



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 September 2016 Meeting

**DATE:** October 13, 2016

**AUTHORIZATION(S):** *MaryEllen Eisa*

**Executive Summary**

**Issue for Decision**

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

**Proposed Handling**

Approval of the Summary of September 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 September 2016 meeting.

**Timetable for Implementation**

Effective October 18, 2016.

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



***SUMMARY OF THE SEPTEMBER 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***

***September 12 and 13, 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, September 12, 2016 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

### **MEETING OF THE FULL BOARD, Monday, September 12<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  
Wade S. Norwood  
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, Acting Counsel and Deputy Commissioner for Legal Affairs, Alison B. Bianchi, and the Secretary, Board of Regents, Anthony Lofrumento.

Chancellor Betty A. Rosa called the meeting to order at 9:00 a.m. Regent Chin 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 today, Monday, September 12th at 4:15 PM. to discuss litigation and personnel matters.

**Motion by:** Vice Chancellor T. Andrew Brown  
**Seconded by:** Regent Roger Tilles  
**Action:** Motion carried unanimously

## **PRESENTATION**

### **Principal Preparation Project**

John D'Agati and Kenneth Turner presented information to the Board of Regents regarding the Principal Preparation Project (Attachment I.)

### **Presentation Honoring Vice Chancellor Emerita Adelaide L. Sanford**

Chancellor Rosa, Regent Young and Regent Tallon provided remarks and a plaque to Vice Chancellor Emerita Adelaide L. Sanford to honor her 21 years of service on the Board of Regents and for her ongoing contributions and commitment to underserved and most in need children and young adults in the State (Attachment II.)

Vice Chancellor Emerita Sanford provided remarks to the Board.

Chancellor Betty A. Rosa adjourned the meeting.

The Board of Regents of The University of the State of New York held a public session on Tuesday, September 13, 2016 at 10:45 a.m. pursuant to a call to duty sent to each Regent.

**MEETING OF THE FULL BOARD, Tuesday, September 13<sup>th</sup> at 10:45 a.m.**

**Board Members in Attendance:**

Betty A. Rosa, Chancellor  
James R. Tallon, Jr.  
Roger Tilles  
Lester W. Young, Jr.  
Christine D. Cea  
Wade S. Norwood  
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, Acting Counsel and Deputy Commissioner for Legal Affairs, Alison B. Bianchi, and the Secretary, Board of Regents, Anthony Lofrumento. Vice Chancellor T. Andrew Brown was absent and excused.

Chancellor Betty A. Rosa called the meeting to order at 10:45 a.m.

**ACTION ITEMS**

**Charter Applications  
BR (A) 1 - REVISED**

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

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

**Motion by:** Regent Christine D. Cea  
**Seconded by:** Regent James R. Tallon, Jr.  
**Action:** Motion carried unanimously.

## **PROGRAM AREA CONSENT ITEMS**

### **Higher Education**

**Bank Street College of Education: Master Plan Amendment to offer a Master of Science in Education (M.S.Ed.) degree in Teaching English to Speakers of Other Languages leading to Initial/Professional Certification in English Speakers of Other Languages  
BR (CA) 1**

**MOVED**, that the Board of Regents approve a master plan amendment to authorize Bank Street College of Education to offer its first program in the Humanities. The amendment will be effective until September 13, 2017, unless the Department registers the program prior to that date, in which case the master plan amendment shall be without term.

**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) 2**

**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 September 13, 2016.

**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) 3**

**MOVED**, that new paragraphs (5), (6), and (7) to subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education be added, as submitted, effective September 13, 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 in response to public comment, and to otherwise ensure that the emergency rule adopted at the June 2016 Regents meeting, as revised, remains continuously in effect until the effective date of its adoption as a permanent rule.

## **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) 4**

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

### **Report of the Committee on the Professions Regarding Licensing Petitions BR (CA) 5**

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

### **Proposed Amendment of Section 17.5 of the Rules of the Board of Regents Relating to the Regulation of Consent Orders in Disciplinary Proceedings in the Professions BR (CA) 6**

**MOVED**, that subdivision (b) of section 17.5 of the Rules of the Board of Regents be amended, as submitted, effective September 28, 2016.

### **Proposed Amendment of Section 29.2 of the Rules of the Board of Regents and Addition of Section 52.47 and Subpart 79-19 to the Regulations of the Commissioner of Education Relating to the Licensure of Perfusionists BR (CA) 7**

**MOVED**, that subdivision (a) of section 29.2 of the Rules of the Board of Regents be amended, and a new section 52.47 and a new subpart 79-19 of the Regulations of the Commissioner of Education be added, as submitted, effective October 21, 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) 8**

**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 September 28, 2016.

## **P-12 Education**

### **Appointment to New York State School for the Deaf Board of Visitors BR (CA) 9**

**MOVED**, that the following individual will be appointed to fill one vacancy on the New York State School for the Deaf Board of Visitors: Mark Sharpsteen will be appointed to serve a five-year term ending June 30, 2021.

### **Proposed Amendment of Section 100.5 of the Regulations of the Commissioner, Relating to the Social Studies Regents Examination Requirements for a Diploma BR (CA) 10**

**MOVED**, that paragraph (5) of subdivision (a) of section 100.5 of the Regulations of the Commissioner of Education is amended, effective September 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 students who are entering grade nine on or after September 1, 2016 are on notice of the shift in implementation of the new Global History & Geography II Regents Examination so that they can adequately prepare for this new examination and to ensure that the emergency rule adopted at the June Regents meeting remains continuously in effect until the proposed amendment can be adopted as a permanent rule.

### **Proposed Amendment of Part 279 of the Regulations of the Commissioner of Education Relating to Procedures Concerning Appeals of Impartial Hearing Officer Determinations for Students with Disabilities to a State Review Officer BR (CA) 11**

**MOVED**, that Part 279 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 1, 2017.

### **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) 12**

**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 28, 2016.

### **Amendment to sections 30-3.4 and 30-3.5 of the Rules of the Board of Regents Relating to a Hardship Waiver for Independent Evaluators for Annual Professional Performance Reviews for Classroom Teachers and Building Principals Commencing in the 2016-2017 School Year BR (CA) 13**

**MOVED**, that sections 30-3.4 and 30-3.5 of the Rules of the Board of Regents shall be amended, effective September 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 immediately adopt revisions to the proposed amendment to provide districts with notice of the ability to obtain a hardship waiver in an effort to provide additional flexibility to school districts when negotiating their annual professional performance review plans for the 2016-2017 school year and to ensure that the emergency rule adopted at the June Regents meeting remains continuously in effect until it can be adopted as a permanent rule; and

**MOVED**, that sections 30-3.4 and 30-3.5 of the Rules of the Board of Regents shall be amended, as submitted, effective September 28, 2016.

