



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 May 2012 Meeting  
**DATE:** June 12, 2012  
**AUTHORIZATION(S):**

**Executive Summary**

**Issue for Decision**

Review of the Summary of the May 2012 Meeting of the Board of Regents.

**Proposed Handling**

Approval of the Summary of May 2012 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 May 2012 meeting.

**Timetable for Implementation**

Effective June 19, 2012.

**VOTED**, that the Summary of the May 2012 Meeting of the Board of Regents of The University of the State of New York be approved.



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

***Held at the Monroe Community College***

***Rochester, New York  
May 21 and 22, 2012***

***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 sessions on Monday, May 21, 2012 at 12:00 p.m. and Tuesday, May 22, 2012 at 10:30 a.m. pursuant to a call to duty sent to each Regent.

### **MEETING OF THE FULL BOARD, Monday, May 21 at 12:00 p.m.**

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

Chancellor Merryl H. Tisch  
Anthony S. Bottar, Vice Chancellor  
Robert M. Bennett, Chancellor Emeritus  
James R. Tallon, Jr.  
Roger Tilles  
Charles R. Bendit  
Lester W. Young, Jr.  
Christine D. Cea  
Wade S. Norwood  
James O. Jackson  
Kathleen M. Cashin  
James E. Cottrell  
T. Andrew Brown

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. Regents James C. Dawson, Geraldine D. Chapey, Harry Phillips, 3<sup>rd</sup> and Betty A. Rosa were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 12:00 p.m. Opening remarks were presented by Monroe Community College President Anne M. Kress.

### **ACTION ITEMS**

#### **Charter Schools: Revisions to Charters Authorized by the Trustees of the State University of New York (SUNY) BR (A) 3**

**MOVED**, that the Board of Regents finds that the proposed revised charter: (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 for the Children's Aid Society Community Charter School is amended accordingly.

**MOVED**, that the Board of Regents finds that the proposed revised charter: (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 for the Child Development Center of the Hamptons Charter School is amended accordingly.

**MOVED**, that the Board of Regents finds that the proposed revised charter: (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 for the Leadership Preparatory Brownsville Charter School is amended accordingly.

**Motion by:** Regent Wade S. Norwood  
**Seconded by:** Regent Christine D. Cea  
**Action:** Motion carried unanimously

**Emergency Adoption of Proposed Technical Amendment to Section 3.16 of the Rules of the Board of Regents, Relating to the Delegation of Authority with Respect to Certain Charter School Hearings  
BR (A) 4**

**MOVED**, that subdivision (b) of section 3.16 of the Rules of the Board of Regents, be amended, as submitted, effective May 22, 2012, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare, in order to immediately clarify the authority of the Commissioner of Education to conduct, on behalf of the Board of Regents, all public hearing for purposes of soliciting community comments on charter school matters as required pursuant to Article 56 of the Education Law, and thereby ensure that any such public hearings may be timely conducted pursuant to statutory requirements.

**Motion by:** Chancellor Emeritus Robert M. Bennett  
**Seconded by:** Regent James R. Tallon, Jr.

**Action:** Motion carried unanimously

**Amani Public Charter School  
BR (A) 5**

**MOVED**, that effective immediately, the Board of Regents finds that the proposed Amani Public Charter School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will operate in an educationally and fiscally sound manner; (3) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section 2850 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter schools, and the Board of Regents therefore approves and reissues a charter and provisional charter to the Amani Public Charter School for a term of five years in accordance with §2851(2)(p) of the Education Law, nunc pro tunc to December 14, 2010.

**Motion by:** Regent James R. Tallon, Jr.  
**Seconded by:** Chancellor Emeritus Robert M. Bennett  
**Action:** Motion carried unanimously

**DISCUSSION ITEM**

**Enrollment and Retention Targets for Charter Schools  
BR (D) 1**

Chancellor Tisch and Sally Bachofer provided an overview of the establishment and retention targets for charter schools for students with disabilities, English language learners, and students who are eligible applicants for the free and reduced lunch program.

**ACTION ITEMS**

**Addition of Section 100.2(jj) of the Commissioner's Regulations, Relating to  
School Employee Training and the Dignity Act  
BR (A) 6**

**MOVED**, that subdivision (jj) of section 100.2 of the Regulations of the Commissioner of Education be added, as submitted, effective May 22, 2012, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare, in order to immediately adopt the proposed revised rule so that school districts, boards of cooperative educational services and charter schools are provided with sufficient time to timely develop and establish

guidelines for Dignity Act school employee training programs in accordance with the rule's provisions, so that such programs may be timely implemented in the 2012-2013 school year pursuant to statutory requirements.

