



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: Anthony Lofrumento *Anthony Lofrumento Jr*

SUBJECT: Summary of the January 2014 Meeting

DATE: February 3, 2014

AUTHORIZATION(S): *J. B. G. Jr.*
Executive Summary

Issue for Decision

Review of the Summary of the January 2014 Meeting of the Board of Regents.

Proposed Handling

Approval of the Summary of January 2014 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 January 2014 meeting.

Timetable for Implementation

Effective February 11, 2014.

VOTED, that the Summary of the January 2014 Meeting of the Board of Regents of The University of the State of New York be approved.



**SUMMARY OF THE JANUARY 2014 MEETING
OF THE BOARD OF REGENTS
OF
THE UNIVERSITY OF THE STATE OF NEW YORK**

Held at the State Education Building

***Albany, New York
January 13 and 14, 2014***

***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, January 13, 2014 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Monday, January 13th at 9:00 a.m.

Board Members in Attendance:

Chancellor Merryl H. Tisch
Vice Chancellor Anthony S. Bottar
Robert M. Bennett, Chancellor Emeritus
James C. Dawson
Harry Phillips, 3rd
James R. Tallon, Jr.
Roger Tilles
Lester W. Young, Jr.
Christine D. Cea
Wade S. Norwood
James O. Jackson
Kathleen M. Cashin
James E. Cottrell

Also present were the Commissioner of Education, John B. King Jr., Executive Deputy Commissioner, Elizabeth Berlin, Counsel, Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Regents Geraldine D. Chapey, Charles R. Bendit, Betty A. Rosa and T. Andrew Brown were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 9:00 a.m.

ACTION ITEMS

Executive Session Motion

MOVED, that the Board of Regents convene in executive session on Tuesday, January 14, 2014 at 10:50 a.m. to discuss personnel matters.

Motion by: Vice Chancellor Anthony S. Bottar
Seconded by: Regent Harry Phillips, 3rd
Action: Motion carried unanimously

**Update on Elementary and Secondary Education Act (ESEA) Waiver Renewal
Process and Related Amendments
BR (A) 6**

MOVED, that the Board of Regents directs the Commissioner of Education and the State Education Department to issue for public comment a draft ESEA Waiver Renewal request, with related amendments, based on the materials provided to the Board of Regents at its November 2013, December 2013 and January 2014 meetings. (Update on the Elementary and Secondary Education Act Waiver Renewal for 2013-14 presentation – Attachment I)

Motion by: Regent Roger Tilles
Seconded by: Regent Harry Phillips, 3rd
Action: Motion carried unanimously

PRESENTATION

**In the State Museum Collection: Dr. Martin Luther King's September 12, 1962
Address to the New York State Civil War Centennial Commission**

Commissioner King and Mark Schaming led a discussion about the discovery of the only known audio recording of Dr. Martin Luther King's September 12, 1962 address to the New York State Civil War Centennial Commission.

Chancellor Merryl H. Tisch adjourned the meeting.

MEETING OF THE FULL BOARD, Tuesday, January 14th at 10:55 a.m.

Board Members in Attendance:

Chancellor Merryl H. Tisch
Vice Chancellor Anthony S. Bottar
Robert M. Bennett, Chancellor Emeritus
James C. Dawson
Harry Phillips, 3rd
James R. Tallon, Jr.
Roger Tilles
Lester W. Young, Jr.
Christine D. Cea
Wade S. Norwood
James O. Jackson
Kathleen M. Cashin
James E. Cottrell

Also present were the Commissioner of Education, John B. King Jr., Executive Deputy Commissioner, Elizabeth Berlin, Counsel, Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Regents Geraldine D. Chapey, Charles R. Bendit, Betty A. Rosa and T. Andrew Brown were absent and excused.

ACTION ITEMS

**Charter Applications
BR (A) 1**

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

**Summary of the December 2013 Meeting of the Board of Regents
BR (A) 2**

MOVED, that the Summary of the December 2013 Meeting of the Board of Regents of The University of the State of New York be approved.

Motion by: Regent James C. Dawson
Seconded by: Regent Roger Tilles
Action: Motion carried unanimously

PROGRAM AREA CONSENT ITEMS

Higher Education

**Proposed Amendments to Section 80-1.1(b)(47) of the Regulations of the Commissioner of Education Relating to the Definition of Part-Time Experience for Permanent or Professional Certification
BR (CA) 1**

MOVED, that paragraph (47) of subdivision (b) of section 80-1.1 of the Regulations of the Commissioner of Education be amended, effective January 29, 2014, as submitted.

P-12 Education

**Emergency Adoption of Proposed Amendment of Sections 200.7 and 200.15 of the Regulations of the Commissioner of Education Relating to Chapter 501 of the Laws of 2012 (“Protection of People with Special Needs Act”)
BR (CA) 2**

MOVED, That paragraphs (3) and (6) of subdivision (b) of section 200.7 and section 200.15 of the Regulations of the Commissioner be amended as submitted, effective January 21, 2014, 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 ensure that the emergency rule adopted at the June 16-17, 2013 Regents meeting, and readopted at the September and November 2013 Regents meetings, remains continuously in effect until the effective date of its adoption as a permanent rule at a subsequent Regents meeting, and thereby ensure that students attending residential schools are protected against abuse, neglect and significant incidents that may jeopardize their health, safety and welfare.

