



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents
FROM: Anthony Lofrumento *Anthony Lofrumento Jr*
SUBJECT: Summary of the February 2014 Meeting

DATE: March 11, 2014

AUTHORIZATION(S):

J. B. G. Jr.
Executive Summary

Issue for Decision

Review of the Summary of the February 2014 Meeting of the Board of Regents.

Proposed Handling

Approval of the Summary of February 2014 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 February 2014 meeting.

Timetable for Implementation

Effective March 11, 2014.

VOTED, that the Summary of the February 2014 Meeting of the Board of Regents of The University of the State of New York be approved.



**SUMMARY OF THE FEBRUARY 2014 MEETING
OF THE BOARD OF REGENTS
OF
THE UNIVERSITY OF THE STATE OF NEW YORK**

Held at the State Education Building

Albany, New York

February 10 and 11, 2014

***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, February 10, 2014 at 12:15 p.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Monday, February 10th at 12:15 p.m.

Board Members in Attendance:

Chancellor Merryl H. Tisch
Vice Chancellor Anthony S. Bottar
Robert M. Bennett, Chancellor Emeritus
James C. Dawson
Geraldine D. Chapey
Harry Phillips, 3rd
James R. Tallon, Jr.
Roger Tilles
Charles R. Bendit
Betty A. Rosa
Lester W. Young, Jr.
Christine D. Cea
Wade S. Norwood
James O. Jackson
Kathleen M. Cashin
James E. Cottrell
T. Andrew Brown

Also present were the Commissioner of Education, John B. King Jr., Executive Deputy Commissioner, Elizabeth Berlin, Counsel, Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento.

Chancellor Merryl H. Tisch called the meeting to order at 12:15 p.m.

PRESENTATION

Review of Non-State Aid Budget Priorities and Resources Needed to Support Adjustment Options

Beth Berlin led a discussion on the review of non-State Aid budget priorities and resources needed to support adjustment options (see Attachment I).

Chancellor Merryl H. Tisch adjourned the meeting.

MEETING OF THE FULL BOARD, Tuesday, January 14th at 10:55 a.m.

Board Members in Attendance:

Chancellor Merryl H. Tisch
Vice Chancellor Anthony S. Bottar
Robert M. Bennett, Chancellor Emeritus
James C. Dawson
Geraldine D. Chapey
Harry Phillips, 3rd
James R. Tallon, Jr.
Roger Tilles
Charles R. Bendit
Betty A. Rosa
Lester W. Young, Jr.
Christine D. Cea
Wade S. Norwood
James O. Jackson
Kathleen M. Cashin
James E. Cottrell
T. Andrew Brown

Also present were the Commissioner of Education, John B. King Jr., Executive Deputy Commissioner, Elizabeth Berlin, Counsel, Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento.

Chancellor Merryl H. Tisch called the meeting to order at 12:30 p.m.

ACTION ITEMS

**Charter Applications
BR (A) 1**

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

**Summary of the January 2014 Meeting of the Board of Regents
BR (A) 2**

MOVED, that the Summary of the January 2014 Meeting of the Board of Regents of The University of the State of New York be approved.

Motion by: Regent James C. Dawson

Seconded by: Regent Harry Phillips, 3rd
Action: Motion carried unanimously

PROGRAM AREA CONSENT ITEMS

Adult Career and Continuing Education Services (ACCES)

Proposed Amendment to Section 100.7 of the Regulations of the Commissioner, Relating to the Transition to the New High School Equivalency Test BR (CA) 1

MOVED, that paragraph (2) of subdivision (a) of section 100.7 of the Regulations of the Commissioner of Education be amended, as submitted, effective February 26, 2014.

P-12 Education

Proposed Amendment of §§100.5 and 100.18 of the Commissioner's Regulations, Relating to Miscellaneous Common Core Transition Issues BR (CA) 2

MOVED, that subdivision (g) of section 100.5 and subdivision (b) of section 100.18 of Commissioner's Regulations be amended as submitted, effective February 26, 2013, and it is further

MOVED, that subdivision (g) of section 100.5 and subdivision (b) of section 100.18 of Commissioner's Regulations be amended as submitted, effective February 17, 2014, 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 November 18-19, 2013 Regents meeting remains continuously in effect until the effective date of the rule's permanent adoption.