**Motion by:** Chancellor Emeritus Robert M. Bennett  
**Seconded by:** Regent Roger Tilles  
**Action:** Motion carried unanimously

**Amendment of section 100.2(c) of the Commissioner's Regulations, Relating to  
Instruction to Implement the Dignity for All Students Act  
BR (A) 7**

**MOVED**, that the amendment of subdivision (c) of section 100.2 of the Regulations of the Commissioner of Education, which was adopted by the Board of Regents on March 20, 2012 and for which a Notice of Adoption was published in the State Register on April 11, 2012 (EDU-04-12-00002-A), is repealed, effective July 1, 2012, and it is further

**MOVED**, that subdivision (c) of section 100.2 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 1, 2012, as an emergency action upon a finding of the Board of Regents that such action is necessary for the preservation of the general welfare in order to immediately adopt the proposed rule to ensure that all public school students, including those attending charter schools, are timely provided instruction in the 2012-2013 school year that supports development of a school environment free of discrimination and harassment, as required by the Dignity for All Students Act.

**Motion by:** Chancellor Emeritus Robert M. Bennett  
**Seconded by:** Regent Roger Tilles  
**Action:** Motion carried unanimously

**OVERVIEW OF THE MEETING**

Chancellor Tisch, Regent Norwood, Regent Brown and Ken Slentz provided an overview of the Rochester Meeting.

Full Board adjourned at 12:45 p.m.

**MEETING OF THE FULL BOARD, Tuesday, May 22 at 10:30 a.m.**

**Board Members in Attendance:**

Chancellor Merryl H. Tisch  
Anthony S. Bottar, Vice Chancellor  
Robert M. Bennett, Chancellor Emeritus  
James R. Tallon, Jr.  
Roger Tilles  
Charles R. Bendit  
Lester W. Young, Jr.  
Christine D. Cea  
Wade S. Norwood  
James O. Jackson  
Kathleen M. Cashin  
James E. Cottrell  
T. Andrew Brown

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. Regents James C. Dawson, Geraldine D. Chapey, Harry Phillips, 3<sup>rd</sup> and Betty A. Rosa were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 10:30 a.m.

**ACTION ITEMS**

**Charter Applications for May 2012  
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 April 2012 Meeting of the Board of Regents  
BR (A) 2**

**MOVED**, that the Summary of the April 2012 Meeting of the Board of Regents of The University of the State of New York be approved.

**Motion by:** Chancellor Emeritus Robert M. Bennett  
**Seconded by:** Regent James R. Tallon, Jr.  
**Action:** Motion carried unanimously

**Amendment to the State Plan for Vocational Rehabilitation and Supplement for  
Supported Employment Services Program  
BR (CA) 1**

**MOVED**, the Amendment to the State Plan for Vocational Rehabilitation and Supported Employment Services, effective October 1, 2012, is approved.

**Amendment to Section 100.2 (o) of the Commissioner's Regulations and Addition  
of a New Subpart 30-2 to the Rules of the Board of Regents, Relating to Annual  
Professional Performance Reviews of Classroom Teachers and Building  
Principals  
BR (CA) 2**

MOVED, that the emergency action taken at the April 23-24, 2012 meeting of the Board of Regents, which amended subdivision (o) of section 100.2 of the Regulations of the Commissioner of Education and added a new Subpart 30-2 of the Rules of the Board of Regents is repealed, effective June 13, 2012, and it is further

MOVED, that paragraph (1) of subdivision (o) be repealed and paragraph (2) of subdivision (o) be renumbered paragraph (1) of subdivision (o), subparagraph (ii) of renumbered paragraph (1) of subdivision (o) be amended, subclause (1) of clause (a) of subparagraph (iv) of renumbered paragraph (1) of subdivision (o) be amended, subparagraphs (v) through (vii) of renumbered paragraph (1) of subdivision (o) be renumbered subparagraphs (vi) through (viii) of renumbered paragraph (1) of subdivision (o) and that a new subparagraph (v) of renumbered paragraph (1) of subdivision (o) of section 100.2 of the Regulations of the Commissioner of Education be added and that a new Subpart 30-2 of the Rules of the Board of Regents be added, as submitted, effective June 13, 2012.

**Appointments to the State Professional Standards and Practices  
Board of Teaching  
BR (CA) 3**

**MOVED**, that the Board of Regents approve the following appointments to the State Professional Standards and Practices Board for Teaching: David Babikian (teacher member) to complete the term beginning May 21, 2012 and ending June 30, 2016, James Vasquez (teacher member) to complete an unexpired term beginning May 21, 2012 and ending June 30, 2015, and Tony Vargas (public member) to complete the term beginning May 21, 2012 and ending June 30, 2015

**Proposed Amendment of Subpart 4-1 of the Rules of the Board of Regents  
Relating to Institutional Accreditation for Title IV Purposes  
BR (CA) 4**



**MOVED**, that Subpart 4-1 of the Rules of the Board of Regents be amended, as submitted, effective June 13, 2012.

**Registration of Nonpublic High Schools Visited in 2011-12  
BR (CA) 5**

**MOVED**, that the following schools, which participated in the 2011-12 nonpublic high school registration program, be registered:

School	County	BEDS CODE
Aaron Academy	New York	310200996009
Faith Christian Academy	Dutchess	132101808641
Lyceum Kennedy	New York	310200996794
The Mount Academy	Orange	441301996089
Upton Lake Christian School	Dutchess	132201808016