**Proposed Amendment of §§154.2 and 154.3 of the Regulations of the Commissioner Relating to Examination Requirements for Identifying Pupils with Limited English Proficiency
BR (CA) 3**

MOVED, that section 154.2 and subdivision (l) of section 154.3 of the Commissioner's Regulations be amended, as submitted, effective February 1, 2014.

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.

**Designation of Regents Physician Shortage Areas (RPSAs)
BR (CA) 7**

MOVED, the Regents should approve the changes in the lists of designated physician shortage areas described with an effective date of January 1, 2013.

**Phillips Beth Israel School of Nursing: Bachelor of Science Degree in Nursing
BR (CA) 8**

MOVED, that the Board of Regents approve the amendment to the master plan for Phillips Beth Israel School of Nursing to confer the B.S. degree on qualified graduates of the Nursing program. This amendment would be effective until January 31, 2015, unless the Department registers the program prior to that date, in which case, the master plan amendment shall be without term.

Motion by: Regent Harry Phillips, 3rd
Seconded by: Regent Christine D. Cea
Action: Motion carried unanimously

STANDING COMMITTEE REPORTS

AUDITS/BUDGET AND FINANCE

The Regents Committee on Audits/Budget and Finance met as scheduled yesterday afternoon, January 13, 2014. The Chancellor, Regents Dawson, Phillips, Tilles, Cottrell, Norwood, Young, and Jackson were in attendance.

Items for Discussion

Completed Audits

We reviewed the 10 audits that are being presented to the Committee this month. Two of the audits were issued by the Office of Audit Services (OAS) and eight were issued by the Office of the State Comptroller (OSC). Eight audits were of school districts and two were of charter schools.

The findings were in the areas of budgeting, financial reporting, payroll, claims processing, procurement, cash, Race to the Top Grant and student enrollment and billing.

2013 Fiscal Report

Our Chief Financial Officer briefed the Members on the Fiscal Report for December. Extensive spending controls continue for all funds. General Fund spending reflects the amounts appropriated in the 2013-14 enacted budget. General Fund accounts are in structural balance with the exception of the Tenured Teacher Hearings (TTH) account. The 2013-14 budget includes a \$6 million appropriation for TTH claims, an increase of \$2.2 million from the prior year. With these additional funds, the deficit at the end of 2013-14 is projected to be \$2.03 million. Special Revenue accounts are all in structural balance on a current year basis and the accumulated negative balance in the Cultural Education Account is being reduced by approximately \$3.7 million.

CULTURAL EDUCATION

Regent Roger Tilles, Chair of the Cultural Education Committee, submitted the following written report. Your Committee on Cultural Education Committee had its scheduled meeting on January 13, 2014. In attendance were committee members: Regents Tilles, Dawson, Cea, Jackson, and Cottrell. Absent: Regents Rosa, Bendit and Brown

In addition to CE Committee Members, in attendance were: Chancellor Tisch, Commissioner King and Executive Deputy Commissioner Berlin.

ITEMS FOR DISCUSSION

Chair's Remarks: Regent Tilles welcomed everyone and opened the meeting. Regent Tilles announced that Deputy Commissioner Cannell was absent due to illness and that Thomas Ruller, Director of Operations for OCE, would stand in for the Deputy Commissioner.

Mr. Ruller made a brief presentation on key program metrics for public programs in the Office of Cultural Education for the calendar year 2013, highlighting preliminary data on

museum attendance, reference inquiries in the Archives and Library and the number of students who visited the Museum. The Committee also discussed the rental of the Cultural Education Center facility and requested some general data on the types of organizations that rent the facility.

State Archives Visual Materials Collection

Kathleen Roe, Director of Operations at the State Archives provided information to committee members regarding SED's Division of Visual Instruction Lantern Slide and glass-plate negative collections maintained by the State Archives. This collection contains more than 32,000 unique images dating from 1856-1939 that document a wide variety of subjects including New York State, North American and world geography, history, natural sciences, fine arts, trades, industries, education, and schools. The collection is available on-line and individual images are available for purchase.

Federal Legislative Update

Bernard Margolis, State Librarian presented an overview of federal legislative and budgetary actions that impact OCE programs and the programs of cultural institutions across the State. These programs include funding for the Institute for Museum and Library Services (IMLS), the National Archives and the Corporation for Public Broadcasting. The Committee requested that OCE provide a federal legislative and budgetary advocacy plan for the committee to consider at its next meeting.

Regent Tilles concluded the meeting by remarking that he is organizing a panel presentation for the next committee meeting that will include representatives from Long Island libraries, archives and Museums who will discuss how they developing programs to support the implementation of the Common Core.

HIGHER EDUCATION

Your Higher Education Committee held its scheduled meeting on January 14, 2014

Items not requiring action:

Update on the Certification Examinations

Your Committee received an update on implementation of the new certification examinations and the work of the faculty professional development work at CUNY, SUNY, and the Commission on Independent Colleges and Universities.

Clinically Rich Program

Your Committee received an update on the Clinically Rich Teacher Preparation pilot, including examples of collaboration with P-12 partners, offering highlights, impact upon building culture, instructional practice and students and intersections with the Office of Accountability.

