

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 Je

Summary of the October 2017 Meeting

SUBJECT:

DATE:

November 2, 2017

AUTHORIZATION(S):

Executive Summary

Issue for Decision

Review of the Summary of the October 2017 Meetings of the Board of Regents.

Proposed Handling

Approval of the Summary of October 2017 meetings.

Procedural History

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

Recommendation

Approval of the Summary of the October 2017 meetings.

Timetable for Implementation

Effective November 14, 2017.

VOTED, that the Summary of the October 2017 Meetings of the Board of Regents of The University of the State of New York be approved.



SUMMARY OF THE OCTOBER 2017 MEETING

OF THE BOARD OF REGENTS

OF

THE UNIVERSITY OF THE STATE OF NEW YORK

Held at the State Education Building Albany, New York

October 16 and 17, 2017

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, October 16, 2017 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Monday, October 16th at 9:00 a.m.

Board Members in Attendance:

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

Also present were Commissioner of Education, MaryEllen Elia, Executive Deputy Commissioner, Elizabeth Berlin, Counsel and Deputy Commissioner for Legal Affairs, Alison B. Bianchi, and the Secretary, Board of Regents, Anthony Lofrumento. Regents Josephine Victoria Finn and Judith Johnson were absent and excused.

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

ACTION ITEM

Executive Session Motion

MOVED, that the Board of Regents convene in executive session, Monday, October 16, 2017 at 3:40 p.m. to discuss litigation matters.

Motion by: Vice Chancellor T. Andrew Brown Seconded by: Regent Christine D. Cea Action: Motion carried unanimously

DISCUSSION

Youth Advocacy

Chancellor Rosa led a discussion on the most appropriate process and next steps for incorporating student voice into Board deliberations.

DISCUSSION ITEM

Data Privacy BR (D) 1

Tope Akinyemi, Chief Privacy Officer, provided an overview of efforts that have been undertaken to ensure that data collected by the Department are protected from unauthorized disclosure in accordance with state and federal laws as well as to ensure appropriate guidance is provided to districts to ensure the same (Attachment I.)

Chancellor Betty A. Rosa adjourned the meeting.

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

Board Members in Attendance:

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

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

Chancellor Betty A. Rosa called the meeting to order at 11:45 a.m. and asked Regent Roger Tilles to provide thoughts for a moment of reflection.

ACTION ITEM

Charter Applications BR (A) 1

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

Supplemental Charter Application BR (A) 1 - SUPPLEMENTAL

MOVED, that the Board of Regents approve the charter action in accordance with the recommendations contained in the supplemental summary table. (see Appendix I).

Summary of the September 2017 Meetings of the Board of Regents BR (A) 2

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

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

PROGRAM AREA CONSENT ITEMS

Cultural Education

Amendment of §3.12 of the Rules of the Board of Regents Relating to Members of the Museum Council and Library Council BR (CA) 1

MOVED, that paragraphs (3) and (4) of subdivision (a) of §3.12 of the Rules of the Board of Regents be amended, effective November 1, 2017.

Higher Education

Transfer of Degree-Conferring Authority Based Upon a Change of Ownership or Control of Bryant & Stratton College BR (CA) 2

MOVED, that, contingent upon the transfer and sale of the membership interests of Bryant & Stratton College to the Bryant and Stratton Limited Liability Partnership, resulting in the Bryant and Stratton Limited Partnership having a controlling interest (87.2%) in Bryant & Stratton College, the Board of Regents consents to the transfer of degree conferring authority of Bryant & Stratton College to the Bryant and Stratton Limited Partnership.

Master Plan Amendment: Bard College, Establishment of a Branch Campus at the Brooklyn Public Library BR (CA) 3

MOVED, the Board of Regents approve an amendment to the master plan of Bard College to authorize the establishment of a branch campus at Brooklyn Public Central Library, and authorize the College to grant the Associate in Arts (A.A.) degree in Liberal Arts and Science. The amendment will be effective until October 31, 2018, unless the branch campus and degree program are registered prior to that date, in which case the master plan amendment shall be without term.

(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.

Master Plan Amendment: Marist College, Doctor of Physical Therapy (D.P.T.) Program in Physical Therapy BR (CA) 6

MOVED, that the Board of Regents approve an amendment to the master plan of Marist College to authorize the College to offer the D.P.T. program. This amendment will be effective until October 15, 2018, unless the Department registers the program prior to that date, in which case the master plan amendment shall be without term.

MOVED, that the Regents approve the consent agenda items.

Motion by:	Regent James E. Cottrell
Seconded by:	Regent Susan W. Mittler
Action:	Motion carried unanimously.

STANDING COMMITTEE REPORTS

CULTURAL EDUCATION

Your Committee on Cultural Education Committee had its scheduled meeting on October 17, 2017. 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 Ouderkirk, Regent Johnson and Regent Mead. Regents, in addition to CE Committee Members, in attendance were: Chancellor Rosa, Regent Young, Regent Cashin, Regent Reyes, and Regent Mittler. Also in attendance were

Commissioner Elia, Executive Deputy Commissioner Berlin, and Counsel and Deputy Commissioner for Legal Affairs Alison Bianchi.

