



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 January 2018 Meeting  
**DATE:** February 1, 2018  
**AUTHORIZATION(S):** *Margellen Ecia*

**Executive Summary**

**Issue for Decision**

Review of the Summary of the January 2018 Meetings of the Board of Regents.

**Proposed Handling**

Approval of the Summary of January 2018 meetings.

**Procedural History**

This document summarizes the actions of the Board of Regents during the monthly meeting and is brought before the Board the following month for approval.

**Recommendation**

Approval of the Summary of the January 2018 meetings.

**Timetable for Implementation**

Effective February 13, 2018.

**VOTED**, that the Summary of the January 2018 Meetings of the Board of Regents of The University of the State of New York be approved.



***SUMMARY OF THE JANUARY 2018 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 22 and 23, 2018***

***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 22, 2018 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

### **MEETING OF THE FULL BOARD, Monday, January 22<sup>nd</sup> at 9:00 a.m.**

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

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

Also present were Commissioner of Education, MaryEllen Elia, Executive Deputy Commissioner, Elizabeth Berlin, Counsel and Deputy Commissioner for Legal Affairs, Alison B. Bianchi, and the Secretary, Board of Regents, Anthony Lofrumento. Vice Chancellor T. Andrew Brown, and Regents Wade S. Norwood and Judith Johnson were absent and excused.

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

Chancellor Rosa introduced a new, ongoing feature at the beginning of the Board meeting called 'The Focus of Our Work.' The Chancellor will select from short video clips of local programs/activities that feature children and young people highlighting what is going on across the state. The Regent who provided the clip will introduce the piece.

This month Regent Finn provided a My Brother's Keeper Production, Practicing for the Monticello High School Ski Trip created by Michael Regan.

### **ACTION ITEM**

#### **Executive Session Motion**

**MOVED**, that the Board of Regents convene in executive session, Tuesday, Tuesday, January 23 at 11:35 a.m. to discuss personnel and litigation matters.

**Motion by:** Regent Roger Tilles  
**Seconded by:** Regent Nan Eileen Mead  
**Action:** Motion carried unanimously.

## **PRESENTATION**

### **Every Student Succeeds Act (ESSA)**

Angélica Infante-Green and Ira Schwartz presented the USDE review and approval of New York's Every Student Succeeds Act (ESSA) State Plan (Attachment I).

Chancellor Betty A. Rosa adjourned the meeting.

**MEETING OF THE BOARD OF REGENTS – Executive Session**  
**Tuesday, January 23, 2018 at 11:20 a.m.**

**Board Members in Attendance:**

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

Vice Chancellor T. Andrew Brown, and Regent Judith Johnson were absent and excused.

**RESOLUTION**

**VOTED:** That the Board of Regents adopt the following resolution:

**WHEREAS**, on July 26, 2017, the SUNY Charter Schools Committee published a Notice of Proposed Rule Making in the State Register regarding the Governance, Structure and Operations of SUNY Authorized Charter Schools Pertaining to Teacher Compliance (SUN-30-17-00024-P);

**WHEREAS**, on September 7, 2017, Chancellor Rosa and Commissioner Elia submitted joint comments describing the legal and educational policy concerns regarding the proposed regulation;

**WHEREAS**, at its September 11-12, 2017 meeting, the Board of Regents adopted a resolution expressing the Board's agreement with and support for the educational policy and legal concerns stated in Chancellor Rosa and Commissioner Elia's September 7, 2017 joint comments on the proposed regulation and encouraging the SUNY Charter Schools Committee to withdraw the proposed regulations immediately; and

**WHEREAS**, SUNY Charter Schools Committee adopted revised regulations without requesting additional public comment, effective December 20, 2017;

**NOW THEREFORE**, be it hereby resolved that the Board of Regents authorizes the State Education Department's Office of Counsel to take all necessary actions to commence

litigation pursuant to Article 78 of the Civil Practice Law and Rules challenging such regulation and the SUNY Charter Schools Committee's actions in promulgating them on behalf of the Board of Regents and the State Education Department, and Chancellor Betty A. Rosa and Commissioner MaryEllen Elia, in their official capacities (Attachment II.)

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

**MEETING OF THE FULL BOARD, Tuesday, January 23<sup>rd</sup> at 11:50 a.m.**

**Board Members in Attendance:**

Betty A. Rosa, Chancellor  
Roger Tilles  
Lester W. Young, Jr.  
Wade S. Norwood  
Kathleen M. Cashin  
Josephine Victoria Finn  
Judith Chin  
Beverly L. Ouderkirk  
Catherine Collins  
Nan Eileen Mead  
Elizabeth S. Hakanson  
Susan W. Mittler

Also present were Commissioner of Education, MaryEllen Elia, Executive Deputy Commissioner, Elizabeth Berlin, Counsel and Deputy Commissioner for Legal Affairs, Alison B. Bianchi, and the Secretary, Board of Regents, Anthony Lofrumento. Vice Chancellor T. Andrew Brown, and Regents Christine D. Cea, James E. Cottrell, Judith Johnson and Luis O. Reyes were absent and excused.

**ACTION ITEM**

**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 2017 Meetings of the Board of Regents  
BR (A) 2**

**MOVED**, that the Summary of the December 2017 Meetings of the Board of Regents of The University of the State of New York be approved.

**Motion by:** Regent Roger Tilles  
**Seconded by:** Regent Wade S. Norwood  
**Action:** Motion carried unanimously. Regent Roger Tilles recused himself from the Long Island University charter application vote.

## **PROGRAM AREA CONSENT ITEMS**

### **Higher Education**

**Proposed Amendment to §52.21, §80-6.3 and §154-2.3 and Addition of a New §80-5.25 to the Regulations of the Commissioner of Education to Establish a Transitional H Pathway for Holders of a New York State License as a Certified Public Accountant to Pursue a School District Business Leader Certificate  
BR (CA) 1**

**MOVED**, that §52.21, §80-6.3 and §154-2.3 be amended and a new §80-5.25 be added to the Regulations of the Commissioner of Education, effective February 7, 2018.

**Proposed Amendment to §80-3.10 of the Regulations of the Commissioner of Education Related to Requirements for Certificates in the Educational Leadership Service  
BR (CA) 2**

**MOVED**, that §80-3.10 of the Regulations of the Commissioner of Education be amended, as submitted, effective February 7, 2018.

**Proposed Amendment to Add a New §80-5.26 of the Regulations of the Commissioner of Education to Allow a Temporary Certificate for Teachers Displaced from Puerto Rico and/or Another U.S. Territory as a Result of Hurricane Maria to Teach in New York State  
BR (CA) 3**

**MOVED**, that §80-5.26 of the Regulations of the Commissioner of Education be added, as submitted, February 7, 2018.

**Proposed Amendment to §80-6.1 of the Regulations of the Commissioner of Education Relating to Continuing Teacher and Leader Education for Teachers in Nonpublic Schools to Implement Chapter 311 of the Laws of 2017  
BR (CA) 4**

**MOVED**, that §80-6.1 of the Regulations of the Commissioner be amended, as submitted, effective February 7, 2018.

**Renewal of Permission to Operate in New York State: New Brunswick Theological Seminary  
BR (CA) 5**

**MOVED**, that that the Board of Regents renew the Permission to Operate for New Brunswick Theological Seminary to offer courses from its Master of Arts (M.A.) degree program and Master of Divinity (M.Div.) degree program under the terms of its agreement with St. John's University. This permission, effective retroactive to January 1, 2018, is

granted for a period beginning January 1, 2018 and extending through December 31, 2022.