Reciprocity Regulation

Staff discussed a proposed regulation to establish a set of standards for teaching candidates from other jurisdictions that will align with those of NYS candidates entering the classroom. It is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its April meeting. If adopted at the April meeting, the proposed amendment will become effective as an emergency rule on May 1, 2014 and will be permanently adopted on May 14, 2014.

P-12 EDUCATION

Your P-12 Education Committee held its scheduled meeting on January 13, 2014. All members were present except for Regents Bendit and Rosa, who were excused.

ACTION ITEMS

Flexibility to school districts and charter schools regarding the administration of Regents Examinations in Mathematics (Common Core) to grade 7 and 8 students

Your Committee recommends that paragraph (14) of subdivision (b) of section 100.18 of the Regulations of the Commissioner of Education be amended as submitted, effective January 14, 2014, 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 ensure that LEAs are given sufficient notice to implement the USDE waiver regarding the administration of Regents Examinations in Algebra I (Common Core) and Geometry to grade 7 and 8 students for the 2013-14 school year. [P-12 (A) 1]

Special Education Impartial Hearings

Your Committee recommends that subdivision (x) of section 200.1, paragraphs (3), (4) and (5) of subdivision (j) of section 200.5, and paragraph (9) of subdivision (h) of section 200.16 of the regulations of the Commissioner of Education relating to special education impartial hearings be amended as submitted and a new paragraph (6) of subdivision (j) of section 200.5 of the Regulations of the Commissioner of Education be added as submitted, effective February 1, 2014. [P-12 (A) 2]

Registration of Public Schools

Your Committee recommends that the Tuttle Avenue School in the Eastport-South Manor Central School District be registered beginning in February 2014.
[P-12 (A) 4]

Hebrew Language Academy Charter School

Your Committee recommends that the Board of Regents finds that the proposed charter school: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will operate in an educationally and fiscally sound manner; (3) 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) will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves and issues the renewal charter of the **Hebrew Language Academy Charter School** as proposed by the Chancellor of the New York City Department of Education, and that its provisional charter be extended for a term up through and including June 30, 2015. [P-12 (A) 5]

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 January 14, 2014, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Update from the Office of Bilingual Education – The Committee was provided with an overview of the identification process for English Language Learners and the different language programs available. ELA and Math outcomes for ELLs vs. non-ELLs was discussed in addition to the Department's initiatives, such as the Blueprint for ELL Success and Seal of Biliteracy pilot.

Seal of Biliteracy Pilot – The Committee discussed the Department's progress in implementing the Seal of Biliteracy pilot. The pilot will be implemented in two phases. During the 2014-15 school year, a one-year pilot will begin, followed by full implementation on a voluntary basis in the 2015-16 school year. The Department will work with a few targeted districts and schools during the first phase of the pilot period to develop a State Seal of Biliteracy proposal for high school juniors and seniors. Districts and schools will then be invited to participate in the full implementation program based on the school's capacity, expressed interest, demonstrated commitment to foreign language instruction, and parental and community support. [P-12 (D) 1]

Blueprint for ELL Success – The Committee was updated on the newly developed Blueprint for ELL Success. A set of principles were developed as a statewide framework to prepare ELLs for success beginning in prekindergarten and to lay the foundation for college and career readiness. The principles provide guidance, resources, and supports to districts, schools and teachers and promotes better understanding and appreciation of Bilingual Education, ESL and Foreign Language Studies. Key stakeholders provided feedback and input in the creation of the principles. The Blueprint will be shared via the NYSED website and will be shared with districts, the ELL Leadership Committee, and key ELL advocacy groups. [P-12 (D) 2]

Preschool Special Education – The Committee was updated on the work of the Special Education Financial Advisory Workgroup which met on December 18, 2013. The Workgroup discussed Preschool Special Education Financial Trend Data and Reapproval Review Findings, in addition to the Comptroller’s Program Bill. The discussion focused on the newly developed approval process as well as the Regents’ concerns around the findings presented which included IEP services not being provided, inappropriate certification and qualifications of supervisors and administrators, and educational progress reports not being maintained and provided. The Office of Special Education is in the process of holding additional meetings with stakeholders to review these findings and identify potential policy initiatives to address concerns. Staff will report back to the Regents at a future meeting with outcomes from these stakeholder meetings.

Diagnostic Tool for School and District Effectiveness (DTSDE) Panel – The Committee was provided with an in-depth look at the DTSDE review process and the two types of reviews available to districts: Integrated Intervention Team Reviews (comprised of state-level reviewers) and District-led Reviews (comprised of district-level reviewers). Further discussion focused on tenet 1- District Support- as well as on systemic support grants and cross-functional collaboration between Department offices.

Consent Agenda Items

The Board of Regents will take action on the following consent agenda items at their January 14, 2014 meeting.

- Protection of People with Special Needs Act
- NYS Identification Test for English Language Learners (NYSITELL)

P-12 EDUCATION/ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES) JOINT MEETING

Your P12 Education/ACCES Joint Committee held its scheduled meeting on January 13, 2014. All members were present, with the exception of Regent Bendit, Regent Chapey, and Regent Rosa, who were excused.

MATTERS NOT REQUIRING BOARD ACTION

Alternative Education Services Overview – Your Committees were provided a presentation on the scope and status of Adult and Alternative Education Services in New York State provided by the State Education Department. Your Committees recommend that with the implementation of a new, more rigorous High School Equivalency exam, the Department develop a cross office plan to offer enhanced

professional staff development and training including content instruction at the Adult Secondary Education level. In addition, we improve data collection to capture more specific student and program information needed to support improved service and results.