**(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 should 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.

**Motion by:** Chancellor Emeritus Robert M. Bennett  
**Seconded by:** Regent Wade S. Norwood  
**Action:** Motion carried unanimously

**DISCUSSION ITEM**

**Graduation Pathways Panel Discussion**

## **BR (I) 1**

Panel discussion Graduation Pathways lead by Ken Slentz, Deputy Commissioner for P-12 Education. Panelists included: Candice Lucas, President, Rochester Parent Advisory Council, Tyler Tornstrom, CTE Student, Monroe 1 BOCES, Len Hall, CTE Teacher , Monroe 2 BOCES, Mike Mandina, Chair/President, Finger Lakes Advanced Manufacturing Enterprise (FAME), Gerald Bateman, Faculty member, Rochester Institute of Technology, Kathleen Denaro, Principal, Rochester City School District – STEM School on Edison Campus and Mike Glover, District Superintendent, Genesee Valley BOCES

### **Community Discussion on Pathways to Graduation**

Members of the public were invited to provide comments to the Board.

Meeting was concluded by Chancellor Tisch at 12:15 p.m.

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

**Summary Table**

<b>Name of Institution</b>	<b>Program Area</b>	<b>County of Location</b>	<b>Description of Charter Action(s)</b>
American Veterans Historical Museum	CE	Westchester	Extend provisional charter for five years.
Bombay Historical Society	CE	Franklin	Extend provisional charter for five years.
Bunger's Surfing Foundation	CE	Suffolk	Grant provisional charter for five years.
Gorham Free Library	CE	Ontario	Amend charter to: <ul style="list-style-type: none"> <li>• specify the number of trustees to be not less than five nor more than fifteen; and</li> <li>• add IRS dissolution language.</li> </ul>
New Hyde Park Museum	CE	Nassau	Grant provisional charter for five years.
Spencerport Depot and Canal Museum	CE	Monroe	Extend provisional charter for five years.
Springfield Library	CE	Otsego	Extend provisional charter for five years in lieu of granting an absolute charter.
Town of Madison Historical Society	CE	Madison	Grant absolute charter.
WNET	CE	New York	Grant absolute charter.

<p>Catholic Academy of Niagara Falls</p>	<p>P-12</p>	<p>Erie</p>	<p>Amend charter to:</p> <ul style="list-style-type: none"> <li>• change address to 1055 N. Military Road, Niagara Falls, New York 14304</li> <li>• authorize the corporation to operate at the following 2 sites: Elementary Campus, 1055 N. Military Rd., Niagara Falls, NY 14304, offering grades pre-K through five; and St. Dominic Savio Middle School Campus, 504 66<sup>th</sup> street, Niagara Falls, NY 14304, offering grades six through eight;</li> <li>• delete and replace item (L) of the charter pertaining to the powers of the trustees and members of the corporation;</li> <li>• delete in its entirety language pertaining to the ex-officio trustee members and their names and addresses;</li> <li>• delete and replace section 3 of the charter relating to the composition of the board of trustees;</li> <li>• revise section 5 to insert language pertaining to the members;</li> <li>• delete and replace dissolution language to reflect changes for the distribution of any remaining assets for the support of Catholic education for the community served by the corporation or, in the alternative for the Diocese of Buffalo;</li> </ul> <p>and extend the charter for three years.</p>
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Chemung Valley Montessori School	P-12	Chemung	Amend charter to specify that the middle school, grades seven and eight will operate at 99 Main Street, Big Flats, NY 14814 and the toddler through grades six programs will operate at 23 Winters Road, Elmira, NY 14903; and grant absolute charter.
Children's Country Day School	P-12	Orange	Dissolve provisional charter.
Funshine Nursery School	P-12	Dutchess	Amend charter to delete authority to operate at County Rte 10, Linlithgo, Columbia County, NY and add authority to operate a pre-K program and a three year old program at 59 Fisk Street, Red Hook, NY 12571 and extend provisional charter for three years.
The Manhattan Children's Center	P-12	New York	Extend provisional charter for three years.
School for Language and Communication Development	P-12	Nassau	Amend charter to add authority to provide residential, programmatic habilitative family support and home and community based waiver support for people (three years through adulthood) with developmental disabilities and/or intellectual impairments in New York and Richmond counties.
Step by Step Development Center	P-12	Kings	Amend charter to extend for two years provisional authority to operate a kindergarten and grade one through twelve school for disabled and non-disabled children; provided that if no school age children are enrolled at the end of the two year extension, the provisional authority to operate a kindergarten and grade one through twelve program shall expire and be deleted from the absolute charter.

The College of Saint Rose	HE	Albany	Amend charter to authorize the corporation to operate postsecondary degree programs registered by the State Education Department and to confer degrees approved and authorized by the Board of Regents in connection with such programs, including the Master of Fine Arts (M.F.A.) degree.
Relay School of Education	HE	Kings	Amend charter to change the corporate name to "Relay Graduate School of Education".