



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 July 2016 Meeting

**DATE:** September 1, 2016

**AUTHORIZATION(S):**

*Mary Ellen Elin*

**Executive Summary**

**Issue for Decision**

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

**Proposed Handling**

Approval of the Summary of July 2016 meeting.

**Procedural History**

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

**Recommendation**

Approval of the Summary of the July 2016 meeting.

**Timetable for Implementation**

Effective September 13, 2016.

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



***SUMMARY OF THE JULY 2016 MEETING***

***OF THE BOARD OF REGENTS***

***OF***

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

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

***Albany, New York***

***and***

***Questar BOCES***

***Castleton, New York***

***July 11 and 12, 2016***

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

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

The Board of Regents of The University of the State of New York held a public session on Monday, July 11, 2016 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

### **MEETING OF THE FULL BOARD, Monday, July 11<sup>th</sup> at 9:00 a.m.**

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

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

Also present were Commissioner of Education, MaryEllen Elia, Executive Deputy Commissioner, Elizabeth Berlin, Counsel, Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Regent Wade S. Norwood was absent and excused.

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

### **ACTION ITEM**

#### **Executive Session Motion**

**MOVED**, that the Board of Regents convene in executive session on Monday, July 11 at 11:05 a.m. to discuss personnel matters.

**MOVED**, that the Board of Regents convene in executive session on Tuesday, July 12 at 8:30 a.m. to discuss personnel matters.

**Motion by:** Vice Chancellor T. Andrew Brown

**Seconded by:** Regent Roger Tilles  
**Action:** Motion carried unanimously

### **DISCUSSION ITEM**

#### **Update on the Every Student Succeeds Act (ESSA) BR (D) 1**

Ira Schwartz provided an update to the Board of Regents regarding the requirements for submitting a state plan for implementation of the Every Student Succeeds Act (ESSA). (Attachment I)

### **PRESENTATION**

#### **Every Student Succeeds Act and the McKinney-Vento Act**

Jhone Ebert, Ira Schwartz, Melanie Faby and Jennifer Pringle presented information to the Board of Regents regarding the McKinney-Vento requirements (Attachment II.)

Chancellor Betty A. Rosa adjourned the meeting.

**MEETING OF THE FULL BOARD, Monday, July 11<sup>th</sup> at 11:20 a.m.**

**Board Members in Attendance:**

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

Also present were Commissioner of Education, MaryEllen Elia, Executive Deputy Commissioner, Elizabeth Berlin, Counsel, Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Regent Wade S. Norwood was absent and excused.

Chancellor Betty A. Rosa called the meeting to order at 11:20 a.m.

**ACTION ITEMS**

**Charter Applications  
BR (A) 1**

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

**Supplemental Charter Application  
BR (A) 1 - SUPPLEMENTAL**

**MOVED**, that the Board of Regents approve the application in accordance with the recommendation contained in the supplemental summary table.

**Summary of the June 2016 Meeting of the Board of Regents  
BR (A) 2**

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

**Interim Action by Standing Committees  
BR (A) 4**

**MOVED**, that the Standing Committees of the Board of Regents, be and they hereby are, authorized to take interim action for the Board of Regents during the period commencing on July 12, 2016 and ending on September 11, 2016 and that any such action shall be reported to the Board at its meeting on September 12-13, 2016.

<b>Motion by:</b>	Regent James E. Cottrell
<b>Seconded by:</b>	Regent James R. Tallon, Jr.
<b>Action:</b>	Motion carried unanimously.

**PROGRAM AREA CONSENT ITEMS**

**Higher Education**

**Extension of Existing Safety Nets for Candidates Who Take the New Teacher  
Certification Examinations (ALST, edTPA, EAS and the Redeveloped CSTs)  
BR (CA) 1**

**MOVED**, That section 52.21 and Part 80 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 27, 2016; and

**MOVED**, that section 52.21 and Part 80 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 18, 2016, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that teacher candidates who will be applying for certification prior to June 30, 2017 have timely and sufficient notice of the safety net options available to them so that they may receive an initial certificate and to ensure that the emergency rule adopted at the April Regents meeting remains continuously in effect until it can be adopted as a permanent rule.

**Proposed Amendment to Section 80-3.5 of the Commissioner's Regulations to  
Establish New Pathway Options for the Transitional A Certificate in a Career and  
Technical Education Subject for Candidates who do not Meet the Current  
Requirements but who Possess Industry Experience, Credentials, or are in the  
Process of Completing Certification  
BR (CA) 2**

**MOVED**, that new paragraphs (5), (6), and (7) are added to subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education, effective September 12, 2016, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to increase the supply of qualified, certified teachers in the career and technical education field to satisfy the increasing demand for those teachers in the 2016-2017 school year and to ensure that the emergency adoption taken at the June 2016 meeting remains continuously in effect until it can be adopted as a permanent rule.

**Proposed Amendment to Section 80-3.5 of the Commissioner's Regulations to Establish a New Pathway Option for the Transitional A Certificate in a Career and Technical Education Subject for Candidates who Hold a Full License to Teach in Licensed Private Career Schools and Have at Least Two Years of Teaching Experience Under Such License  
BR (CA) 3**

**MOVED**, that a new paragraph (4) is added to subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education, effective August 15, 2016, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to increase the supply of qualified, certified teachers in the career and technical education field to satisfy the increasing demand for those teachers in the 2016-2017 school year and to ensure that the emergency adoption taken at the May 2016 meeting remains continuously in effect until it can be adopted as a permanent rule.

**Proposed Amendments to Section 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education Relating to Endorsement of Out-of-State Certificates for Service as a Teacher, School District Leader, School District Business Leader and School Building Leader in New York State  
BR (CA) 4**

**MOVED**, that sections 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 27, 2016.

**St. Joseph's College: Master Plan Amendment to offer a Bachelor of Arts (B.A.) degree in Studio Arts  
BR (CA) 5**

**MOVED**, that the Board of Regents approve a master plan amendment to authorize St. Joseph's College to offer its first program in the Fine Arts. The amendment will be effective until July 11, 2017, unless the Department registers the program prior to that date, in which case the master plan amendment shall be without term.

## **P-12 Education**

### **Amendment to Sections 30-2.3, 30-3.3, 30-3.4, 30-3.5, 30-3.11 and 30-3.13 of the Rules of the Board of Regents Relating to Annual Professional Performance Reviews for Classroom Teachers and Building Principals BR (CA) 6**

**MOVED**, that sections 30-2.3, 30-3.3, 30-3.4, 30-3.5, 30-3.11, and 30-3.13 of the Rules of the Board of Regents be amended, effective September 12, 2016, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to immediately adopt revisions to the proposed amendment to provide districts with additional flexibility when negotiating their annual professional performance review plans for the 2016-2017 school year.

### **Proposed Amendment to Subdivision (ee) of Section 100.2 of the Regulations of the Commissioner of Education Relating to the Methodology by Which School Districts Shall Identify Students in Grades 3-8 Who Receive Academic Intervention Services BR (CA) 7**

**MOVED**, that section 100.2(ee) of the Regulations of the Commissioner of Education be amended, as submitted, effective July 27, 2016.

### **Registration of Nonpublic High Schools Visited in 2015-16 BR (CA) 8**

**MOVED**, that the following schools, which participated in the 2015-16 nonpublic high school registration program, be registered:

<b><u>School</u></b>	<b><u>County</u></b>
Grace Church School	New York
Gersh Academy	Nassau
Mesivta Shaaarei Chaim	Queens
Marilyn David IVOU Upper Schools	Kings
Yeshiva Ohr Yisrael	Kings
Yeshiva Brichas Shmuel/Tiferes Shmuel Division	Kings
Congregation Yeshiva Me-on Hatorab	Rockland
Avenues High School	New York



## **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) 9**

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

### **Report of the Committee on the Professions Regarding Licensing Petitions BR (CA) 10**

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

### **Proposed Amendment of Section 29.3 of the Rules of the Board of Regents and Parts 52 and 68 of the Regulations of the Commissioner of Education Relating to the Licensure of Professional Geologists, and Continuing Education for Land Surveyors BR (CA) 11**

**MOVED**, that Proposed Amendment of Section 29.3 of the Rules of the Board of Regents and Parts 52 and 68 of the Regulations of the Commissioner of Education Relating to the Licensure of Professional Geologists, and Continuing Education for Land Surveyors

### **Proposed Amendment of Section 71.3 of the Regulations of the Commissioner of Education Relating to the Licensing Examination Requirements for Certified Shorthand Reporters BR (CA) 12**

**MOVED**, that section 71.3 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 27, 2016.

### **Proposed Amendment of Sections 76.6, 76.7, 76.8, 76.9, and 76.10 of the Regulations of the Commissioner of Education Relating to the Licensure of Occupational Therapy Assistants BR (CA) 13**

**MOVED**, that subdivision (a) of section 76.6, section 76.7, subdivision (a) of section 76.8, subdivision (b) of section 76.9, paragraph (3) of subdivision (a) of section 76.10 and paragraph (1) of subdivision (j) of section 76.10 of the Regulations of the Commissioner of Education be amended, as submitted, effective August 15, 2016, 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 May 2016 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule.