### **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) 6**

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

**Report of the Committee on the Professions Regarding Licensing Petitions  
BR (CA) 7**

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

**Proposed Amendment of §29.10 of the Rules of the Board of Regents and §70.7,  
§70.8 and §70.10 of the Regulations of the Commissioner of Education Relating to  
the Mandatory Peer Review Program in Public Accountancy  
BR (CA) 8**

**MOVED**, that subdivision (a) of §29.10 of the Rules of the Board of Regents and subdivision (a) of §70.7, subdivision (f) of §70.8 and §70.10 of the Regulations of the Commissioner of Education be amended, as submitted, effective February 12, 2018, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare to ensure that the emergency rule adopted at the November 2017 meeting remains continuously in effect until the proposed rule can be presented for adoption and take effect as a permanent rule.

**Proposed Amendment of Section 29.2 of the Rules of the Board of Regents and  
Addition of §52.48, §79-20.4 and §79-20.5 to the Regulations of the Commissioner  
of Education Relating to the Licensing of Licensed Pathologists' Assistants  
BR (CA) 9**

**MOVED**, that subdivision (a) of §29.2 of the Rules of the Board of Regents be amended and §52.48, §79-20.4 and §79-20.5 of the Regulations of the Commissioner of Education be added, as submitted, effective February 26, 2018, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare to ensure that the emergency rule adopted at the November 2017 Regents meeting remains continuously in effect until the proposed rule can be presented for adoption and take effect as a permanent rule.

**Proposed Amendment of Section 70.10 of the Regulations of the Commissioner of Education Relating to the Mandatory Peer Review Program in Public Accountancy  
BR (CA) 10**

**MOVED**, that paragraph (5) of subdivision (b) of §70.10 of the Regulations of the Commissioner of Education be amended, as submitted, effective February 7, 2018.

**Proposed Amendment of §75.2 of the Regulations of the Commissioner of Education Relating to the Limited License in Speech-Language Pathology  
BR (CA) 11**

**MOVED**, that subdivision (d) of §75.2 of the Regulations of the Commissioner of Education be added, as submitted, effective February 17, 2018.

**Proposed Amendment of §76.5 of the Regulations of the Commissioner of Education Relating to the Definition of Occupational Therapy Practice  
BR (CA) 12**

**MOVED**, that §76.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective February 7, 2018.

**Regents Permission to Operate in New York State:  
Mansfield University  
BR (CA) 13**

**MOVED**, that the Regents approve the proposed renewal for permission to operate effective January 11, 2018 which authorizes Mansfield University to place a total of 30 students per calendar year in New York for supervised clinical learning experiences.

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

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

**STANDING COMMITTEE REPORTS**

**CULTURAL EDUCATION**

Your Committee on Cultural Education had its scheduled meeting on January 22, 2018. Regent Roger Tilles, Chair of the Cultural Education Committee, submitted the following written report. In attendance were committee members: Regent Tilles, Chair, Regent Cea,

Regent Cottrell (absent), Regent Chin, Regent Johnson (absent), Regent Ouderkirk and Regent Mead. Regents, in addition to CE Committee Members, in attendance were: Chancellor Rosa, Regent Collins, Regent Cashin, and Regent Mittler. Also in attendance were Commissioner Elia, Executive Deputy Commissioner Berlin, and Counsel and Deputy Commissioner for Legal Affairs Alison Bianchi.

## **ITEMS FOR DISCUSSION**

Chair's Remarks: Regent Tilles welcomed everyone and introduced Deputy Commissioner Mark Schaming. Deputy Commissioner Schaming provided a brief report on Office of Cultural Education news and activities including: On January 7, the New York State Summer School of the Arts (NYSSSA) was honored for their outstanding work and commitment to furthering educational theatre by the New York State Theater Education Association (NYSTEA). Molly Hennighausen, Director of NYSSSA accepted the award. On January 12, fifty Haudenosaunee wooden and cornhusk masks from the Seneca Nation and Tonawanda Seneca Nation currently housed in NYSM Ethnology Collections were repatriated to both nations. Most of these masks entered the collection in 1898 and the early 1900s. On January 23, the State Museum will host another Science Café at The Hollow Bar and Kitchen, in Albany. Tomorrow's session, titled Coming into the Country: The First New Yorkers and the Ice Age Landscapes of New York, will be presented by Curator of Archaeology Dr. Jonathan Lothrop. This year as part of the STATEMAP program, the New York State Geological Survey (NYSGS) compiled and finished the Surficial Geologic Map of Onondaga County. The maps provide valuable information on the natural history, the distribution of soils and hydrology and serve as an educational resource for a wide audience ranging from school teachers to county planning officials.

### **Documentary Heritage and Preservation Services for New York's Collecting Organizations [CE (D) 1]**

The State Archives and State Library jointly provide training, outreach and technical advisory services to non-government organizations that preserve and make available documentary materials. In 2016 the State Archives and State Library together launched the Documentary Heritage and Preservation Services for New York (DHPSNY) to coordinate support for preservation of and access to historically valuable materials. Robert Clark the Director of Archives at the Rockefeller Archive Center and Chair of the New York State Historical Records Advisory Board and Duane Watson the Curator at the Wilderstein Historic Site provided a summary of services that have been provided to the field and highlighted the impacts and outcomes from several repositories across New York.

## **HIGHER EDUCATION**

Your Higher Education Committee held its scheduled meeting on January 23, 2018. All members were present with the exception of Vice Chancellor Brown and Regent Johnson.

## **ACTION ITEMS**

### **Motion for Action by Full Board**

Madam Chancellor and Colleagues: Your Higher Education Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on January 23, 2018, copies of which have been distributed to each member of the Board of Regents.

