



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
SUBJECT: Summary of the December 2011 Meeting
DATE: December 27, 2011
AUTHORIZATION(S):

Executive Summary

Issue for Decision

Review of the Summary of the December 2011 Meeting of the Board of Regents.

Proposed Handling

Approval of the Summary of December 2011 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 December 2011 meeting.

Timetable for Implementation

Effective January 10, 2012.

VOTED, that the Summary of the December 2011 Meeting of the Board of Regents of The University of the State of New York be approved.



***SUMMARY OF THE DECEMBER MEETING
OF THE BOARD OF REGENTS
OF
THE UNIVERSITY OF THE STATE OF NEW YORK***

Held at the State Education Building

***Albany, New York
December 12 and 13, 2011***

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

THE BOARD OF REGENTS

The Board of Regents of The University of the State of New York held public a session on Monday, December 12, 2011 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Monday, December 12 at 9:00 a.m.

Board Members in Attendance:

Chancellor Merryl H. Tisch
Vice Chancellor Milton L. Cofield
Robert M. Bennett, Chancellor Emeritus
James C. Dawson
Anthony S. Bottar
Harry Phillips, 3rd
James R. Tallon, Jr.
Roger Tilles
Charles R. Bendit
Betty A. Rosa
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 Valerie Grey, Counsel and Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Regent Geraldine D. Chapey was absent and excused.

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

ACTION ITEM

Executive Session Motion

MOVED, that the Board of Regents convene in executive session on Monday, December 12, 2011 at 9:01 a.m. to discuss personnel and litigation matters.

Motion by: Regent James C. Dawson
Seconded by: Chancellor Emeritus Robert M. Bennett
Action: Motion carried unanimously

MEETING OF THE FULL BOARD, Tuesday, December 13 at 11:45 a.m.

Board Members in Attendance:

Chancellor Merryl H. Tisch
Vice Chancellor Milton L. Cofield
James C. Dawson
Anthony S. Bottar
Geraldine D. Chapey
Harry Phillips, 3rd
James R. Tallon, Jr.
Roger Tilles
Charles R. Bendit
Betty A. Rosa
Lester W. Young, Jr.
Christine D. Cea
James O. Jackson
Kathleen M. Cashin
James E. Cottrell

Also present were the Commissioner of Education, John B. King Jr., Executive Deputy Commissioner Valerie Grey, Counsel and Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Chancellor Emeritus Robert M. Bennett and Regent Wade S. Norwood were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 11:45 a.m.

ACTION ITEM

Executive Session Motion

MOVED, that the Board of Regents convene in executive session on Monday, December 13, 2011 at 11:47 a.m. to discuss personnel and litigation matters.

Motion by: Vice Chancellor Milton L. Cofield
Seconded by: Regent Anthony S. Bottar
Action: Motion carried unanimously

MEETING OF THE FULL BOARD, Monday, December 13 at 12:15 p.m.

Board Members in Attendance:

Chancellor Merryl H. Tisch
Vice Chancellor Milton L. Cofield
James C. Dawson
Anthony S. Bottar
Geraldine D. Chapey
Harry Phillips, 3rd
James R. Tallon, Jr.
Roger Tilles
Betty A. Rosa
Lester W. Young, Jr.
Christine D. Cea
James O. Jackson
Kathleen M. Cashin
James E. Cottrell

Also present were the Commissioner of Education, John B. King Jr., Executive Deputy Commissioner Valerie Grey, Counsel and Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Chancellor Emeritus Robert M. Bennett and Regent Wade S. Norwood were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 12:45 p.m.

ACTION ITEMS

Charter Applications for December 2011

BR (A) 1

MOVED, that the Board of Regents approve each application in accordance with the recommendations contained in the summary table.

Summary of the November 2011 Meeting of the Board of Regents

BR (A) 2

MOVED, that the Summary of the November 2011 Meeting of the Board of Regents of The University of the State of New York be approved.

Motion by: Vice Chancellor Milton L. Cofield
Seconded by: Regent Geraldine D. Chapey
Action: Motion carried unanimously

PROGRAM AREA CONSENT ITEMS

Adult Career and Continuing Education Services (ACCES)

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

MOVED, that Clinton Brown III, Helen Fang, Luis Gutierrez, Susan Hoger, Maura Kelley, and Susan Ruff be appointed for a three-year term beginning January 1, 2012 and ending December 31, 2014.

MOVED, that Kari Cooke and Marc Rosen be appointed for a two year unexpired term beginning January 1, 2012 and ending December 31, 2013.

MOVED, that Carla Lewis-Irizarry be appointed for a one year unexpired term beginning January 1, 2012 and ending December 31, 2012.

MOVED, that Denise Figueroa, Ralph Giordano, Wendy Strobel-Gower, Michael Peluso, Melanie Shaw, and Kenneth Stewart be reappointed for a three-year term beginning January 1, 2012 and ending December 31, 2014.