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

**Motion by:** Regent Roger Tilles

**Seconded by:** Regent Kathleen M. Cashin

**Action:** Motion carried unanimously.

## **STANDING COMMITTEE REPORTS**

### **HIGHER EDUCATION**

Your Higher Education Committee held its scheduled meeting on July 11, 2016. All members were present with the exception of Regent Norwood who was absent and excused.

#### **Action Items**

#### **Proposed Amendment of Section 80-5.4 of the Regulations of the Commissioner of Education Relating to the Employment of Substitute Teachers Without a Valid Teaching Certificate**

A Notice of Proposed Rule Making was published in the State Register on May 4, 2016. Following the 45-day public comment period required under the State Administrative Procedure Act, the Department received comments on the proposed amendment. Your Committee discussed the proposed amendment of Section 80-5.4 of the Regulations of the Commissioner of Education relating to the employment of substitute teachers without a valid teaching certificate and voted, with Regent Johnson opposing, that section 80-5.4 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 27, 2016 and further discussed additional amendments for Board discussion at the September 2016 meeting to provide for a sunset of the regulation after 1-3 years. The proposed amendment will become effective as a permanent rule on July 27, 2016. **HE (A) 1**

#### **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 July 11, 2016, copies of which have been distributed to each member of the Board of Regents.

## **Consent Agenda**

The Board of Regents took action on the following consent agenda items at their July 11, 2016 meeting.

- Extension of Existing Safety Nets for Candidates Who Take the New Teacher Certification Examinations (ALST, edTPA, EAS and the Redeveloped CSTs). **BR (CA) 1**
- Proposed Amendment to Section 80-3.5 of the Commissioner's Regulations to Establish New Pathway Options for the Transitional A Certificate in a Career and Technical Education Subject for Candidates who do not Meet the Current Requirements but who Possess Industry Experience, Credentials, or are in the Process of Completing Certification. **BR (CA) 2**
- Proposed Amendment to Section 80-3.5 of the Commissioner's Regulations to Establish a New Pathway Option for the Transitional A Certificate in a Career and Technical Education Subject for Candidates who Hold a Full License to Teach in Licensed Private Career Schools and Have at Least Two Years of Teaching Experience Under Such License. **BR (CA) 3**
- Proposed Amendments to Section 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education Relating to Endorsement of Out-of-State Certificates for Service as a Teacher, School District Leader, School District Business Leader and School Building Leader in New York State. **BR (CA) 4**
- St. Joseph's College: Master Plan Amendment to Offer a Bachelor of Arts (B.A.) Degree in Studio Arts. **BR (CA) 5**

## **P-12 EDUCATION**

Your P-12 Education Committee held its scheduled meeting on July 11, 2016. All members were present, except for Regent Norwood who was excused.

### **ACTION ITEMS**

#### **Renewal of a Charter School Authorized by the Board of Education of the City School District of the City of Buffalo [P-12 (A) 1]**

A motion was made to amend the voted language to include "nunc pro tunc to June 30, 2016". The motion was carried and is noted below. Regent Reyes opposed.

VOTED: That the Board of Regents finds that the proposed charter school: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will operate in an educationally and fiscally sound

manner; (3) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves and issues the renewal charter of Westminster Community Charter School as proposed by the Board of Education of the City School District of the City of Buffalo, nunc pro tunc to June 30, 2016, and that its provisional charter be extended for a term up through and including June 30, 2019.

The vote passed. Regent Reyes opposed.

**Revision to a Charter Authorized by the Chancellor of the New York City Department of Education (NYCDOE) [P-12 (A) 2-REVISED]**

VOTED: 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 revise 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 revise the charter would 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 Dr. Richard Izquierdo Health and Science Charter School, as proposed by the Chancellor of the New York City Department of Education and amends the provisional charter accordingly.

The vote passed. Regent Mead abstained.

**Community Schools [P-12 (A) 3]**

VOTED: That section 100.19 of the Regulations of the Commissioner of Education be amended, effective July 26, 2016 as an emergency action upon a finding by the Board of Regents that such action is necessary in order to immediately establish the eligibility requirements for community school grants to implement Chapter 53 of the Laws of 2016 so that eligible school districts who have schools designated by the Commissioner as persistently struggling and struggling in the 2016-2017 school year can apply, and receive monies, to establish community schools.

The vote passed unanimously.

**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 July 11, 2016, copies of which have been distributed to each Regent.

## **MATTERS NOT REQUIRING BOARD ACTION**

### **Consent Agenda**

The Board of Regents will take action on the following consent agenda items at their July 11, 2016 full Board meeting.

- Regulations relating to Annual Professional Performance Reviews for Classroom Teachers and Building Principals
- Regulations relating to the Methodology by Which School Districts Shall Identify Students in Grades 3-8 Who Receive Academic Intervention Services
- Registration of Nonpublic High Schools Visited in 2015-16

### **PROFESSIONAL PRACTICE**

Your Professional Practice Committee held its scheduled meeting on July 11, 2016. All members were present, except Regent Wade S. Norwood who was excused. Chancellor Betty S. 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. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 42 consent order applications, including 2 cases applying for the annulment of a license, and 21 surrender applications be granted, and further recommends that 2 summary suspension applications be granted. [PPC EXS (A) 1-4]

In the case of Karen S. Burke, Registered Professional Nurse, Calendar No. 27897, we recommend that the recommendation of the Regents Review Committee as to the recommendation rendered by the hearing panel regarding the penalty to be imposed be accepted and that, in agreement with the hearing panel, respondent's license to practice as a registered professional nurse in the State of New York therefore be revoked as hereafter set forth; that the recommendation of the Regents Review Committee as to the findings of fact and determination rendered by the hearing panel be accepted, except as modified as follows: finding of fact numbered five of the hearing panel be modified by deleting the last portion of this finding of fact starting with the words "been directed." and ending with the words "never placed on probation. (T. p. 17)" and by substituting therefor the words "agreed to by respondent", and by deleting the word "responded" on the second line of this finding of fact and by substituting therefor the word "respondent"; and the determination of the hearing panel as to the second

specification be modified by deleting the first full paragraph on page six of the report of the hearing panel and substituting therefor the following:

Based upon the Amended Statement of Charges attached to the Vote and Order in this matter and denominated as "Exhibit 1", respondent is not guilty of the second specification in the amended charges. The charges used by the Regents Review Committee and shown as "Exhibit A of the Report Of The Hearing Panel" do not reflect the amended charges accepted into the record during the hearing. Petitioner incorrectly provided such "Exhibit A" to the Regents Review Committee during its meeting. A review of the record shows that, at the hearing before the hearing panel, petitioner withdrew its original allegation that respondent had violated 8 N.Y.C.R.R. §29.1(b)(14) because she had violated the probation imposed upon her in term of probation numbered two. Petitioner disclaimed this theory that respondent had violated the probation that was imposed upon her and maintained instead that respondent was "never placed on probation" and, therefore, she never violated any probation. We disagree.

As the Board of Regents determined, in granting respondent's Application For Consent Order under Calendar No. 24259, respondent was placed on probation which commenced upon her "return to practice in the State of New York". The fact that respondent did not give the notice of her return to practice that she agreed to provide does not enable her to avoid serving her imposed probation. When respondent returned to the practice of her profession, as found by the hearing panel, she was required to serve her period of probation and comply with all the terms of her probation, including term of probation numbered two. Although the original Statement of Charges asserted respondent's violation of probation as the basis for the second specification of the charges, the Amended Statement of Charges did not rely upon nor press this theory. Instead, the substituted theory relied upon by petitioner in the second specification in its Amended Statement of Charges, and the only theory remaining before us in this matter concerning the second specification, asserted that respondent violated a portion of the prior "Order" that was not based upon her probation. However, 8 N.Y.C.R.R. §29.1(b)(14), which relates to "violating any term of probation or condition or limitation imposed on the licensee by the Board of Regents pursuant to Education Law, Section 6511", does not define unprofessional conduct so broadly and, in any event, petitioner has not proven this amended charge based upon respondent's mere breach of her agreement to provide notice. The text of this rule defining unprofessional conduct requires petitioner to prove that respondent either violated a term of probation or a condition or limitation imposed upon her by the Board of Regents pursuant to Education Law §6511. See, Matter of Michael R. Drogin, Calendar No. 26848. Here, the Amended Statement of Charges does not allege and the evidence does

not establish a violation that meets the requirements set by the Board of Regents in its rule, and that respondent's license to practice as a registered professional nurse in the State of New York be revoked upon the first specification of the amended charges of which respondent has been found guilty.

These recommendations are made following the review of 68 cases involving nineteen registered professional nurses, eight licensed practical nurses, seven licensed practical nurses who are also registered professional nurses, five certified public accountants, four chiropractors, three dentists, two pharmacists, two professional engineers, two veterinarians, one acupuncturist, one architect, one licensed clinical social worker, one marriage and family therapist, one occupational therapist, one pharmacy, one physical therapist, one psychologist, and one respiratory therapist.

### Restorations

Your Committee recommends the following:

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

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

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

Madam Chancellor and Colleagues: Your Professional Practice Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on July 11, 2016, copies of which have been distributed to each Regent.

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

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

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

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

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

**Appointment of Alison B. Bianchi as Acting Counsel and Deputy Commissioner  
for Legal Affairs  
BR (A) 5**

**MOVED**, that the Board of Regents accept the appointment of Alison B. Bianchi as Acting Counsel and Deputy Commissioner for Legal Affairs, effective July 14, 2016.

