
  - Start with clear state priorities, not federal requirements
  - Follow the \$

# College and Career Readiness of New York State's High School Graduates

Indicator	New York	National Benchmark
Graduation Rate, 2015	78%	39 states outperform NY (83% national average)
CCR Coursework Completion Rate, 2014 (Advanced Regents Diploma)	31%	58% average among reporting states
Ineligible for the Military (Based on ASVAB)	21%	Not Available
Postsecondary Enrollment	76% (2012)	62.5% national average ( <a href="#">NCHEMS</a> , 2010)
Postsecondary Remediation	CUNY, 2- and 4-year: 38% SUNY, 2- and 4-year: 4% (2013-14)	36% of recent high school graduates require remediation in English, math, or both ( <a href="#">Complete College America</a> , 2016)

# How Do New York's 4-Year Graduation Rates Compare to the National Averages (2014-15)?



# Completion vs. Readiness

## June 2013 Graduation Rate

### Completion

- **All Students** 74.9
- American Indian 62.2
- Asian/Pacific Islander 80.6
- Black 59.7
- Hispanic 59.2
- White 86.5
  
- English Language Learners 31.4
- Students with Disabilities 48.7

### Readiness

- **All Students** 37.2
- American Indian 21.3
- Asian/Pacific Islander 57.2
- Black 14.2
- Hispanic 18.0
- White 50.4
  
- English Language Learners 5.9
- Students with Disabilities 5.4

# Regents' Algebra II/Trigonometry and Comprehensive English Assessment Results

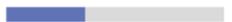
New York reports the percentage of test takers scoring at or above 65 and at or above 85 on the Regents Algebra II/Trigonometry and Comprehensive English tests. The percentage of test takers scoring at or above 85 are reported below. These data are also reported by subgroups. Regents exams are administered upon course completion; data are available only for test takers, not the cohort.

## Percentage Meeting College Readiness Benchmarks in 2014-15 by Subject

Participation Rate ELA: N/R, Math: N/R

	ELA	MATH
All Students	38%	24%
American Indian/Alaska Native	27%	12%
Asian	46%	40%
Black	19%	7%
Hispanic	21%	11%
Native Hawaiian/Other Pacific Islander	N/R	N/R
White	53%	26%
Two or More Races	44%	30%
Low Income	23%	16%
Students with Disabilities	8%	9%
Limited English Proficient	4%	23%

# 9th Grade Adjusted Cohort's Estimated College- and Career-Ready Coursework Completion, Class of 2014

STATE	DIPLOMA NAME	4-YEAR ADJUSTED COHORT GRAD RATE	% OF GRADE 9 COHORT COMPLETING CCR COURSE OF STUDY
CA	California Readiness Curriculum A-G	 81%	 36%
DE	Delaware High School Diploma	 84%	 84% ★
DC	District of Columbia High School Diploma	 61%	 61% ★
GA	Georgia High School Diploma	 73%	 73% ★
HI*	Hawaii Board of Education Recognition Diploma	 82%	 12%
IN	Indiana Core 40 Diploma, Indiana Core 40 Diploma with Academic Honors and Indiana Core 40 Diploma with Technical Honors	 90%	 75% ★
KY	Kentucky High School Diploma	 88%	 88% ★
MD	University System of Maryland Course Requirements	 86%	 55%
MA	MassCore	 86%	 65%
NV*	Nevada Advanced Diploma	 70%	 21%
NY	New York Advanced Designation Regents Diploma	 76%	 31%
TN	Tennessee High School Diploma	 87%	 87% ★
TX	Texas Distinguished Achievement High School Program and Texas Recommended High School Program	 88%	 75% ★
VA	Virginia Advanced Studies Program	 90%	 51%

★ = CCR Default or Mandatory Policy in Place in State

# State Policies Set Expectations: Their Content and Design Matter

- College and Career Ready Standards
- High School Graduation Requirements
- Assessments
- Performance Indicators

# College and Career Ready Standards

- Achieve Review of 2016 Draft NYS ELA and Mathematics Learning Standards
  - Math Standards generally rigorous, coherent and focused; some revisions needed
    - *But students can earn a diploma without taking a course that teaches the advanced math, presenting preparation and equity concerns*
  - ELA standards have significant strengths and a **major weakness** – Lack of direction with regard to complexity of texts students should read, *which raises preparation concerns and equity issues*

10

# High School Graduation Requirements (course-taking)

- New York offers at least 9 different diploma's that are available to all students:
  - Regents
  - Regents (through appeal)
  - Regents with **Honors**
  - Regents with **Advanced Designation**
  - Regents with **Advanced Designation ...Mastery in Math**
  - Regents with **Advanced Designation ...Mastery in Science**
  - Regents with **Advanced Designation with Honors**
  - Local Diploma (through Appeal)
  - Local Diploma, Regents Diploma, Regents Diploma with Advanced Designation (with or without Honors), with a **Career and Technical Education Endorsement**