ITEMS FOR DISCUSSION

Chair's Remarks: Regent Tilles welcomed everyone and introduced Deputy Commissioner Mark Schaming. Mark provided a brief report on Office of Cultural Education news and activities including: honoring Dr. Janny Venema, Assistant Director of the New Netherland Research Center at the New York State Library, on her recent appointment as a Knight in the Order of Orange Nassau by the Netherlands government; two new acquisitions at the State Library: a collection of documents and photographs donated by newspaper editor Harry Rosenfeld and a collection of 3,000 books from the Holland Society of New York Library that expands the State Library's large local history and genealogy resources; and the State Museum's Votes for Women exhibition opens on Saturday, November 4 and there will be a special preview event on Wednesday, November 1 at 10:30 a.m. to celebrate the opening of the exhibition.

New York State Summer School of the Arts [CE (D) 1] - Molly Hennighausen, Executive Director of the New York State Summer School of the Arts (NYSSSA), presented on the 2017 season of NYSSSA and outreach plans for the future. The program provides talented high school students the opportunity to study with some of the world's foremost artists in the visual and performing arts in seven schools, including ballet, dance, choral studies, orchestral studies, theatre, visual arts, and media arts. Nearly 900 students auditioned or submitted portfolios to participate in the seven NYSSSA schools in 2017. 347 students gained acceptance and enrolled in the program. Students are accepted into the schools through a competitive audition process conducted by the artistic staff. Tuition rates are maintained at a modest level and tuition assistance is available, enabling every student who qualifies the opportunity to participate in the program.

Appointment of New Members to the Museum Regents Advisory Council and to the Library Regents Advisory Council [CE (A) 1] - Deputy Commissioner Mark Schaming introduced the recommended appointments to the Museum Regents Advisory Council and the Library Regents Advisory Council. Members of the Museum Regents Advisory Council offer advice and consultation on issues of policy and service pursuant to the Board's statutory mandate to operate the State Museum and oversee museums across New York State. The recommended appointment to the Museum Regents Advisory Council is Gretchen Sorin, Director of the Cooperstown Graduate Program in Museum Studies and Distinguished Professor. Members of the Library Regents Advisory Council advises the Board on issues concerning library policy, works with the officers of the State Education Department in developing a comprehensive statewide library and information policy, and makes recommendations to the Regents for implementing library programs and initiatives. The recommended appointments to the Library Regents Advisory Council are: Susan Kowalski, Librarian at Pine Grove Middle School at the East Syracuse Minoa Central School District; Mary-Alice Lynch, Trustee at the Clifton Park-Halfmoon Library; Susan Polos, School Library Media Specialist at Bedford Central School District; and Juan Rivera, Library Media Specialist at A. Philip Randolph Campus High School.

HIGHER EDUCATION

Your Higher Education Committee held its scheduled meeting on October 17, 2017. All members were present with the exception of Regents Brown, Norwood and Collins who were absent and excused.

ACTION ITEMS

Proposed Amendment to Subpart 80-6 of the Regulations of the Commissioner of Education Relating to Continuing Teacher and Leader Education for Teachers in Non-Public Schools to Implement Chapter 311 of the Laws of 2017 [HE (A) 1] - Your Committee discussed a proposed amendment to Subpart 80-6 of the Regulations of the Commissioner of Education Relating to Continuing Teacher and Leader Education for Teachers in Non-Public Schools to Implement Chapter 311 of the Laws of 2017. The 2015-2016 State Budget added Section 3006-A to the Education Law to require all holders of teaching certificates, teaching assistant certificates, and educational leadership certificates which are valid for life (Permanent, Professional and Teaching Assistant Level III) to register with the Department every five years and that holders of the Professional and Teaching Assistant Level III certificates complete 100 hours of continuing teacher and leader education during the five year registration period. Chapter 311 of the Laws of 2017 amends Education Law §3006-a to add nonpublic schools to the provisions relating to the mandatory continuing education requirements for all holders of professional certificates in the classroom teaching service, holders of level III teaching assistant certificates, and holders of professional certificates in the educational leadership service. In order to implement the new law, the proposed regulation amends the definition of applicable school in Section 80-6.1 of the Commissioner's Regulations to include nonpublic schools. VOTED that Section 80-6.1 of the Regulations of the Commissioner be amended, as submitted, effective October 17, 2017, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to immediately adopt the proposed amendment to timely implement the changes to Education Law §3006-a, as amended by Chapter 331 of the Laws of 2017. Following the 45-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be adopted by the Board of Regents at its January 2018 meeting. If adopted at the January 2018 meeting, the proposed amendment will become effective on January 25, 2018.

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 October 17, 2017, copies of which have been distributed to each member of the Board of Regents.

Matters Not Requiring Board Action:

Proposed Amendment to Add a New Section 80-5.25 to the Regulations of the Commissioner of Education to Establish a Transitional H Pathway for Holders of a New York State License as a Certified Public Accountant to Pursue a School District Business Leader Certificate [HE (D) 1] - Department staff presented an amendment to add a new Section 80-5.25 to the Regulations of the Commissioner of Education to establish a Transitional H pathway for holders of a New York State license as a certified public accountant (CPA) with at least three years of experience auditing New York State school districts, BOCES and/or municipalities with the ability to pursue a school district business leader certificate. Following the 45-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will come back to the Board of Regents at its January 2018 meeting. If adopted at the January 2018 meeting, the proposed amendment will become effective on January 25, 2018.

TeachNY Update - The Commissioner updated the Board on the work of the Department including teacher certification pathways, the development of national "teacher tables" and the work to implement teach.org.