### **Matters Not Requiring Board Action**

**Professional Standards and Practices Board (PSPB) Annual Report** - New York State Professional Standards and Practices Board for Teaching (PSPB) co-chairs Debra Calvino and Kathleen DaBoll-Lavoie presented a report on the activities of the PSPB. HE (D) 2

**Update on New York State's Participation in the State Authorization Reciprocity Agreement (SARA)** - Your Committee heard a presentation from Department staff on New York State's participation in the State Authorization Reciprocity Agreement (SARA). Each year, the Department evaluates the implementation of SARA and reports back to the Committee. This report includes information related to initial institution reviews, the development of consumer protections and consumer guidance, Federal regulations related to SARA, and an overall assessment of the past year as well as next steps. HE (D) 3

**Proposed Amendment to Section 52.21 of the Commissioner's Regulations Related to Accreditation** - Your Committee discussed a proposed amendment to Subpart 4-2 of the Rules of the Board of Regents and Section 52.21 of the Regulations of the Commissioner of Education related to the continuous accreditation requirement for education preparation providers. This amendment will allow institutions that are currently accredited by NCATE, TEAC, or CAEP to apply for accreditation through an accrediting association that is seeking recognition from CHEA or USDE, but has not yet achieved recognition status, and still meet the "continuous accreditation requirement" set forth in Section 52.21 of the Commissioner's Regulations. Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will come back to the Board of Regents at its May 2018 meeting. If adopted at the May 2018 meeting, the proposed amendment will become effective on May 23, 2018. HE (D) 1

**Proposed Amendment for Emergency Action to Section 52.21 of the Commissioner's Regulations Related to Graduate Admission Examination Requirements** - Your Committee approved a proposed emergency amendment to related to the Graduate Admission Examination Requirements. The proposed emergency amendment implements Chapter 454 of the Laws of 2017 which was signed into Law by the Governor on December 13, 2017. The amendment removes the requirement from the Commissioner's Regulations for certified teachers and school administrators who already

hold a graduate degree to take either the GRE or a substantially equivalent admission examination. The proposed amendment will become effective as an emergency rule on January 23, 2018. Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption as a permanent rule at its May 2018 meeting. HE (A) 1

**Proposed Amendment to Section 80-1.5 of the Commissioner's Regulations Related to Certification Exam Safety Nets** - Your Committee discussed a proposed amendment to Section 80-1.5 of the Regulations of the Commissioner related to safety nets for teacher certification exams. The amendment will eliminate the requirement that candidates must complete all other certification requirements on or before June 30, 2018 to be eligible to use one or more of the safety nets. The amendment also extends the safety net for Part Two: Mathematics of the Multi-Subject Grade 7-12 Content Specialty Test until such time that a revised Part Two becomes operational. Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will come back to the Board of Regents at its May 2018 meeting. If adopted at the May 2018 meeting, the proposed amendment will become effective on May 23, 2018. HE (D) 4

## **Matters Requiring Board Action**

### **Consent Agenda**

The Board of Regents acted on the following consent agenda items at the January 2018 meeting.

- **Proposed Amendment to Section 52.21, 80-6.3 and 154-2.3 and Addition of a New Section 80-5.25 to the Regulations of the Commissioner of Education to Establish a Transitional H Pathway for Holders of a New York State License as a Certified Public Accountant to Pursue a School District Business Leader Certificate** - The Board approved an amendment to Section 52.21, 80-6.3 and 154-2.3 and an addition of a new Section 80-5.25 to the Commissioner's Regulations. BR (CA) 1
- **Proposed Amendment to Section 80-3.10 of the Regulations of the Commissioner of Education Related to Requirements for Certificates in the Educational Leadership Service** - The Board approved an amendment to Section 80-3.10 of the regulations which will require that candidates who complete an out-of-state leadership program to complete such program at a higher education institution accredited by a regional accrediting body recognized by the U.S. Department of Education and that the program lead to an initial certificate in the jurisdiction in which the higher education institution is located. BR (CA) 2
- **Proposed Amendment to Add a New Section 80-2.26 to the Regulations of the Commissioner of Education to Allow Teachers Displaced from Puerto Rico and/or Another U.S. Territory as a Result of Hurricane Maria to Teach in New York State** - The Board approved an amendment to add a new Section 80-

5.26 to the Commissioner's Regulations to allow for a temporary certificate for teachers who have been displaced from Puerto Rico and/or other U.S. territories as a result of Hurricane Maria to teach in New York upon meeting certain requirements. BR (CA) 3

- **Proposed Amendment to Section 80-6.1 of the Regulations of the Commissioner of Education Relating to Continuing Teacher and Leader Education (CTLE)** - The Board approved an amendment to Section 80-6.1 of the Commissioner's Regulations related to CTLE requirements for teachers in nonpublic schools to implement Chapter 311 of the Laws of 2017. BR (CA) 4
- **Renewal of Permission to Operate in New York State for New Brunswick Theological Seminary** - The Board approved a renewal of permission to operate in New York State for New Brunswick Theological Seminary. BR (CA) 5

## **P-12 EDUCATION**

Your P-12 Education Committee held its scheduled meeting on January 22, 2018. All members were present, except for Vice Chancellor Brown, Regent Norwood, and Regent Johnson, who were excused.

### **ACTION ITEMS**

#### **Revision to a Charter Authorized by the Board of Regents [P-12 (A) 1]**

Your Committee recommends that the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to amend the charter 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 request to amend the charter will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for the Charter School of Educational Excellence and amends the provisional charter accordingly. Motion passed. Regent Mittler was in opposition; Regents Collins, Mead, and Reyes abstained.

#### **Renewal Recommendations for Charter Schools Authorized by the Board of Regents [P-12 (A) 2 REVISED]**

Your Committee recommends that the Board of Regents finds that, the Charter School of Educational Excellence: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant

educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the Charter School of Educational Excellence and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2023. Motion passed. Regents Collins, Mead, and Reyes abstained.

Your Committee recommends that the Board of Regents finds that, the Great Oaks Charter School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the Great Oaks Charter School and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2022. Motion passed. Regent Collins abstained.

Your Committee recommends that the Board of Regents finds that, the Harlem Hebrew Language Academy Charter School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant 7 educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the Harlem Hebrew Language Academy Charter School and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2022. Motion passed. Regents Collins and Reyes abstained.

Your Committee recommends that the Board of Regents finds that, the Utica Academy of Science Charter School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the Utica Academy of Science Charter School and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2023. Motion passed. Regents Collins, Mead, and Mittler 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 January 23, 2018, copies of which have been distributed to each Regent.

## **MATTERS NOT REQUIRING BOARD ACTION**

Senior Deputy Commissioner's Report – Senior Deputy Commissioner Jhone Ebert updated the Committee on the following important initiative.

- **Arts Assessment Pathway** – On January 16, Chancellor Rosa, Regent Tilles, Regent Johnson, Commissioner Elia, and other SED staff held a meeting to discuss the Arts pathway to graduation. Carolyn Adams and Kathy Colletti, from the Blue Ribbon Committee on the Arts were also in attendance.
- **Professional Learning Team (PLT)** – On January 9, the Professional Learning Team, led by Senior Deputy Commissioner Jhone Ebert, held their second meeting at the Capital Region BOCES to discuss strategies around the rollout of the Next Generation Learning Standards. The group will have the final roadmap in place by February 1.