P-12 EDUCATION/ HIGHER EDUCATION JOINT MEETING

Your P-12 Education Committee and Higher Education Committee held a joint meeting on January 13, 2014

Item not requiring action:

STLE Update

Your Committees received an overview of the strengthening teacher and leader effectiveness (STLE) grant program, including rounds 1, 2, and 3. Updates were provided regarding the current grant program monitoring, technical assistance, and trends. A video of one grantee was shared.

PROFESSIONAL PRACTICE

Your Professional Practice Committee held its scheduled meeting on January 13, 2014. All Committee members were present except for Regent Geraldine D. Chapey who was excused. Chancellor Merryl H. Tisch was present but did not vote on any case or action. Regent James C. Dawson was present for Executive Session 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 8 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 52 consent order applications 2 surrender applications, and 2 summary suspension applications be granted, with six members of the Committee voting acceptance of the consent application in the case of Zhenxing Tai, dentist, Cal. No. 26484 and Regent James E. Cottrell abstaining. [PPC EXS (A) 1-3, 9]

In the case of the reconsideration application of Lorraine Casiano a/k/a Lorraine Meoni, Licensed Practical Nurse and Registered Professional Nurse, Calendar Nos. 27165 and 27166, we recommend that the report of the Regents Review Committee be clarified as follows: wherever the Calendar No. is shown as "Calendar No. 27166", the "Calendar

No.” for this matter upon reconsideration shall be deemed to read as Calendar Nos. 27165 and 27166; and wherever the name “Dr. Taco” or “Dr. Modesta Taco” is shown, the name of this physician shall be deemed to read as “Dr. Tako” or “Dr. Modesta Tako”. [PPC EXS (A) 8]

These recommendations are made following the review of 64 cases involving thirteen registered professional nurses, ten licensed practical nurses, seven certified public accountants, six licensed practical nurses who are also registered professional nurses, four licensed master social workers, four pharmacists, three architects, two dentists, two pharmacies, two professional engineers, one massage therapist, one ophthalmic dispenser, one professional medical physicist, one respiratory therapy technician, and one speech-language pathologist.

Restorations

Your Committee recommends the following:

That the execution of the order of surrender of Deborah Hampson’s licensed practical nurse license be stayed; that she be placed on probation for a period of three years under the terms and conditions annexed to the Report of the Committee on the Professions as Exhibit A; and that, upon satisfactory completion of the probationary period, her license be fully restored. [PPC EXS (A) 4]

That the application of Jacob Neuman for the restoration of his license to practice as a physician in New York State be denied. [PPC EXS (A) 5]

That the execution of the order of surrender of Yevgeny Pisarevsky’s license to practice as a dentist in New York State be stayed; that he be placed on probation for a period of three years under the terms and conditions annexed to the Report of the Committee on the Professions as Exhibit A; and that, upon successful completion of probation, his license be fully restored. [PPC EXS (A) 6]

That the application of Hugo Vilorio for the restoration of his license to practice as a physician in New York State be denied. [PPC EXS (A) 7]

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 January 13, 2014, 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 and Conferral of Degrees
- Regents Designation of Physician Shortage Areas Report
- Master Plan Amendment – Phillips Beth Israel School of Nursing
- Updates on OP Initiatives
- Technology Update
- Legislation
- Staffing/Productivity Update

Regulations Relating to Social Work Mandatory Continuing Education Requirements [PPC (D) 1] – The proposed regulations will implement 2013 legislation establishing mandatory continuing education requirements for licensed social workers. [PPC (D) 1]

MOVED, that the Committee Reports be approved.

Motion by: Regent Roger Tilles
Seconded by: Regent Harry Phillips, 3rd
Action: Motion carried unanimously

ACTION ITEMS

**State Education Department November 2013 Fiscal Report
BR (A) 3**

Don Juron, Chief Financial Officer, presented the December 2013 Fiscal Report.

MOVED, that the Board accepts the December 2013 State Education Department Fiscal Report as presented.

Motion by: Regent Roger Tilles
Seconded by: Regent James C. Dawson
Action: Motion carried unanimously

**Appointment of Superintendent at the New York State School for the Blind
BR (A) 4**

MOVED, that the Board of Regents approve the appointment of Barbara J. Lemen as Superintendent of the New York State School for the Blind.

Motion by: Regent James C. Dawson
Seconded by: Regent Harry Phillips, 3rd

Action: Motion carried unanimously

**Appointment to the Position of Executive Secretary, State Board for Medicine,
State Board for Dietetics and Nutrition, and State Board for Veterinary Medicine
BR (A) 5**

MOVED, that the Board of Regents approve the appointment of Frank A. Isele as the Executive Secretary to the State Board for Medicine, State Board for Dietetics and Nutrition, and State Board for Veterinary Medicine.

Motion by: Regent James C. Dawson
Seconded by: Regent Harry Phillips, 3rd
Action: Motion carried unanimously

Chancellor Merryl H. Tisch adjourned the meeting.