Presentation on P-TECH Data [HE (D) 2] - Department staff and a panel of students provided a program overview of the NYS P-TECH Program and Smart Scholars Early College High School and the most up-to-date student enrollment and achievement data collected from all three cohorts of students.

Consent Agenda

The Board of Regents acted on the following consent agenda items at the October 2017 meeting.

- Transfer of Degree-Conferring Authority Based Upon a Change of Ownership or Control of Bryant & Stratton College [BR (CA) 2] - Transfer and sale of the membership interests of Bryant & Stratton College to the Bryant and Stratton Limited Liability Partnership, resulting in the Bryant and Stratton Limited Partnership having a controlling interest (87.2%) in Bryant & Stratton College, the Board of Regents consents to the transfer of degree conferring authority of Bryant & Stratton College to the Bryant and Stratton Limited Partnership.
- Master Plan Amendment: Bard College, Establishment of a Branch Campus at the Brooklyn Public Library [BR (CA) 3] Approved an amendment to the master plan of Bard College to authorize the establishment of a branch campus at Brooklyn Public Central Library, and authorize the College to grant the Associate in Arts (A.A.) degree in Liberal Arts and Science. The amendment will be effective until October 31, 2018, unless the branch campus and degree program are registered prior to that date, in which case the master plan amendment shall be without term.

P-12 EDUCATION

Your P-12 Education Committee held its scheduled meeting on October 16, 2017. All members were present, except for Regent Finn, who was excused.

MATTERS NOT REQUIRING BOARD ACTION

Senior Deputy Commissioner's Report – Senior Deputy Commissioner Jhone Ebert updated the Committee on two important initiatives.

- REL-NEI (Regional Educational Laboratory-Northeast and Islands) the Department is collaborating with REL-NEI on a study that will examine whether Regents diploma attainment in New York State has increased after implementation of the 4+1 graduation pathway, particularly among groups of students with historically low graduation rates. Additionally, the Department is partnering with REL-NEI to develop a research agenda to explore potential activities such as availability of CTE and teacher and principal preparation.
- Building Educator Capacity the Department has formed a task force of educators and other stakeholders, including BOCES, district leaders, principals, teachers, and higher education representatives, to discuss strategies to help us improve the way we support all educators. The first strategy includes a Professional Learning Team (PLT) made up of representatives from BOCES, RICs, S/CDN, higher education, Big 5, SAANYS, NYSUT, UFT, ESSAA and PSPB. This fall, the group will meet to determine how various supports and tools support statewide priorities.

Charter School Performance Framework [P-12 (D) 1] – the Committee discussed key areas of the Charter School Performance Framework that guide the performance oversight of Board of Regents-authorized charter schools. Discussions with the field have taken place across the state where board members and administrators of Regents-authorized charter schools were given the opportunity to provide feedback and suggested changes to the Performance Framework. Discussion focused on the 10 benchmarks of charter school performance, specifically on benchmarks 1 – Student Performance, 3 – School Climate (which includes chronic absenteeism), 4 – Fiscal Dashboard, and 9 – Enrollment and Retention. Staff will collect comments and concerns from Committee members for discussion at a future meeting.

Review of the New York State High School Diploma Requirements [P-12 (D) 2] – the Committee continued their discussion of opportunities leading to a Regents diploma and key goals for potential changes to the diploma requirements, which include:

- Prepare students for 21st century postsecondary options;
- Offer more flexibility in completing credit requirements related to pathway choice

and student interest;

- Expand external certification assessment options; and
- Allow students to demonstrate proficiency in multiple ways.

Department staff will continue to seek input from various stakeholder groups and return to the Board for further discussion and recommendations.

The Committee also heard a presentation by Dr. Patrick Michel, District Superintendent from the Hamilton-Fulton-Montgomery BOCES and the PTECH program at that BOCES. Students who enter this program are incoming ninth-graders who will simultaneously earn Regents high school diplomas and associate's degrees at no cost to their families from Fulton Montgomery Community College in four to six years. Students who participate are motivated to learn in new and exciting ways and thrive in non-traditional classroom settings. The BOCES is exploring ways to integrate this program into traditional high schools in its component districts due to the overwhelming number of students interested in participating.

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

Your P-12 Education and ACCES Committees held a joint meeting on October 16, 2017. All members were present, with the exception of Regent Finn, who was excused.

MATTERS NOT REQUIRING BOARD ACTION

Proposal for a new Pathway to a New York State High School Equivalency Diploma [P-12/ACCES (D) 1 - REVISED] - the Committee was presented with the proposed amendments to regulations for a new pathway to a NYS High School Equivalency (HSE) Diploma. There are currently three pathways toward earning a HSE diploma: TASC™ testing (Test Assessing Secondary Completion); approved 24-College-Credit Program; and National External Diploma Program (NEDP). The fourth pathway presented today would allow students who have passed any Regents high school examination in Mathematics, English language arts, Social Studies or Science, the opportunity to use passing scores in place of the corresponding TASC™ subtests. The four pathways to an HSE diploma will provide equitable access points and a diverse means by which New Yorkers can earn HSE credentials. The ability to use passing Regents examination scores toward earning an HSE diploma will expand the opportunity for high-school students at risk of dropping out as well as students with disabilities to stay engaged with their education and offer an incentive for meeting graduation requirements to those whose circumstances may not allow for completion of high school. Upon discussion, it was decided that the amendment would be presented to full Board for adoption.