Proposed Amendment of Sections 100.4(e)(2) and 100.18(b)(14) of the Commissioner's Regulations to Provide Flexibility to School Districts and Charter Schools Regarding the Administration of Regents Examinations in Mathematics (Common Core) to Grade 7 and 8 Students BR (CA) 3

MOVED, that the emergency rule amending paragraph (14) of subdivision (b) of section 100.18 of the Regulations of the Commissioner, which was adopted at the January 13-14, 2014 meeting of the Board of Regents, is repealed, effective February 11, 2014, and it is further

MOVED, that paragraph (2) of subdivision (e) of section 100.4 and paragraph (14) of subdivision (b) of section 100.18 of the Regulations of the Commissioner of Education be amended as submitted, effective February 11, 2014, 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 revised proposed amendment and thereby ensure that LEAs are given sufficient notice to implement the USDE waiver regarding the administration of Regents Examinations in Algebra I (Common Core) and Geometry to grade 7 and 8 students for the 2013-14 school year.

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.

**Regents Permission to Operate in New York State: Wilkes University
BR (CA)**

MOVED, that the Regents approve the proposed permission to operate, effective February 3, 2014, which authorizes Wilkes University to use two clinical agencies in New York for clinical education of two students enrolled in its Adult-Gerontology Primary Care Nurse Practitioner program leading to the M.S. degree.

Motion by: Regent Geraldine D. Chapey
Seconded by: Regent T. Andrew Brown
Action: Motion carried unanimously

STANDING COMMITTEE REPORTS

P-12 EDUCATION AND THE HIGHER EDUCATION MEETING

Your P-12 Education Committee and Higher Education Committee held its scheduled meeting on February 10, 2014. All members were present.

Adjustment Options to Common Core Implementation

In December 2013, a Work Group of the Board of Regents P-12 Committee was charged with reviewing the feedback the Board of Regents and the State Education Department have received from various constituencies, including educators, parents, community leaders, among others. Regent Norwood and Commissioner John King presented to the Board the report of the Work Group, which includes nineteen options to continue to improve the implementation of the Common Core State Standards at the State and district level. The nineteen options are as follows:

1. Periodically Review and Update the Common Core Learning Standards. Advocate for the National Governors Association and the Council of Chief State School Officers to convene states periodically to review and update – as appropriate – the Common Core standards. The review should include each state, including New York, gathering feedback from stakeholders including educators, higher education faculty, business leaders, parents, special education advocates, and bilingual education experts.

2. Provide equitable funding for schools including appropriate funding for professional development. Advocate for the Governor and state legislature to adopt the Regents State Aid Proposal recommendation seeking funding for a Core Instructional Development Fund to support Common Core implementation and parent engagement activities (\$125 million in 2014-15, \$200 million in 2015-16, and \$200 million in 2016-17).

3. Give high school students more time to meet the Common Core standards. Extend the phase-in for Common Core-aligned Regents examinations required for graduation so that the class of 2022 is the first that is required to pass English and mathematics Regents exams at college and career ready levels. In addition, provide flexibility with respect to the Regents Geometry Exam by allowing, similar to the flexibility offered at local discretion for the current school year in Algebra, the higher score to count for students who take the 2005 standards Geometry exam in addition to the Common Core-aligned Geometry exam through the January 2016 administration. Student performance will continue to be reported on a 0-100 scale.

4. Eliminate high stakes for students. Issue guidance indicating that (1) the Department neither requires nor encourages districts to make promotion or placement decisions using student performance on state assessments in grades 3-8; and (2) if districts choose to consider state assessments in grades 3-8 when making promotion or placement decisions, they should make adjustments to ensure students are not negatively impacted by the Common Core transition and should use multiple measures - not grades 3-8 state assessment results alone.

5. Reduce field testing and provide increased access to test questions. Advocate for the Governor and state legislature to adopt the Regents state budget priority request for \$8.4 million in new funding to eliminate multiple-choice stand-alone field testing and

to allow the Department to print more versions of state tests so that more test questions may be released to teachers and parents.