**Proposed Amendments to Section 100.5 of the Commissioner's Regulations  
to Require Superintendents to Make a Local Determination as to Academic  
Proficiency for Certain Students with Disabilities to Graduate with  
a Local Diploma  
BR (CA) 14**

**MOVED**, that a new paragraph (12) be added to subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education and that clause (c) of subparagraph (i) of paragraph (7) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 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 the emergency rule adopted at the June 2016 Regents meeting remains continuously in effect so that certain students with disabilities who are graduating from high school are aware that if they do not meet the graduation standards through the existing appeal and safety net options, that the superintendent will make a determination as to whether the student has met the academic standards and is eligible for a diploma; and to further ensure that superintendents are on notice that they must make a determination as to whether certain students with disabilities are eligible for local diploma if the student meets the requirements of the proposed amendment.

**Proposed Amendment of Section 155.17 of the Commissioner's Regulations  
relating to School Safety Plans and Fire and Emergency Drills  
BR (CA) 15**

**MOVED**, that section 155.17 of the Regulations of the Commissioner be amended, as submitted, effective September 28, 2016.

**Registration of a Public Intermediate School  
BR (CA) 16**

**MOVED**, that the school listed on the table be registered.

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

**Motion by:** Regent Roger Tilles  
**Seconded by:** Regent Kathleen M. Cashin  
**Action:** Motion carried. Regent Beverly L. Ouderkirk abstained from the vote on BR (CA) 12, Regent Catherine Collins abstained from the votes on BR (CA) 5, BR (CA) 12 and BR (CA) 13, and Regent Judith Johnson abstained from the votes on BR (CA) 12 and BR (CA) 13.

## **STANDING COMMITTEE REPORTS**

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

Your ACCES/P12 Education/Higher Education joint committee held its scheduled meeting on September 12, 2016. All members were present.

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

**Advisory Council on Postsecondary Education for Students with Disabilities –** Your committee was provided with information on the Advisory Council on Postsecondary Education for Students with Disabilities which was established based on the recommendation of the New York State Disability Services Council and the approval of the Board of Regents. The intent of the Advisory Council is to advise the Department on policies and practices to improve the transition of students with disabilities to postsecondary education and training, fiscal resource needs and disability-related accommodations and supports that will assist a student with college success. The Advisory Council is led by Co-chairs Regent Christine Cea and Tamara Mariotti, Immediate Past President, New York State Disability Services Council and is comprised of representatives from the Department's Office of ACCES, P12 Education, and Higher Education and representatives from many constituency groups. The Advisory Council established four sub-committees: Fiscal, Legislative/Regulation, Technical Assistance, and Data Collection. These committees identified short and long term goals for improving access, participation in and completion of postsecondary pursuits for students with disabilities. The full Council meets twice a year and each of the sub-committees meet various times throughout the year.

### **AUDITS/BUDGET AND FINANCE**

Your Committee on Audits/Budget and Finance had its scheduled meeting on September 13, 2016. Regent Josephine Finn, Chair of the Audits/Budget and Finance Committee, submitted the following written report. In attendance were committee

members: Regent Finn, Chair, Regent Tallon, Regent Tilles, Regent Young, Regent Ouderkirk, Regent Collins, Regent Mead and Regent Hakanson. In addition to Audits/Budget Committee Members, in attendance were: Chancellor Rosa, Regents Cashin, Cea, and Cottrell, as well as Commissioner Elia and Executive Deputy Commissioner Berlin.

## **ITEMS FOR DISCUSSION**

Chair's Remarks: Regent Finn welcomed everyone. She introduced Sharon Cates-Williams, Deputy Commissioner to present the Board of Regents Oversight of Financial Accountability Report and Don Juron, Chief Financial Officer to present the August 2016 Fiscal Report.

### **Completed Audits**

The Department's Internal Audit Workgroup reviewed the one hundred and twenty audits that are being presented to the Committee this month. Two were issued by the New York City Comptroller and the remaining one hundred twenty were issued by the Office of the State Comptroller (OSC). One hundred ten audits were of school districts, four BOCES, two providers of special education services, one of the State Education Department, one of the Office of General Services and the State Education Department, one addressing six districts within one region, and one College.

The findings were in the areas of banking, budget and financial reporting, capital assets, cash, claims processing, extra classroom activity fund, fuel accountability/energy management, information technology, payroll/leave accruals, procurement, reimbursable cost manual, segregation of duties, employee overtime, health insurance contribution, implementing corrective actions, inventory control, school lunch fund, state aid, preferred source contracting, reserve funds, safe schools act, and tax collection.

Deputy Commissioner, Sharon Cates-Williams, gave a brief overview of the NYC Charter School Audits and East Ramapo follow-up Audit.

### **NYC Charter School Audits**

There are two audits of charter schools with a number of recommendations. Both audits found issues with fiscal management, inadequate controls and failure to follow established rules and procedures.

Bedford Stuyvesant New Beginnings Charter School – 19 recommendations

Merrick Academy Queens Public Charter School– 17 recommendations

### **East Ramapo Follow-up Audit**

The audit focused on the implementation of recommendations for two previously issued audit reports. Of the five audit recommendations from the 2013 audit, one

recommendation was implemented, one recommendation was partially implemented and three recommendations were not implemented. Of the eleven audit recommendations from the 2011 audit, one recommendation was implemented, seven recommendations were partially implemented, two recommendations were not implemented and one recommendation was not applicable.

## **2016 Fiscal Report**

Our Chief Financial Officer provided the Members with the August fiscal report that reflects actual expenditures through August 31, 2016 and projected expenditures through the lapse period ending June 30, 2017. Extensive spending controls continue for all funds. General Fund spending plans reflect the amounts appropriated in the 2016-17 enacted budget. General Fund accounts are in structural balance. Special Revenue accounts are all in structural balance on a current year basis and the accumulated negative balance in the Cultural Education Account is projected to remain at a negative \$3.6 million. Federal Funds reflect current year plans for two year grant awards.

## **CULTURAL EDUCATION**

Your Committee on Cultural Education Committee had its scheduled meeting on September 13, 2016. Regent Roger Tilles, Chair of the Cultural Education Committee, submitted the following written report. In attendance were committee members: Regent Tilles, Chair, Regent Cea, Regent Cottrell, Regent Chin, Regent Ouder Kirk and Regent Johnson. Regents In addition to CE Committee Members, in attendance were: Regents Tallon, Cashin and Collins as well as Commissioner Elia and Executive Deputy Commissioner Berlin.

## **ITEMS FOR DISCUSSION**

Chair's Remarks: Regent Tilles welcomed everyone and introduced Tom Ruller, Assistant Commissioner for Archives and State Archivist. Tom reminded the committee that the state archives holds over 200 million documents, photographs, maps, plans and other documentary materials. This morning we will feature our efforts to digitize those materials, but our online resources represent only a fraction of the totality of the collection. Tom also highlighted the 2017 Student Research Award competition, remarking that the student research awards for 2016 will be held on October 18, 2016 immediately following the Board of Regents meeting. Regent Tilles will be master of ceremonies.