Appendix I
NEW YORK STATE BOARD OF REGENTS CHARTER ACTIONS

Name of Institution	Program Area	County of Location	Description of Charter Action(s)
American Airpower Museum	CE	Queens	Grant an absolute charter.
Bohemia Historical Society	CE	Suffolk	Grant an absolute charter.
Frank J. Basloe Public Library	CE	Herkimer	Dissolve absolute charter of Frank J. Blasloe Public Library, the Village Public Library and grant approval for distribution of assets to the Frank J. Basloe Public Library, a school district public library.
The Gilder Lehrman Institute of American History	CE	New York	Amend charter to change the corporate address and grant an absolute charter.
Literary Union of Carmel, NY	CE	Putnam	Consolidate The Literary Union of Carmel, New York, a not-for-profit corporation, with Literary Union of Carmel, NY, the education corporation, as the surviving corporation.
The Museum of Modern Pinball	CE	New York	Grant provisional charter for five years.
The Neue Galerie New York	CE	New York	Grant an absolute charter.
The Neustadt Collection of Tiffany Glass	CE	New York	Grant an absolute charter.
New York State Historical Association	CE	Otsego	Consent to filing of certificate of assumed name "Fenimore Art Museum".
Southampton Historical Museum	CE	Suffolk	Grant an absolute charter in the first instance.
The Family Foundation School	P-12	Delaware	Consent to filing of certificate of assumed name "Allynwood Academy".
Fei Tian College	HE	Orange	Grant an absolute charter.

Appendix II

REGENTS ACTIONS IN 64 PROFESSIONAL DISCIPLINE CASES AND 4 RESTORATION PETITIONS

January 13 - 14, 2014

The Board of Regents announced disciplinary actions resulting in the summary suspension of 1 license and 1 registration, surrender of 2 licenses, revocation of 3 licenses, and 57 other disciplinary actions, including one reconsideration involving two licenses. The penalty indicated for each case relates solely to the misconduct set forth in that particular case. In addition, the Board acted upon 4 restoration petitions.

I. SUMMARY SUSPENSIONS

Pharmacy

Steven J. Cosentino; Pharmacist; Rye, NY 10580; Lic. No. 031570; Cal. No. 27162; Application for summary suspension granted.

Rockwell Compounding Associates, Inc.; Pharmacy; 350 Theodore Fremd Avenue, Rye, NY 10580; Reg. No. 026458; Cal. No. 27163; Application for summary suspension granted.

II. REVOCATIONS AND SURRENDERS

Dentistry

Jan Wade Gilbert; Dentist; Lawrence, NY 11559-1731; Lic. No. 029102; Cal. No. 26713; Found guilty of professional misconduct; Penalty: Revocation.

Engineering and Land Surveying

Jack William Mendelson; Professional Engineer; Rye Brook, NY 10573; Lic. No. 041278; Cal. No. 27098; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Criminal Facilitation in the 4th Degree, a class A misdemeanor.

Nursing

Christina M. Gordon; Registered Professional Nurse; Troy, NY 12182; Lic. No. 549487; Cal. No. 26274; Found guilty of professional misconduct; Penalty: Revocation.

Public Accountancy

Sabirhan Hasanoff; Certified Public Accountant; Waymart, PA 18472; Lic. No. 088101; Cal. No. 27101; Application to surrender license granted. Summary: Licensee admitted to charges of having been convicted of Providing Material Support or Resources to Designated Foreign Terrorist Organizations and Conspiracy to Provide Material Support or Resources to Designated Foreign Terrorist Organizations.

Social Work

John Knapp; Licensed Master Social Worker; Bloomington, IN 47403-3106; Lic. No. 071643; Cal. No. 26202; Found guilty of professional misconduct; Penalty: Revocation.

III. OTHER REGENTS DISCIPLINARY ACTIONS

Architecture

Robert Leonard Hoffman; Valley Stream, NY 11581; Lic. No. 023897; Cal. No. 26922; Application for consent order granted; Penalty agreed upon: 3 year suspension with leave to apply for a stay of execution of any unserved portion after service of first 12 months upon submission of certain documentation, 3 years probation, \$2,500 fine.

Jose Manuel Coriano; Mount Vernon, NY 10552; Lic. No. 016359; Cal. No. 26925; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation.

Dentistry

Zhenxing Tai; Dentist; Rochester, NY 14618; Lic. No. 050982; Cal. No. 26484; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$1,000 fine.

Engineering and Land Surveying

Rock Alix Calixte; Professional Engineer; Queens Village, NY 11428-1232; Lic. No. 061213; Cal. No. 26386; Application for consent order granted; Penalty agreed upon: 8 month actual suspension, 16 month stayed suspension, 2 years probation to commence upon return to practice, \$4,000 fine.

Massage Therapy

Carla Elizabeth Collucci; Little Falls, NY 13365; Lic. No. 026111; Cal. No. 26946; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Medical Physics

Michael F. Worman; Professional Medical Physicist (Therapeutic Radiological Physics); Nutley, NJ 07110; Lic. No. 000247; Cal. No. 26576; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 24 months probation.

Nursing

William Leonard Rodabaugh; Licensed Practical Nurse; Horseheads, NY 14845; Lic. No. 279126; Cal. No. 26426; Found guilty of professional misconduct; Penalty: \$500 fine to be paid within 6 months, indefinite suspension for minimum of 1 year and until substance abuse-free and until fit to practice, probation 2 years to commence subsequent to termination of suspension and upon actual return to practice.