Appointments to the New York State Rehabilitation Council BR (CA) 2

MOVED, that Shameka Andrews, Nicole David, Michael Irwin, Angella Luyk, Roger Purdy, Lourdes Rivera-Putz, Lourdes Rosa-Carrasquillo, Fredda Rosen and Craig Wolfson be appointed for a three-year term beginning January 1, 2012 and ending December 31, 2014.

MOVED, that Tamar Asedo-Sherman, Kyle Goodridge, Gregory Bell, and Cynthia Printup-Harms be reappointed for a three year term beginning January 1, 2012 and ending December 31, 2014.

Higher Education

Amendment of Sections 80-1.1, 80-3.3 and 80-3.7 and addition of Section 80-5.22 of the Commissioner's Regulations to Allow Individuals with Advanced Degrees in Science, Technology, Engineering and Mathematics (STEM) and Related Teaching Experience at the Postsecondary Level to Obtain a Teaching Certificate in Earth Science, Biology, Chemistry, Physics, Mathematics or in a Closely Related Field BR (CA) 3

MOVED, that paragraphs (45) through (47) of subdivision (b) of Section 80-1.1 be renumbered to paragraphs (46) through (48) and a new paragraph (45) be added; that subparagraph (i) of paragraph (2) of subdivision (a) of section 80-3.3 be amended;

that section 80-3.7 be amended and a new section 80-5.22 is added to the Regulations of the Commissioner of Education, as submitted, effective January 7, 2012, as an emergency action upon a finding by the Board of Regents that such action is necessary to ensure that the proposed amendment remains continuously in effect until it can be adopted as a permanent rule.

**Bryant and Stratton College – Regents Authorization to authorize the College to award the Bachelor of Science degree at the Albany, Southtowns and Syracuse North campuses and Master Plan Amendment authorizing the College to offer Bachelor of Science programs in Healthcare Services Administration at the Albany, Southtowns and Syracuse North campuses
BR (CA) 4**

MOVED, that the Board of Regents authorize Bryant and Stratton College to award the Bachelor of Science degree at the College's Albany location and Southtowns and Syracuse North branch campuses, and approve a master plan amendment for Bryant and Stratton, Buffalo, to offer Bachelor of Science programs in Healthcare Services Administration at the Albany, Southtowns and Syracuse North campuses. The amendment will be effective until December 31, 2012, unless the Department registers the programs prior to that date, in which case master plan amendment shall be without term.

**Conferral of Degrees: New York Studio School of Drawing, Painting & Sculpture
BR (CA) 5**

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

**Master Plan Amendment: Bard College, Master of Business Administration (M.B.A.) in Sustainability
BR (CA) 6**

MOVED, that the Board of Regents approve a master plan amendment for Bard College to authorize the College to offer its first program in the business disciplinary area, a Master of Business Administration (M.B.A.) in Sustainability. The amendment will be effective until December 31, 2012, unless the Department registers the program prior to that date, in which case master plan amendment shall be without term.

P-12 Education

**Proposed Technical Amendment of Section 100.5(b)(7)(v)(a) of the Regulations of the Commissioner, Relating to Mathematics Requirements for Regents Diploma with Advanced Designation
BR (CA) 7**

MOVED, that subparagraph (v) of paragraph (7) of subdivision (b) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective January 4, 2012.

Professional Practice

**(Re)Appointments of Members to the State Boards for the Professions and
(Re)Appointments of Extended Members to the State Boards for the Professions
for Service on Licensure Disciplinary and/or Licensure Restoration and Moral
Character Panels BR (CA) 8**

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

**Report of the Committee on the Professions Regarding Licensing Petitions
BR (CA) 9**

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

**Master Plan Amendment: Helene Fuld College of Nursing, Bachelor of Science
(B.S.) Degree in Nursing
BR (CA) 10**

MOVED, that the Board of Regents approve the proposed master plan amendment of Helene Fuld College of Nursing authorizing the College to offer the Bachelor of Science degree program in Nursing. This amendment will be effective until December 31, 2012, unless the Department registers the program prior to that date, in which case the master plan amendment shall be without term.

**Regents Permission to Operate in New York State: The Midwifery Institute of
Philadelphia University
BR (CA) 11**

MOVED, that the Regents approve the proposed permission to operate effective December 13, 2011, which authorizes The Midwifery Institute of Philadelphia University to use clinical agencies in New York for clinical education of midwifery students in its Master of Science and post-master's Advanced Certificate programs.

Motion by: Regent Harry Phillips 3rd
Seconded by: Regent Geraldine D. Chapey
Action: Motion carried unanimously

STANDING COMMITTEE REPORTS

Regents 2012-13 Proposal on State Aid to School Districts SA (A) 1 – REVISED 12/12/11

MOVED, that the Regents adopt the attached report as their proposal on State Aid to school districts for school year 2012-13 (see Attachment A.)