## **CE (D) 1 - Increasing Online Access to Archival Materials**

Maria Holden, Bureau Chief, State Archives provided a detailed look at online resources provided by the State Archives. Since 1995, the State Archives has had an active program of digitization, which creates electronic versions of records that are made

available for researchers online. The archives has created digital versions of photographs, maps, drawings and documents dating from the colonial Dutch period to present day. Holden Staff highlighted several significant research activities that have been made possible through online access to the collections of the Archives including resources for teachers that provide primary source materials, and curriculum materials relating to the documents and photographs. Keith Swaney, Archivist in the Archival Services unit of the State Archives provided an overview of the process of digitization, the decision making process for selecting materials, the benefits of digitization for research and the standards that are used to ensure that digital versions of materials fully capture all of the information.

### **CE (D) 2 - Archives Month Activities**

Clare Flemming, Archivist in the Documentary Heritage Program reminded the committee that October is American Archives Month. Repositories across the state and nation hold special programs, make special exhibits, use social media or do other activities to recognize this month. Clare distributed a document that identified a few programs, both online and in person, that are happening in New York Repositories. Tom Ruller reported to the committee that if they had particular interests, staff would be happy to provide more information to members of the committee about events in their region.

### **CE (D) 3 - Statewide Services for Historical Records Preservation**

John Diefenderfer, Archivist in the Documentary Heritage Program provided a very brief overview of the Documentary Heritage and Preservation program, which provides training, planning and other resources to repositories statewide for the preservation of and access to historical materials. John distributed an overview document to the committee. The web site: [www.dhpsny.org](http://www.dhpsny.org)(link is external) provides a wide variety of resources and information about the program, specially designed for historical records repositories.

## **HIGHER EDUCATION**

Your Higher Education Committee held its scheduled meeting on September 13, 2016. All members were present with the exception Regents Brown and Reyes who were absent and excused.

### **Action Items**

**Proposed Addition of Part 49 to the Commissioner's Regulations Relating to the Authorization of New York Higher Education Institutions to Participate in the State Authorization Reciprocity Agreement (SARA) and the Approval of Out-of-State Institutions to Provide Distance Education to New York Residents.**

The proposed amendment was discussed by the Board of Regents at its April 2016 meeting. 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 adding a new Part 49 to the Commissioner's Regulations to authorize New York higher education institutions to participate in the State Authorization Reciprocity Agreement (SARA) and the approval of out-of-state institutions to provide distance education to New York State residents and voted that a new Part 49 be added to the Regulations of the Commissioner of Education, as submitted, effective September 28, 2016. Regent Johnson made a motion that Department staff report back to the Board in September 2017. All members voted in favor of the motion. The Department will review the proposed amendment in one year, and/or when the United States Department of Education promulgates regulations on postsecondary distance education, if earlier. **HE (A) 1**

**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.**

These regulations were adopted by the Board of Regents at its July 2016 meeting. In response to requests by members of the Board of Regents who raised the concern that the proposed amendment allows uncertified teachers to remain in substitute teacher positions for a lengthened period of time, the Board of Regents requested that the Department amend these regulations and create a "sunset provision" at its September 2016 meeting. As a result, while the current regulation allows uncertified teachers to work up to 90 days as a substitute teacher, the proposed amendment sunsets this provision after two years - June 30, 2018. In addition, the Commissioner agreed to seek information from school districts that educators found illustrated best practices and strategies for recruiting and supporting substitute teachers. The compilation of best identified practices provided by the districts will be shared with the Commissioner, Board and made available to all school districts. There was also a suggestion from a member of the Higher Education Committee that relevant data be collected to evaluate the effectiveness of the initiative. Following the 45-day public comment period, it is anticipated that the proposed amendment will come before the Board for permanent adoption at the December 2016 Board of Regents meeting. HE (D) 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 September 13, 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 September 13, 2016 meeting.

- Bank Street College of Education: Master Plan Amendment to offer a Master of Science in Education (M.S.Ed.) degree in Teaching English to Speakers of Other Languages leading to Initial/Professional Certification in English Speakers of Other Languages. **BR (CA) 1**
- 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) 2**
- 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) 3**

## **P-12 EDUCATION**

Your P-12 Education Committee held its scheduled meeting on September 12, 2016. All members were present.

### **ACTION ITEMS**

#### **Establishment of Criteria for the Approval of Work-Readiness Assessments for Earning the New York State Career Development and Occupational Studies Commencement Credential [P-12 (A) 1]**

Your Committee recommends that paragraph (4) of subdivision (b) of section 100.6 of the Regulations of the Commissioner be amended as submitted, effective September 13, 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 provide sufficient time for the Commissioner to approve work-readiness assessments for students to earn a NYS CDOS Commencement Credential on or after April 3, 2017.

#### **Establishment of Tuition Rates Resulting from Fiscal Audits of Approved Programs Educating Students with Disabilities Ages 3 to 21 Who Have Been Enrolled Pursuant to Articles 81 and 89 of the Education Law [P-12 (A) 2]**

Your Committee recommends that section 200.18 of the Regulations of the Commissioner is amended, as submitted, effective October 1, 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 by allowing the Commissioner to exercise discretion in setting tuition rates based on an audit to the extent that the Commissioner determines the audit findings and recommendations are warranted and consistent with applicable federal and state Education Law, Commissioner's regulations, and tuition reimbursement guidelines and requirements.

## **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 September 13, 2016, copies of which have been distributed to each Regent.

## **MATTERS NOT REQUIRING BOARD ACTION**

**Update on Activities related to the Workgroup to Improve Outcomes for Boys and Young Men of Color** – Regent Lester Young provided the Committee with an update on the work of the Workgroup to Improve Outcomes for Boys and Young Men of Color. The Committee discussed the Requests for Proposals (RFPs) associated with this initiative; (a) Teacher Opportunity Corps II (closed August 22); (b) Family and Community Engagement Program (closed August 26); and (c) My Brother's Keeper (MBK) Challenge Grant (deadline September 15). Regent Young also provided information on the eleven mayoral-led MBK communities in New York State. A convening of the statewide communities is being planned for early 2017.

**2016 Grades 3-8 ELA and Math Assessment Results [P-12 (D) 1]** – The Committee was provided with the results of the 2016 Grades 3-8 English language arts (ELA) and mathematics assessments. The results were released on July 29, 2016. While the 2016 tests and prior year's tests are based on the same content standards and are similarly rigorous, the proficiency rates from exams administered prior to 2016 are not directly comparable to the proficiency rates for the 2016 tests because of the changes that were made to the 2016 tests. Nonetheless, the 2016 results are valid and reliable indicators of student proficiency in the tested grades and subjects. The Committee also discussed Not Tested and Test Refusal Data and the characteristics of the Test Refusal students.

**Uniform Violent and Disruptive Incident Reporting System (VADIR) [P-12 (D) 2]** – The Committee discussed proposed amendments to regulations relating to the Uniform Violent and Disruptive Incident Reporting System (VADIR). The New York State Safe Schools Task Force recommended that the Department “develop a new process and criteria for the Persistently Dangerous designation and a new set of definitions of incident categories for reporting using a School Climate Index. The reporting process for Dignity for All Students Act (DASA) and Violent and Disruptive Incident Reporting (VADIR) should be combined and renamed into one system that is not punitive and is reflective of the school climate and can be used for prevention and intervention

purposes; also, that it includes positive measures and incorporates most improved schools.” As a result, the reporting categories were revised to reflect the following nine categories: 1) Homicide, 2) Sexual Offenses, 3) Physical Injury, 4) Weapons Possession, 5) Material Incidents of Discrimination, Harassment, and Bullying, 6) Bomb Threat, 7) False Alarm, 8) Use, Possession or Sale of Drugs, 9) Use, Possession or Sale of Alcohol. The proposed regulations will be brought back to the Regents for adoption at a future meeting.