Nicole A. Drought; Licensed Practical Nurse; Cohocton, NY 14826; Lic. No. 278112; Cal. No. 26733; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Waveney G. Brown; Licensed Practical Nurse, Registered Professional Nurse; Elmont, NY 11003-5003; Lic. Nos. 244533, 504407; Cal. Nos. 26771, 26772; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation.

Suzanne K. Barnes; Registered Professional Nurse; Utica, NY 13501; Lic. No. 566257; Cal. No. 26815; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Carscena Alishaea Williams; Licensed Practical Nurse, Registered Professional Nurse; Jamaica, NY 11434-3411; Lic. Nos. 270838, 569782; Cal. Nos. 26874, 26870; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, 1 year probation, \$500 fine.

Myra Perez; Licensed Practical Nurse, Registered Professional Nurse; Walden, NY 12586-3521; Lic. Nos. 283864, 604191; Cal. Nos. 26879, 26878; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 24 months probation, pursue certain course of education within first 12 months, \$1,500 fine.

Vivian Alphonso Roberts; Registered Professional Nurse; Miramar, FL 33027; Lic. No. 612897; Cal. No. 26886; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation.

Marisa L. Storke; Registered Professional Nurse; Scottsville, NY 14546; Lic. No. 459970; Cal. No. 26917; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Melissa A. Hudson; Registered Professional Nurse; Littleton, CO 80123; Lic. No. 644867; Cal. No. 26921; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Dolly M. Webb-Sanchez; Licensed Practical Nurse; Oneida, NY 13421; Lic. No. 223049; Cal. No. 26923; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Rhonda M. Andrus; Registered Professional Nurse; Savannah, NY 13146; Lic. No. 534012; Cal. No. 26932; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Sdhari Nana Cason-Payano; Licensed Practical Nurse, Registered Professional Nurse; Glen Allen, VA 23259; Lic. Nos. 246736, 596122; Cal. Nos. 26934, 26935; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Cassandra R. Scott; Licensed Practical Nurse, Registered Professional Nurse; Rochester, NY 14619; Lic. Nos. 231216, 524590; Cal. Nos. 26936, 26938; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Mary Elizabeth Parker; Registered Professional Nurse; Liverpool, NY 13088; Lic. No. 415745; Cal. No. 26940; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Michael Adeleke; Licensed Practical Nurse; Bronx, NY 10453; Lic. No. 301709; Cal. No. 26941; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation to commence upon return to practice.

Michelle Lea Stockbridge; Registered Professional Nurse; Westmoreland, NY 13490; Lic. No. 480427; Cal. No. 26959; 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.

Nicole M. McKerrow; Licensed Practical Nurse; Atlanta, GA 30331; Lic. No. 287081; Cal. No. 26963; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation to commence upon return to practice in State of New York, \$500 fine payable within 6 months.

Maria Susan Perilli; Licensed Practical Nurse; Yaphank, NY 11980; Lic. No. 263386; Cal. No. 26969; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Angela Pierro; Licensed Practical Nurse; Mastic Beach, NY 11951; Lic. No. 243066; Cal. No. 26984; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$1,500 fine.

Shelley Brennan; Licensed Practical Nurse; Hillsdale, NY 12529; Lic. No. 286282; Cal. No. 27000; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Susan Carr Stauble; Registered Professional Nurse; Kingston, NY 12401; Lic. No. 328219; Cal. No. 27004; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation to commence upon return to practice, \$500 fine.

Lynn M. Thayer; Licensed Practical Nurse; Sodus, NY 14551; Lic. No. 255960; Cal. No. 27008; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$250 fine.

Shiju Abraham Thomas; Registered Professional Nurse; East Meadow, NY 11554-3207; Lic. No. 614708; Cal. No. 27009; Application for consent order granted; Penalty agreed upon: 6 month actual suspension, 18 month stayed suspension, 2 years probation.

Sandra S. Scott; Licensed Practical Nurse; Port Richey, FL 34668; Lic. No. 287989; Cal. No. 27016; 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 in State of New York, \$500 fine.

Debra L. Desantis; Registered Professional Nurse; Montour Falls, NY 14865; Lic. No. 624455; Cal. No. 27034; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Marianne Merkel; Registered Professional Nurse; Levittown, NY 11756; Lic. No. 520496; Cal. No. 27046; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Janice Chu; Registered Professional Nurse; Toledo, OH 43606; Lic. No. 538250; Cal. No. 27093; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation to commence upon return to practice in State of New York, \$500 fine payable within 90 days.

Ophthalmic Dispensing

Laurie Jean Claflin; Morrisonville, NY 12962; Lic. No. 006089; Cal. No. 26968; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Pharmacy

Matthew Steed; Pharmacist; Pine City, NY 14871; Lic. No. 041940; Cal. No. 26831; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 2 years and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$1,000 fine payable within 6 months.

Lisa Von Bargen; Pharmacist; Fairport, NY 14450; Lic. No. 036806; Cal. No. 26894; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$1,000 fine.

David J. Volpi; Pharmacist; Northport, NY 11768-2028; Lic. No. 028382; Cal. No. 26903; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$5,000 fine.