**Innovative Strategies to Maximize Access to the Federal Child Nutrition Programs** [P-12 (D) 1] – the Committee was provided with an update regarding the Department's efforts to expand access to all federal child nutrition programs and to optimize technology to improve program integrity, efficiency, transparency, and the availability of services. NYSED is responsible for administering one of the largest National School Lunch Programs and the largest Summer Food Service Program in the country. New York State schools and summer sponsors annually receive more than \$1 billion in federal reimbursements for meals prepared and served to children. These funds not only support the local economy but provide New York State children access to quality nutritious foods that promote normal growth, development, and readiness to learn. SED's Child Nutrition Program Administration (CNPA) staff work closely with school administrators, business officials, and foodservice personnel to provide training, technical assistance, and guidance to assist schools in providing the highest level of services to their students. SED will continue to maximize efforts to engage sustainable program partnerships, and expand community awareness to increase participation and access to these vital programs.

**Commissioner's Regulations Relating to Health Education** [P-12 (D) 2] – the Committee discussed proposed amendments to regulations that conform Commissioner's regulations to Education Law §804 as amended by Chapter 390 of the Laws of 2016 and Chapter 1 of the Laws of 2017. The amendments clarify that required health education in schools must include instruction in mental health. The statutory amendments further provide that such instruction shall be designed to enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity. The proposed amendments to Commissioner's regulations additionally require

instruction on the prevention and detection of certain cancers. Committee members requested a review of who will be teaching these new standards.

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

Your P-12 Education and ACCES Committees held a joint meeting on January 22, 2018. All members were present, with the exception of Vice Chancellor Brown, Regent Johnson and Regent Norwood, who were excused.

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

**Proposed Amendment of Section 100.7 of the Regulations of the Commissioner of Education Relating to a New Pathway to a New York State High School Equivalency Diploma** – After further review of the proposed regulation presented to the Board in October 2017 and in an effort to address the feedback received, additional revisions are being presented to the Committee on the proposed amendment to regulations for a new pathway to a NYS High School Equivalency (HSE) Diploma. Currently, in New York State, there are three pathways toward earning a HSE diploma: TASC™ testing (Test Assessing Secondary Completion); approved 24-College-Credit Program; and National External Diploma Program (NEDP). A fourth pathway would allow students who have passed Regents examinations in Mathematics, English language Arts, Social Studies and/or Science, the opportunity to substitute those passing scores on a maximum of four of the five corresponding TASC™ subtests (Mathematics, Reading, Writing, Social Studies, and Science.) This new pathway will provide equitable access points and a diverse means by which New Yorkers can earn a HSE diploma. The ability to use passing Regents examination scores toward earning a HSE diploma will expand the opportunity for high school students at risk of dropping out as well as students with disabilities to stay engaged with their education and offer an incentive for meeting graduation requirements to those whose circumstances may not allow for completion of high school.

If the committee approves this amendment and following the 30-day public comment period, the proposed amendment will be presented to the Board of Regents for permanent adoption at the April 2018 meeting, and the proposed amendment will become effective as a permanent rule on April 25, 2018. In addition, the Department will collect data regarding the implementation of the proposed amendment and will provide the Board of Regents with a review of the proposed amendment and its implementation in one year.

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

Your P-12 Education and Higher Education Committees held their scheduled meeting on January 22, 2018. All members were present, except for Vice Chancellor Brown, Regent Norwood and Regent Johnson, who were excused.

## **MATTERS NOT REQUIRING BOARD ACTION**

Update on Culturally Responsive-Sustaining Practices [P-12/HE (D) 1] – the Committee was provided with an update on work that is currently planned for Culturally Responsive-Sustaining Practices. The goal of the Board and the Department is for cultural responsiveness to be infused into all district and school instruction and engagement practices. New York will develop resources related to this work from the ground up. A draft definition of culturally responsive education was presented to the Board in December, and this definition will be refined to reflect current thinking in culturally responsive education. The Department also plans to develop a set of principles and a framework for culturally responsive education and practices at multiple levels of the education system, including at the district, school, and classroom levels and including the Department.

The Department will convene an advisory group made up of leaders in the field of cultural responsiveness to inform and guide the development of this work. The advisory group will help the Department to develop its set of principles that will in turn guide the framework for culturally responsive practices. The Department will also develop materials and resources for educators and parents, and a comprehensive implementation plan, including strategies for professional development and parent and family engagement. Feedback will be collected from offices within the Department, district leaders, educators, parents, students, and the broader education community, and then incorporated into the framework to ensure that it captures as much stakeholder input as possible.

## **PROFESSIONAL PRACTICE**

Your Professional Practice Committee held its scheduled meeting on January 23, 2018. All Committee members were present. Chancellor Betty A. Rosa was 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 3 cases, with Regent Josephine Victoria Finn and Regent Catherine Collins both abstaining in all three of those cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 30 consent order applications and 18 surrender applications be granted, and further recommends that 1 summary suspension application be granted.

In the case of Md Shamim A. Akond a/k/a Shamim A. Akond a/k/a Shamin Akond, Professional Engineer, Cal. No. 28191, we recommend that the report of the Regents Review Committee be corrected as follows: the name of the respondent shown in the caption, header, and body of the report be deemed corrected to show respondent's name is Md Shamim A. Akond a/k/a Shamim A. Akond a/k/a Shamin Akond.

These recommendations are made following the review of 52 cases involving seventeen registered professional nurses, thirteen licensed practical nurses, four professional engineers, three dentists, three psychologists, two certified public accountants, two licensed practical nurses who are also registered professional nurses, two pharmacists, one chiropractor, one licensed mental health counselor, one pharmacy, and one veterinary technician.

### **Restorations**

Your Committee recommends the following:

That the application of Scott D. Geise for the restoration of his license to practice as a Dentist in New York State be granted. [PPC EXS (A) 5]

That the application of Jay Kirshner for the restoration of his license to practice as a Pharmacist in New York State be denied. [PPC EXS (A) 6]

### **Long-Term Clinical Clerkships [PPC EXS (A) 4]**

Your Committee recommends the following: That the application of the University of Debrecen, Faculty of Medicine, Hungary to place students in long-term clinical clerkships in New York be approved, in accordance with and subject to the recommendations of the Advisory Committee on Long-term Clinical Clerkships.

### **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 23, 2018, copies of which have been distributed to each Regent.

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

Your Committee discussed several topics of interest, including:

#### **Deputy Commissioner's Report/Update**

- Full Board Consent Agenda Items

- Board (Re)Appointments
- Licensing Petitions
- Permission to Operate – Mansfield University
- Proposed Amendment of §29.10 of the Rules of the Board of Regents and §70.7, §70.8 and §70.10 of the Regulations of the Commissioner of Education Relating to the Mandatory Peer Review Program in Public Accountancy (2nd Emergency)
- Proposed Amendment of §29.2 of the Rules of the Board of Regents and Addition of §52.48, §79-20.4 and §79-20.5 to the Regulations of the Commissioner of Education Relating to the Licensing of Licensed Pathologists' Assistants (2nd Emergency)
- Proposed Amendment of §70.10 of the Regulations of the Commissioner of Education Relating to the Mandatory Peer Review Program in Public Accountancy (Permanent Adoption)
- Proposed Amendment of §75.2 of the Regulations of the Commissioner of Education Relating to the Limited License in Speech-Language Pathology (Permanent Adoption)
- Proposed Amendment of §76.5 of the Regulations of the Commissioner of Education Relating to the Definition of Occupational Therapy Practice (Permanent Adoption)

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

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

**State Education Department December 2017 Fiscal Report  
BR (A) 3**

**MOVED**, that the Board accepts the December 2017 State Education Department Fiscal Report as presented.

**Motion by:** Regent Josephine Victoria Finn  
**Seconded by:** Regent Kathleen M. Cashin  
**Action:** Motion carried unanimously.