**Motion by:** Regent Josephine Victoria Finn  
**Seconded by:** Regent Christine D. Cea  
**Action:** Motion carried unanimously.

Chancellor Betty A. Rosa adjourned the meeting.



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

<b>Name of Institution</b>	<b>Program Area</b>	<b>County of Location</b>	<b>Description of Charter Action(s)</b>
The Enrico Caruso Museum of America	CE	Kings	Extend provisional charter for five years.
Historic Saranac Lake	CE	Franklin	Extend provisional charter for five years.
The Hyde Park Free Library	CE	Dutchess	Amend charter to change the corporate name to "Hyde Park Library District".
Italian Historical Society of America	CE	Kings	Rescind the June 14, 2016 action of the Board of Regents amending the absolute charter and purporting to extend it by five years and amend the absolute charter as submitted nunc pro tunc to June 14, 2016.
The Leslie-Lohman Museum of Gay and Lesbian Art	CE	New York	Grant an absolute charter.
Museum of Maritime Navigation and Communication	CE	Richmond	Grant an absolute charter.
The Naples Historical Society	CE	Ontario	Grant an absolute charter.
Stony Point Historical Society	CE	Niagara	Extend provisional charter for five years.
Town of Sodus Historical Society	CE	Wayne	Grant provisional charter for five years.
Battalion Christian Academy	P12	Kings	Grant an absolute charter.
Bishop Kearney High School of Rochester New York	P12	Monroe	Amend charter to operate grades six through twelve and provide dormitory facilities to some or all of its students.
Castle Island Bilingual Montessori School	P12	Albany	Extend provisional charter for five years.
The Elija School	P12	Nassau	Amend charter to change the corporate address and extend charter for three years.
The Gow School	P12	Erie	Amend charter to add authority to provide education to girls and to restate corporate purposes
The IDEAL School of Manhattan	P12	New York	Amend charter to add authority to operate grades nine through twelve and to change the corporate address.
Montessori School of Syracuse	P12	Onondaga	Extend provisional charter for three years.

Notre Dame High School	P12	Oneida	Amend charter to change the corporate name to “Notre Dame Catholic Schools” and to delete and replace the purpose clause.
St. John Christian Academy	P12	Erie	Amend charter to change the corporate address, revise section two of the purpose clause and extend charter for five years.
The Skill Building Center	P12	Rockland	Dissolve charter and grant approval to store student records with Yeshiv Eitz Chaim’s school facility at 15 Widman Court, Spring Valley, NY 10977.
Southern Tier Catholic School	P12	Cattaraugus	Extend provisional charter for five years.
Thevenet Montessori School	P12	Orange	Amend charter to delete and replace the purpose clause.
Associated Universities, Inc.	HE	Washington DC	Amend charter to expand corporate authority.

### SUPPLEMENTAL CHARTER APPLICATIONS

<b>Name of Institution</b>	<b>Program Area</b>	<b>County of Location</b>	<b>Description of Charter Action(s)</b>
The Neumann Classical School	P12	Westchester	Grant provisional charter for five years.

## **Appendix II**

### **REGENTS ACTIONS IN 68 PROFESSIONAL DISCIPLINE CASES AND 2 RESTORATION PETITIONS**

**July 11 - 12, 2016**

The Board of Regents announced disciplinary actions resulting in the summary suspension of 2 licenses, revocation of 2 licenses, surrender of 21 licenses, one of which was originally a certificate, and 43 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 SUSPENSIONS**

##### **Nursing**

Jordan Anthony Donalson; Licensed Practical Nurse; East Amherst, NY 14051; Lic. No. 319095; Cal. No. 29067; Application for summary suspension granted.

##### **Physical Therapy**

Grzegorz Maciej Parfianowicz a/k/a Gregory M. Parfianowicz; Physical Therapist; Elmira, NY 14905; Lic. No. 013982; Cal. No. 29032; Application for summary suspension granted.

#### **II. REVOCATIONS AND SURRENDERS**

##### **Chiropractic**

Elizabeth Stacy Vangilder; Elmsford, NY 10523; Lic. No. 011257; Cal. No. 28481; Application to surrender license granted. Summary: Licensee did not contest the charge of failing to complete mandatory continuing education requirements.

Mel Cwibeker; Brooklyn, NY 11211; Lic. No. 002421; Cal. No. 28962; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Health Care Fraud and Obstruction of a Federal Audit, felonies.

##### **Dentistry**

Patrick Odunyemi Bamgboye; Dentist; Springfield, NJ 07081; Lic. No. 047903; Cal. No. 29006; Application to surrender license granted. Summary: Licensee admitted to the charge of failing to accurately record, in a minor patient's records, her medical history, risk assessment, treatment options and informed consent.

## **Engineering and Land Surveying**

Thomas James Duncan; Professional Engineer; Grapevine, TX 76051; Lic. No. 072835; Cal. No. 29007; Application to surrender license granted. Summary: Licensee admitted to the charge of failing to comply with the mandatory continuing education requirements to be registered to practice as a professional engineer.

## **Nursing**

Karen S. Burke; Registered Professional Nurse; Coopers Plains, NY 14827; Lic. No. 545111; Cal. No. 27897; Found guilty of professional misconduct; Penalty: Revocation.

Giorgi Ogroshidze a/k/a Giorgi Ogroshidze; Registered Professional Nurse; Huntingdon Valley, PA 19006; Lic. No. 563457; Cal. No. 28338; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Conspiracy to Commit Health Care Fraud, a felony.

James Allen Drago; Registered Professional Nurse; North Babylon, NY 11703-3403; Lic. No. 615584; Cal. No. 28789; Application to surrender license granted. Summary: Licensee did not contest the charge of diverting controlled substances for his own use.

Elaine Clark; Licensed Practical Nurse; Niagara Falls, NY 14305-2261; Lic. No. 142334; Cal. No. 28919; Application to surrender license granted. Summary: Licensee did not contest the charge of medication administration errors, documentation errors, failure to follow a physician order and speaking to a resident in an aggressive manner.

Allana Michelle Edwards-George; Licensed Practical Nurse, Registered Professional Nurse; Queens Village, NY 11429; Lic. Nos. 292587, 610528; Cal. Nos. 28992, 28993; Application to surrender licenses granted. Summary: Licensee admitted to the charge of administering a dose of the controlled substance morphine to a 95 year old ill patient that was 4 to 8 times the prescribed dose and well in excess of the standing order for said patient to receive morphine; resulting in the patient almost immediately experiencing respiratory distress and then dying within approximately thirty minutes.

Diane E. Posthauer; Registered Professional Nurse; Avon, CT 06001; Lic. No. 393656; Cal. No. 28994; Application to surrender license granted. Summary: Licensee admitted to the charge of having been found guilty of professional misconduct in the State of Connecticut, which conduct would be considered conduct in the profession which evidences moral unfitness.

Patricia Ann DaSilva; Licensed Practical Nurse, Registered Professional Nurse; Liberty, NY 12754; Lic. Nos. 165624, 401418; Cal. Nos. 29003, 29004; Application to surrender licenses granted. Summary: Licensee admitted to the charge of failing to accurately record in the patient record the treatment and evaluation of a patient as to assessments regarding pain medication and to include printouts of telemetry readings in the record.

Catherine Soliven Acosta; Licensed Practical Nurse, Registered Professional Nurse; Virginia Beach, VA 23464; Lic. Nos. 220449, 443428; Cal. Nos. 29011, 29012; Application to surrender licenses granted. Summary: Licensee admitted to the charge of having been found guilty of professional misconduct in the State of Virginia, which conduct would be considered practicing the profession of nursing fraudulent if committed in New York State.

### **Occupational Therapy**

Giancarlo Vincenzo Giunta; Occupational Therapist; Great Neck, NY 11024-1731; Lic. No. 017844; Cal. No. 28849; Application to surrender license granted. Summary: Licensee admitted to the charge of willful physical and verbal abuse of a patient.

### **Pharmacy**

Hi Jong Lee; Pharmacist; Morgantown, WV 26507; Lic. No. 030881; Cal. No. 28988; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Conspiracy to Distribute and Possess with Intent to Distribute a Controlled Substance; Money Laundering and Structuring Transactions to Evade Currency Reporting Requirement, all felonies.

### **Psychology**

Paul James Egan; Kingston, NY 12401; Lic. No. 011949; Cal. No. 28920; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Promoting a Suicide Attempt.

### **Public Accountancy**

Howard Lipset; Certified Public Accountant; Port Washington, NY 11050; Lic. (Cert.) No. 025250; Cal. No. 28767; Application to surrender license (certificate) granted. Summary: Licensee admitted to the charge of willfully failing to register.

Lawrence H. Wolfe; Certified Public Accountant; Weston, FL 33331; Lic. No. 096865; Cal. No. 28842; Application to surrender license granted. Summary: Licensee did not contest the charge of voluntarily consenting to a revocation or bar from further association with any public accounting firm registered with the Public Company Accounting Oversight board (PCAOB) where the conduct underlying said revocation or bar, namely, a violation of the PCAOB rules and auditing standards, would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically, Section 6509(9) of the Education Law and Section 20.10(a)(7)(i) of the Rules of the Board of Regents (8 NYCRR).

## **Social Work**

Nina Jafari; Licensed Clinical Social Worker; Bruceton Mills, WV 26525; Lic. No. 049955; Cal. No. 28224; Found guilty of professional misconduct; Penalty: Revocation.