Motion by: Regent James R. Tallon, Jr.
Seconded by: Regent James C. Dawson
Action: Motion carried unanimously

P-12 Education

Your P-12 Education Committee held its scheduled meeting on December 12, 2011. All members were present.

ACTION ITEMS

Charter Schools

Your Committee recommends that the Board of Regents finds that the proposed revised charter for the Growing Up Green 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 permit the charter school to 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 the above listed charter revision as proposed by Chancellor of the NYCDOE and the provisional charter is amended accordingly. [P-12 (A) 1]

Your Committee recommends that section 119.5 of the Regulations of the Commissioner of Education relating to Random Selection Process for Charter School Student Applicants be amended, as submitted, effective January 4, 2012. The Committee received an Assessment of Public Comment on the proposed amendment at the meeting as well as revised draft language based on that public comment. The revisions were made in section 119.5 (c)(2) of the proposed amendment. That section, as approved by the Committee, reads:

(2) The lottery shall be held in a space that is open and accessible to the public and capable of accommodating the reasonably anticipated number of attendees. If the reasonably anticipated attendance exceeds capacity, separate grade level lotteries may be held in separate locations provided that each lottery is publicized in a manner consistent with the requirements of Public Officers Law section 104.

Nothing herein shall be construed to require or exclude attendance at the lottery by parents, persons in parental relationships, guardians and/or students participating in the admissions process [P-12 (A) 2]

Shared Learning Collaborative

Your Committee recommends that the Board of Regents endorse the Department's execution of a non-binding memorandum of understanding to secure New York State's participation in the Shared Learning Collaborative in order to increase the benefits and long-term sustainability of the State's Race to the Top (RTTT) data, curriculum, and instructional improvement initiatives. Regent Betty Rosa abstained from the vote. This item was included as part of the Race to the Top Section C instructional support system discussion. [P12 (A) 3]

Update on New York State's Next Generation Accountability System

Your Committee recommends that the Board of Regents directs the Commissioner of Education and the State Education Department to use the responses outlined in Attachment A as the basis to develop the initial draft of New York State's ESEA Flexibility Request. Comments received from Committee members will be incorporated into the draft and presented for further review at the January 2012 Regents meeting. [P-12 (A) 4]

MOTION FOR ACTION BY FULL BOARD

Madam Chancellor and Colleagues: Your P-12 Education Committee recommends, and I move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on December 13, 2011, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Preschool and School-Age Individual Evaluations – The Committee discussed regulations relating to preschool and school-age individual evaluations. The proposed regulations would repeal the requirement that a school psychologist prepare a written report of his/her determination of the need to administer an individual psychological evaluation as part of a reevaluation of a school age student, while retaining the requirement for the written report for an initial evaluation. The proposed amendments will come back before the Board of Regents at their March 2012 meeting for adoption. [P-12 (D) 1]

Raising the Academic Achievement of English Language Learners (ELLs) – The Committee discussed current regulations relating to English language learners and the need to review these regulations in light of the latest research and data on the recent performance of ELLs in New York State based upon the types of programs, services and support they have received. As the Regents move forward with implementing their

reform agenda, now is an opportune time to review whether these regulations should be amended to better align with the goal of ensuring that all students receive an education that prepares them to achieve success in relation to college and career ready standards. The Committee recommends that the Board of Regents direct Department staff to engage with the field and collect input from key stakeholders for the purpose of making recommendations to the Regents on possible revisions to enhance and strengthen Part 154 of Commissioner's Regulations. Department staff will keep the Board of Regents updated on outreach and progress prior to returning in spring 2012 with proposed policy revisions. [P-12 (D) 2]

Testing Integrity Update – the Committee was given an update on issues relating to testing integrity including ongoing advocacy for \$2.1 million to secure enhanced testing integrity. Associate Commissioner Anita Murphy is leading a workgroup to discuss best practices and local issues with the field; she will present findings and recommendations to the Committee in early 2012. Special Investigator Hank Greenberg began work with the Department on November 14 and will present findings and recommendations to the Committee in February.

RTTT Assurance Area Updates – the Committee was provided with updates for Race to the Top Section B (Standards and Assessments) and Section C (Data Systems to Support Instruction). Staff provided examples of accomplishments, challenges and next steps for each section. Due to time constraints, Section E/F (Turning Around the Lowest-Achieving Schools/General) will be discussed at a future meeting. Section D (Great Teachers and Leaders) will be discussed at the Higher Education Committee meeting being held on Tuesday, December 13, 2011.