6. Offer smarter testing options for students with disabilities. Advocate for a federal ESEA waiver from the United States Education Department (USED) to allow students with severe disabilities who are not eligible for the alternate tests to be assessed based on instructional level rather than chronological age.

7. Offer smarter testing options for English language learners. Advocate for a federal ESEA waiver from USED to allow English language learners to be assessed via the language acquisition test (NYSESLAT) rather than the English language arts exam for their first two years.

8. Develop Native Language Arts assessments for Spanish-speaking ELLs. Advocate for the Governor and state legislature to adopt the Board of Regents state budget priority request for \$10 million in new funding to develop Native Language Arts assessments to provide districts the option of offering this assessment when it would best measure the progress of Spanish-speaking ELLs.

9. Clarify what new grades 3-8 test scores mean for students. Because student performance on the 2013 grades 3-8 tests was based on more rigorous standards, and therefore proficiency rates cannot be compared to scores from previous years, provide clarification for what Performance Level 2 means when aligned with Common Core Regents exam performance levels. The new Level 2 on the grades 3-8 ELA and math tests aligns to “On Track for Regents Exam Passing for Graduation” on Common Core Regents Exams (until the required passing score is raised to the college and career ready level).

10. Focus extra support on students that need it the most. Extend the Academic Intervention Services “hold harmless” provision applied in 2012-13 to 2013-14 and 2014-15 to better ensure that existing support services for students remain relevant and appropriate as New York implements the Common Core.

11. Reduce unnecessary tests. Conduct expedited review of Annual Professional Performance Review (APPR) plan amendments where the changes reduce or eliminate unnecessary testing.

12. Eliminate traditional standardized tests in grades K-2. Disapprove APPR plans beginning in 2014-15 that include administration of traditional standardized tests in grades K-2 and remove all grade K-2 traditional standardized tests from the list of approved locally-selected student assessments for APPR purposes. (The state does not administer traditional standardized tests in K-2.)

13. Establish a 1 percent cap on time for locally-selected standardized testing. Limit the time students may spend on standardized tests to comply with districts’ locally selected measures as part of APPR. (The federally required State assessments in

grades 3-8 English Language Arts and Mathematics account for less than 1% of instructional time.)

14. Offer flexibility to districts to further reduce local testing time required by APPR. Allow the use of school-wide measures for APPR purposes for teachers of middle school social studies (grades 6-8) and science (grades 6-7).

15. Prevent unfair negative consequences to teachers and principals. Provide that if a school district seeks to terminate an educator based on an ineffective rating resulting from student performance on Common Core assessments administered in the 2012-13 and/or 2013-14 school years, he or she may raise as a defense an alleged failure by the board of education to timely implement the Common Core by providing adequate professional development, guidance on curriculum, or other necessary supports to the educator during those school years.

16. Provide new curricular resources for teachers of students with disabilities and English language learners. Develop additional companion materials to the modules focused on differentiated instructional practices and supports that may be utilized to meet the individual needs of students with disabilities and English language learners.

17. Create a “Teacher Portal.” Develop an online tool to allow educators from around the state to share curricular resources, including adaptations of modules.

18. Ensure IEPs are appropriate to student needs as Common Core is implemented. Issue guidelines for Committees on Special Education to ensure that Individualized Education Program (IEP) recommendations address key challenges related to a student’s disability and his or her ability to master the Common Core Learning Standards and provide resources and tools to guide lesson planning for teachers to ensure that they have considered and addressed the unique learning needs of students with disabilities in their delivery of instruction.

19. Provide new resources to parents of students with disabilities. Continue collaboration with the Commissioner’s Advisory Panel for Special Education and Special Education Parent Centers to develop a set of guiding questions for parents to use in IEP meetings and to ask teachers about how their children are being supported to progress in curricula that reflect the Common Core.