## **Veterinary Medicine**

Ayman Ahmed Salem; Veterinarian; Winchester, VA 22604-4612; Lic. No. 010419; Cal. No. 28987; Application to surrender license granted. Summary: Licensee admitted to charges of falsely denied failing licensure examinations on his application for licensure as a veterinarian in New York. On his 2009 and 2015 applications for re-registration of his New York State veterinary license, he falsely denied having been disciplined for professional misconduct in another state since his last registration; in the State of Virginia, he performed surgery on two felines in a manner which endangered their health and, on two other occasions, he failed to adequately document procedures performed, discharge summaries and post-operative care rendered during surgery on felines, all in violation of substantial provisions of Virginia law governing the practice of veterinary medicine.

Patricia Gale Thompson; Veterinarian; Gladewater, TX 75647; Lic. No. 008981; Cal. No. 29005; Application to surrender license granted. Summary: Licensee admitted to charges of having been convicted of Forgery of a Financial Instrument, a felony, in Texas; stealing a prescription pad and writing himself prescriptions for the controlled drug Somnote, a sedative used for sleep in humans and for a human anti-depressant; and failing to correctly diagnose a canine's spinal injury, administering too great a volume of drugs to said canine repeatedly, dispensing drugs to said canine's owner without giving any means to regulate the amount to give to said dog, and prescribing Euthasol, a euthanasia drug, in an off-label manner to treat seizures without informing said canine's owner that the off-label use of Euthasol was not commonly accepted and could pose a risk to said animal.

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

### **Acupuncture**

Tatyana Kapustina; Brooklyn, NY 11214; Lic. No. 002528; Cal. No. 28845; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$2,000 fine.

### **Architecture**

James Palumbo, Jr.; Glen Rock, NJ 07452; Lic. No. 026320; Cal. No. 28716; Application for consent order granted; Penalty agreed upon: 2 year actual suspension to be terminated sooner upon completion of certain continuing education credits, upon service or early termination of suspension, 2 years probation, \$2,500 fine payable within 30 days.

## **Chiropractic**

Veronique Boulay; Mamaroneck, NY 10543; Lic. No. 011271; Cal. No. 28597; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$2,500 fine.

William K. Yu a/k/a William Kyung Pae Yu; Palisades Park, NJ 07650; Lic. No. 008363; Cal. No. 28859; Application for consent order granted; Penalty agreed upon: 12 month actual suspension, 12 month stayed suspension, 24 months probation to commence upon return to practice in the State of New York, \$2,500 fine payable within 6 months.

## **Dentistry**

Gregory J. Albano; Dentist; New Hyde Park, NY 11040; Lic. No. 038643; Cal. No. 28768; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$3,000 fine.

Milap S. Patel; Dentist; Cortlandt Manor, NY 10567-7111; Lic. No. 056382; Cal. No. 28969; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

## **Engineering and Land Surveying**

Stephen Clement Hoffman; Professional Engineer; Paragon, IN 46166; Lic. No. 061524; Cal. No. 28855; Application for consent order granted; Penalty agreed upon: 6 month actual suspension, 18 month stayed suspension, 2 years probation to commence upon return to practice in the State of New York.

## **Mental Health Practitioners**

Michelle Liz Huber; Marriage and Family Therapist; Newburgh, NY 12550-1943; Lic. No. 000453; Cal. No. 28729; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation.

## **Nursing**

Mary Dale Tate; Licensed Practical Nurse, Registered Professional Nurse; Brooklyn, NY 11211; Lic. Nos. 222832, 607242; Cal. Nos. 26817, 26837; Application for consent order granted; Penalty agreed upon: Annulment of licensed practical nurse license and annulment of registered professional nurse license.

Trista Welch; Licensed Practical Nurse; Gansevoort, NY 12831; Lic. No. 279663; Cal. No. 28251; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

January D. Edwards; Licensed Practical Nurse; Port Crane, NY 13833; Lic. No. 285518; Cal. No. 28318; Found guilty of professional misconduct; Penalty: \$500 fine to be paid within 6 months, suspension for a minimum of 3 months and thereafter indefinitely until fit to practice and alcohol abuse-free, probation 2 years to commence subsequent to termination of suspension and upon actual return to practice.

Maria Farnsworth; Registered Professional Nurse; Saratoga Springs, NY 12866; Lic. No. 523969; Cal. No. 28387; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Carolyn Byington-Weiss; Licensed Practical Nurse, Registered Professional Nurse; New City, NY 10956; Lic. Nos. 193617, 403813; Cal. Nos. 28534, 28535; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation.

Marianela Crann; Licensed Practical Nurse; Rochester, NY 14621; Lic. No. 258317; Cal. No. 28547; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Patricia Marie Blonski; Licensed Practical Nurse, Registered Professional Nurse; Hamburg, NY 14075; Lic. Nos. 201034, 422970; Cal. Nos. 28580, 28581; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Kristy Irene Korson; Registered Professional Nurse; Flushing, NY 11355-2936; Lic. No. 561384; Cal. No. 28585; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 24 months probation.

William Frederick Greiner; Registered Professional Nurse; Wingdale, NY 12594-9501; Lic. No. 148469; Cal. No. 28603; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$2,500 fine.

Natalie Lynn Orbinati; Licensed Practical Nurse; Sauquoit, NY 13456; Lic. No. 276307; Cal. No. 28614; 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, \$250 fine payable within 6 months.

Angela M. Johnson; Registered Professional Nurse; Syracuse, NY 13212-3717; Lic. No. 616300; Cal. No. 28623; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Jeanne M. Schulz; Registered Professional Nurse; Wapiti, WY 82450; Lic. No. 437660; Cal. No. 28634; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation to commence if and when return to practice in the State of New York, \$500 fine payable within 3 months.



Jill A. Bishop; Registered Professional Nurse; Ticonderoga, NY 12883; Lic. No. 350878; Cal. No. 28643; 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 6 months.

Faye Marshall Robinson; Registered Professional Nurse; New York, NY 10101-0074; Lic. No. 438776; Cal. No. 28644; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$500 fine.

Garnett I. Simpson; Registered Professional Nurse; Valley Stream, NY 11580; Lic. No. 300886; Cal. No. 28665; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Sandra E. Miller a/k/a Sandra L. Earsing a/k/a Sandra Miller; Registered Professional Nurse; Perrysburg, NY 14129; Lic. No. 369087; Cal. No. 28692; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Casey Thomas McGee; Registered Professional Nurse; Albany, NY 12210; Lic. No. 650251; Cal. No. 28693; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Tiffany Ann Barton; Licensed Practical Nurse; Lockport, NY 14094; Lic. No. 320140; Cal. No. 28699; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Michele E. Lippl a/k/a Michele Eileen Lippl; Licensed Practical Nurse, Registered Professional Nurse; Holtsville, NY 11742; Lic. Nos. 266496, 646223; Cal. Nos. 28708, 28709; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation.

Alicia Mary Erler; Registered Professional Nurse; Bloomingburg, NY 12721; Lic. No. 567121; Cal. No. 28749; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Amy S. Shultz; Registered Professional Nurse; Hamlin, NY 14464; Lic. No. 565399; Cal. No. 28756; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 6 months and until mentally and physically fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months, said Application for Consent Order to supersede Deputy Commissioner Order No. 27537.

Debra Susan Gramazio a/k/a Debra Susan Marianetti; Registered Professional Nurse; Port Jefferson Station, NY 11776-3027; Lic. No. 621656; Cal. No. 28758; Application for

consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 1 year 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.

Christopher Alexander Gartner; Registered Professional Nurse; Nassau, NY 12123; Lic. No. 543250; Cal. No. 28792; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Donna Sue Ziegler; Registered Professional Nurse; Fairborn, OH 45324; Lic. No. 553917; Cal. No. 28862; 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, \$500 fine payable within 3 months.

Erica Wyvonne Viverette; Licensed Practical Nurse; Rochester, NY 14619; Lic. No. 316405; Cal. No. 28879; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 2 years probation, \$500 fine.

### **Pharmacy**

Chioma Chituru Egbulefu Barrah; Pharmacist; Rosedale, NY 11422; Lic. No. 048564; Cal. No. 28954; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, 1 year probation, \$1,000 fine.

Elmont Pharmacy, Inc. d/b/a Care Mart Pharmacy; Pharmacy; 1604 Fulton Street, Brooklyn, NY 11213; Reg. No. 030157; Cal. No. 28955; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, 1 year probation, \$1,000 fine.

### **Public Accountancy**

Gary Steven Smagala a/k/a Gary S. Smagala; Certified Public Accountant; Babylon, NY 11702; Lic. No. 079703; Cal. No. 28788; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$1,000 fine.

Keith Ke-Quan Zhen; Certified Public Accountant; Brooklyn, NY 11223; Lic. No. 085787; Cal. No. 28803; Application for consent order granted; Penalty agreed upon: Partial actual suspension in certain area until successful completion of course of retraining in said certain area, upon termination of actual partial suspension, 2 years probation, \$10,000 fine payable within 2 months.

Linda J. Huntley; Certified Public Accountant; Bloomingdale, NJ 07403; Lic. No. 045510; Cal. No. 28953; 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, \$1,000 fine payable within 30 days.