### **Consent Agenda**

The Board of Regents will take action on the following consent agenda items at their September 13, 2016 meeting.

- Regulations relating to School Safety
- Regulations relating to Social Studies Graduation Requirement
- Regulations relating to Hardship Waiver for Independent Evaluators
- Regulations relating to APPR Technical Amendments
- Regulations relating to Appeals of Impartial Hearing Officer Determinations for Students with Disabilities to a State Review Officer
- Regulations relating to Superintendent Determination as to Academic Proficiency for Certain Students with Disabilities to Graduate with a Local Diploma
- Registration of a Public Intermediate School
- Appointment to NYS School for the Deaf Board of Visitors

### **PROFESSIONAL PRACTICE**

Your Professional Practice Committee held its scheduled meeting on September 12, 2016. All members were present.

### **ACTION ITEMS**

#### **Professional Discipline Cases**

Your Committee recommends that the reports of the Regents Review Committees, including rulings, findings of fact, determinations as to guilt, and recommendations, by unanimous or majority vote, contained in those reports which have been distributed to you, be accepted in 4 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 69 consent order applications, and 14 surrender applications be granted, and further recommends that 1 summary suspension application be granted. [PPC EXS (A) 1-3, 8]

In the case of Milena Margaret Galvao, Licensed Mental Health Counselor, Calendar No. 26605, we recommend that the identification of respondent’s license as shown in the report of the Regents Review Committee be deemed corrected as follows: the phrase “Licensed Mental Health Counselor” be deemed substituted in lieu of the phrase “Mental Health Counselor” wherever, in such report, respondent’s license is identified.

These recommendations are made following the review of 88 cases involving twenty-two

licensed practical nurses, sixteen registered professional nurses, seven licensed practical nurses who are also registered professional nurses, six professional engineers, three veterinarians, two architects, two clinical laboratory technologists, two physical therapists, two podiatrists, two respiratory therapists, one certified public accountant, one chiropractor, one land surveyor, one licensed clinical social worker, one licensed mental health counselor, one licensed practical nurse who is also a registered professional nurse and nurse practitioner (Pediatrics), one licensed practical nurse who is also a registered professional nurse and nurse practitioner (Psychiatry), one massage therapist, one occupational therapist, one pharmacy, one podiatry professional corporation, and one registered professional nurse who is also a nurse practitioner (Adult Health).

## **Restorations**

Your Committee recommends the following:

That the application of Mumlikat Aziz for the restoration of her license to practice as a dentist in New York State be denied. [PPC EXS (A) 4]

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

That the application of Howard J. Weinstein for the restoration of his license to practice as a certified public accountant in New York State be denied. [PPC EXS (A) 6]

Long-Term Clinical Clerkships [PPC EXS (A) 7]

Your Committee recommends the following:

That the application of American University of Antigua to place students in long-term clinical clerkships in New York be approved, in accordance with and subject to the recommendations of the Advisory Committee on Long-term Clinical Clerkships.

That the application of Fatima College of Medicine to place students in long-term clinical clerkships in New York be approved, in accordance with and subject to the recommendations of the Advisory Committee on Long-term Clinical Clerkships.

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

Madam Chancellor and Colleagues: Your Professional Practice Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on September 13, 2016, copies of which have been distributed to each Regent.

## **MATTERS NOT REQUIRING BOARD ACTION**

Your Committee discussed several topics of interest, including:

- Deputy Commissioner's Report/Update
- Full Board Consent Agenda Items
- Board (Re)Appointments
- Licensing Petitions

**Proposed Amendment to Section 61.1 of the Regulations of the Commissioner of Education Relating to the Dental Anesthesia Certification Requirements for Licensed Dentists** - The proposed amendment conforms the regulation to the current practice of dental anesthesia administration and improves the protection of the public. The proposed amendments to subdivision (a) of section 61.10 re-define the types of anesthesia used by dentists that are subject to certification. Proposed amendments to subdivision (b) reflect the definitional changes made to certain methods of sedation and add new certifications for administering parenteral conscious (moderate) sedation and for administering enteral conscious (moderate) sedation to pediatric patients aged 12 years old and younger.

**OP Online Application Demo** – Staff will demonstrate the on-line license application which is being developed in-house to improve the customer service experience for professional license applicants. A first step in the move towards a fully electronic licensing system, the new form will provide an accurate and easy way for applicants to submit and pay for their initial license application.

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

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

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

**MOVED**, that the Board accepts the August 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 Assistant Commissioner of Special Education  
BR (A) 4**

**MOVED**, that the Board of Regents approve the appointment of Chris Suriano to the position of Assistant Commissioner of Special Education effective September 13, 2016.

**Motion by:** Regent Roger Tilles  
**Seconded by:** Regent Kathleen M. Cashin  
**Action:** Motion carried. Regents Catherine Collins and Judith Johnson abstained.

**PRESENTATIONS**

**Announcement of the Marge A. Tierney Memorial Scholarship Award Winner**

The 2016 Marge A. Tierney Scholarship was awarded by Commissioner MaryEllen Elia to Marshall Dalencourt of Middletown, New York.

**Teacher of the Year**

Chancellor Rosa opened the Teacher of the Year Awards.

Regent Nan Eileen Mead introduced the first finalist Lauren Bakian-Aaker, a fourth grade teacher at P.S. 110 The Florence Nightingale School in Manhattan.

Regent Judith Johnson announced finalist Carolyn Dorritie, a Pre-Calculus and Algebra 2 teacher at Port Jervis High School in the Port Jervis City School District.

Regent Roger Tilles introduced finalists Nicole Malone, a 7th and 8th grade English teacher at William T. Rogers Middle School in the Kings Park Central School District and Natasha Murray, a math teacher at Copiague Middle School in the Copiague Public Schools.

Regent Elizabeth Hakanson presented the Teacher of the Year for 2017 Amy Hysick, of Cicero-North Syracuse High School, Cicero, New York. Ms. Hysick also received the Commissioner Thomas Sobol Award and the David Johnson Award.

Amy Hysick and both her Mother and Father provided remarks.

Dana McDonough, of Fostertown ETC Magnet School, Newburgh, New York provided an overview of her experiences as 2016 Teacher of the Year.

Catalina Fortino, NYSUT Vice President, congratulated the winner and finalists.