**Designation of a Professional Conduct Officer  
BR (A) 6**

**MOVED**, that the Board of Regents designate George Ding as professional conduct officer.

**Motion by:** Regent Catherine Collins  
**Seconded by:** Regent Josephine Victoria Finn  
**Action:** Motion carried. Regent Judith Chin recused herself from the vote.

Chancellor 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>
Amagansett Life-Saving and Coast Guard Station Society	CE	Suffolk (Amagansett)	Merge with Amagansett Life-Saving and Coast Guard Station Society, Inc. with Amagansett Life-Saving and Coast Guard Station Society as the surviving corporation.
American Maple Museum	CE	Lewis (Croghan)	Amend charter to change the corporate name to "International Maple Museum Centre".
DeRuyter Free Library	CE	Madison (DeRuyter)	Amend charter to specify the number of trustees to be not less than five nor more than fifteen and trustee term length to be five years.
Greater Astoria Historical Society	CE	Queens (Astoria)	Grant an absolute charter.
Hobart Historical Society	CE	Delaware (Hobart)	Extend provisional charter for five years.
The People's Museum	CE	Queens (Astoria)	Extend provisional charter for five years.
Richmond Memorial Library	CE	Genesee (Batavia)	Amend charter to specify the number of trustees to be not less than five nor more than fifteen.
Russian History Foundation	CE	Herkimer (Jordanville)	Grant provisional charter for five years.
Suspension Bridge Village Preservation	CE	Niagara (Niagara Falls)	Grant Regents certificate of incorporation.
Town of Niagara Farmland Conservancy	CE	Niagara (Niagara Falls)	Grant Regents certificate of incorporation.
Warren County Historical Society	CE	Warren (Queensbury)	Amend charter to change the corporate address.
The Kinder Club Pond	P12	Suffolk (Centerpoint)	Extend provisional charter for three years.
Merokee Day School	P12	Nassau (Merrick)	Amend charter to change the corporate address.
The Neumann Classical School	P12	Westchester (Tuckahoe)	Amend charter to add authority to operate grades one through eight.
New York Center for Child Development	P12	New York (New York)	Grant an absolute charter.
Trumansburg Community Nursery School	P12	Trumansburg (Tompkins)	Extend provisional charter for three years.

Long Island University	HE	Nassau (Brookville)	Amend charter to add authority to confer the Bachelor of Business Administration (B.B.A.) degree.
Utica College	HE	Oneida (Utica)	Amend charter to add authority to confer the Master of Health Administration (M.H.A.) degree.

## **Appendix II**

### **REGENTS ACTIONS IN 54 PROFESSIONAL DISCIPLINE CASES AND 2 RESTORATION PETITIONS**

**January 22 - 23, 2018**

The Board of Regents announced disciplinary actions resulting in the summary suspension of 1 license, revocation of 1 license, surrender of 18 licenses, and 32 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 2 restoration petitions.

#### **I. SUMMARY SUSPENSION**

##### **Mental Health Practitioners**

Brett Klersfeld; Licensed Mental Health Counselor; Canaan, NY 12029; Lic. No. 003523; Cal. No. 30287; Application for summary suspension granted.

#### **II. REVOCATION AND SURRENDERS**

##### **Dentistry**

Gilberto Apolinar Nuñez; Dentist; Altona, NY 12910-2090; Lic. No. 050655; Cal. No. 29376; Found guilty of professional misconduct; Penalty: Revocation.

Michael Kevin Oros; Dentist; Avon, NY 14414; Lic. No. 040155; Cal. No. 30170; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Attempted Grand Larceny in the 4th Degree.

##### **Engineering, Land Surveying and Geology**

Saiban Endra Mahamooth a/k/a Saiban Mahamooth; Professional Engineer; Somerset, NJ 08873; Lic. No. 082425; Cal. No. 30035; Application to surrender license granted.

Summary: Licensee admitted to the charge of having been convicted of Aggravated Harassment in the 2nd Degree, a class A misdemeanor.

##### **Nursing**

Barbara Ann Trujillo; Registered Professional Nurse; Spokane, WA 99205-7068; Lic. No. 448265; Cal. No. 29768; Application to surrender license granted. Summary: Licensee admitted to the charge of having been found guilty of professional misconduct in the State

of California, where the conduct if committed in New York would constitute practicing the profession of nursing fraudulently and unprofessional conduct, failing to maintain accurate patient records.

Alana Thomas; Registered Professional Nurse; Corpus Christi, TX 78413; Lic. No. 507706; Cal. No. 29970; Application to surrender license granted. Summary: Licensee admitted to the charge of having been found guilty of professional misconduct in Texas, where the conduct if committed in New York would constitute unprofessional conduct, practicing the profession of nursing while the ability to practice is impaired by mental disability.

Mindy L. Davis; Licensed Practical Nurse; Syracuse, NY 13207; Lic. No. 303352; Cal. No. 30023; Application to surrender license granted. Summary: Licensee admitted to the charge of practicing the profession while license suspended.

Sharon Hart; Registered Professional Nurse; Northport, FL 34287-5434; Lic. No. 444908; Cal. No. 30046; Application to surrender license granted. Summary: Licensee did not contest the charge of finding of professional misconduct by the Florida Board of Nursing for being unable to practice nursing with reasonable skill and safety to patients by a result of any mental condition, which if committed in New York State, would constitute professional misconduct for practicing the profession of nursing while the ability to practice is impaired by a mental disability, in violation of section 6509(3) of the New York Education Law.

Todd Kaufman a/k/a Todd S. Kaufmann; Licensed Practical Nurse, Registered Professional Nurse; San Rafael, CA 94913-5701; Lic. Nos. 144631, 340012; Cal. Nos. 30048, 30059; Application to surrender licenses granted. Summary: Licensee admitted to the charge of having been found guilty of falsely representing on the internet being a certified nurse practitioner and an independent nurse practitioner, where the conduct if committed in New York, would constitute committing unprofessional conduct, offering to practice beyond the scope permitted by law.

Andrea Winebarger Royall; Registered Professional Nurse; Statesville, NC 28677; Lic. No. 570752; Cal. No. 30050; Application to surrender license granted. Summary: Licensee did not contest the charge of having been convicted of a California misdemeanor conviction for Driving While Intoxicated, which, if committed in New York, would also constitute the crime of Driving While Intoxicated, a misdemeanor.

Kathleen M. Daniels; Registered Professional Nurse; Cortland, NY 13045; Lic. No. 433322; Cal. No. 30075; Application to surrender license granted. Summary: Licensee admitted to charges of having been convicted of Petit Larceny; Criminal Possession of a Controlled Substance in the 7th Degree and diversion of controlled substances.