### **Respiratory Therapy**

Francine Anne Powers; Respiratory Therapist; Massapequa, NY 11758; Lic. No. 002357; Cal. No. 28002; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

### **IV. RESTORATIONS**

The Board of Regents voted on July 12, 2016 to deny the application for restoration of the physician license of Gangahdar Madupu, Rome, NY. Dr. Madupu's license was originally surrendered May 20, 2010.

The Board of Regents voted on July 12, 2016 to deny the application for restoration of the physician license of Mikhail Makhlin, Brooklyn, NY. Dr. Makhlin's license was originally revoked April 5, 2008.

# ATTACHMENT I



**engage<sup>ny</sup>**  

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**Our Students. Their Moment.**

**Development of State Plan for the  
Every Student Succeeds Act (ESSA)**  
Presented to the  
**NYS Board of Regents**

**July 11, 2016**

# Background Information

- On December 10, 2015, President Obama signed into law the Every Student Succeeds Act (ESSA).
- ESSA reauthorizes the Elementary and Secondary Education Act (ESEA) and eliminates much of the prescriptiveness of the No Child Left Behind Act and the ESEA Flexibility Waivers.
- On May 26, 2016, the United States Department of Education (USDE) released draft regulations outlining requirements for the state accountability plan and for implementing ESSA.
- The draft regulations stipulate that extensive consultation with stakeholders occur in the development of the state plan.

# The Development of the Characteristics of Highly Effective Schools

- The Department proposes that NY's ESSA State plan be created with the goal of supporting the development of highly effective schools and encouraging and enabling all schools towards becoming or remaining highly effective.
- To support this goal, the Department has crafted a series of statements intended to articulate the characteristics of highly effective schools.
- In creating these statements, the Department built off the work that had been done to develop the Diagnostic Tool for School and District Effectiveness.

# The Development of the Characteristics of Highly Effective Schools

- The Diagnostic Tool for School and District Effectiveness (DTSDE) is a rubric that encompasses multiple instruments such as interviews, classroom observations and surveys.
- The DTSDE allows users to determine the degree to which optimal conditions for learning are present in a school as articulated in Statements of Practice.
- The rubric specifies expectations pertaining to these conditions across the following six tenets:
  - District Leadership and Capacity,
  - School Leader Practices and Decisions,
  - Curriculum Development and Support,
  - Teacher Practices and Decisions,
  - Student Social and Emotional Developmental Health, and
  - Family and Community Engagement.

# The Development of the Characteristics of Highly Effective Schools - Continued

- The DTSDE rubric was researched-based and developed by a group of practitioners and stakeholders with the assistance of Ron Ferguson, Ph.D. and Karen Mapp, Ph.D. of Harvard University and Craig Richards, Ph.D. and Brian Perkins, Ph.D. of Columbia University.
- The DTSDE rubric was the foundation for the development of the Characteristics of Highly Effective Schools.
- To create the Characteristics of Highly Effective Schools, NYSED amplified upon the DTSDE statements. These were then further refined based on feedback from the ESSA Think Tank.



# The Development of the Characteristics of Highly Effective Schools - Continued

Origins of Diagnostic Tool Statements of Practice	
ISLLC	Education Leadership Policy Standards: ISLLC 2008, as Adopted by the National Policy Board for Educational Administration <a href="http://www.wallacefoundation.org/knowledge-center/school-leadership/principal-evaluation/Documents/Educational-Leadership-Policy-Standards-ISLLC-2008.pdf">http://www.wallacefoundation.org/knowledge-center/school-leadership/principal-evaluation/Documents/Educational-Leadership-Policy-Standards-ISLLC-2008.pdf</a>
Tri State Rubric	Tri State Quality Review Rubric & Rating Process: ELA/Literacy Lessons/Units <a href="http://www.engageny.org/sites/default/files/resource/attachments/tri-state-ela-rubric.pdf">http://www.engageny.org/sites/default/files/resource/attachments/tri-state-ela-rubric.pdf</a>  Tri State Quality Review Rubric & Rating Process: Mathematics Lessons/Units <a href="http://www.engageny.org/sites/default/files/resource/attachments/tri-state-math-rubric_0.pdf">http://www.engageny.org/sites/default/files/resource/attachments/tri-state-math-rubric_0.pdf</a>
Teacher Standards	NYSUT's Teacher Practice Rubrics: New York State Teacher Standards. June 22, 2011 <a href="http://usny.nysed.gov/rtrt/teachers-leaders/practicerubrics/Docs/NYSUT_PracticeRubric.pdf">http://usny.nysed.gov/rtrt/teachers-leaders/practicerubrics/Docs/NYSUT_PracticeRubric.pdf</a>
SEDL	Guidelines and Resources for Social and Emotional Development and Learning: Educating the Whole Child Engaging the Whole School <a href="http://www.google.com/url?sa=t&amp;rct=j&amp;q=&amp;esrc=s&amp;frm=1&amp;source=web&amp;cd=2&amp;ved=0CDIQFjAB&amp;url=http%3A%2F%2Fwww.p12.nysed.gov%2Fsss%2Fexpandedlearningopps%2Fesd-svp%2FSEDL.ppt&amp;ei=DUIYT8bVFcHD6AG6xOzRBg&amp;usq=AFQjCNH9RqTaXh8ePV4hBcRaWO7cmYtSOQ">http://www.google.com/url?sa=t&amp;rct=j&amp;q=&amp;esrc=s&amp;frm=1&amp;source=web&amp;cd=2&amp;ved=0CDIQFjAB&amp;url=http%3A%2F%2Fwww.p12.nysed.gov%2Fsss%2Fexpandedlearningopps%2Fesd-svp%2FSEDL.ppt&amp;ei=DUIYT8bVFcHD6AG6xOzRBg&amp;usq=AFQjCNH9RqTaXh8ePV4hBcRaWO7cmYtSOQ</a>
CPRE: District Role in Building Capacity	The District Role in Building Capacity: Four Strategies. CPRE Policy Briefs. Author: Diane Massell <a href="http://www.cpre.org/images/stories/cpre_pdfs/rb32.pdf">http://www.cpre.org/images/stories/cpre_pdfs/rb32.pdf</a>
Data-Driven Rubric	Implementation Rubric Data-Driven Instruction and Assessment, by Paul Bambrick-Santoyo and New Leaders for New Schools <a href="http://engageny.org/wp-content/uploads/2011/07/9A-Implementation-Rubric-for-data-driven-instruction-08-09-v3.pdf">http://engageny.org/wp-content/uploads/2011/07/9A-Implementation-Rubric-for-data-driven-instruction-08-09-v3.pdf</a>
PTA Nat'l Standards for Family-School Partnerships Assessment Guide	PTA National Standards for Family-School Partnerships: Assessment Guide (2007) <a href="http://www.pta.org/National_Standards_Assessment_Guide.pdf">http://www.pta.org/National_Standards_Assessment_Guide.pdf</a>
ELL Bilingual PET Procedural Manual/Self Assessment Instrument	The State Education Department: The University of the State of New York Office of Accountability, Office of Bilingual Education and Foreign Language Studies: PET LEP/ELL Program Evaluation Kit: Procedural Manual: A Companion Guide and Resources <a href="http://academicenterprises-us.com/tenets/origins/pet-manual.html">http://academicenterprises-us.com/tenets/origins/pet-manual.html</a>  The State Education Department: The University of the State of New York Office of Accountability, Office of Bilingual Education and Foreign Language Studies: PET LEP/ELL Program Evaluation Kit: Self-Assessment Instrument <a href="http://academicenterprises-us.com/tenets/origins/pet-instrument.html">http://academicenterprises-us.com/tenets/origins/pet-instrument.html</a>
RSE-TASC Walk-through Tool	NYS Education Department Regional Special Education Technical Assistance Support Center (RSE-TASC) Walk-Through Tool Supportive and Accessible Classroom Environment; Special Designed Instruction
SQR	New York State Education Department Differentiated Accountability School Quality Review (SQR) Quality Indicators School Information Sheet

# Characteristics of Highly Effective Schools (See appendix for complete statements)

1. Visionary Leaders
2. Curricula
3. Instructional Practices
4. Social and Emotional Development
5. Partnerships
6. Pathways
7. Cultural Competence
8. Cultural Responsiveness

# Draft Guiding Principles for NYS Public School Accountability System

- Intended to guide development of ESSA state plan;
- Introduced by NYSED staff;
- Revised and refined based on feedback from the State Committee Of Practitioners and the ESSA Think Tank.

# Draft Guiding Principles for NYS Public School Accountability System

1. The goal of the New York State (NYS) public school accountability system is to support the development of highly effective schools and to encourage and enable all schools to become or remain highly effective. (See Characteristics of Highly Effective Schools.)
2. The NYS public school system will provide multiple rigorous pathways to graduate students who are prepared for post-secondary education, careers, and positive civic engagement.
3. The NYS accountability system will consistently and transparently communicate expectations that are understood and supported by students, parents, educators, policymakers, and other stakeholders.
4. The NYS accountability system will promote, support, and reward positive and innovative change in all schools in the state.
5. The NYS accountability system will strongly incentivize and support efforts for schools to implement multi-tiered systems of support to close gaps in student achievement among all accountability groups.