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 (City/Town) of Location</b>	<b>Description of Charter Action(s)</b>
African-American Historical Society of Rockland County	CE	Rockland (Pomona)	Extend provisional charter for five years.
Cornwall Public Library	CE	Orange (Cornwall)	Amend charter to change the trustee term length from five years to three years
Fishers Island Library Association	CE	Suffolk (Fishers Island)	Amend charter to: <ul style="list-style-type: none"> <li>• specify the trustee range to be not less than five nor more than twenty-five and specify the trustee term length to be three years;</li> <li>• designate the library's service area to be coterminous with the census designated place known as Fishers Island;</li> <li>• designate Commissioner as agent for service; and</li> <li>• update IRS dissolution language.</li> </ul>
The LT Michael P. Murphy Navy Seal Museum	CE	Suffolk (West Sayville)	Grant provisional charter for five years.
Model Railroad Museum	CE	Nassau (New Hyde Park)	Amend charter to change the corporate address and extend charter for five years.
Mount Kisco Historical Society	CE	Westchester (Mount Kisco)	Amend charter to change the corporate address and extend charter for five years.
The Museum of Prints and Printmaking	CE	Albany (Albany)	Amend charter to change the corporate address and extend charter for five years.
Narrow Bay Historical Society	CE	Suffolk (Mastic Beach)	Grant provisional charter for five years.
National Lighthouse Museum	CE	Richmond (Staten Island)	Amend charter to expand purposes clause to include lightships.
The Neue Galerie New York	CE	New York (Manhattan)	Amend charter to change the corporate name to "Ronald S. Lauder/Neue Galerie New York".

The New York City Police Museum	CE	New York (Manhattan)	Extend provisional charter for five years.
R.T. Elethorp Historical Society	CE	St. Lawrence (Hammond)	Amend charter to change the corporate address and extend charter for five years.
Riverhead Free Library	CE	Suffolk (Riverhead)	Amend charter specify the number of trustees to be not less than five nor more than nine.
Allen Christian School	P12	Queens (Jamaica)	Amend charter to change the corporate address and to revise the corporate purpose to serve only grades Pre-K-3 through one.
CCMHS Academy	P12	Suffolk (Dix Hills)	Grant provisional charter for three years.
Catherine McAuley High School	P12	Kings (Brooklyn)	Dissolve charter, approval to store student records with St. Catherine Academy, 2250 Williamsbridge Road, Bronx, NY 10469 and approval to distribute remaining assets to Sisters of Mercy of the Americas Mid-Atlantic Community, Inc.
Montgomery Nursery School	P12	Montgomery (Orange)	Amend charter to add authority to operate a kindergarten and grade one and to specify the school address to be 21 Wallkill Avenue, Montgomery, NY 12549, with an annex located at 137 Clinton Street, Montgomery, NY 12549.
Pinnacle Organization	P12	Oswego (Mexico)	Extend provisional charter for three years.
The Sara Marie School	P12	Saratoga (Clifton Park)	Extend provisional charter for three years.
Sunshine Alternative Education Center	P12	Suffolk (Port Jefferson)	Extend provisional charter for three years.
Threefold Educational Foundation and School	P12	Rockland (Spring Valley)	Consent to filing of certificates of assumed name "The Pfeiffer Center"; "Eurythmy Spring Valley Ensemble"; "Threefold Educational Center"; "The Fiber Craft Studio"; "Eurythmy Spring Valley"; "The Art of Acting";

			“Threefold Mystery Drama Group”; “Threefold Foundation”; “Threefold Cafe”; “The School of Eurythmy”.
Wildwood Montessori School	P12	Oneida (Camden)	Grant provisional charter for three years.
Lebanese American University	HE	New York (Manhattan)	Amend charter to add authority to confer the Bachelor of Science in Nursing (B.S.N.) degree at the Byblos campus and the Masters in Business Administration (M.B.A.) degree at the Beirut campus.
Long Island University	HE	Nassau (Brookville)	Amend charter to add authority to confer the Master of Philosophy (M. Phil.) degree.

## **Appendix II**

### **REGENTS ACTIONS IN 88 PROFESSIONAL DISCIPLINE CASES AND 3 RESTORATION PETITIONS**

**September 13, 2016**

**The Board of Regents announced disciplinary actions resulting in the summary suspension of 1 license, the revocation of 1 license, surrender of 13 licenses and 1 certificate, and 72 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 3 restoration petitions.**

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

##### **Nursing**

Tiffany Ann DeMayo; Licensed Practical Nurse; Accord, NY 12404, Kerhonkson, NY 12446; Lic. No. 319871; Cal. No. 29156; Application for summary suspension granted.

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

##### **Engineering and Land Surveying**

Mark Douglas Smith; Professional Engineer; Winchester, VA 22602; Lic. No. 087485; Cal. No. 29017; Application to surrender license granted. Summary: Licensee admitted to the charge of allowing an engineering company to offer and/or practice engineering in the State of West Virginia without a Certificate of Authorization.

##### **Mental Health Counseling**

Milena Margaret Galvao; Licensed Mental Health Counselor; Albany, NY 12208; Lic. No. 000647; Cal. No. 26605; Found guilty of professional misconduct; Penalty: Revocation.

##### **Nursing**

Courtney Nicole Halbert; Registered Professional Nurse; Canaseraga, NY 14822; Lic. No. 658718; Cal. No. 28959; Application to surrender license granted. Summary: Licensee admitted to the charge of having failed to perform proper patient assessments and improperly cannulated patients with fistulas.

Patricia M. Christmas; Licensed Practical Nurse; Palmyra, NY 14522; Lic. No. 283968; Cal. No. 28967; Application to surrender license granted. Summary: Licensee did not contest the charge of having been convicted of Endangering the Welfare of an Incompetent/Physically Disabled Person in the 2nd Degree.

Autumn Cecelia Ramey a/k/a Autumn Cecelia Thabet; Licensed Practical Nurse, Registered Professional Nurse; Binghamton, NY 13904; Lic. Nos. 167937, 557117; Cal. Nos. 28973, 28974; Application to surrender licenses granted. Summary: Licensee admitted to the charge of having committed medication errors.

Heather Lynne Graham; Licensed Practical Nurse, Registered Professional Nurse; Endicott, NY 13760; Lic. Nos. 266520, 540794; Cal. Nos. 28990, 28991; Application to surrender licenses granted. Summary: Licensee admitted to the charge of having committed medication errors.

Joseph Michael Higgins; Licensed Practical Nurse; Riverhead, NY 11901; Lic. No. 293262; Cal. No. 29060; Application to surrender license granted. Summary: Licensee did not contest the charge of having administered the controlled substance morphine to a patient, when the order was discontinued and the patient had a documented allergy to morphine.

Mary T. Adamo; Registered Professional Nurse; Port Charlotte, FL 33954-3128; Lic. No. 269307; Cal. No. 29073; Application to surrender license granted. Summary: Licensee did not contest the charge of having been found guilty of professional misconduct in the State of Florida, which conduct would be considered practicing the profession of nursing with negligence on more than one occasion if committed in New York State.

Kristine Rose Alexander; Registered Professional Nurse; Newtown, CT 06470; Lic. No. 453105; Cal. No. 29131; Application to surrender license granted. Summary: Licensee did not contest the charge of having been found guilty of professional misconduct in the State of Connecticut, which conduct would be considered being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects, if committed in New York State.