Your P-12 and Higher Education Committees recommend that the report to the Board of Regents regarding Adjustments to Common Core Implementation be adopted as submitted and the Department directed to implement all the identified options in the report, effective February 11, 2014. Regent Betty Rosa and Regent Kathleen Cashin were in opposition and Regent Cea abstaining from Adjustment Option #6 Offer Smarter Testing Options for Students with Disabilities. The motion was carried. [P-12/HE (A) 3]

The following items were discussed as part of the conversation relating to the Options to Common Core Implementation and were later submitted for a vote of the respective

committees identified in each item. The recommended actions and/or Regents directives are listed after each item. A vote to approve all of the items was taken at the end of this discussion. Regent Betty Rosa and Regent Kathleen Cashin were in opposition and Regent Cea abstained from Adjustment Option #6 Offer Smarter Testing Options for Students with Disabilities. The motion was carried.

Possible Delay of the Need for Proficiency on the Common Core Standards for Credit and Graduation Purposes – P-12 (D) 4 - It is recommended that the Board provide staff with guidance on whether to delay the planned seven-year phase-in of the Common Core to create a 12-year road map that requires student proficiency on the Common Core Learning Standards (CCLS) for graduation purposes beginning with the class of 2022.

Proposed Amendment of 100.5 (g)(2) of the Regulations of the Commissioner, Relating to the Transition to Common Core-Aligned Regents Examinations in Mathematics (Geometry) – P-12 (D) 3 - It is anticipated that the proposed amendment will be presented for adoption at the April 2014 Regents meeting, after publication of a Notice of Proposed Rule Making in the State Register and expiration of the 45-day public comment period prescribed in the State Administrative Procedure Act. If adopted at the April meeting, the proposed amendment will take effect on May 14, 2014.

Academic Intervention Services (AIS) Regulations – P-12 (D) 6 - It is recommended that the Board of Regents direct staff to develop draft regulations that would extend the 2013-2014 amendment to Commissioner's Regulations through the 2014-2015 school year to continue flexibility in the provision of AIS. It is further recommended that the Department issue guidance indicating that (1) the Department neither requires nor encourages districts to make promotion or placement decisions using student performance on state assessments in grades 3-8; and (2) if districts choose to consider state assessments in grades 3-8 when making promotion or placement decisions, they should make adjustments to ensure students are not negatively impacted by the Common Core transition and should use multiple measures - not grades 3-8 state assessment results alone. Guidance must also remind districts that they should establish procedures to ensure that parents/students are involved in and may appeal such determinations.

Performance Level Labels and Performance Level Definitions for Elementary/Middle-Level and Secondary-Level Assessments – P-12 (D) 5 - It is recommended that the Board direct Department staff to communicate this alignment between the Grades 3-8 ELA and math assessment and the Common Core Regents Exam performance level labels and definitions as we move forward with our elementary/middle-level and secondary-level assessment programs and to develop proposed amendments to Commissioner's regulations to adjust the performance levels for Common Core Regents Exams for the Board's consideration.

Proposed Amendments to Subpart 30-2 of the Rules of the Board of Regents Relating to a Prohibition Against Traditional Standardized Testing for Students in Grades K-2,

Removal of K-2 Tests From the List of Approved Student Assessments, Change in the Definition of Core Subjects for the State Growth or Other Comparable Measures Subcomponent and a Limitation on Instructional Time Spent on Taking Local Assessments for Purposes of Annual Professional Performance Reviews (APPR)

P-12/HE (A) 1 – Your Committee recommends that Subpart 30-2 of the Rules of the Board of Regents be amended, as submitted, effective February 11, 2014 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 ensure that school districts and BOCES are aware of the prohibition against the use of certain traditional standardized assessments on students in grades K through 2 purposes of annual professional performance reviews and the removal of the locally determined option to choose an assessment for these grades from the State approved list of third-party assessments. Districts and BOCES also need to be aware of the option to file for an expedited material change if they wish to amend their APPR plan to eliminate unnecessary assessments on students. In addition, for districts and BOCES that will be submitting material changes to their plans for the 2014-2015 school year, they need to be notified that they will be required to submit a signed certification from the superintendent, district superintendent or chancellor that no more than one percent of instructional time will be spent taking third party assessments or district, BOCES or regional assessments.

Proposed amendment of §82-1.10 of the Commissioner's Regulations relating to hearings pursuant to Education Law §3020(a) – P-12/HE (A) 2 – Your Committee recommends that subdivision (j) of section 82-1.10 of the Regulations of the Commissioner be added as submitted, effective February 11, 2014, 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 teachers, principals, school districts and BOCES are given sufficient notice of the regulation, which would impact Education Law §3020-a proceedings involving ineffective APPR ratings received during the 2012-2013 and 2013-2014 school years.