P-12 EDUCATION/HIGHER EDUCATION JOINT MEETING

Your P-12 Education and Higher Education Committees held a joint meeting on October 16, 2017. All members were present, except for Regent Finn, who was excused.

ACTION ITEMS

Teachers Displaced from Puerto Rico and/or Another U.S. Territory as a Result of Hurricane Maria to Teach in New York State [P-12/HE (A) 1] - Your Committees recommend that Section 80-5.26 of the Regulations of the Commissioner of Education be added, as submitted, effective October 17, 2017, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to immediately certify teachers in New York State who were affected and displaced by Hurricane Maria for a temporary period of time.

MOTION FOR ACTION BY FULL BOARD

Madam Chancellor and Colleagues: Your P-12 Education and Higher Education Committees recommend, 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 October 17, 2017, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Students Displaced by Recent Hurricanes [P-12/HE (D) 1] – the Committees were updated on the guidance document that was sent to schools and districts on October 12, 2017, providing information on how to enroll and serve students displaced to New York State by recent hurricanes. Discussion focused on the McKinney-Vento Act which protects students who are temporarily displaced due to disaster. Under McKinney-Vento, students in temporary housing can enroll immediately in a school in the district where they are temporarily living even if they don't have the documents normally needed for enrollment and even if they have missed application or enrollment deadlines during any period of homelessness. The Committee also discussed implications for Students with Disabilities and English language learners/Multilingual learners.

P-12 EDUCATION/PROFESSIONAL PRACTICE JOINT MEETING

Your P-12 Education and Professional Practice Committees held a joint meeting on October 16, 2017. All members were present, except for Regent Finn, who was excused.

MATTERS NOT REQUIRING BOARD ACTION

Sepsis Prevention and Access to Vision Health Care [P-12/PPC (D) 1] – the Committees were updated on the Department's efforts to raise awareness of sepsis prevention. The Department collaborated with Assemblymember Catherine Nolan, who

has introduced sepsis awareness legislation, as well as the Rory Staunton Foundation for Sepsis Awareness, to provide sample curricula and resources on a dedicated webpage for schools to use to educate students on sepsis. The Staunton's started the Foundation after their son Rory died from sepsis as a result of a cut from a fall in the gym at his school. Sepsis is preventable and treatable so it is vital that students and schools learn how it can be prevented and its symptoms so that immediate medical treatment can be sought. The Department will continue to work with the Rory Staunton Foundation for Sepsis Awareness to provide schools with appropriate materials that help students learn about ways to prevent and treat sepsis.

The Committees were also updated on the importance of providing access to vision health care. The New York State Legislature has proclaimed October as School Vision Health month. The Department has worked with eye health professional associations to provide resources and emphasize the importance of eye health and safety. The Department has also collaborated with professional associations to coordinate the provision of complete eye examinations and glasses in some schools during October. Staff will gather data from the 2017 Vision Health month initiative and continue to promote vision health throughout the year.

PROFESSIONAL PRACTICE

Your Professional Practice Committee held its scheduled meeting on October 16, 2017. All members were present, except Regent Josephine Victoria Finn, who was excused. Chancellor Betty A. Rosa was also present, but did not vote on any case or action.

ACTION ITEMS

Professional Discipline Cases

Your Committee recommends that the reports of the Regents Review Committees, including rulings, findings of fact, determinations as to guilt, and recommendations, by unanimous or majority vote, contained in those reports which have been distributed to you, be accepted in 3 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 35 consent order applications and 29 surrender applications be granted, with five members of the committee voting acceptance of the consent application in the case of Michael Francis Verno, a/k/a Michael Francis Verno Jr., Licensed Master Social Worker, Cal. No. 29657, and with Regent Wade S. Norwood abstaining.

In the case of Joseph Appiah-Forson, Dentist, Cal. No. 29773, we recommend that the determination rendered in this matter on September 12, 2017, the Vote and Order issued in this matter on September 12, 2017, and the Application For Consent Order submitted in this matter all be deemed corrected to show, wherever the Calendar Number for this matter is reflected, the correct calendar Number of 29773, and not 29733, and that the

determination rendered and Vote and Order issued in this matter each be ratified in all other respects and, as corrected, remain in full force and effect.

These recommendations are made following the review of 67 cases involving eighteen licensed practical nurses, sixteen registered professional nurses, six licensed practical nurses who are also registered professional nurses, four dentists, three pharmacists, two pharmacies, one architect, one architect professional corporation, one certified dietitian (nutritionist), one certified public accountant, one chiropractor, one dental hygienist, one licensed master social worker, one mental health counselor, one occupational therapist, one physical therapist assistant who is also a physical therapist, and one professional engineer.

Restorations

That, upon taking and passing the Pharmacist Assessment for Remediation Examination (PARE) and the Multistate Pharmacy Jurisprudence Examination (MPJE), the revocation of Henry Magiet's license to practice as a pharmacist in the State of New York be stayed; that he be placed on probation for a period of two years, and that, upon successful completion of probation, his license be fully restored. [PPC EXC (A) 4]

That the revocation of Yefim Sosonkon's license to practice as a physician in the State of New York be stayed; that he be placed on probation for a period of two years: and that, upon successful completion of probation, his license be fully restored. [PPC EXC (A) 5]

Approvals

Regulations: Mandatory Quality Review Program in Public Accountancy [PPC (A) 1] – Your Committee recommends the following: That paragraph (6) of subdivision (b) of section 70.10 of the Regulations of the Commissioner of Education be amended, as submitted, effective October 17, 2017, 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 mandatory quality review program can continue to function by giving the Department the authority to approve a sponsoring organization or sponsoring organizations, located either in or outside of this State, to oversee and facilitate quality reviews performed by a reviewer as mandated by statute.