Yvette Chouloute; Licensed Practical Nurse; Roosevelt, NY 11575-2009; Lic. No. 188383; Cal. No. 30080; Application to surrender license granted. Summary: Licensee did not

contest the charge of making false entries in a patient record which a certified nurses aide had left blank.

Catherine Marie Castelli; Registered Professional Nurse; Camden, DE 19934; Lic. No. 349090; Cal. No. 30125; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Delaware criminal convictions.

Lisa Vernon; Registered Professional Nurse; Whittier, CA 90603; Lic. No. 537877; Cal. No. 30126; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of California criminal conviction.

Lori Ann Barber; Licensed Practical Nurse; Sayre, PA 18840; Lic. No. 251401; Cal. No. 30144; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Possession of a Controlled Substance in the Commonwealth of Pennsylvania, a misdemeanor.

Kenneth Daniel Cross; Registered Professional Nurse; Mobile, AL 36695-7464; Lic. No. 516890; Cal. No. 30145; Application to surrender license granted. Summary: Licensee did not contest the charge of in the State of Mississippi, submitting fraudulent prescription receipts for reimbursement.

Shirley Vachon Celestin; Registered Professional Nurse; Newport News, VA 23606; Lic. No. 315855; Cal. No. 30185; Application to surrender license granted. Summary: Licensee did not contest the charge of finding of professional misconduct by the New Jersey State Board of Nursing for engaging in gross negligence, which if committed in New York State, would constitute professional misconduct for practicing the profession of nursing with gross negligence on a particular occasion, in violation of section 6509(2) of the New York Education Law.

## **Psychology**

Justin Miller; Psychologist; Rivervale, NJ 07675-5908; Lic. No. 018518; Cal. No. 30079; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Attempted Use of a Child in a Sexual Performance, a class D felony; Attempted Disseminating Indecent Material to Minors in the 1st Degree (15 counts), a class E felony, and Attempted Endangering the Welfare of a Child, a class B misdemeanor.

Kathleen McClear Hodgkiss; Psychologist; Pompton Lakes, NJ 07442; Lic. No. 018223; Cal. No. 30153; Application to surrender license granted. Summary: Licensee admitted to the charge of having been found guilty of professional misconduct by the New Jersey State Board of Psychological Examiners for sexual conduct with a client within 24 months after treatment which, if committed in New York State, constitute professional misconduct under Section 6509(9) of the Education Law and specifically Section 29.1(b)(5) of the Rules of the Board of Regents.

### **III. OTHER REGENTS DISCIPLINARY ACTIONS**

#### **Chiropractic**

Maurice Daoud; Chiropractor; Palm Desert, CA 92260; Lic. No. 010444; Cal. No. 29678; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation to commence upon return to practice in the State of New York, \$2,500 fine payable within 3 months.

#### **Dentistry**

Ali John Jazayeri; Dentist; Irvine, CA 92614; Lic. No. 053328; Cal. 27910; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 months stayed suspension, 2 years probation to commence upon return to practice in the State of New York, \$3,000 fine payable within 30 days.

#### **Engineering, Land Surveying and Geology**

Md Shamim A. Akond a/k/a Shamim A. Akond a/k/a Shamin Akond; Professional Engineer; Astoria, NY 11105; Lic. No. 083353; Cal. No. 28191; Found guilty of professional misconduct; Penalty: 1 year suspension, execution of last 6 months of suspension stayed.

Thomas Donald Reilly a/k/a Thomas D. Reilly a/k/a Thomas Reilly; Professional Engineer; Smithtown, NY 11787; Lic. No. 043595; Cal. No. 28904; Found guilty of professional misconduct; Penalty: 1 year suspension, execution of last 11 months of suspension stayed.

Mohamed Omar Mohamed; Professional Engineer; Elmhurst, NY 11373; Lic. No. 070642; Cal. No. 29841; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$2,500 fine.

#### **Nursing**

Schkera M. Smith; Licensed Practical Nurse; Syracuse, NY 13204; Lic. No. 287234; Cal. No. 28608; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$250 fine.

Matthew Michael Ryan; Licensed Practical Nurse, Registered Professional Nurse; Deposit, NY 13754-1127; Lic. Nos. 280140, 625623; Cal. Nos. 28743, 28742; Application for consent order granted; Penalty agreed upon: 2 years stayed suspensions, 2 years probation, \$750 fine.

Lisa A. Saviano; Registered Professional Nurse; East Chatham, NY 12060; Lic. No. 643986; Cal. No. 29087; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 11 months stayed suspension, 1 year probation, \$500 fine.

Ude Masaryk Calvaire; Registered Professional Nurse; Livingston, NY 12541; Lic. No. 671375; Cal. No. 29448; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Christine Marie Martuscello; Registered Professional Nurse; Elmira, NY 14905; Lic. No. 648714; Cal. No. 29656; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months.

Kelly Anne Wescott; Licensed Practical Nurse; Albany, NY 12211; Lic. No. 273968; Cal. No. 29676; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$250 fine payable within 4 months.

Brittani Lynne Johnson; Licensed Practical Nurse; Farmington, NY 14425; Lic. No. 316584; Cal. No. 29714; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation.

Jean Hoeller; Licensed Practical Nurse; Saugerties, NY 12477; Lic. No. 319341; Cal. No. 29780; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$250 fine.

Paul Accordino; Registered Professional Nurse; Chester, NY 10918; Lic. No. 512815; Cal. No. 29816; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 24 months probation, \$1,000 fine.

Nadia Ward; Licensed Practical Nurse; Middletown, NY 10941; Lic. No. 302569; Cal. No. 29817; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 24 months probation.

David Timothy Baron; Registered Professional Nurse; Jamestown, NY 14701; Lic. No. 557041; Cal. No. 29877; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 9 months.

Robert T. Salisbury; Licensed Practical Nurse; Schenectady, NY 12309; Lic. No. 313342; Cal. No. 29887; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Katherine Merchant; Licensed Practical Nurse; Mastic, NY 11950; Lic. No. 255969; Cal. No. 29890; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation.

Marlene Claudette Roper; Licensed Practical Nurse; Saint James, NY 11780-3164; Lic. No. 316777; Cal. No. 29891; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation.

Robert Joseph Couture, Jr.; Licensed Practical Nurse; Auburn, NY 13021; Lic. No. 311529; Cal. No. 29898; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$250 fine.

Carrie Marie Fitzsimons a/k/a Carrie M. Fitzsimons; Registered Professional Nurse; Newport, NY 13416; Lic. No. 595061; Cal. No. 29905; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Deborah Ann Ballou; Registered Professional Nurse; Cheektowaga, NY 14225; Lic. No. 574553; Cal. No. 29930; 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, \$1,000 fine payable within 6 months.

Maun D. Flanagan a/k/a Maun Flanagan Hunsberger; Registered Professional Nurse; Levittown, PA 19056; Lic. No. 387743; Cal. No. 29952; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for not less than 3 months and until mentally and physically fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice in the State of New York.