Following the discussion, Regent Kathleen Cashin made a motion to impose a moratorium on all testing for two years. She further clarified by stating that the ramifications of the Common Core Standards should not be used for purposes of APPR and student grade placement. Regent Harry Phillips, Regent Kathleen Cashin and Regent Betty Rosa voted in favor of the motion, a number insufficient to carry the motion. The remainder of the respective Committee members opposed or abstained. The motion failed.

Submission of ESEA Waiver Renewal Request and Related Amendments

Your Committee recommends that the Board of Regents directs the Commissioner of Education and the State Education Department to submit an ESEA Waiver Renewal request and associated waiver amendments (listed below) to the United States Department of Education based upon the materials provided to the Board of Regents. With the approval of the Regents, staff will incorporate the materials provided to the Board of Regents into the appropriate ESEA Waiver Renewal format and submit the

renewal request to the United States Department of Education no later than February 28, 2014. Members of the committees discussed the various amendments and whether our Waiver request could go further than what was proposed. Given the constraints explained, the Committees voted to approve submission of the waiver by February 28, 2014. Regent Roger Tilles and Regent Betty Rosa voted in opposition and Regent Christine Cea abstained from Adjustment Option #6 Offer Smarter Testing Options for Students with Disabilities. The motion was carried. [P-12 (A) 5]

Amendment 1 - The Department has refined its proposal to more clearly identify eligibility criteria for the subgroup of students for which this waiver can apply; limited how the scores of students on instructional level assessments can be used for accountability purposes; and has committed to public reporting of both State and district disaggregated data on the use of this assessment for students with disabilities. Additional guidance and professional development for districts, Committees on Special Education and parents will be provided upon approval of the waiver. In particular, the Department has specified five criteria that students must meet in order to be eligible for participation in instructional level testing as well as identified factors such as a student's disability category that may not be used as a basis for determining a student's eligibility; reduced from .93 to .7 percent in English language arts and from 2.34 to 1.5 percent in mathematics the percentage of students whose instructional level scores may be used for accountability purposes; and limited to "partial credit" the adjustment to the Performance Index that would result from a student scoring at or above Level 2 on an instructional level assessment.

Amendment 2 - The amendment has been revised to provide greater detail regarding how NYSED will more explicitly align the six tenets of the DTSDE and the list of allowable activities. The amendment now explains how NYSED will use the "HEDI" scores assigned to districts and Focus/Priority schools for each DTSDE tenet to prioritize how improvement reserve funds are budgeted. (Improvement reserve funds are an amount equal to five to 15 percent of a Focus District's Title I; Title II; and if the district is identified for the performance of ELL's, Title III funds, that the district must "set aside" and use to support district and school improvement efforts, chosen from a list of allowable activities specified by the Commissioner.) Districts will be required to use a pre-determined portion of their improvement reserve for prioritized and allowable activities that have been mapped to each of the six tenets. Within each tenet, districts will be required to spend a minimum amount of the improvement reserve on one or more of the prioritized activities. The remaining portion of the tenet-specific reserve may be spent on these prioritized activities or on any of the allowable activities that apply directly to the tenet. If a district receives a HEDI rating of "Highly Effective" or "Effective" and 50% or more of reviewed Focus/Priority schools within that district receive HEDI ratings of "Highly Effective" or "Effective" for a tenet, the district will not be subject to the minimum set-aside for that Tenet. The district will have the flexibility to reallocate those funds to any allowable improvement activity in any tenet. Additionally, if neither a district nor its schools receive a DTSDE review for a particular tenet, the district will have the flexibility to apply the minimum reserve to the non-reviewed tenet or reallocate the minimum reserve to any prioritized or allowable improvement activity in any tenet that was reviewed and rated as "Ineffective" or "Developing." Districts that can provide a compelling justification may appeal to spend less than the required reserve within a tenet or to spend funds on activities other than those on the allowable list.

Amendment 3 - the Department did not receive any negative feedback regarding this amendment and therefore has made no changes to the amendment.