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 October 16, 2017, 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
- Master Plan Amendment Marist College (Doctor of Physical Therapy)

Proposed Amendment of Section 75.2 of the Regulations of the Commissioner of Education Relating to the Limited License in Speech-Language Pathology [PPC (D) 1] - Department staff presented a proposed amendment to the Regulations of the Commissioner to provide that applicants for a license in speech-language pathology who hold a limited license are subject to the same experience requirements as applicants who have not been issued such a limited license.

Proposed Amendment of Section 76.5 of the Regulations of the Commissioner of Education Relating to the Definition of Occupational Therapy Practice [PPC (D) 2] - Department staff presented a proposed amendment to conform the Regulations of the Commissioner to the Education Law provisions regarding the scope of practice of occupational therapy and the requirement that a treatment program for occupational therapy designed to restore function be rendered on the prescription or referral of a physician nurse practitioner or other health care provider acting within his or her scope of practice.

MOVED, that the Committee Reports be approved.

Motion by:	Regent Roger Tilles
Seconded by:	Regent Elizabeth S. Hakanson
Action:	Motion carried unanimously.

ACTION ITEM

State Education Department September 2017 Fiscal Report BR (A) 3

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

Motion by:	Regent Beverly L. Ouderkirk
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

Name of Institution	Program Area	County (City/Town) of Location	Description of Charter Action(s)
Alice Curtis Desmond and Hamilton Fish Library	CE	Putnam (Garrison)	Amend charter to specify the trustee term length to be three years.
Bristol Library	CE	Ontario (Bristol)	Amend charter to: - specify the trustee term length to be three years; - designate the library's service area to be coterminous with the Town of Bristol: - designate Commissioner as agent for service; and - update IRS dissolution language.
The Gilder Lehrman Institute of American History	CE	New York (New York)	Amend charter to increase the maximum number of trustees from 25 to 35.
Lower East Side Tenement Museum	CE	New York (New York)	Amend charter to increase the maximum number of trustees from 25 to 35.
New York Shoe Museum	CE	New York (New York)	Grant provisional charter for five years.
Spencerport Depot and Canal Museum	CE	Monroe (Spencerport)	Extend provisional charter for five years.
Women's Round Lake Improvement Society	CE	Saratoga (Round Lake)	Amend charter to specify the trustee term length to be five years.
Ascent: A School for Individuals with Autism	P12	Suffolk (Deer Park)	Extend provisional charter for three years.
Cooke Center for Learning & Development	P12	New York (New York)	Amend charter to change the corporate name to "Cooke School and Institute".
MDQ Academy	P12	Suffolk (Brentwood)	Amend to make charter absolute nun pro tunc July 17, 2017.
New Covenant Learning Center	P12	Orange (Beacon)	Extend provisional charter for three years.
Primrose Hill School	P12	Dutchess (Rhinebeck)	Extend provisional charter for three years.

School for Language and Communication Development	P12	Nassau (Glen Cove)	Amend charter to change the corporate name to "Tiegerman School".
Marist College	OP	Dutchess (Poughkeepsie)	Amend charter to add authority to confer the Doctor of Physical Therapy (D.P.T.) degree.

SUPPLEMENTAL CHARTER

Name of Institution	Program Area	County of Location	Description of Charter Action(s)
Bard College	HE	Dutchess (Red Hook)	Amend charter to add authority to operate a branch campus at the Brooklyn Public Library and to confer the Associates in Arts (A.A.) degree at that branch campus.

Appendix II

REGENTS ACTIONS IN 67 PROFESSIONAL DISCIPLINE CASES AND 2 RESTORATION PETITIONS

October 16 - 17, 2017

The Board of Regents announced disciplinary actions resulting in the surrender of 28 licenses and 1 certificate, and 38 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. SURRENDERS

Chiropractic

Thomas Emil Dinardo, Jr. a/k/a Thomas Dinardo; Chiropractor; Staten Island, NY 10308; Lic. No. 011136; Cal. No. 29904; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Conspiracy in the 5th Degree, a class A misdemeanor.

Mental Health Practitioners

Lani Elaine Desrosiers; Mental Health Counselor; Fort Montgomery, NY 10922-0271; Lic. No. 000869; Cal. No. 29923; Application to surrender license granted. Summary: Licensee admitted to the charge of having a romantic relationship with a former patient shortly after the patient was discharged.

Nursing

Nicholas A. Jamieson; Licensed Practical Nurse; Surprise, AZ 85388-1223; Lic. No. 277078; Cal. No. 27730; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Driving While Intoxicated, an unclassified misdemeanor.

Sheila Eileen Brock a/k/a Sheila Eileen Brock-Everett a/k/a Sheila Eileen Brock-Soto a/k/a Sheila Eileen Mann; Licensed Practical Nurse; Alaska 99506; Lic. No. 251085; Cal. No. 29568; Application to surrender license granted. Summary: Licensee admitted to charges of having been convicted of Alaska crimes.