# Draft Guiding Principles for NYS Public School Accountability System - Continued

6. The NYS accountability system will use state assessments that are valid, reliable, and developmentally, culturally and linguistically appropriate.
7. School accountability indicators will include multiple measures of progress and growth, and will not be based solely on measures of student achievement.
8. All academic subjects beyond language arts and math for which there are New York State assessments will be part of the NYS accountability system.
9. The NYS accountability system will incentivize and support districts to provide and expand access to student's opportunities to participate in and successfully complete advanced coursework such as Advanced Placement (AP) and International Baccalaureate (IB), as well as rigorous arts, career and technical education, language, and music programs.
10. The NYS accountability system will include non-academic measures of school quality and student success, including but not limited to school climate, safety, inclusion, and student emotional and developmental health.

# Draft Guiding Principles for NYS Public School Accountability System - Continued

11. NYS will establish opportunity to learn standards that must be implemented in schools identified for support and improvement.
12. Accountability goals will include measures of student success after graduation from high school through gathering data on indicators such as post high school education, employment and military service, as soon as such data can be reliably collected.
13. Requirements for schools identified for improvement will be based upon the best practices of highly effective schools and research-based practices as modified to best meet the needs of students at the identified schools.
14. The primary responsibility for school improvement will be the school and the district. The New York State Education Department's role is to support these efforts and to actively intervene when underperformance persists after the school/district solutions have not succeeded, in order to foster continuous improvement in these schools.
15. Every district with identified schools shall demonstrate through required plans that the district is using federal, state, and local resources effectively and efficiently to support school improvement.

# Draft Guiding Principles for NYS Public School Accountability System - Continued

16. Stakeholders will be engaged and have a significant role in developing and implementing the NYS accountability system and as a result will be able to articulate how schools are measured, understand the status of the district and its schools, and have knowledge of how gaps in student achievement are being addressed.
17. The NYS accountability system will meet all federal requirements including ESSA and IDEA, and will be seamlessly aligned with concurrent state accountability mechanisms.
18. The NYS accountability system will be designed consistent with the availability of state and local resources and human capital, as well as ongoing efforts to strengthen teacher and leader effectiveness, and support school turnaround in struggling schools.
19. The Board of Regents shall continue to advocate for sufficient resources for districts and schools to achieve the goals of the accountability system and for greater equity in school funding.
20. The success of NYS accountability system shall be regularly reviewed by NYSED and stakeholders, and adjustments shall be made as necessary to accomplish the stated goals.

# Next Steps

## The Department will:

- With Regents approval, share the draft characteristics of highly effective schools and guiding principles with the field for public comment and continue to work with the ESSA Think Tank and Committee of Practitioners on their refinement.
- Following public comment ask the Regents to approve the characteristics and guiding principles as the basis for development of a draft state plan.
- Seek permission from the Regents to release the draft plan for formal public comment.
- Revise the draft plan based on public comment and submit to the Board of Regents for approval.
- Submit to United States Department of Education after approval by the Board of Regents.



# Appendices

## Appendix A

### Characteristics of Highly Effective Schools

# Characteristics of Highly Effective Schools

- Visionary instructional leaders partner with all stakeholders. Visionary leaders create a professional, respectful and supportive school culture and community that values and promotes diversity and leads to success, well-being, and high academic expectations and outcomes for all students. This is accomplished through the use of collaborative systems of continuous and sustainable school improvement.
- All students receive curricula in all disciplines that are challenging, engaging, and integrated. The curricula are tied to appropriate formative and summative assessments, which are aligned to State learning standards. This results in instruction that is responsive to student needs and modified to maximize student growth and learning outcomes.
- Teachers and staff engage in ongoing professional development to equip themselves with effective, research-based, strategic instructional practices. They use multiple measures so that targeted instruction maximizes student learning outcomes. Teachers and staff address the needs and interests of diverse learners and design lessons and activities that are responsive to what students need to learn. These efforts allow students to consistently experience high levels of engagement and achievement.
- The school community identifies, promotes, and supports social, emotional, physical, psychological and cognitive development throughout the school day. This is accomplished by designing systems, programs and strengths-based experiences that identify and foster healthy relationships, as well as safe, inclusive, and respectful environments. These efforts lead to students developing social emotional skills and barriers to learning being removed.
- The school has active partnerships that are culturally and linguistically inclusive and in which families, students, community members and school staff respectfully collaborate. These partnerships support student academic progress, social-emotional growth, well-being, and personal and civic responsibility, so that students have the opportunity to reach their full potential.
- The school community identifies, promotes, and supports multiple pathways to graduation and career readiness based on individual strengths, needs, interests, and aspirations. These pathways create access to multiple opportunities for students to pursue advanced coursework and actively explore and/or pursue specific career-related coursework and experiences in the arts, languages and Career and Technical Education. Consequently, students develop the knowledge and skills to meaningfully transition to postsecondary opportunities and to exercise civic responsibility.
- The school community continuously and critically examines and challenges its own cultural assumptions to understand how they shape school-wide policies and practices, so as to inform plans for continuous movement towards a school environment that is inclusive and linguistically and culturally responsive.
- The school community promotes cultural responsiveness and appropriate responses to individuality and differences, as reflected in policies, programs, and practices. The school examines its cultural assumptions to inform practice and professional development on culturally and linguistically responsive pedagogy.

# Appendices

## Appendix B

### ESSA THINK TANK MEMBERSHIP

# ESSA THINK TANK MEMBERSHIP

## (As of July 11, 2016)

Advocates for Children  
Allegany-Limestone Central School District  
Alliance for Quality Education  
Association of Mathematics Teachers of New York State  
Batavia School District  
Superintendent, Monticello CSD  
Broadalbin-Perth Central School District  
Buffalo Public Schools  
Capital Area School Development Association  
Capital Region BOCES  
Children's Defense Fund  
City University of New York (CUNY)  
Commissioner's Advisory Council for Nonpublic Schools  
Conference of Big 5 School Districts  
Council of School Supervisors & Administrators  
Deer Park Union Free School District  
Disability Rights New York  
Early Childhood Advisory Council  
Ed Trust New York  
Educators 4 Excellence  
Empire State Supervisors and Administrators Association  
EPIC - Every Person Influences Children, Inc.  
High Achievement New York  
Include NYC  
Levittown Public Schools  
Lower Hudson Council of School Superintendents  
Nassau BOCES RIC and SCDN  
National Indian Education Association  
New York Association for Pupil Transportation  
New York Association of School Psychologists  
New York City Charter School Center  
New York City Department of Education  
New York City Special Education Collaborative  
New York Civil Liberties Union  
New York Immigration Coalition  
New York Library Association Section of School Librarians  
New York Schools Data Analysis Technical Assistance Group (DATAG)  
New York State Art Teachers Association  
New York State Association for Computers and Technologies in Education  
New York State Association for Health Physical Education, Recreation, and Dance  
New York State Association for the Education of Young Children

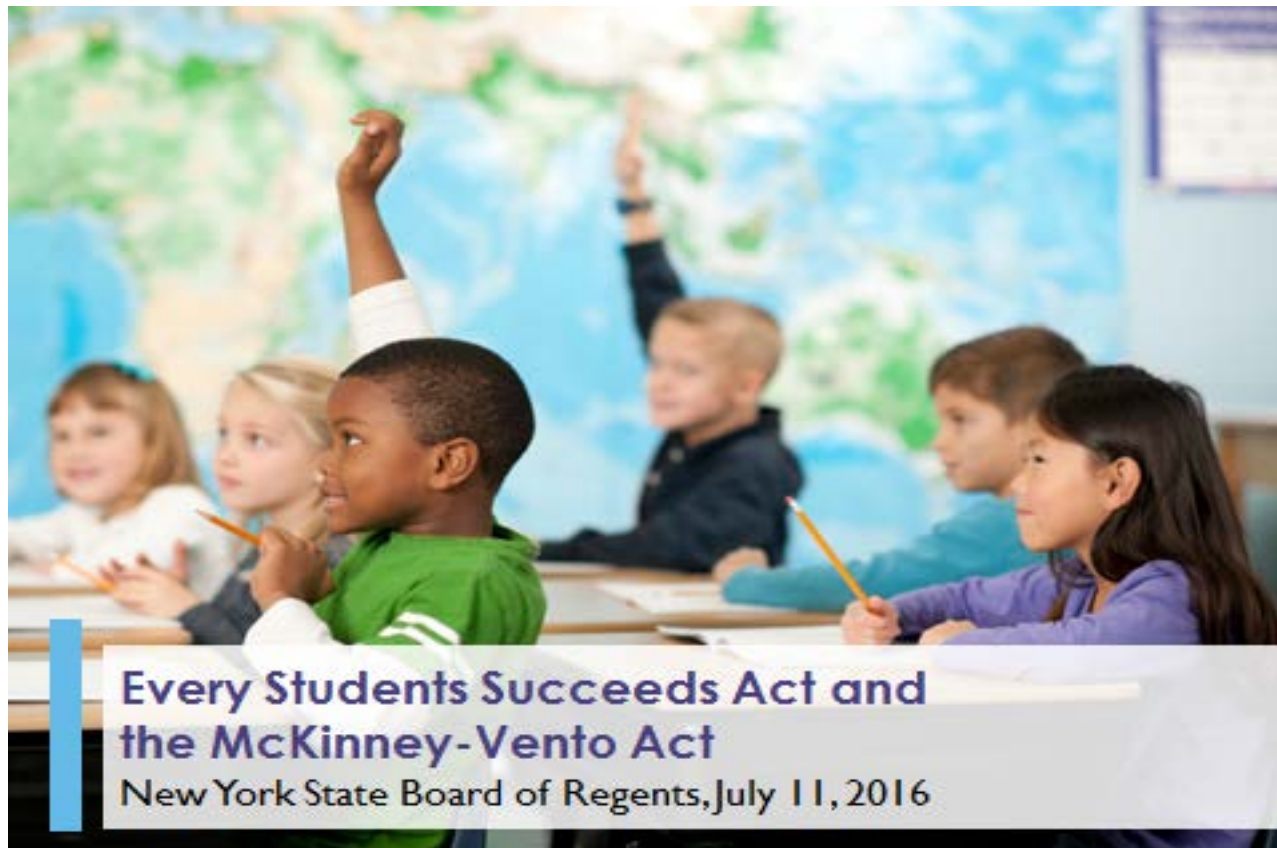
New York State Association of Bilingual Education  
New York State Association of School Business Officials  
New York State Association of Small City School Districts  
New York State Council for Social Studies  
New York State Council of Educational Associations  
New York State Council of School Superintendents  
New York State Distinguished Educators  
New York State English Council  
New York State Federation of School Administrators  
New York State Head Start Collaboration, New York State Council on Children and Families  
New York State Middle School Association  
New York State Migrant Education Program Consortium  
New York State Network for Youth Success  
New York State Office of Children and Family Services  
New York State Office of Mental Health  
New York State Parent Teacher Association  
New York State Reading Association  
New York State School Boards Association  
New York State School Music Association  
New York State Special Education Parent Centers- Long Island  
New York State Teachers of English to Speakers of Other Languages (NYS TESOL)  
New York State Theater Education Association  
New York State United Teachers  
North East Charter Schools Network  
Northeast Comprehensive Center  
Northeast Regional Information Center  
Parent Network of Western New York  
Pre-K thru Grade 3 Administrators Association  
Rochester City School District  
Rural Schools Association of New York  
School Administrators Association of New York State  
Syracuse Public Schools  
The Business Council of New York State, Inc.  
Ticonderoga Central School District  
Tompkins-Seneca-Tioga BOCES  
Union Endicott Central School District  
Mount Vernon City School District  
United Federation of Teachers  
Yonkers Public Schools