Jennifer L. Johnson; Registered Professional Nurse; Philadelphia, MS 39350-6931; Lic. No. 533830; Cal. No. 29134; Application to surrender license granted. Summary: Licensee did not contest the charge of having been found guilty of professional misconduct in the State of Mississippi, which conduct would be considered conduct in the profession which evidences moral unfitness, if committed in New York State.

## **Podiatry**

NYC Podiatry PC; 67-15 102nd Street – Apt. 6J, Forest Hills, NY 11375-2408; Cal. No. 29062; Application to surrender certificate granted. Summary: Licensee admitted to the charge of having been convicted of Enterprise Corruption, a class B felony.

Benny Ogorek; Forest Hills, NY 11375-2408; Lic. No. 003782; Cal. No. 29063; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Attempted Enterprise Corruption, a class C felony, and Health Care Fraud in the 3rd Degree, a class D felony.

## **Public Accountancy**

Lawrence J. Herzing; Certified Public Accountant; Joint Base MDL, NJ 08640; Lic. No. 079574; Cal. No. 29126; Application to surrender license granted. Summary: Licensee admitted to charges of having been convicted of Fraud by Wire, Radio or Television, a felony and Assault in the 2nd Degree, a felony.

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

### **Architecture**

Kevin Vincent McCray; Dix Hills, NY 11746; Lic. No. 024548; Cal. No. 28323; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 24 months probation.

Thomas William Hamilton; Richmond, VA 23228; Lic. No. 026627; Cal. No. 29035; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation to commence upon return to practice in the State of New York, \$2,500 fine payable within 90 days.

### **Chiropractic**

Gabrielle Francis; New York, NY 10013; Lic. No. 009464; Cal. No. 28737; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$2,500 fine.

### **Clinical Laboratory Technology Practice**

Jeremy E. Rivenburg; Clinical Laboratory Technologist; Albany, NY 12202; Lic. No. 008175; Cal. No. 28303; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Joseph Leonard Clark; Clinical Laboratory Technologist; Rochester, NY 14607-3420; Lic. No. 005046; Cal. No. 28764; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

### **Engineering and Land Surveying**

Yong Heng Liang; Professional Engineer; Elmont, NY 11003; Lic. No. 083740; Cal. No. 27248; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$2,500 fine.

William David Barna; Professional Engineer; Charleston, SC 29412-9431; Lic. No. 087416; Cal. No. 28847; Application for consent order granted; Penalty agreed upon: 2

year stayed suspension, 2 years probation to commence upon return to practice in the State of New York, \$2,000 fine payable within 30 days.

Nicholas Bournazos; Land Surveyor; New Rochelle, NY 10801; Lic. No. 050530; Cal. No. 28874; Application for consent order granted; Penalty agreed upon: 6 month actual suspension, 18 month stayed suspension, 24 months probation, \$1,000 fine.

Stephenson John Solomon; Professional Engineer; St. Albans, NY 11412; Lic. No. 072828; Cal. No. 28882; Application for consent order granted; Penalty agreed upon: 6 month actual suspension, 18 month stayed suspension, 2 years probation, \$5,000 fine.

Peter Joseph Tardy; Professional Engineer; Middletown, NJ 07748; Lic. No. 079612; Cal. No. 28963; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$5,000 fine.

Douglas Raymond Alvine; Professional Engineer; Omaha, NE 68102-1814; Lic. No. 091148; Cal. No. 29038; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation to commence upon return to practice in the State of New York, \$2,500 fine payable within 60 days.

### **Massage Therapy**

Sheng Lie Li; Flushing, NY 11354; Lic. No. 022002; Cal. No. 28546; Application for consent order granted; Penalty agreed upon: 6 month actual suspension, 18 month stayed suspension, 24 months probation, \$5,000 fine.

### **Nursing**

Laura Kate Lynch; Registered Professional Nurse; Barnegat, NJ 08005; Lic. No. 619030; Cal. No. 25493; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until successfully participate in course of therapy and treatment and until fit to practice, upon termination of suspension, 2 years probation to commence if and when return to practice in the State of New York.

Jami R. Crawford a/k/a Jami J. Crawford; Licensed Practical Nurse; Syracuse, NY 13206; Lic. No. 296664; Cal. No. 28029; Found guilty of professional misconduct; Penalty: \$500 fine, indefinite suspension until alcohol and substance abuse-free and until fit to practice, probation 2 years to commence subsequent to termination of suspension and upon actual return to practice.

Shawn M. Clark; Licensed Practical Nurse; Hudson Falls, NY 12839-4407; Lic. No. 300212; Cal. No. 28084; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 1 year and until physically fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice.

James Williams; Registered Professional Nurse; Hollis, NY 11423; Lic. No. 478330; Cal. No. 28239; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation.

Kizzy Blue; Licensed Practical Nurse; Kingston, NY 12401; Lic. No. 271164; Cal. No. 28240; Found guilty of professional misconduct; Penalty: 2 year suspension, execution of suspension stayed, probation 2 years concurrent with stayed suspension.

Nicola Mae Cottone; Licensed Practical Nurse; Delanson, NY 12053, Schenectady, NY 12307; Lic. No. 268705; Cal. No. 28262; Found guilty of professional misconduct; Penalty: 6 month suspension, probation 2 years to commence subsequent to termination (service) of suspension and upon actual return to practice.

Jennifer M. Nemec; Licensed Practical Nurse; Warrensburg, NY 12885; Lic. No. 264598; Cal. No. 28575; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Ashley Anne Ballou; Licensed Practical Nurse; Oswego, NY 13126; Lic. No. 298319; Cal. No. 28587; 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 3 months.

Blythe Regina Holynski; Registered Professional Nurse; Marcellus, NY 13108; Lic. No. 529038; Cal. No. 28685; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Donald Dwayne Lyke; Registered Professional Nurse; Rochester, NY 14624; Lic. No. 619424; Cal. No. 28686; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$500 fine.

Kaitlyn E. DeLong; Registered Professional Nurse; Schenectady, NY 12302-1902; Lic. No. 672904; Cal. No. 28698; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$500 fine.

Holly Lou Cary; Licensed Practical Nurse; Farmersville, TX 75442; Lic. No. 252635; Cal. No. 28703; 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 in the State of New York, \$500 fine payable within 3 months.

Laurel Gontz; Licensed Practical Nurse; Glens Falls, NY 12801; Lic. No. 231231; Cal. No. 28710; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 6 months and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 9 months.

Rosemary Delores Anderson; Licensed Practical Nurse, Registered Professional Nurse; Buffalo, NY 14211; Lic. Nos. 223953, 545476; Cal. Nos. 28721, 28722; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Zoraida Santana; Licensed Practical Nurse; Rochester, NY 14606-4013; Lic. No. 309892; Cal. No. 28724; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation.

Tajuanda Lene Williams; Licensed Practical Nurse; New York, NY 10035; Lic. No. 309428; Cal. No. 28725; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for a minimum of 2 months and until successfully participate in course of therapy and treatment and until fit to practice, upon termination of suspension, 2 years probation.

Lynne M. Bunce; Licensed Practical Nurse; Oswego, NY 13126; Lic. No. 239077; Cal. No. 28734; 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.