Desiree Ann Graziano; Licensed Practical Nurse; Stuyvesant, NY 12173; Lic. No. 261029; Cal. No. 29983; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 9 months and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice.

## **Pharmacy**

Fayyaz Rasheed; Pharmacist; Jamaica, NY 11432; Lic. No. 041233; Cal. No. 28897; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$7,500 fine.

Ralph Drugs, Inc. d/b/a Rio Drugs; Pharmacy; Brooklyn, NY 11233; Reg. No. 023128; Cal. No. 28898; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$7,500 fine.

Demetrios Papanakios; Pharmacist; East Meadow, NY 11554-4714; Lic. No. 053865; Cal. No. 29815; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, 50 hours public service, \$1,500 fine.

## **Psychology**

Dennis John Foley; Psychologist; Rochester, NY 14620; Lic. No. 013862; Cal. No. 29848; Application for consent order granted; Penalty agreed upon: 5 month actual suspension, 19 month stayed suspension, 2 years probation to commence upon return to practice.

## **Public Accountancy**

William John Lidell; Certified Public Accountant; Binghamton, NY 13901; Lic. No. 108436; Cal. No. 29883; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Eric Gino DeLuca; Certified Public Accountant; Guilderland, NY 12084-9775; Lic. No. 114955; Cal. No. 29967; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$750 fine.

## **Veterinary Medicine**

Danielle M. Gomes a/k/a Danielle Gomes a/k/a Danielle Gomez a/k/a Danielle Melegos a/k/a Danielle M. Gomes-Pierce; Veterinary Technician; Warwick, NY 10990; Lic. No. 003162; Cal. No. 28915; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until successful participation in treatment and until fit to practice, upon termination of suspension, 2 years probation to commence if and when return to practice.

## **IV. RESTORATIONS**

The Board of Regents voted on January 23, 2018 to stay the execution of the order of revocation of the dentist license of Scott D. Geise, Newfane, NY, to place him on probation for five years under specified terms and conditions, and upon successful completion of probation, to fully restore his license. Dr. Geise's license was revoked June 19, 2012.

The Board of Regents voted on January 23, 2018 to stay the execution of the order of surrender of the pharmacist license of Jay Kirshner, Roslyn Heights, NY, to place him on probation for five years under specified terms and conditions, and upon successful completion of probation, to fully restore his license. Mr. Kirshner's license was surrendered July 19, 2010.

# ATTACHMENT I



engage<sup>ny</sup>

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Our Students. Their Moment.

## **USDE Review and Approval of New York's Every Student Succeeds Act (ESSA) State Plan**

**Presented to the Board of Regents  
January 22 , 2018**

# ESSA Plan Approved

- On January 16, 2018, the United States Department of Education (USDE) approved New York's Every Student Succeeds Act (ESSA) school and district accountability plan.
- Approval of the plan ensures that New York will continue to receive approximately \$1.6 billion annually in federal funds to support elementary and secondary education.

# Board of Regents ESSA Mission

***“The mission of the New York State Board of Regents is to ensure that every child has equitable access to the highest quality educational opportunities, services, and supports in schools that provide highly effective instruction aligned to the state’s standards, as well as positive learning environments so that each child is prepared for success in college, career, and citizenship.”***



# New York's Voices, New York's Plan: *Stakeholder Feedback on Draft Plan*



## Public Hearings

- **13 public hearings statewide:** Long Island, Staten Island, Bronx, Manhattan, Syracuse, Rochester, Plattsburgh, Yonkers, Brooklyn, Buffalo, Queens, Binghamton, Albany
- **ESSA Think Tank meeting on June 14**
- **270+ speakers**



## Written Comments

- **800+ comments submitted** via email or mail
- **Half of those comments came from three form letter campaigns**

## Consultation Activities

- ESSA Think Tank
- Title I Committee of Practitioners
- ESSA Winter Regional Meetings
- ESSA Spring Regional Meetings

## Work with National Experts

- Linda Darling-Hammond, Learning Policy Institute
- Scott Marion, National Center for Improvement of Educational Assessment
- CCSSO, Brustein & Manasevit

Consultation with Governor's Office and Legislature



# 1000+ Comments Received



# *The Long Road to Approval: Board of Regents Work on ESSA Plan Development, October 2016 – September 2017*

<b>Date</b>	<b>Topic Discussed</b>
October 2016	Strategy for ESSA Plan Development
November 2016	ESSA Plan High Concept Ideas
December 2016	Update on Progress with ESSA Plan Development
January 2017	High Concept Idea Summaries and Survey of School Quality and Student Success Indicators
March 2017	ESSA Retreat with Linda Darling-Hammond and Scott Marion
April 2017	Update on Progress with ESSA Plan Development
May 2017	Presentation of Draft ESSA Plan
June 2017	Feedback from Every Student Succeeds Act (ESSA) Public Hearings and an Update on the Next Generation Learning Standards
July 2017	Review of Plan to be submitted to Governor
September 2017	Proposed ESSA Plan For Submission to United States Department of Education

# USDE Review of ESSA Plan

Action	Timeline
New York submitted ESSA plan to USDE for review.	September 18, 2017
USDE sent an interim feedback letter to New York, requesting clarification on items within the plan.	December 18, 2017
The Department presented a webinar on the USDE feedback to the ESSA Think Tank and Title I Committee of Practitioners.	December 21, 2017
New York responded to USDE requests (3 sets of submissions on 12/22, 12/29, and 1/3 and multiple conversations), and revised plan for resubmission on January 3, 2018.	December 18, 2017 – January 3, 2018
Additional clarifications on application and waiver given to USDE and multiple conversation with USDE staff.	January 3 – January 12, 2018
USDE approved New York State’s ESSA plan.	January 16, 2018

# USDE Interim Feedback Letter

- On December 18, 2017, the New York State Education Department received from the United States Department of Education:
  - An “Interim Feedback” letter on NY’s Consolidated State Plan.
  - Peer reviewer notes related to ESEA Title I Part A and ESEA Title III and separate peer reviewer notes on NY’s McKinney-Vento plan for homeless youth.
  - (NY’s Plan for Title I, Parts C and D, Title II Part A, Title IV and Title V were reviewed only by USDE staff, not peer reviewers.)
- NY was expected to submit by January 3, 2018 a response to USDE regarding the interim feedback letter.
- NY was encouraged to review the peer review recommendations, but was not required to provide a response to USDE regarding them.

# USDE Requested Revisions to ESSA Plan

- During the review process, USDE requested that the Department provide additional information and clarifications to the plan in order to receive approval.
- The changes that the Department made to the plan fell into two groups:
  1. Clarifications and additions
  2. Adjustments to the Plan based on USDE Feedback

# Clarifications and Additions to ESSA Plan

Examples of clarifications and additions (where only descriptive text was added) include the following:

- Use of Measures of Interim Progress (MIPs);
- Improving the skills of educators to meet the needs of gifted and talented students, and students with low literacy; and
- Providing assistance to homeless youth from counselors to prepare and improve the readiness of homeless youth for college.