2012 Regulatory Agenda - The Committee discussed the P-12 portion of the 2012 Regulatory Agenda. The agenda was discussed in each standing committee meeting and presented to the full Board of Regents for approval. [BR (A) 4]

Consent Agenda Items - The Committee discussed proposed amendments to regulations to make technical changes to Section 100.5(b)(7)(v)(a) of Commissioner's Regulations relating to Mathematics Requirements for Regents Diploma with Advanced Designation. This item is scheduled for approval on the full Board consent agenda.

Joint P-12 Education/Adult Career and Continuing Education Services (ACCES)

Your P-12 Education Committee and ACCES Committee held its scheduled meeting on December 12, 2011. All members were present, with the exception of Regent Chapey, who was excused. Additional members of the Board attending where: Chancellor Tisch, Regent Bendit, Regent Cashin, Regent Cottrell and Regent Jackson.

MATTERS NOT REQUIRING BOARD ACTION

The Committees were updated on the actions taken in response to the recommendations cited in the June 2011 Regents Report on transition planning and services for students with disabilities. The following initiatives have been made based on these recommendations: enhanced a stronger collaboration among ACCES, P-12 Office of Special Education, schools, Independent Living Centers (ILCs), community-based partner providers and employers to increase the likelihood of work experience and post school employment for youth with disabilities; identified VR staff to work collaboratively with each of the Regional Special Education Technical Assistance and Support Centers (RSE TASCs) Transition Specialists on regional technical assistance planning; worked with ILCs to identify staff that can act as liaisons to the regional consortiums that already exist or are under development through the RSE TASC Transition Specialists; revised community work study programs with employers in the Community Policy 1380.00 to promote the active participation of high school students with significant disabilities in paid and unpaid work experiences; allocated VR staff so as to assure that we have adequate coverage of all school districts across the State; advocated for additional resources for transition services with the reauthorization of the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act and the Workforce Investment Act; and included the linkage of VR data as a component of the creation of a P-20 Longitudinal Data System. The Committees were also advised on next steps that will be taken to continue the initiative on transition planning for students with disabilities.

Professional Practice

Your Professional Practice Committee held its scheduled meeting on December 12, 2011. All Committee Members were present, except for Regent Geraldine D. Chapey, who was excused. Chancellor Merryl H. Tisch and Regent Kathleen M. Cashin were also present, but did not vote on any case or action.

ACTION ITEMS

Professional Discipline Cases

Your Committee recommends that the reports of the Regents Review Committees, including rulings, findings of fact, determinations as to guilt, and recommendations, by unanimous or majority vote, contained in those reports which have been distributed to you, be accepted in 4 cases and in one other case, be accepted, except that the penalty recommended to be imposed in that case not be accepted as hereafter set forth. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 28 consent order applications and 6 surrender applications be granted. [PPC EXS (A) 1-3]

In the case of Donato Franco Tramontozzi. Pharmacist, under Calendar No. 25809, the report of the Regents Review Committee be accepted except that its recommendation as to the penalty to be imposed contained in said report not be accepted, and that based on a

more serious view of respondent's misconduct, that the respondent's license to practice as a pharmacist in the State of New York be suspended for three years, that execution of the last two years of said suspension be stayed, and that, at such time as stated in the report of the Regents Review Committee, the respondent be placed on probation for two years under the terms and conditions set forth in the exhibit annexed thereto, made a part thereof and marked as Exhibit B.

These recommendations are made following the review of 39 cases involving five licensed practical nurses who are also registered professional nurses, four licensed practical nurses, four pharmacists, three architects, three certified public accountants, three registered professional nurses, two chiropractors, one professional engineer, one licensed clinical social worker, one licensed master social worker, one licensed mental health counselor, one massage therapist, one pharmacy, one physical therapist, one repacker and wholesaler of drugs who is also a nonresident wholesaler of drugs, and one veterinarian.

Restoration Cases

Your Committee recommends that, upon notification by the Director of the Office of Professional Medical Conduct that he has received a satisfactory report that Gareth W. Lovett is substance abuse-free and fit to practice as a physician in the State of New York, the execution of the surrender of Dr. Lovett's physician license be stayed and the he be placed on probation, under the terms and conditions set forth in Exhibit "A" attached to the Report of the Committee on the Professions, for a period ending five (5) years from the date on which he begins a residency or supervised employment, as provided in the terms of probation, and that, upon successful completion of probation, Dr. Lovett's license be fully restored. [PPC EXS (A) 4]

Approvals

Your Committee recommends approval of the following items:

Mandatory Continuing Education in Veterinary Medicine – [PPC (A) 1] That section 62.8 of the Regulations of the Commissioner of Education be added, as submitted, effective January 4, 2012.

Collaborative Drug Therapy Management Regulations – [PPC (A) 2] That subparagraph (i) of paragraph (2) of subdivision (b) and paragraph (1) of subdivision (c) of section 63.7 of the Regulations of the Commissioner of Education be amended and that section 63.10 of the Regulations of the Commissioner of Education be added, as submitted, effective December 13, 2011, 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 remains continuously in effect until it can be adopted as a permanent rule.