# High School Graduation Requirements (course-taking)

- **Transparency Matters**
  - Where does each diploma lead?
  - Which are passports to college and career...and which are tickets to nowhere?
  - How do students and parents know?
- **Design Matters**
  - Mandatory
  - Default
  - Opt-in

# Reported College- and Career-Ready Coursework Completion, Class of 2014: “Mandatory” Policy States

Diploma Name	Denom.	All Students	Am. In./ Ak Native	Asian	Black	Hispanic	NH/ PI	White	Two or More Races	Low Income
Delaware High School Diploma	Cohort	84%	90%	92%	80%	81%	57%	87%	86%	78%
District of Columbia High School Diploma	Cohort	61%	N/R	85%	60%	62%	N/R	85%	79%	60%
Georgia High School Diploma	Cohort	73%	67%	83%	65%	64%	N/R	80%	77%	63%
Kentucky High School Diploma	Cohort	88%	84%	89%	79%	84%	85%	89%	85%	84%
Tennessee High School Diploma	Cohort	87%	81%	93%	79%	81%	92%	91%	N/R	82%
	<b>Average</b>	<b>79%</b>	<b>81%</b>	<b>88%</b>	<b>73%</b>	<b>74%</b>	<b>78%</b>	<b>86%</b>	<b>82%</b>	<b>73%</b>

# Reported College- and Career-Ready Coursework Completion, Class of 2014: “Default” Policy States

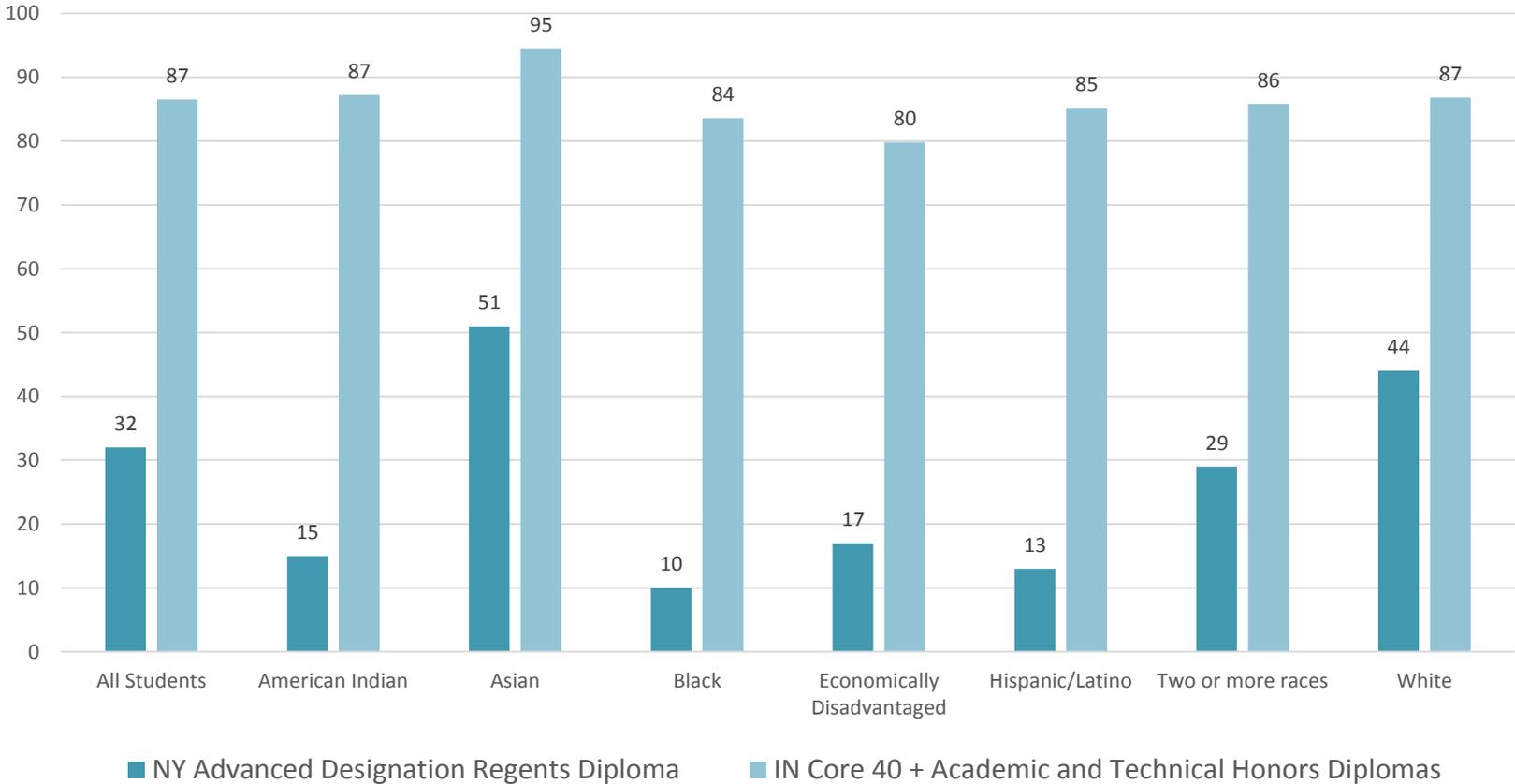
Diploma Name	Denom.	All Students	Am. In./ Ak Native	Asian	Black	Hispanic	NH/ PI	White	Two or More Races	Low Income
Indiana Core 40 and Academic and Technical Honors	Graduates	85%	79%	95%	81%	84%	91%	86%	83%	70%
Oklahoma College-Prep/ Work-Ready Curriculum	Seniors - State Average	84%	Not Reported							
Texas Recommended High School Program & Distinguished Achievement High School Program	Graduates	86%	82%	95%	79%	86%	86%	86%	86%	82%
<b>Average</b>		<b>85%</b>	<b>81%</b>	<b>95%</b>	<b>80%</b>	<b>85%</b>	<b>89%</b>	<b>86%</b>	<b>85%</b>	<b>76%</b>