Aljan Pharmacy Corp. d/b/a Aldo Drugs; Pharmacy; 604 Union Blvd., West Islip, NY 11795; Reg. No. 010969; Cal. No. 26905; Application for consent order granted; Penalty agreed upon: 24 month stayed suspension, 2 years probation, \$5,000 fine.

Public Accountancy

David Joseph Fitzsimmons; Certified Public Accountant; New York, NY 10022; Lic. No. 079359; Cal. No. 26655; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Barrie L. Abrams; Certified Public Accountant; New York, NY 10022; Lic. (Cert). No. 026500; Cal. No. 26656; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Eric J. Fecci a/k/a Eric Fecci; Certified Public Accountant; Katonah, NY 10536; Lic. No. 066713; Cal. No. 26849; Found guilty of professional misconduct; Penalty: \$1,500 fine, 24 month suspension, execution of last 18 months of suspension stayed, probation 24 months.

Haila J. Conant; Certified Public Accountant; Plattsburgh, NY 12901-1788; Lic. No. 047967; Cal. No. 26929; Application for consent order granted; Penalty agreed upon: Partial actual suspension in certain area until successful completion of certain course of retraining, upon termination of partial actual suspension, 2 years probation, \$1,000 fine payable within 2 months.

Nerou Neil Cheng; Certified Public Accountant; New York, NY 10005; Lic. No. 044839; Cal. No. 26930; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$1,000 fine.

David Michael Lorka; Certified Public Accountant; West Seneca, NY 14224; Lic. No. 050064; Cal. No. 26976; Application for consent order granted; Penalty agreed upon: Partial actual suspension in certain area until successful completion of certain course of retraining, upon termination of partial actual suspension, 2 years probation, \$2,500 fine payable within 2 months.

Respiratory Therapy

Amy Lynn Brown; Respiratory Therapy Technician; Batavia, NY 14020-1801; Lic. No. 003683; Cal. No. 26807; Application for consent order granted; Penalty agreed upon: 12 month actual suspension, 12 month stayed suspension, 2 years probation to commence upon return to practice.

Social Work

Patti Lynne Pottorff-Anderson; Licensed Master Social Worker; Elmira, NY 14904; Lic. No. 079296; Cal. No. 26945; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$1,000 fine.

Jeanine Patrice Bonanno a/k/a Jeanine Scialino; Licensed Master Social Worker; Brooklyn, NY 11208; Lic. No. 075261; Cal. No. 26995; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$1,500 fine.

Marc Heinz Gudszenties; Licensed Master Social Worker; Valley Stream, NY 11580; Lic. No. 055248; Cal. No. 27047; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Speech-Language Pathology and Audiology

Brooke Meryl Haas; Speech-Language Pathologist; New York, NY 10021; Lic. No. 017116; Cal. No. 27012; Application for consent order granted; Penalty agreed upon: 3 year actual suspension to be terminated earlier after service of no less than 1 year upon submission of successful completion of certain course, upon service of or early termination of suspension, 2 years probation.

IV. RECONSIDERATION

Lorraine Casiano a/k/a Lorraine Meoni; Licensed Practical Nurse, Registered Professional Nurse; Setauket, NY 11733; Lic. Nos. 144252, 439287; Cal. Nos. 27165, 27166; Application for reconsideration granted: Vote & Order under Cal. Nos. 26431 & 26432 each modified, Terms of Probation numbered four amended.

V. RESTORATIONS

The Board of Regents voted on January 14, 2014 to stay the execution of the order of surrender of the licensed practical nurse license of Deborah Hampson, Coram, NY, to place her on probation for three years under specified terms and conditions, and upon satisfactory completion of probation to fully restore her license. Ms. Hampson's license was originally surrendered January 28, 2004.

The Board of Regents voted on January 14, 2014 to deny the application for restoration of the physician license of Jacob Neuman, Jamaica, NY. Dr. Neuman's license was originally revoked May 26, 1997.

The Board of Regents voted on January 14, 2014 to stay the execution of the order of surrender of the dentist license of Yevgeny Pisarevsky, Brooklyn, NY, to place him on probation for three years under specified terms and conditions, and upon successful completion of probation, to fully restore his license. Dr. Pisarevsky's license was originally surrendered July 21, 2004.

The Board of Regents voted on January 14, 2014 to deny the application for restoration of the physician license of Hugo Viloría, Brooklyn, NY. Dr. Viloría's license was originally revoked June 17, 1988.



Update on the Elementary and Secondary Education Act Waiver Renewal for 2013-14



History of the ESEA Waiver

September 2011: President Obama announced an ESEA regulatory flexibility initiative.

May 2012: The USDE approved New York State's Flexibility Waiver Request.

September 2013: USDE offered states with approved ESEA Flexibility Waivers the opportunity to renew the waivers for the 2014-15 and 2015-16 school years.

November 2013: USDE rescinds its September 2013 renewal application process and replaces it with a one year streamlined renewal process for the 2014-15 school year only.

ESEA Flexibility Waiver

On September 23rd, President Obama announced an Elementary and Secondary Education Act (ESEA) regulatory flexibility initiative to revise No Child Left Behind (NCLB).