Karen Constance Field a/k/a Karen C. Field; Licensed Practical Nurse, Registered Professional Nurse, Nurse Practitioner (Psychiatry); East Quogue, NY 11942; Lic. Nos. 158557, 359035, Cert. No. 401135; Cal. Nos. 28750, 28751, 28752; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 24 months probation.

Sally Ann Colletti a/k/a/ Sally A. Chapman; Registered Professional Nurse; Canandaigua, NY 14424; Lic. No. 500261; Cal. No. 28765; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 2 months and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 3 months.

Alecia Edwards; Registered Professional Nurse; Walden, NY 12586; Lic. No. 633819; Cal. No. 28776; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Erica Anne Irwin; Registered Professional Nurse; Rochester, NY 14626; Lic. No. 653444; Cal. No. 28778; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation.

Sonya Shaw; Licensed Practical Nurse, Registered Professional Nurse; Buffalo, NY 14222-2019; Lic. Nos. 289912, 599651; Cal. Nos. 28780, 28781; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Melinda Ann Ellison a/k/a Melinda Ann Burns; Registered Professional Nurse; Elmira, NY 14905-2401; Lic. No. 648573; Cal. No. 28782; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Marie Jessie Parfait; Licensed Practical Nurse; Bayside, NY 11364; Lic. No. 216315; Cal. No. 28809; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$500 fine.

Wendi Lynn Burke; Registered Professional Nurse; Rome, NY 13440-3418; Lic. No. 635521; Cal. No. 28821; 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.

Melissa Christine Phillips; Licensed Practical Nurse; Buffalo, NY 14224; Lic. No. 318217; Cal. No. 28832; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Rachael Lynn Cornell; Licensed Practical Nurse; Cairo, NY 12413; Lic. No. 318789; Cal. No. 28838; 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 3 months.

Lisa Suzanne Gangell a/k/a Lisa Suzanne Hantz; Licensed Practical Nurse; Poughkeepsie, NY 12601; Lic. No. 224840; Cal. No. 28839; 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.

Stacey Lynn Hildebrand a/k/a Stacey L. Hildebrand a/k/a Stacey Hildebrand; Registered Professional Nurse, Nurse Practitioner (Adult Health); Stony Brook, NY 11790; Lic. No. 509780, Cert. No. 304059; Cal. Nos. 28843, 28844; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation.

Janell M. Magee a/k/a Janell McGee; Licensed Practical Nurse; Rochester, NY 14608; Lic. No. 299872; Cal. No. 28846; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Tracey Delicia King; Licensed Practical Nurse; Medford, NY 11763; Lic. No. 301073; Cal. No. 28873; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation, \$1,500 fine.

Sisteria Louedda Turner; Licensed Practical Nurse; Rochester, NY 14619; Lic. No. 312471; Cal. No. 28889; Application for consent order granted; Penalty agreed upon: 12 month actual suspension, 12 month stayed suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 3 months.

Jeffrey T. Irwin a/k/a Jeffrey Thomas Irwin; Licensed Practical Nurse, Registered Professional Nurse; Latrobe, PA 15650; Lic. Nos. 191616, 404510; Cal. Nos. 28895, 28896; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$1,000 fine.

Margaret S. Tomko; Licensed Practical Nurse; Cohoes, NY 12047; Lic. No. 277776; Cal. No. 28918; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Sherry Halas a/k/a Sherry Devlin; Licensed Practical Nurse, Registered Professional Nurse; Hamburg, NY 14075; Lic. Nos. 265576, 552826; Cal. Nos. 28923, 28924; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 3 months and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable with 6 months, Order to supersede Order Nos. 27980 and 27981.

Michelle Renee Michitsch a/k/a Michelle R. Michitsch; Licensed Practical Nurse, Registered Professional Nurse, Nurse Practitioner (Pediatrics); Levittown, NY 11756; Lic. Nos. 229050, 453315, Cert. No. 381247; Cal. Nos. 28943, 28944, 28945; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$2,500 fine.

Nicole Leigh VanDerhoff; Licensed Practical Nurse, Registered Professional Nurse; Lic. Nos. 279248, 575318; Cal. Nos. 28950, 28951; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Praphaporn Yamebane; Registered Professional Nurse; San Antonio, TX 78240; Lic. No. 615654; Cal. No. 29036; 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 30 days.

Tammy L. Williams; Registered Professional Nurse; Brooklyn, NY 11231; Lic. No. 614111; Cal. No. 29037; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 24 months probation to commence upon return to practice, \$1,500 fine payable within 60 days.

### **Occupational Therapy**

Gayle A. Schoenbaum; Occupational Therapist; Dobbs Ferry, NY 10522; Lic. No. 002233; Cal. No. 28747; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation.

## **Pharmacy**

Castle Hill Drugs, Inc.; Pharmacy; 674 Castle Hill Avenue, Bronx, NY 10463; Reg. No. 028860; Cal. No. 28570; Application for consent order granted; Penalty agreed upon: 12 month stayed suspension, 24 months probation, \$7,500 fine.

## **Physical Therapy**

Philip T. Franzese; Physical Therapist; Port Chester, NY 10573; Lic. No. 026316; Cal. No. 28396; Application for consent order granted; Penalty agreed upon: 6 month actual suspension, 18 month stayed suspension, 2 years probation.

Lisa Anne Ferrara-Ciardi; Physical Therapist; Montclair, NJ 07043; Lic. No. 009903; Cal. No. 29066; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 24 months probation to commence upon return to practice in the State of New York, \$1,500 fine payable within 6 months.

## **Podiatry**

Yelena Voronova; Brooklyn, NY 11235; Lic. No. 005994; Cal. No. 27455; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, 1 year probation, \$2,500 fine.

## **Respiratory Therapy**

Rony Lubin; Respiratory Therapist; Spring Valley, NY 10977; Lic. No. 008319; Cal. No. 28812; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Lucy Ann Twichell; Respiratory Therapist; Fayetteville, NY 13066; Lic. No. 002507; Cal. No. 28826; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$500 fine.

## **Social Work**

Ecgal Guzman; Licensed Clinical Social Worker; New York, NY 10033; Lic. No. 054058; Cal. No. 28854; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension of not less than 6 months and until fit to practice, upon termination of suspension, 2 years probation to commence if and when return to practice, \$1,000 fine payable within 30 days.

## **Veterinary Medicine**

Darius Tate Perry, Jr.; Veterinarian; Sayville, NY 11782-2420; Lic. No. 010160; Cal. No. 28719; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$5,000 fine.

Andrea Jane Dattellas; Veterinarian; Brewerton, NY 13029; Lic. No. 012194; Cal. No. 28805; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

David Richard Sachs; Veterinarian; Parkland, FL 33076; Lic. No. 006683; Cal. No. 29044; 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.

#### **IV. RESTORATIONS**

The Board of Regents voted on September 13, 2016 to deny the application for restoration of the dentist license of Mumlikat Aziz, Linden, NJ. Dr. Aziz's license was originally revoked effective July 23, 2003.