# ATTACHMENT II



engage<sup>ny</sup>

Our Students. Their Moment.



**Every Students Succeeds Act and  
the McKinney-Vento Act**

New York State Board of Regents, July 11, 2016

# Topics

Overview of Student Homelessness in NY

History of McKinney-Vento

Definition of Homeless

Key Provisions of McKinney-Vento

McKinney-Vento Funding

Role of NYS-TEACHS

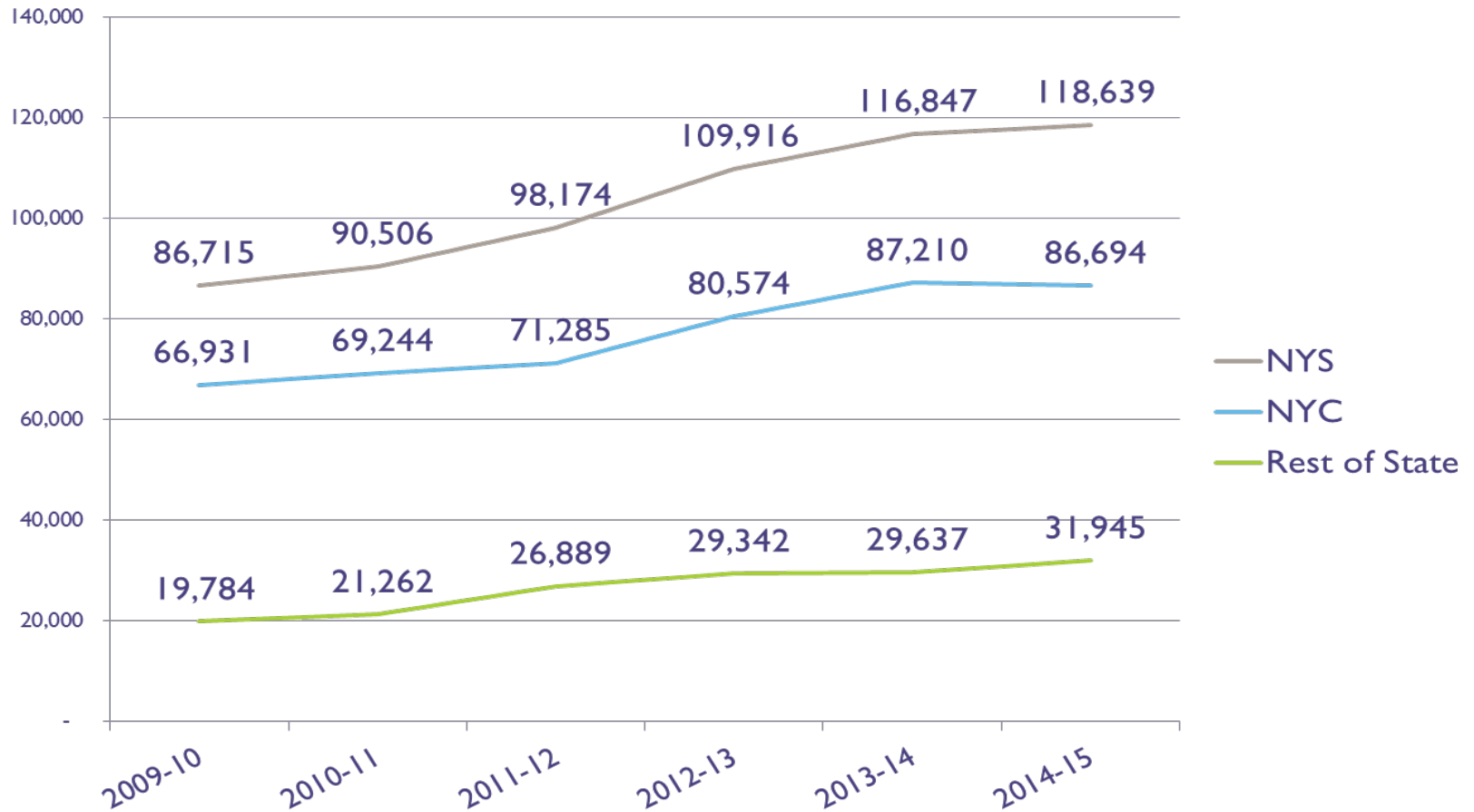
New McKinney-Vento Requirements in ESSA

Anticipated State Statutory and Regulatory Changes

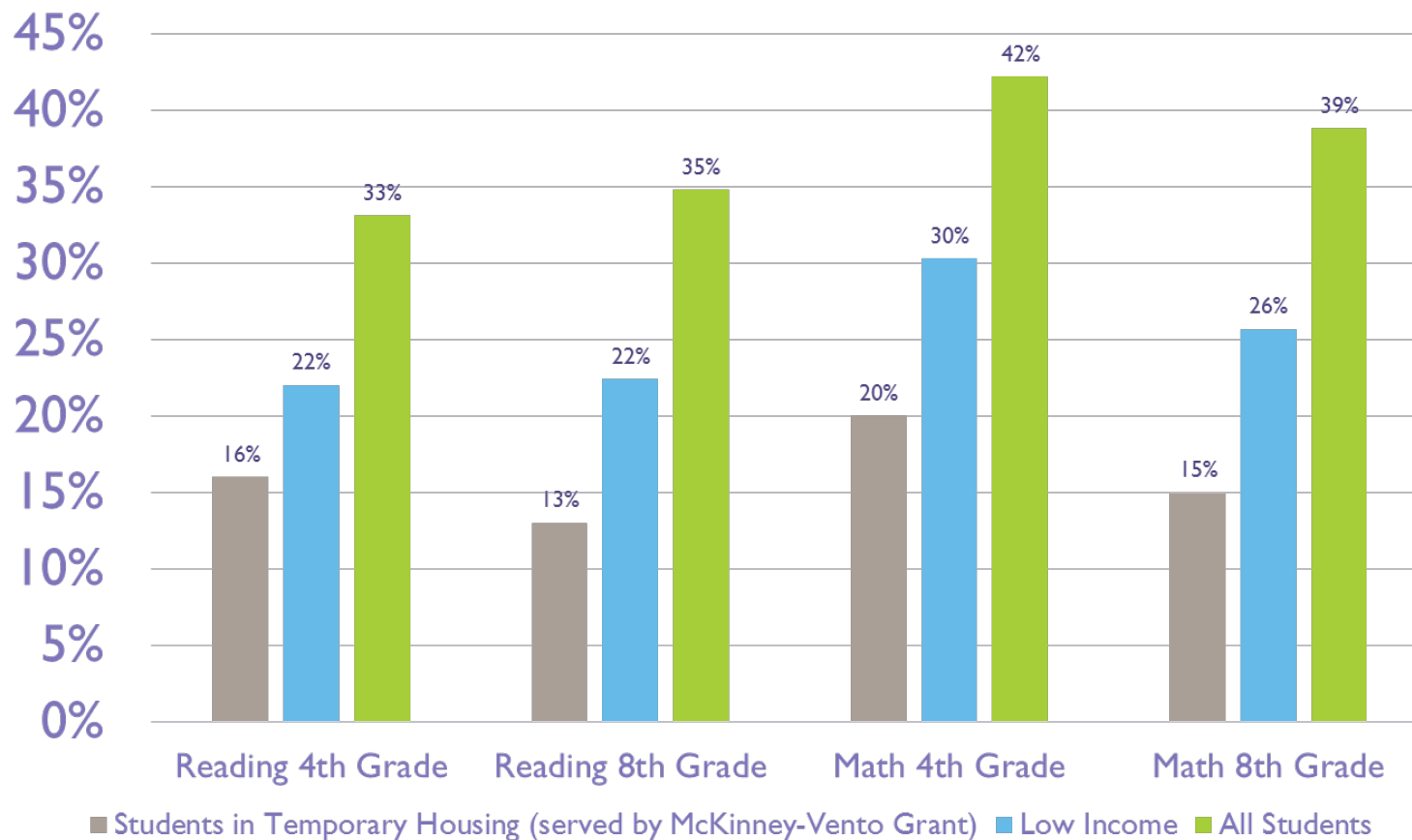
Needed Guidance from USDE

Timelines and Next Steps

# Students Experiencing Homelessness in NYS



# Percent Proficient on Statewide Assessments, 2013-14



[Data from [eddataexpress.ed.gov/](http://eddataexpress.ed.gov/)]