That subparagraph (i) of paragraph (2) of subdivision (b) and paragraph (1) of subdivision (c) of section 63.7 of the Regulations of the Commissioner of Education be amended and that section 63.10 of the Regulations of the Commissioner of Education be added, as submitted, effective January 4, 2012.

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 December 12, 2011, 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 [BR (CA) 8]
 - Licensing Petitions [BR (CA) 9]
 - Master Plan Amendment – authorizes the Helene Fuld College of Nursing to offer a Bachelor of Science degree in Nursing [BR (CA) 10]
 - Permission to Operate – authorizes The Midwifery Institute of Philadelphia University to use clinical agencies for clinical education of midwifery students in its Master of Science and Post-Master's Advanced Certificate programs [BR (CA)11]
- Technology Update
- Staffing/Productivity Update
- Updates on OP Initiatives

Regents Advisory Committee on Long-Term Clinical Clerkships [PPC (D) 1] – Discussion of the standards and processes recommended by the Advisory Committee with regard to the approval of international medical schools to place students in long-term clinical clerkships in New York. The concepts presented will provide the basis for the preparation of implementing regulations and supporting materials.

Healthcare Reform Initiatives [PPC (D) 2] – This discussion focused on strategies to address changes being proposed in the provision of healthcare in New York.

Audits/Budget and Finance

The Regents Committee on Audits/Budget and Finance met as scheduled on December 13, 2011. Vice Chair Bendit, Chancellor Tisch, Regents Cashin, Cottrell, Dawson, Jackson, Phillips, Tallon, Tilles, and Young were in attendance.

Chair's Remarks: Regent Chapey welcomed everyone. She commented that the Reform Agenda is making a difference and that it is a daunting task to prepare New Yorkers to be well educated, especially in these economic times. This requires educators to be innovative.

Regent Bendit asked the Committee to consider the question: are the audits that are being conducted by the Office of Audit Services aligned with the priorities of the Regents and the Department? In addition, are the limited resources being used efficiently?

Items for Discussion

November 2011 Fiscal Report

Your Committee reviewed the fiscal report. Our Executive Deputy Commissioner briefed the Committee members on the three accounts that remain a concern, teacher tenure hearing, assessment, and cultural education accounts. In addition, information was provided on the effects of the recently settled labor contracts.

Completed Audits

The Committee was presented with 16 audits this month. The audits included two audits issued by the Office of Audit Services (OAS), twelve by the Office of the State Comptroller (OSC) and two issued by the Office of the New York City Comptroller. The findings were in the areas of information technology, budgeting, procurement, payroll, cash, compliance with ARRA requirements, and the provision of physical education and universal pre-k services.

School District Fiscal Condition

The Committee was provided with a preliminary review of school districts' fiscal condition based on an analysis of the 2010-2011 financial statements. Fifty-one financial statements have not yet been received. Based on information available one district has been identified as being in fiscal stress, and four others as moving toward fiscal stress.

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 December 13, 2011.

In attendance were committee members: Regents Tilles, Dawson, Bendit, Rosa, Cea, Jackson, Cottrell

In addition to CE Committee Members, in attendance were: Chancellor Tisch, Vice Chancellor Cofield, Regents Cashin, Norwood, Chapey and Phillips; Commissioner King and Executive Deputy Commissioner Grey.

ITEMS FOR DISCUSSION

Chair's Remarks: Regent Tilles welcomed everyone and opened the meeting and turned the agenda over to Deputy Commissioner Cannell.

Deputy Commissioner Jeffrey Cannell began the meeting by acknowledging the retirement of Clifford Siegfried, Director of the State Museum. Deputy Commissioner Cannell also introduced OCE's leadership team to the committee. Deputy Cannell then introduced the only item on the committee's agenda.

CE (D) 1 – Office of Cultural Education Three Year Program Plan

As agreed at the October 2011 CE Committee meeting, OCE staff charted a plan that demonstrates how OCE's program priorities will be implemented over the next three years and presented it to the Committee for discussion.

Deputy Cannell noted that this is a high-level plan for 2012-2014 and not a specific or comprehensive description of all of the activities of OCE. The plan is organized along two axes. One identifies the major program themes for the next three years. The other axis is organized along the strategic goals for OCE: as a statewide institution; as a partner with other USNY institutions; as a collections stewardship and research facility and to increase and expand public access to collections and programs.

There was extensive discussion of the plan that ranged from how OCE can increase revenue through fund-raising and monetization of programs and service to how OCE can partner more with other institutions across the state to align programs on a statewide level.

The committee stressed the importance of aligning OCE's programs, especially exhibits, with the common core and stressed the value of OCE's collections in enhancing and improving education at all levels.