Amendment 4 - the Department has clarified the methodology for how the AMOs for grade 3-8 ELA and math will be set and provided tables with performance indices for the “all students” group and for each subgroup (Attachment F). The methodology establishes AMOs for the “all students” group and for each subgroup that increment annually between 2012-13 and 2016-17, such that by 2016-2017, the AMO for a group is equal to the base year performance of the group plus half of the difference between the base year performance and a Performance Index of 147 in both ELA and mathematics, which represents the 90 percentile of performance by schools for the “all students” group in 2012-13. For example, the base year performance for the economically disadvantaged group is a Performance Index of 57 in Grade 3-8 ELA. The gap between a Performance Index of 147 and a base year performance of 57 is 90. To close that gap in half by 2016-2017 requires that the AMO for 2016-17 be set at 102 (the base year performance of 57 plus the 50% gap reduction of 45 equals 102).

Amendment 5 – The Department did not receive any negative feedback regarding this amendment, and the only recommendations received were to extend the request for an exemption to three or more years. Therefore, the Department has made no change to this amendment.

Amendment 6 – the Department has revised the amendment to provide additional detail on how the Grade 3-8 ELA Performance Index will be modified for ELLs. Under this proposal, an ELL who has received three or fewer years of service will receive “partial credit” in the Performance Index if the student makes the scale score gain on the NYSESLAT that constitutes acceptable progress for purposes of the Title III Annual Measurable Achievement Objective (AMAO). ELLs who advance one or more levels on the NYSESLAT (e.g., beginner to intermediate) will receive “full credit” in the Performance Index. This adjustment in the Performance Index is no longer limited to just ELLs who are newly arrived in the United States and have received less than two years of service but now applies to all ELLs who have received less than three full years of service.

MOTION FOR ACTION BY FULL BOARD

Madam Chancellor and Colleagues: Your P-12 Education Committee and Higher Education Committee 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 February 11, 2014, copies of which have been distributed to each Regent.

Motion by: Regent Roger Tilles
Seconded by: Regent Harry Phillips, 3rd

Motion to amend the main motion to:

(1) remove approval of item 15 of the Report of the Regents Common Core Workgroup relating to preventing unfair consequences to teachers from the joint Committee Report,

(2) remove approval of the proposed emergency action amending section 82-1.10 of the Commissioner's Regulations from the joint Committee Report, and

(3) recommend that Department staff publish the proposed amendment to section 82-1.10 of the Commissioner's Regulations for public comment for possible approval by the Board of Regents at their April 2014 meeting.

Motion by: Vice Chancellor Anthony S. Bottar

Seconded by: Regent James R. Tallon, Jr.

Action: Motion carried unanimously.

Motion to approve the P-12 Education Committee and the Higher Education Committee (Common Core Related) Committee Report as so amended.

Motion by: Vice Chancellor Anthony S. Bottar

Seconded by: Regent Roger Tilles

Action: Motion carried with two opposed, Regent Rosa and Regent Cashin, and Regent Cea abstaining from Adjustment Option #6 Offer Smarter Testing Options for Students with Disabilities.

ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES)

Your ACCES Committee held its scheduled meeting on February 10, 2014. All members were present.

MATTERS NOT REQUIRING BOARD ACTION

Strategic Planning

The Committee was provided with information on a strategic planning initiative to improve the process for the vocational rehabilitation program to address emerging challenges in meeting the growing demand and changing expectations for employment of individuals with disabilities. To meet these challenges, ACCES launched a strategic planning initiative to improve the availability of vocational rehabilitation services to meet the growing expectations for employment, improve service delivery in the face of staffing reductions within ACCES-VR over the past several years, explore the use of technology to better meet the needs of individuals participating in ACCES-VR services, and, improve the quality of services and the employment outcomes achieved for the diverse constituencies served. With the support of SED leadership, ACCES will transform Vocational Rehabilitation as a more effective and responsive resource for assisting New Yorkers with disabilities in gaining meaningful employment.

AUDITS/BUDGET AND FINANCE

The Regents Committee on Audits/Budget and Finance met as scheduled yesterday afternoon, February 10, 2014. Regents Chapey, Dawson, Phillips, Tilles, Cottrell, Brown, Tallon, Bendit, Cea, and Jackson were in attendance.