Molly Peter Pallikunnel; Registered Professional Nurse; Missouri City, TX 77459-5035; Lic. No. 505074; Cal. No. 29762; Application to surrender license granted. Summary: Licensee admitted to the charge of having been found guilty of unprofessional conduct by the State of Texas Board of Nursing, which conduct would be considered practicing nursing with gross negligence and unprofessional conduct if committed in New York State.

Judith Ellen Derby; Registered Professional Nurse; Port Townsend, WA 98368-7319; Lic. No. 218472; Cal. No. 29767; Application to surrender license granted. Summary: Licensee admitted to the charge of having been found guilty of professional misconduct in the State of Washington, which conduct would be considered violating a condition or limitation imposed on the licensee by the Board of Regents, if committed in New York State.

Shirley Elizabeth Hunt a/k/a Shirley Baggaley; Licensed Practical Nurse; Bordentown, NJ 08505; Lic. No. 275601; Cal. No. 29785; Application to surrender license granted. Summary: Licensee did not contest the charge of engaging in the practice of nursing subsequent to entering into inactive status in the State of New Jersey.

Jodia S. Campbell; Licensed Practical Nurse; Philadelphia, PA 19106; Lic. No. 285683; Cal. No. 29833; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Transportation of Individual Across State Lines with Intent to Engage in Illegal Sexual Conduct.

Patricia Anne Butler; Registered Professional Nurse; Bedford Hills, NY 10507; Lic. No. 328661; Cal. No. 29858; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Falsifying Business Records in the 1st Degree.

John Francis Gavin; Registered Professional Nurse; Valencia, PA 16059; Lic. No. 459048; Cal. No. 29870; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Conspiracy to Distribute Controlled Substances.

Priscilla Rosal Siaga-Jenkins; Licensed Practical Nurse, Registered Professional Nurse; Palm Bay, FL 32908; Lic. Nos. 212141, 436569; Cal. Nos. 29876, 29875; Application to surrender licenses granted. Summary: Licensee admitted to the charge of having been convicted in Florida of Criminal Use of Personal Identification Information and Theft.

Shannon Michelle Stenger; Registered Professional Nurse; Mentor, OH 44060; Lic. No. 698048; Cal. No. 29882; Application to surrender license granted. Summary: Licensee did not contest the charge of Ohio Discipline.

Lisa Ann Kelsey a/k/a Lisa Ashcraft; Registered Professional Nurse; Watertown, NY 13601; Lic. No. 500827; Cal. No. 29897; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Attempted Falsifying Business Records in the 1st Degree; Criminal Possession of a Controlled Substance in the 7th Degree.

Susan Marie Warden; Licensed Practical Nurse, Registered Professional Nurse; Las Vegas, NV 89117-3919; Lic. Nos. 215984, 437131; Cal. Nos. 29906, 29907; Application to surrender licenses granted. Summary: Licensee did not contest the charge having

been found guilty of professional misconduct in the State of Nevada, which conduct would be considered practicing the profession of nursing with gross negligence, if committed in New York State.

Samuel David Rose; Registered Professional Nurse; Castroville, CA 95012; Lic. No. 634446; Cal. No. 29908; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of 1st Degree Burglary, in the State of California, a felony, which would have constituted a crime in New York State as Burglary in the 3rd Degree, a class D felony.

Jessica L. Dresser; Licensed Practical Nurse; Plattsburgh, NY 12901-5168; Lic. No. 296769; Cal. No. 29920; Application to surrender license granted. Summary: Licensee admitted to charges of moral unfitness in the practice of nursing and Sexual Misconduct and Criminal Possession of a Controlled Substance in the 7th Degree.

Jacqueline Theresa Harrell a/k/a Jacqueline Theresa Dusharm; Licensed Practical Nurse, Registered Professional Nurse; Mint Hill, NC 28227; Lic. Nos. 204474, 486501; Cal. Nos. 29935, 29934; Application to surrender licenses granted. Summary: Licensee did not contest the change of North Carolina Discipline.

Daniel J. Glazier; Registered Professional Nurse; Pulaski, NY 13142-2210; Lic. No. 648297; Cal. No. 29945; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Criminal Sexual Act in the 3rd Degree.

Edwin Ancheta Morales; Licensed Practical Nurse, Registered Professional Nurse; Mission, TX 78574; Lic. Nos. 229154, 456036; Cal. Nos. 29957, 29958; Application to surrender licenses granted. Summary: Licensee admitted to the charge of having been found guilty of professional misconduct in the State of Texas, where the conduct if committed in New York would constitute practicing the profession of nursing with gross negligence.

Geunjae Lee; Registered Professional Nurse; Cincinnati, OH 45242-3106; Lic. No. 650767; Cal. No. 29964; Application to surrender license granted. Summary: Licensee did not contest the charge of, in the Commonwealth of Kentucky, documenting vital signs and bowel sounds in a patient medical record, when in fact he did not assess either.

Kenneth Wayne Bailey Jr.; Registered Professional Nurse; Atmore, AL 36502; Lic. No. 522158; Cal. No. 29965; Application to surrender license granted. Summary: Licensee admitted to charges of failing to evaluate and initiate emergency measures in a timely manner following notification of a change in a patient's cardiac rhythm in the State of Alabama; and falsely stating on an application for reinstatement as a registered professional nurse in the State of Alabama that he did not have pending criminal charges.