# McKinney-Vento Homeless Assistance Act

- First enacted in 1987
- Reauthorized in 2015 as a part of Every Student Succeeds Act
- McKinney-Vento Liaison required in every school district

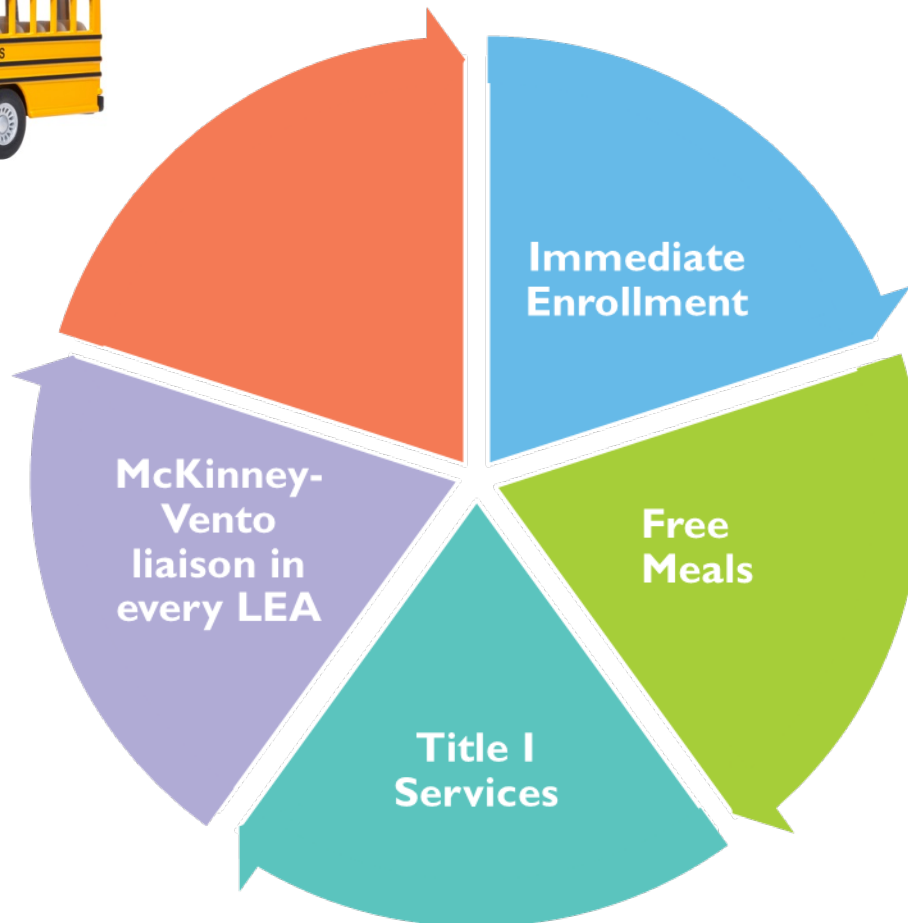


# Definition of homeless:

Children and youth who lack a nighttime residence that is **fixed, regular, and adequate**, including those:

- **Sharing the housing of others** due to loss of housing, economic hardship or other similar reason
- Living in **motels, hotels, trailer parks, camping grounds** due to the lack of alternative adequate accommodations
- Living in **emergency or transitional shelters**
- Abandoned in hospitals
- Awaiting foster care placement (**until 12/10/16**)
- Living in public or private place not designed for sleeping
- Living in cars, parks, abandoned buildings, bus or train stations, etc.
- Migratory living in circumstances described above

# Key Protections for Students Experiencing Homelessness



# McKinney-Vento Funding

School Year	State Funding Allocation	Homeless Students in NYS	Per Pupil Amount	Federal Funding (All States)
2016-17 (est.)	\$ 5,320,279			\$70.0M
2015-16	\$ 4,971,410			\$65.0M
2014-15	\$ 4,853,128	118,639	\$41	\$65.0M
2013-14	\$ 4,635,804	116,847	\$40	\$61.8M
2012-13	\$ 4,842,885	109,916	\$44	\$65.2M
2011-12	\$ 5,064,155	98,174	\$52	\$65.3M
2010-11	\$ 4,933,923	90,506	\$55	\$65.4M
ARRA	\$ 6,136,119			
2009-10	\$ 5,673,915	86,715	\$65	\$65.4M

# NYS-TEACHS

- Funded by the NYS State Education Department and housed at Advocates for Children of New York.
- Provides technical assistance on homeless education issues to school districts, social service providers, parents, youth, and other professionals.
- Services include:
  - Hotline (800-388-2014),
  - Website: [www.nysteachs.org](http://www.nysteachs.org)
  - Webinars
  - Annual Workshops
  - On-site trainings
  - Targeted technical assistance to school districts, MV grantees, and other state and local agencies



# New McKinney-Vento Requirements in ESSA

- ▶ Removes “*awaiting foster care placement*” from the definition of homeless as of December 10, 2016.
- ▶ Expands the definition of “school of origin” to include preschool and feeder schools.
- ▶ Requires continued enrollment and transportation during any enrollment dispute pending final resolution of the dispute, *including all available appeals*.
- ▶ May expand *transportation to the school of origin through the remainder of the school year* in which the student becomes permanently housed (awaiting guidance from USDE).
- ▶ Requires that SEAs and LEAs have policies to remove barriers to identification, enrollment and retention of children and youth who are homeless, including *barriers to enrollment and retention due to outstanding fees or fines or absences*.
- ▶ Requires SEAs to have procedures that ensure that students who are homeless and who meet the relevant eligibility criteria do not face *barriers to accessing academic and extra-curricular activities, including magnet schools, summer school, CTE, AP courses, online learning and charter schools*.

# New McKinney-Vento Requirements in ESSA, cont'd

- ▶ Requires that the State Plan describe how youth who are homeless will receive *assistance from counselors to advise such youth and improve their readiness for college.*
- ▶ Requires that the State Plan ensure appropriate access to secondary educating, including procedures to remove barriers that prevent youth from receiving appropriate for full or partial *coursework completed while attending a prior school.*
- ▶ Requires LEAs to immediately enroll children and youth who are homeless even if *they have missed application or enrollment deadlines during any period of homelessness.*
- ▶ LEA liaisons must *refer students and their families to needed housing services* and are authorized to *affirm eligibility for students and their families for HUD-funded homeless assistance programs* if the liaison has received training.
- ▶ New Title I provision: All LEAs that receive Title I Part A funds must reserve a portion of such funds to support students who are homeless.
- ▶ New Title I provision: State report cards must include disaggregated information on the graduation rates and academic achievement of children and youth who are homeless.



# Anticipated Regulatory - 100.2(x) - and/or Statutory Changes (Education Law 3209)

- ▶ Remove “awaiting foster care placement” from definition of homeless.
- ▶ Define school of origin to include preschool and feeder schools.
- ▶ Immediately enroll homeless students even if they have missed application/enrollment deadlines.
- ▶ Remove barriers to participation related to outstanding fines, fees, and absences.
- ▶ Update the homeless liaison responsibilities.
- ▶ Update the dispute resolution process to allow for continued enrollment and transportation until a final decision is rendered.



# Needed Guidance from USDE

- ▶ What preschool programs are covered.
- ▶ What should be considered a feeder school.
- ▶ Obligations of LEAs to serve students identified as awaiting foster care placement during the first half of the school year.
- ▶ Transportation obligations of LEAs for students who become permanently housed.
- ▶ Details about dispute resolution process.
- ▶ Details about how liaisons will affirm eligibility for HUD-funded programs and how those affirmations will be treated by HUD-funded programs.

# Timeline and Next Steps

- ▶ September: Emergency Regulations
- ▶ Winter 2017: Introduce Regents legislative proposal to make necessary statutory changes
- ▶ Spring 2017: Make necessary changes to State's Title I Plan and Consolidated Application for LEAs
- ▶ Summer 2017: Complete new Education of Homeless Children and Youth Program section (State Plan) in the State's Consolidated Application