The committee agreed that there is a need to continue to educate board members on the extent of OCE's collections, programs and activities; that there is a need to seek guidance and input from outside experts in improving the operations and statewide reach of OCE programs; and that OCE should continue to develop a program agenda that can be used to support funding and fund-raising opportunities.

Higher Education & Joint P-12 Education/Higher Education

Your Higher Education Committee held its scheduled meeting on December 13, 2011. All members were present except Chancellor Emeritus Bennett.
Discussion Items: Items not requiring Board action

Discussion on Part 145 TAP Regulations. Your Committee discussed recommended regulation amendments related to the administration of TAP funds to ensure that students receiving awards are using them in the pursuit of an approved program of study. These amendments will be before the Board in February 2012 for approval.

Update on Statewide Plan for Higher Education. Your Committee discussed the progress of development on the Statewide Plan for Higher Education

2012 Regulatory Agenda. Your Committee discussed the 2012 Regulatory Agenda, which is before the full Board for approval.

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 December 13, 2011, copies of which have been distributed to each Regents.

Joint Session of Higher Education and P-12 held a meeting on December 13, 2011

Update on RTTT. Section D (Great Teachers and Leaders) was discussed at the Higher Education Committee meeting being held on Tuesday, December 13, 2011.

Motion by:	Regent Harry Phillips 3 rd
Seconded by:	Vice Chancellor Milton L. Cofield
Action:	Motion carried unanimously.

2012 Regulatory Agenda BR (A) 4

MOVED, that the 2012 Regulatory Agenda for the State Education Department be approved, as submitted.

Motion by: Vice Chancellor Milton L. Cofield
Seconded by: Regent James R. Tallon, Jr.
Action: Motion carried unanimously

**Acceptance of a \$600,000 Grant from the Bill & Melinda Gates Foundation
BR (A) 5 and Acceptance of a \$488,000 Grant from the Ford Foundation
BR (A) 6**

MOVED, that the Board of Regents accept the sum of \$600,000 from the Bill & Melinda Gates Foundation, and \$488,000 from the Ford Foundation.

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

**State Education Department Fiscal Report – November 2011
BR (A) 3**

MOVED, that the Board of Regents accept the November 2011 State Education Department Fiscal Report as presented.

Motion by: Regent Geraldine D. Chapey
Seconded by: Regent Harry Phillips 3rd
Action: Motion carried unanimously

Appendix I
NEW YORK STATE BOARD OF REGENTS CHARTER ACTIONS

Name of Institution	Program Area	County of Location	Description of Charter Action(s)
Argyle Free Library	CE	Washington	Amend charter to: <ul style="list-style-type: none"> • designate the library's service area to be coterminous with the Town of Argyle; • specify the number of trustees to be not less than five nor more than eleven; • designate the Commissioner agent for service; • and add IRS tax language.
Bancroft Public Library	CE	Washington	Grant a provisional charter for five years in lieu of absolute charter.
Corfu Free Library	CE	Genesee	Amend charter to specify the number of trustees to be not less than five nor more than fifteen.
Cornelius Vanderbilt Whitney Long Lake Public Library	CE	Hamilton	Grant absolute charter in the first instance.
Duanesburg Historical Society	CE	Schenectady	Extend provisional charter for five years.
East Syracuse Free Library	CE	Onondaga	Amend charter to: <ul style="list-style-type: none"> • designate the library's service area to be coterminous with the Village of East Syracuse; • specify the number of trustees to be not less than five nor more than fifteen; • designate the Commissioner agent for service; • and add IRS tax language.
Elizabethtown Library Association	CE	Essex	Amend charter to: <ul style="list-style-type: none"> • specify the number of trustees to be not less than five nor more than eleven; • and add complete IRS tax language.
Fireboat Firefighter Museum	CE	New York	Grant provisional charter for five years.

Huguenot Historical Society, New Paltz, N.Y.	CE	Ulster	Consent to filing of certificate of assumed name "Historic Huguenot Street".
The Isamu Noguchi Foundation and Garden Museum	CE	Queens	Extend provisional charter for five years.
Maxwell Memorial Library	CE	Onondaga	Amend charter to: <ul style="list-style-type: none"> • specify the number of trustees to be not less than five nor more than fifteen; • and add complete IRS tax language.
The Museum of Public Relations	CE	New York	Grant provisional charter for five years.
The Museum of Yiddish Theater	CE	New York	Grant provisional charter for five years.
Blue School	P-12	New York	Amend charter to change corporate address to 241 Water Street, New York, New York 10038 and extend charter for three years.
The Haverstraw School	P-12	Rockland	Grant provisional charter for three years.
My Little Language School, Mi Pequena Esculita	P-12	New York	Grant provisional charter for three years.
Trumansburg Community Nursery School	P-12	Tompkins	Extend provisional charter for five years.
International Seminary For Interfaith Studies	HE/OP	New York	Grant a Regents certificate of incorporation.
New York University Medical Center Foundation	HE/OP	New York	Dissolve the Regents certificate of incorporation and approve the distribution of the corporation's assets to New York University to be used in support of NYU Langone Medical Center.