Pharmacy

Louis A. Pisani; Pharmacist; Franklin Square, NY 11010-0034; Lic. No. 029639; Cal. No. 28976; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Offering a False Instrument for Filing in the 2nd Degree, a class A misdemeanor.

Physical Therapy

Adelaida Mijos Laga; Physical Therapist Assistant, Physical Therapist; Brooklyn, NY 11235; Cert. No. 006907, Lic. No. 031067; Cal. Nos. 29946, 29947; Application to surrender certificate and license granted. Summary: Licensee admitted to the charge of having been convicted of Conspiracy to Commit Health Care Fraud, a class C felony.

Public Accountancy

Silford Warren; Certified Public Accountant; Brooklyn, NY 11208; Lic. No. 069840; Cal. No. 28910; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Willful Failure to Collect and Pay Over Taxes, a felony.

II. OTHER REGENTS DISCIPLINARY ACTIONS

Architecture

Charles Richard Schwartzapfel; Long Beach, NY 11561; Lic. No. 021612; Cal. No. 29819; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 11 months stayed suspension, 1 year probation, \$1,500 fine.

Charles R. Schwartzapfel Registered Architect P.C.; Long Beach, NY 11561; Cal. No. 29820; Application for consent order granted; Penalty agreed upon: \$2,500 fine payable within 6 months.

Dentistry

Mahmoud Amr H Helal; Dentist; Morris Plains, NJ 07950; Lic. No. 051013; Cal. No. 28588; 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.

Mark Wassef; Dentist; Hazlet, NJ 07730-1663; Lic. No. 053753; Cal. No. 28899; Application for consent order granted; Penalty agreed upon: 1 year actual suspension, 1 year stayed suspension, 2 years probation to commence upon return to practice in the State of New York, \$10,000 fine payable within 60 days.

Julian Kahn-Pasco a/k/a Pasco Julian Kahn; Dentist; Rochester, NY 14618; Lic. No. 052698; Cal. No. 29530; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Emily Helene Gerenser; Dental Hygienist; Farmington, NY 14425; Lic. No. 025513; Cal. No. 29547; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Paul S. Addeo; Dentist; Flushing, NY 11354; Lic. No. 043386; Cal. No. 29673; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$2,500 fine.

Dietetics and Nutrition

Jennifer L. Cromwell; Certified Dietitian (Nutritionist); Amherst, NY 14226; Cert. No. 005329; Cal. No. 29604; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Nursing

Michelle C. Vedder; Licensed Practical Nurse; Manlius, NY 13104-8610; Lic. No. 259022; Cal. No. 28301;; Found guilty of professional misconduct; Penalty: 2 years suspension, execution of last 21 months of suspension stayed, probation 2 years to commence with suspension upon service of Order.

Michelle Marie Seneca; Licensed Practical Nurse; Seneca Falls, NY 13148-9433; Lic. No. 273148; Cal. No. 28343; Found guilty of professional misconduct; Penalty: \$500 fine, indefinite suspension for no less than 3 months and until psychologically fit to practice and alcohol and substance abuse-free, probation 3 years to commence subsequent to termination of suspension and upon actual return to practice.

Erick St. Louis; Licensed Practical Nurse; Shirley, NY 11967; Lic. No. 277975; Cal. No. 28375; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until successful participation 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.

Sara Elizabeth Herbst; Licensed Practical Nurse; Stuyvesant, NY 12173-1418; Lic. No. 307635; Cal. No. 28516; 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.

Jill Marie Tiefel; Licensed Practical Nurse, Registered Professional Nurse; Rochester, NY 14624; Lic. Nos. 287099, 685394; Cal. Nos. 29403, 29404; Application for consent order granted; Penalty agreed upon: Indefinite actual suspensions for no less than 3 months

and until fit to practice, upon termination of suspensions, 2 years probation to commence upon return to practice, \$500 fine payable within 9 months.

Cynthia S. Radomsky; Licensed Practical Nurse; Constantia, NY 13044; Lic. No. 192592; Cal. No. 29545; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$1,500 fine.

Pamela M. Martin a/k/a Pamela M. Herrmann; Licensed Practical Nurse, Registered Professional Nurse; Brushton, NY 12916; Lic. Nos. 278016, 579937; Cal. Nos. 29550, 29551; Application for consent order granted; Penalty agreed upon: 2 years stayed suspensions, 2 years probation, \$500 fine.

Lisa M. Booker-Downer; Licensed Practical Nurse; Rochester, NY 14609; Lic. No. 310589; Cal. No. 29567; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Dana L. Miller; Licensed Practical Nurse; New Lisbon, NY 13415; Lic. No. 298573; Cal. No. 29571; 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.

Carole Anne Tkacz; Licensed Practical Nurse; Syracuse, NY 13208-3032; Lic. No. 192887; Cal. No. 29572; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Lindsey J. Krienke a/k/a Lindsey Krienke; Licensed Practical Nurse; Walworth, NY 14568; Lic. No. 299900; Cal. No. 29585; Application for consent order granted; Penalty agreed upon: 2 months actual suspension; 22 months stayed suspension; 2 years probation to commence upon return to practice.

Naomi Lynn Jensen; Licensed Practical Nurse; Rensselaer, NY 12144-4100; Lic. No. 315744; Cal. No. 29606; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Michele Bialy a/k/a Michele Louise Loffredo; Registered Professional Nurse; Batavia, NY 14020; Lic. No. 484192; Cal. No. 29613; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$2,000 fine.