# Adjustments to Plan Based on USDE Feedback

As directed by USDE, a number of accountability measures have been reclassified:

- Science at the elementary and middle school levels, which had been classified as an Academic Achievement Indicator, has now been reclassified as “another academic indicator.”
- Science and social studies at the high school level, which had been classified as Academic Achievement Indicators, have now been reclassified as Measures of School Quality and Student Success.
- In addition, the measuring of student performance in English language arts, mathematics and science based on the results for continuously enrolled students has been reclassified as “another academic indicator” rather than an Academic Achievement Indicator.
- As a consequence of these changes, a new Composite Index has been created so that these indicators can be combined into the Decision Tables that are used to make Accountability Decisions.

# Use of Regents Exams in Middle School Accountability

- Students in middle school who take Regents Examinations in Math and Science will have their scores included in the Elementary/Middle Performance Index in the same manner as scores for high school students are included in the High School Performance Index.
- Thus, for example, for both a middle level student's and a high school student's score on a Regent exam to be included in the respective Performance Indices as Level 4, the student must score at or above 85 on the examination. Similarly, both middle and high school students who score below 65 will have their results included in the Performance Index as Level 1.

# Revision of College, Career, and Civic Readiness Index to Include NYSAA Students

- The performance of high school students who take the New York State Alternative Assessments (NYSAA) is now included in the Index based on the credential these students receive and their average score on the NYSAA in ELA, mathematics, and science.
- Students earning a CDOS credential are also now included in the Index.

CCRI Readiness Measure	Weighting
<ul style="list-style-type: none"><li>• Skills and Achievement Commencement Credential with an average score of 4 on NYSAA in language arts, mathematics, and science.</li></ul>	2
<ul style="list-style-type: none"><li>• Skills and Achievement Commencement Credential with an average score of 3 on NYSAA in language arts, mathematics, and science.</li><li>• Regents Diploma with CDOS endorsement</li></ul>	1.5
<ul style="list-style-type: none"><li>• Skills and Achievement Commencement Credential with an average score of 2 on NYSAA in language arts, mathematics, and science.</li></ul>	1
<ul style="list-style-type: none"><li>• CDOS Credential</li></ul>	0.5

# Revision to Method for Identifying Schools for Additional Targeted Support

A school will be identified as a school needing Additional Targeted Support if:

- ✓ It is already identified as a Targeted Support and Improvement school; and
- ✓ It has a subgroup of students (i.e., a racial/ethnic group, low-income students, English language learners, or students with disabilities) performing at a level that would have caused a school to be identified for Comprehensive Support and Improvement (CSI) if the all students group had performed at this level.

# Additional Clarification Provided on Method for Holding Schools Accountable for ELL Acquisition of English Proficiency

- The matrix decision table for determining whether an ELL has made annual required progress towards English proficiency remains unchanged.
- The accountability measure for English proficiency by English language learners now better accounts for the fact that the likelihood of students making annual growth varies based upon a student's prior level of English proficiency and years of receiving services

# Establishment of Goals for Chronic Absenteeism and College, Career, and Civic Readiness Index

## Chronic Absenteeism

- An end-goal has been established that no more than 5% of students will be chronically absent statewide and in any accountability subgroup in any school. Long-term goals and measures of interim progress based on this end goal have been established for grades 1-8 and 9-12.

## College, Career, and Civic Readiness Index

- An end-goal of College, Career, and Civic Readiness Index of 175 has been established. Long-term goals and measures of interim progress based on this end goal have been established as well. The Index now incorporates the performance of students with severe disabilities who participate in the New York State Alternate Achievement Assessments. Students earning a CDOS credential are also now included in the Index.

# Goals for Neglected and Delinquent Programs

The goals for facilities serving neglected and delinquent youth have been revised to focus on gains in academic achievement and graduation rate.

An example of a goal from the September submission is:

- Neglected and Delinquent facilities in New York State will administer pre-testing assessments to students to determine the educational level of the students to ensure proper educational programming:
  - 30% of facilities will administer pre-testing within one year
  - 60% of facilities will administer pre-testing within three years
  - 100% of facilities will administer pre-testing within five years

An example of a goal from the approved plan is:

- Academic Achievement: Increase the percent of eligible students achieving grade level performance on assessments in ELA, Mathematics, Social Studies and Science by 10% by the end of school year 2021-2022.

# Status of Requested Waivers Related to ESSA Plan

Simultaneously with the submission of New York's ESSA plan, the Department also submitted three requests for waivers from the provisions of ESSA:

- To allow middle school students who take Regents exams to not have to also take grade level exams in math and science.

**Approved**

- To not hold schools accountable for the performance in English language arts of newly arrived English language learners until those students have taken two administrations of the ELA exam.

**Not approved**

- To allow a small group of students with severe disabilities to take an instructional level examination in ELA or math rather than the grade level examination. **Not approved**

# Next Steps: ESSA Plan Implementation

Action	Timeline
Discuss Regents budget requests and potential changes to Ed. Law 211 with Executive and Legislature.	Winter 2018
Provide Regents with draft regulations to support plan implementation.	March 2018 and onward
Disseminate materials to field providing guidance on approved plan.	Spring 2018
Begin in Spring to make visits to selected schools likely to be identified for graduation rate.	Spring 2018
Revise Consolidated Application for Funding.	Spring 2018
Identify Comprehensive Support and Improvement Schools and Targeted Support and Improvement Schools based on 2017-18 School Year Results	Fall 2018

# ATTACHMENT II



## RESOLUTION

January 23, 2018

**VOTED:** That the Board of Regents adopt the following resolution:

**WHEREAS**, on July 26, 2017, the SUNY Charter Schools Committee published a Notice of Proposed Rule Making in the State Register regarding the Governance, Structure and Operations of SUNY Authorized Charter Schools Pertaining to Teacher Compliance (SUN-30-17-00024-P);

**WHEREAS**, on September 7, 2017, Chancellor Rosa and Commissioner Elia submitted joint comments describing the legal and educational policy concerns regarding the proposed regulation;

**WHEREAS**, at its September 11-12, 2017 meeting, the Board of Regents adopted a resolution expressing the Board's agreement with and support for the educational policy and legal concerns stated in Chancellor Rosa and Commissioner Elia's September 7, 2017 joint comments on the proposed regulation and encouraging the SUNY Charter Schools Committee to withdraw the proposed regulations immediately; and

**WHEREAS**, SUNY Charter Schools Committee adopted revised regulations without requesting additional public comment, effective December 20, 2017;

**NOW THEREFORE**, be it hereby resolved that the Board of Regents authorizes the State Education Department's Office of Counsel to take all necessary actions to commence litigation pursuant to Article 78 of the Civil Practice Law and Rules challenging such regulation and the SUNY Charter Schools Committee's actions in promulgating them on behalf of the Board of Regents and the State Education Department, and Chancellor Betty A. Rosa and Commissioner MaryEllen Elia, in their official capacities.

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