New York University	HE/OP	New York	<p>Amend and restate charter in its entirety to:</p> <ul style="list-style-type: none">• reflect changes pertaining to the dissolution of the University's affiliation with Mount Sinai School of Medicine;• authorize the University to establish and operate medical, dental, nursing or other allied health clinics and other facilities;• authorize the University to conduct and operate educational, research and other programs and facilities in the Counties of Westchester, Rockland, and Orange, and in locations outside the State of New York; and• revise provisions regarding members, executive committee, quorum, trustee qualifications, Honorary trustees, officers, office and appointment eligibility, administrative units, bylaws, and powers and liability of board of trustees or other managing board.
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Appendix II

REGENTS ACTIONS IN 39 PROFESSIONAL DISCIPLINE CASES And 1 Restoration Petition

December 13, 2011

The Board of Regents announced disciplinary actions resulting in the revocation of 2 licenses, the surrender of 6 licenses, as well as 31 other disciplinary actions. The penalty indicated for each case relates solely to the misconduct set forth in that particular case. In addition, the Board acted upon 1 restoration petition.

I. REVOCATIONS AND SURRENDERS

Architecture

Ekkehart Schwarz; Malone, NY 12953-0020; Lic. No. 014091; Cal. No. 25777; Found guilty of professional misconduct; Penalty: Revocation.

Chiropractic

Edward Tanza, Jr.; St. Augustine, FL 32092; Lic. No. 009204; Cal. No. 25642; Found guilty of professional misconduct; Penalty: Revocation.

Eugene Anthony Bolognese; Simsbury, CT 06070; Lic. No. 008510; Cal. No. 25913; Application to surrender license granted. Summary: Licensee did not contest the charge of having been convicted of Health Care Fraud.

Nursing

Shelly Rene Trombetto; Licensed Practical Nurse; Clarence, NY 14031; Lic. No. 279362; Cal. No. 25933; Application to surrender license granted. Summary: Licensee admitted to the allegation that she stole, for her own personal use, a prescription narcotic pill belonging to the facility where she was employed as nurse.

Leslie Ann Mayo; Licensed Practical Nurse; Watervliet, NY 12189; Lic. No. 155685; Cal. No. 25950; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Falsifying Business Records in the 1st Degree.

Public Accountancy

Philip Colasuonno; Certified Public Accountant; New Rochelle, NY 10805-3008; Lic. No. 054254; Cal. No. 25640; Application to surrender license granted. Summary: Licensee admitted to charges of having been convicted of Conspiracy to Commit Bank Fraud,

Bank Fraud, Conspiracy to Commit Tax Fraud, and Aiding and Abetting the Preparation of False Tax Returns, all felonies.

David Grant; Certified Public Accountant; New York, NY 10011; Lic. No. 054431; Cal. No. 25944; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Conspiracy to Commit Wire Fraud, a felony.

Social Work

Svyatoslav Bakis; Licensed Clinical Social Worker; Staten Island, NY 10305; Lic. No. 052698; Cal. No. 25984; Application to surrender license granted. Summary: Licensee admitted to allegations that, between November 10, 2009 and March 2010, while practicing as a licensed clinical social worker, he forged at least 9 patients' signatures on their treatment plans for mental health treatment.

II. OTHER REGENTS DISCIPLINARY ACTIONS

Architecture

Stephen Lloyd Doherty; Brooklyn, NY 11215; Lic. No. 022154; Cal. No. 25669; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$2,500 fine.

Lloyd Bowers Taft, Jr. a/k/a Lloyd Taft; Danbury, CT 06810; Lic. No. 020680; Cal. No. 25738; Found guilty of professional misconduct; Penalty: 24 month suspension, execution of last 18 months of suspension stayed.

Engineering and Land Surveying

Tariq Ahmad Siddiqui; Professional Engineer; Piscataway, NJ 08854; Lic. No. 078124; Cal. No. 25916; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 2 years probation, \$7,500 fine.

Massage Therapy

Patricia E. Bregel; Albion, NY 14411; Lic. No. 014608; Cal. No. 25745; Found guilty of professional misconduct; Penalty: Indefinite suspension for a minimum of 3 years and until alcohol abuse-free and until fit to practice, probation 5 years to commence subsequent to termination of suspension and upon actual return to practice.

Mental Health Practitioner

Kimberly A. Swan; Licensed Mental Health Counselor; Newark, NY 14513-9119; Lic. No. 000211; Cal. No. 25919; Application for consent order granted; Penalty agreed

upon: 2 year stayed suspension, 2 years probation, \$500 fine, penalty to supersede that imposed under Order No. 25283.