Items for Discussion

Completed Audits

The Internal Audit Workgroup reviewed the 14 audits that are being presented to the Committee this month. Two of the audits were issued by the Office of Audit Services (OAS), eleven were issued by the Office of the State Comptroller (OSC) and one by the New York City Office of the Comptroller. Twelve audits were of school districts, one was of a charter school and one of a contractor.

The findings were in the areas of budgeting, financial reporting, payroll, claims processing, procurement, Race to the Top Grant and capital assets.

2013 Fiscal Report

Our Chief Financial Officer briefed the Members on the Fiscal Report for January and the 2014-15 Executive Budget. Extensive spending controls continue for all funds. General Fund spending reflects the amounts appropriated in the 2013-14 enacted budget. General Fund accounts are in structural balance with the exception of the Tenured Teacher Hearings (TTH) account. The 2013-14 budget includes a \$6 million appropriation for TTH claims, an increase of \$2.2 million from the prior year. With these additional funds, the deficit at the end of 2013-14 is projected to be \$880,000. Special Revenue accounts are all in structural balance on a current year basis and the accumulated negative balance in the Cultural Education Account is being reduced by approximately \$3.7 million.

The 2014-15 Executive Budget includes continued funding to support the baseline Regents exams programs for all Regents exams offered in the current school year (\$8.5 million) and the funding of \$4.2 million for the High School Equivalency program. All other State operations and Special Revenue account will continue at last year's levels. The Executive Budget FTE level is at 2,721. The Department is currently below this and is actively working with program offices to fill up to this level.

CULTURAL EDUCATION

Regent Roger Tilles, Chair of the Cultural Education Committee, submitted the following written report. Your Committee on Cultural Education Committee had its scheduled meeting on February 12, 2014. In attendance were committee members: Regents Tilles, Dawson, Bendit, Rosa, Cea, Jackson, Cottrell, and Brown. Absent: None.

In addition to CE Committee Members, in attendance were: Chancellor Emeritus Bennett, Regents Tallon, Norwood, Phillips, and Chapey. As well as Commissioner King and Executive Deputy Commissioner Beth Berlin.

ITEMS FOR DISCUSSION

Chair's Remarks: Regent Tilles welcomed everyone and opened the meeting.

Deputy Commissioner Cannell reminded the committee about two upcoming events, New York in Bloom, which will occur on February 21-23 and the James Campbell Gem, Mineral and Fossil Show and Sale, which will occur on February 15-16. Both events will be held at the Cultural Education Center and are major fund raisers for programs.

CE (D) 1 - Statewide Summer Reading Program Update

Bernard Margolis, State Librarian provided a report on the results of the 2013 Statewide Summer Reading Program and provided initial plans for the 2014 program including participation targets and themes. Mr. Margolis reported that when the statewide program began in 2000, 340,000 children participated. In 2013, 1.76 million children participated. He also reported that this year's theme is Fizz, Boom, Read. He invited members of the Board of Regents to assist in the development of Public Service Announcements. Members of the Committee asked whether it was possible for schools to receive state aid support to keep their school libraries open during the summer. Executive Deputy Berlin will follow up with the members of the committee on this question.

HIGHER EDUCATION

Your Higher Education Committee held its scheduled meeting on February 11, 2014

Action Items

Proposed Amendments to Section 52.21 of the Regulations of the Commissioner of Education Relating to the Requirements for Student Teaching, Field Experience and Practica for Teacher Education Programs and to Extend the End Date for Clinically Rich Graduate Level Teacher Preparation Pilot Programs. Your Committee discussed an option for teacher preparation programs to offer a single student placement in a P-12 school. The single placement must be for a minimum of 10 weeks and the cooperating teacher must be rated effective or highly effective, be nationally board certified, or be a designated mentor teacher by the district. It is anticipated that the proposed amendment will come before the full Board for permanent adoption at the April 2014 Regents meeting. If adopted at the April Regents meeting, the proposed amendment will become effective on May 14, 2014.