# Reported College- and Career-Ready Coursework Completion, Class of 2014: “Opt-In” Policy States

Diploma Name	Denom.	All Students	Am. In./ Ak Native	Asian	Black	Hispanic	NH/ PI	White	Two or More Races	Low Income	
California Readiness Curriculum A-G	Graduates	42%	27%	71%	31%	32%	35%	49%	48%	33%	
Hawaii Board of Education Recognition Diploma	Completers	14%	Not Reported								
University System of Maryland Course Requirements	Graduates	60%	Not Reported								49%
MassCore	Graduates	72%	59%	73%	52%	58%	69%	78%	72%	59%	
Nevada Advanced Diploma	Completers	28%	Not Reported								
New York Advanced Designation Regents Diploma	Cohort	31%	16%	50%	10%	13%	N/R	44%	28%	17%	
Virginia Advanced Studies Program	Cohort	51%	43%	73%	33%	39%	52%	58%	55%	29%	
	<b>Average</b>	43%	36%	67%	32%	36%	52%	57%	51%	37%	

# A Tale of Two States' Graduation Expectations/Outcomes: New York (opt-in) and Indiana (default)

2014-15: Percentage of Students Earning State CCR-Level Diploma



# High School Assessments

- Which Regents Exams measure the knowledge and skills necessary for success in college-level courses? Will SUNY and CUNY honor those results?
  - *There is a difference between predicting success and measuring the skills necessary for success*
- What is rationale for considering nationally recognized assessments? How do they help improve preparation?

# Recommended Performance Indicators to Report on the College and Career Readiness of NY High School Graduates

Indicator
High School Graduation Rate
College and Career Ready Graduation Rate based on CCR Diploma (Regents Advanced +)
College and Career Ready Graduation Rate based on academic performance on assessments that measure college- and career ready skills
Percentage of a cohort of students on track to graduate based on credit accumulation
Percentage of a high school cohort of students earning college credit in high school (through AP/IB/Dual Enrollment)
Postsecondary remediation rates
Percentage of students enrolling in postsecondary education (and training) persisting beyond first year of postsecondary education, and completing a degree or certificate
Percentage of students earning industry recognized credentials

# Leveraging ESSA

- Start with state priorities for improvement (including stakeholder input for ESSA and state performance data) not just federal requirements.
- Incorporate priorities into state's consolidated application.
- Determine evidence-based strategies for local and state actions to meet performance goals tied to priorities.
- Determine the capacity building (e.g, professional development, cross district networks, data and IT systems) needed to implement the strategies at state and local levels.
- Identify ESSA \$ that can support the strategies and build capacity for continuous improvement. NY receives approximately \$1.6 billion under ESSA.

# Leveraging ESSA to Support College and Career Readiness

- Possible priority: Improving Access to and Success in Advanced Courses
- Examples of evidence-based strategies:
  - Make Regents Advanced Diploma default option
  - District-led, data-driven improvements in graduation rates and completion of CCR courses (Fresno Unified School District)
  - Building Assets-Reducing Risk (BARR) program focused on transition from middle school to high school

# Leveraging ESSA

## Improving Access to and Success in Advanced Courses

- Examples of needed capacity:
  - Local data systems – improved monitoring and reporting of course availability, participation and success
  - Regular instruction on social-emotional skills
  - Teacher teams + time for weekly reviews of each student's progress
  - Support for AP courses/exams

# Leveraging ESSA

## Improving Access to and Success in Advanced Courses

- Potential sources of ESSA funds:
  - Title I School Improvement funds (targeted to low performing schools)
  - State set-aside of Title I funds for direct student services
  - Title I grants to LEAs for schoolwide projects
  - Title II grants to LEAs for PD
  - Title IV State Activities to increase enrollment in advanced courses/subsidize exam fees
  - Title IV grants to LEA's to support access to well-rounded education

# Key Action Steps

- Adopt rigorous CCR standards for all students
- Increase transparency about diploma options and make Regents Diploma with Advanced Designation the default option
- Use high school assessment results to inform student, parents and postsecondary institutions if students are on track for college level courses
- Improve transparency about CCR results
- Strategically leverage ESSA