Nursing

Barbara J. Osborne; Registered Professional Nurse; Watkins Glen, NY 14890; Lic. No. 476215; Cal. No. 25387; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 1 month and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine.

Lisa M. Montondo; Licensed Practical Nurse; Watertown, NY 13601; Lic. No. 199375; Cal. No. 25657; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 11 month stayed suspension, 1 year probation, \$500 fine.

Lisa Nirban Roy; Licensed Practical Nurse, Registered Professional Nurse; Saranac Lake, NY 12983; Lic. Nos. 273505, 581313; Cal. Nos. 25679, 25680; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 11 month stayed suspension, 1 year probation, \$500 fine.

Elizabeth Anne Roman; Licensed Practical Nurse, Registered Professional Nurse; Yonkers, NY 10701; Lic. Nos. 139277, 534864; Cal. Nos. 25774, 25773; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$500 fine.

Carolyn Billeci; Registered Professional Nurse; Staten Island, NY 10309-4245; Lic. No. 612469; Cal. No. 25822; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation.

Lakesha S. White; Licensed Practical Nurse; Rochester, NY 14609; Lic. No. 273549; Cal. No. 25832; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Marie Antoinette Mire Scutt; Licensed Practical Nurse, Registered Professional Nurse; Brooklyn, NY 11236; Lic. Nos. 257880, 509953; Cal. Nos. 25851, 25852; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation.

Sarah L. Stewart; Registered Professional Nurse; Rochester, NY 14624; Lic. No. 534577; Cal. No. 25873; 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 90 days.

Karen A. Hamm; Licensed Practical Nurse, Registered Professional Nurse; Rochester, NY 14609; Lic. Nos. 182917, 426689; Cal. Nos. 25891, 25892; Application for consent

order granted; Penalty agreed upon: 6 month actual suspension, 18 month stayed suspension, 2 years probation, \$500 fine.

Josefina Aglipay Darwin; Licensed Practical Nurse, Registered Professional Nurse; Brooklyn, NY 11203; Lic. Nos. 213688, 429124; Cal. No. 25902, 25903; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation to commence upon return to practice.

Pharmacy

James Oscar Simmons, III; Pharmacist; New York, NY 10032; Lic. No. 050153; Cal. No. 25531; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for not less than 3 months and until successfully participate in course of therapy and treatment and until fit to practice, upon termination of suspension, 3 years probation to commence if and when return to practice.

Donato Franco Tramontozzi; Pharmacist; Old Brookville, NY 11545; Lic. No. 043814; Cal. No. 25809; Found guilty of professional misconduct; Penalty: 3 year suspension, execution of last 2 years of suspension stayed, probation 2 years to commence subsequent to termination of suspension and upon actual return to practice.

Joseph M. Rothkopf; Pharmacist; Lynbrook, NY 11563; Lic. No. 030310; Cal. No. 25850; 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, \$1,000 fine.

Vincent Alibrandi; Pharmacist; East Northport, NY 11731; Lic. No. 041636; Cal. No. 25865; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$5,000 fine.

Whites Pharmacy, Inc.; Pharmacy; 81 Main Street, East Hampton, NY 11937; Reg. No. 025349; Cal. No. 25866; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$5,000 fine.

Medisca, Inc.; Repacker and Wholesaler of Drugs, Wholesaler of Drugs (Nonresident); 661 Route 3 – Unit C, Plattsburgh, NY 12901-6531; 3955 West Mesa Vista Avenue, Las Vegas, NV 89118; Reg. Nos. 021951, 028174; Cal. Nos. 25900, 25991; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, \$1,000 fine payable within 3 months.

Physical Therapy

Scott Anthony Accordino; Physical Therapist; West Seneca, NY 14220; Lic. No. 012412; Cal. No. 25833; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Public Accountancy

Aron J. Sotnikoff; Certified Public Accountant; Far Rockaway, NY 11691; Lic. No. 094167; Cal. No. 25893; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 24 months probation, \$1,000 fine.

Social Work

Bruce Raymond Mardiney; Licensed Master Social Worker; Rosendale, NY 12472; Lic. No. 037023; Cal. No. 25795; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Veterinary Medicine

Mary Halcyone Jensen Fales; Veterinarian; Falconer, NY 14733; Lic. No. 007949; Cal. No. 25928; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

III. RESTORATIONS

The Board of Regents voted on December 13, 2011 that, upon notification by the Director of the Office of Professional Medical Conduct that he has received a satisfactory report that Gareth W. Lovett is substance abuse-free and fit to practice as a physician in the State of New York, the execution of the surrender of Dr. Lovett's physician license be stayed and that he be placed on probation, under specified terms and conditions, for a period ending five years from date on which he begins a residency or supervised employment, as provided in the terms of probation, and that, upon successful completion of probationary period, his license to practice medicine be fully restored. Dr. Lovett's license was originally surrendered June 10, 2000.