David John Lehmann; Registered Professional Nurse; Queensbury, NY 12804; Lic. No. 483849; Cal. No. 29620; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Laquisha D. Addison; Licensed Practical Nurse; Albany, NY 12206; Lic. No. 320605; Cal. No. 29648; Application for consent order granted; Penalty agreed upon: 2 months actual suspension, 22 months stayed suspension, 2 years probation to commence upon return to practice, \$250 fine payable within 4 months.

Joanne Ramoutar; Registered Professional Nurse; New York, NY 10001; Lic. No. 540144; Cal. No. 29650; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 6 months and until fit to practice, 2 years probation to commence upon return to practice.

Robin A. Curtis; Registered Professional Nurse; Gouverneur, NY 13642; Lic. No. 566981; Cal. No. 29672; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Wendi Lynn Burke; Registered Professional Nurse; Cicero, NY 13039; Lic. No. 635521; Cal. No. 29684; 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.

Kyle Fabian Degon; Licensed Practical Nurse; Malone, NY 12953; Lic. No. 319910; Cal. No. 29704; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 4 months.

Janet E. Plucknette; Licensed Practical Nurse; Spencerport, NY 14559; Lic. No. 318167; Cal. No. 29725; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Brooke Ashley Spotts; Registered Professional Nurse; Camp Hill, PA 17011; Lic. No. 629448; Cal. No. 29864; Application for consent order granted; Penalty agreed upon: 2 months actual suspension, 22 months stayed suspension, 2 years probation to commence upon return to practice in the State of New York, \$500 fine payable within 30 days.

Occupational Therapy

Kathryn Hughes Whipple; Occupational Therapist; Lyndonville, NY 14098; Lic. No. 011332: Cal. No. 29584; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$750 fine.

Pharmacy

Thaddeus J. Kuzniarek; Pharmacist; Depew, NY 14043; Lic. No. 038096; Cal. No. 28660; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, \$1,500 fine payable within 4 months.

Upstate Pharmacy, LTD d/b/a Upstate Pharmacy; Pharmacy; West Seneca, NY 14224; Reg. No. 023581; Cal. No. 28662; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, 1 year probation, \$2,500 fine.

Steven Howard Blatt; Pharmacist; Old Bridge, NJ 08857; Lic. No. 037301; Cal. No. 29646; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$4,500 fine.

Park Irmat Drug Corp. d/b/a Irmat Pharmacy; Pharmacy; New York, NY 10016; Reg. No. 021645; Cal. No. 29796; Application for consent order granted; Penalty agreed upon: \$5,000 fine payable within 30 days.

Social Work

Michael Francis Verno a/k/a Michael Francis Verno Jr.; Licensed Master Social Worker; Penfield, NY 14526; Lic. No. 075445; Cal. No. 29657; 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.

III. RESTORATIONS

The Board of Regents voted on October 17, 2017 to stay the execution of the order of revocation of the pharmacist license of Henry Magiet, Tarrytown, NY, subsequent to successful completion of certain examinations, to place him on probation for two years under specified terms and conditions, and upon successful completion of probation, to fully restore his license. Mr. Magiet's license was revoked December 28, 2002.

The Board of Regents voted on October 17, 2017 to stay the execution of the order of revocation of the physician license of Yefim Sosonkin, Roseville, CA, to place him on probation for two years under specified terms and conditions, and upon successful completion of probation, to fully restore his license. Dr. Sosonkin's license was revoked September 22, 2009.

Office of the Chief Privacy Officer NYS Education Department

> Board of Regents Meeting October 16, 2017



Temitope Akinyemi

Education Law §2-d - Highlights

Created the office of CPO

Established minimum requirements for student data privacy in NY

Imposed responsibilities on educational agencies

Mandated minimum security requirements for third party contractors

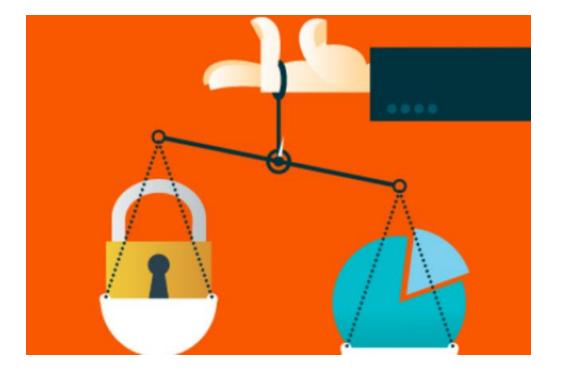
Addressed minimum contract provisions for information privacy

Granted parents and eligible students certain rights

Parents Bill of Rights

Information Privacy Balancing Act

Balancing the utility of data against the privacy rights of data subjects is an important but delicate process that we must get right.



Goals

Privacy and Security

Transparency

Guidance

Training

Privacy & Security

Without trust that personally identifiable information is secure, data systems—and the programs and services that rely on those systems—could be impacted.

Transparency

Empowering with Information

Minimizing the collection and transmission of personally identifiable information

Advancing efficient and effective school operations

Communication

Guidance from NYSED

Regulations Standards Model Policies

Contracting for information privacy and security

Training

Human error is a factor in 95% of information security incidents. People are the weakest link.

Accomplishments

User-friendly Student data Online list of data complaint form privacy website elements Minimization of Data Privacy Data Privacy Advisory Data Elements Work Group Council Collected

Work In Progress