States were able to request flexibility only in the following areas:

- 2013-14 Timeline for All Students Becoming Proficient
- School and District Improvement Requirements
- Highly Qualified Teacher Improvement Plans
- Schoolwide Programs
- Transferability of Funds
- Use of School Improvement Grant Funds
- Rewards for Schools
- Rural Schools
- Twenty-First Century Community Learning Centers program (optional)
- Determining Annual Yearly Progress (AYP) for each school and district (optional)
- Rank Order Funding Allocation for districts (optional)

In exchange for flexibility, states with approved waivers committed to:

- Set College and Career-Ready Standards for All Students and Develop and Administer Annual, Statewide, Aligned, High-Quality Assessments that Measure Student Growth.
- Develop Systems of Differentiated Recognition, Accountability and Support.
- Support Effective Teaching and Leadership, including the implementation of Teacher and Principal Evaluation in which student growth is a significant factor.
- Reduce Duplication and Unnecessary Burden.

ESEA Waiver Renewal Process

- Submit a letter to USDE requesting an extension for 2014-15 and describe how the waiver has helped the SEA to be more effective and has contributed to improved student achievement.
- Resolve any State-specific “Next Step” issues as a result of USDE monitoring. NY has two next steps to address- the least of any state monitored during this year.

Highlights of ESEA Waiver Implementation

- Principle 1: NYS is one of two states with approved ESEA waivers that has implemented new State assessments aligned to the Common Core Learning Standards (CCLS).
- Principle 2: NYSED developed the Diagnostic Tool for School and District Effectiveness (DTSDE) and implemented the tool in 70 districts in the 2012–13 school year. NYSED made significant progress in providing support to LEAs to build their capacity to increase student achievement at low-performing schools.
- Principle 3: The Department used a rigorous review process to approve districts APPR plans, and every district in the State except New York City had an approved plan to implement during the 2012-13 school year. Approval of APPR plans also contributed to progress in awarding several districts competitive grants to support comprehensive and innovative approaches to turn around the lowest achieving schools and improve the effectiveness and equitable distribution of educators.

Next Step Issues to be Resolved

1. Reward Schools List Publicity

- NYSED will issue a press release on an annual basis and add language to the waiver regarding possible funding opportunities for Title I Reward Schools that agree to act as resource schools for the Department and for low performing schools.

2. Priority Principal Screening and Evaluation

- Districts with Priority Schools will submit, as part of each Priority School's Comprehensive Educational Plan, a rationale for each principal that it proposes to lead the Priority School's turnaround model.

Amending an Approved ESEA Waiver Plan

- States that wish to make amendments to their approved plan to take effect in 2014-15 may do so as part of their renewal process.
- States must consult with stakeholders before submitting a flexibility renewal request that includes amendments.



Amendment Recommendations –

Testing for Students with Disabilities

- Assess students with significant cognitive disabilities based on their instructional level rather than their chronological age.*

NYSED would:

- Issue criteria and guidance for identification and instructional levels for these students.
- Limit the number of grade levels below the student’s chronological grade level at which the student could be assessed (e.g., two years).
- Require that the students be assessed at a higher grade level for each subsequent year.
- Use proficient and advanced scores of those students for accountability purposes:
 - the number of those scores cannot exceed a specified percent (e.g., one percent in ELA; two percent in math) of all students in the grades assessed in reading/language arts and in mathematics.

* Note: New York will continue to assess students with the most significant (severe) cognitive disabilities using the New York State Alternate Assessment (NYSAA). As required by the United States Department of Education, the use of proficient and advanced scores on the NYSAA is capped for accountability purposes at one percent of all test takers.

Amendment Recommendations -

Alignment of DTSDE and DCIP Activities

- Create an explicit alignment between the DTSDE rubric ratings and allowable activities within the District Comprehensive Improvement Plan (DCIP) and/or a School Comprehensive Education Plan (SCEP).
- As part of this amendment, NYSED would require districts with Priority and Focus Schools to:
 - Prioritize funds for implementation of systemic planning training, expanded learning time, and community school programs.
 - Select activities to be funded by Title I, II and III that directly support their areas of need based on the results of DTSDE reviews.

Amendment Recommendations -

AYP and AMO Changes

- Make a technical change to the computation of Adequate Yearly Progress (AYP) for the “all students” group.
 - Beginning with the 2013-14 school year results, New York would seek permission to allow the “all students” group in a district or school to make AYP if all the accountable subgroups in the school or district make AYP by meeting their respective Annual Measurable Objective (AMO) or Safe Harbor.
- Revise the AMOs for Grades 3-8 English language arts and mathematics to reflect the lower percentages of students who scored at or above Level 2 and at or above Level 3 on the Common Core aligned assessments first administered in 2012-13.

Amendment Recommendations –

Testing for English Language Learners

- Exempt newly arrived ELLs from participating in the ELA assessments for two years and use NYSESLAT results for accountability purposes for these students.
- Create Spanish Language Arts assessments and allow districts to offer this assessment as a local option when it would best measure the progress of Spanish-speaking ELLs (beginning in 2015-16).
- Beginning in 2014-15, develop a Performance Index for newly arrived ELLs in their first two years in the United States. For these students, growth towards proficiency in language arts will be calculated based on rigorous expectations on the NYSESLAT assessment.

ESEA Renewal Time Line



- ESEA Waiver Renewal Think Tank Meetings – *November 2013 through August 2014*
- Public Comment – *January 16, 2014 to January 25, 2014*
- Action item presented to Board of Regents – *February 10, 2014*
- Submission of Waiver Renewal to USDE - *February 28, 2014*