The Board of Regents voted on September 13, 2016 to deny the application for restoration of the dentist license of Ajay Baman, Blauvelt, NY. Dr. Baman's license was originally revoked September 15, 2009.

The Board of Regents voted on September 13, 2016 to deny the application for restoration of the physician license of Howard J. Weinstein, Long Beach, NY. Dr. Weinstein's license was originally surrendered February 14, 2006.

# ATTACHMENT I

## Principal Preparation Project

Presented to the

## NYS Board of Regents

September 12, 2016

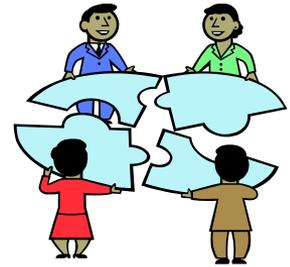
# PROJECT PURPOSE

In fall 2015, SED applied for a grant from the Wallace Foundation to enhance school building leadership. The grant has five areas of focus:

1. Requirements pertaining to those who are seeking school building leader (SBL) certification
2. Requirements for programs that prepare school building leaders
3. Professional development, supervision, and evaluation for school leaders
4. A tool to help district managers select school building leaders
5. Adoption of revised Interstate School Leaders Licensure Consortium (ISLLC) Standards

# ANTICIPATED OUTCOMES

This project engages stakeholders in efforts to:



- Review requirements related to the preparation of school building leaders
- Identify if improvements are needed (related to certification and program requirements, professional development, supervision, and/or evaluation)
- If warranted, forward recommendations to the Commissioner and Board of Regents for consideration and action
- Develop a tool to help districts identify, select, and place school building leaders

# STAKEHOLDERS

- Teachers
- School building leaders
- Superintendents and District Superintendents
- School board members
- Deans and faculty at colleges of education
- Parents
- Civil rights organizations



# RATIONALE FOR THIS WORK



- Our belief is that every student should have great teachers and a great school leader
- Our mission is to develop and recommend to the Board of Regents policies that will support and enhance the preparation of school building leaders and the success of their students

# RATIONALE (CONTINUED)

## WHAT PROBLEM ARE WE TRYING TO SOLVE?



- We know technology, accountability, and changing demographics have created new demands on school leaders
- Practitioners in the field have expressed concern that the preparation of our school building leaders has not kept pace with these changes
- Many earn SBL certification in NYS, but too few who earn certification are ready to step into the position.

# RATIONALE (CONTINUED)

## HOW URGENT IS THE CHALLENGE?



- Districts typically expend 80% (or more) of operating funds on people
- One of the most important decisions they face involves how they recruit, select, develop and retain effective school building leaders
- Yet NYS has not recently revised the requirements for the programs used to prepare school building leaders.
- Notably, in 2015 the National Policy Board for Educational Administration developed and the Council of Chief State School Officers copyrighted the “Professional Standards for Educational Leaders”

For reference, see:

<http://www.ccsso.org/Documents/2015/ProfessionalStandardsforEducationalLeaders2015forNPBEAFINALpdf>

# RATIONALE (CONTINUED)

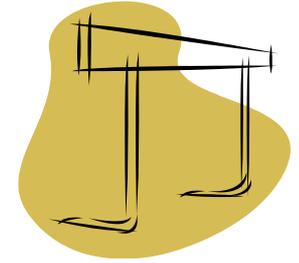
## IS THERE MORE TO THIS?



- Educators who have an interest in the preparation of school building leaders (P-12 and higher education) routinely commit to continuous improvement
- However, continuous improvement efforts are impeded because data to measure the effectiveness of leader preparation and the outcomes of students over time are sparse and of questionable quality
- At issue is the accessibility of data as well as its comparability across individuals, institutions, and time periods. This makes it a challenge to accurately gauge program effectiveness and hiring decisions

# BACKGROUND ON INDIVIDUAL REQUIREMENTS RELATED TO CERTIFICATION TO BECOME A SCHOOL BUILDING LEADER

Requirements for individuals to earn initial School Building Leader certification:



- Three years of experience in classroom teaching or pupil personnel service (public or non-public school)
- A master's degree
- Satisfactory completion of a NYS-registered, university-based graduate program for school building leaders that includes a full-time internship experience of at least 15 weeks in length
- Pass the NYS SBL exam
- Pass the Educating All Students (EAS) exam

Sources: 8 CRR-NY 52.21(c)(2)

# GENERAL FRAMEWORK FOR PROGRAMS THAT PREPARE SCHOOL BUILDING LEADERS (SBL)

NYS programs require successful candidates to demonstrate the ability to:

- Develop and share an educational vision
- Collaboratively identify goals and objectives
- Communicate and work effectively with parents, staff, students, and community
- Lead comprehensive, long-range planning in the areas of:
  - a. Curriculum development
  - b. Instructional strategies and integration of technology
  - c. Classroom organization
  - d. Assessment
  - e. Services for students with disabilities
  - f. Professional development
  - g. Succession planning
  - h. Student, family, and community relations
  - i. Facilities development
  - j. Career- and college-readiness planning
- Manage change using ethical decision-making
- Set standards for ethical behavior including mutual respect
- Provide a safe, healthy, and supportive learning environment
- Establish a school budget
- Apply laws and regulations in the educational setting
- Maintain a self-improvement plan

# ACCOMPLISHMENTS

- Reviewing (and summarizing) research literature
- Studied leader tracking tools in use (NYC & Denver)
- Conducted informal discussions with key stakeholders
- Completed focus group meetings (informational only)
- Developing an online survey to gauge stakeholder opinion
- Assembled Project Advisory Team

# NEXT STEPS

- Collect and analyze results from online survey on the topic
- Advisory Team meets six times
- Advisory Team analyzes fit between requirements pertaining to school building leader preparation programs in NYS and 2015 national leadership standards
- Team considers whether adjustments are possible or needed
- If warranted, Team formulates recommendations for consideration
- Specify how organizing data on the pool of aspiring school leaders into a “leader tracking tool” can help District hiring managers improve hiring
- Take steps to launch a prototype tracking tool
- Develop recommendations for Board of Regents to consider

# ATTACHMENT II



*The Most Honorable*  
***Adelaide L. Sanford***

*Vice Chancellor Emerita*  
***New York State Board of Regents 1986 – 2007***

*The Board of Regents and State Education Department recognize you for your decades of service and exemplary contributions to the State of New York tirelessly focusing on the underserved and most in need children and young adults of the State.*

*On this 12<sup>th</sup> day of September, 2016, with deepest appreciation and respect, the Board of Regents designates you as Honorary Co-Chair of the Work Group to Improve Outcomes for Boys and Young Men of Color in recognition of your unwavering leadership and ongoing meaningful contributions to this effort.*



**Betty A. Rosa**

*Chancellor*

*New York State Board of Regents*

**Lester W. Young, Jr.**

*Regent*

*Chair, Work Group to Improve Outcomes for Boys and Young Men of Color*

**J. Andrew Brown**

*Vice Chancellor*

*New York State Board of Regents*

**MaryEllen Elia**

*Commissioner of Education and President of The University of the State of New York*