Initial Institutional Accreditation: Fei Tian College. Your Committee recommends that the Board of Regents accredit Fei Tian College for a period of five years with the

requirement that the College provide a comprehensive five year financial plan at the end of the first year of the term of accreditation and submit annual data reports as requested by the Commissioner of Education.

Change in Scope of Institutional Accreditation: Phillips Beth Israel School of Nursing. Your Committee recommends that the Board of Regents take the following accreditation action regarding Phillips Beth Israel School of Nursing: Approve a change in scope of the institutional accreditation of Phillips Beth Israel School of Nursing to include registered baccalaureate programs in the field of nursing.

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 February 11, 2014, copies of which have been distributed to each member of the Board of Regents.

Other matters not requiring action:

Update on Certification Exams. Your Committee received an update on implementation of the new certification examinations and the work of the faculty professional development work at CUNY, SUNY, and the Commission on Independent Colleges and Universities.

Proposed Amendments to Sections 80-3.3 and 80-3.7 of the Regulations of the Commissioner of Education Relating to Individual Evaluation Regulations. Your Committee discussed proposed regulations that will limit the kinds of certificates available for the individual evaluation pathway. Individual evaluation allows someone who did not attend a teacher prep program to be evaluated based on their transcripts and experience - if they have the required credits in content and pedagogy they can obtain an initial teaching certificate. Currently, the regulations that allow individuals to obtain an initial teaching certificate through individual evaluation will expire in May 2014. We are proposing to continue individual evaluation in some high demand certificate titles and discontinue the individual evaluation pathway for low demand certificate titles. It is anticipated that the proposed amendment will come before the Full Board for adoption as a permanent rule at the April 2014 Regents meeting. If adopted at the April meeting, the proposed amendment will become effective on May 14, 2014.

P-12 EDUCATION

Your P-12 Education Committee held its scheduled meeting on February 10, 2014. All members were present.

ACTION ITEMS

Emergency Adoption of Proposed Amendments to Regulations of the Commissioner of Education Relating to Chapter 501 of the Laws of 2012 (“Protection of People with Special Needs Act”) [P-12 (A) 2]

Your Committee recommends that the emergency rule amending paragraphs (3) and (6) of subdivision (b) of section 200.7 and section 200.15 of the Regulations of the Commissioner, which was adopted at the January 13-14, 2014 meeting of the Board of Regents, is repealed, effective February 11, 2014, and it is further recommended that paragraphs (3) and (6) of subdivision (b) of section 200.7, section 200.15, and paragraph (3) of subdivision (d) of section 200.22 of the Regulations of the Commissioner be amended as submitted, effective February 11, 2014, 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 that conform the Commissioner's Regulations to the guidelines, procedures and other requirements established by the Justice Center to implement Chapter 501 of the Laws of 2012, and to otherwise ensure that the emergency rule adopted at the June 16-17, 2013 Regents meeting, and readopted at the September and November 2013 Regents meetings and January 2014 Regents meeting, remains continuously in effect until the effective date of its adoption as a permanent rule at a subsequent Regents meeting, and thereby ensure that students attending residential schools are protected against abuse, neglect and significant incidents that may jeopardize their health, safety and welfare.

Revisions to a Charter Authorized by the Board of Regents: Syracuse Academy of Science Charter School [P-12 (A) 1]

Your Committee recommends that the Board of Regents finds that the proposed revised charter: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will operate in an educationally and fiscally sound manner; (3) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for Syracuse Academy of Science Charter School and amends the provisional charter accordingly.

Charter Renewal Recommendations for Two Charter Schools Authorized by the Chancellor of the New York City Department of Education (NYCDOE) [P-12 (A) 3]

Your Committee recommends that that the Board of Regents finds that the proposed charter school: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will operate in an educationally and fiscally sound manner; (3) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter school, and the Board

of Regents therefore approves and issues the renewal charter of the Academic Leadership Charter School as proposed by the Chancellor of the New York City Department of Education, and that its provisional charter be extended for a term up through and including June 30, 2018. The charter revision/expansion request is not included in this approval.

Regent Betty Rosa made a motion to remove the Brooklyn Scholars Charter School from the vote and send the renewal charter back to NYCDOE for additional information. The motion was unanimously moved.

Renewal Decisions for Charter Schools Authorized by the Board of Regents

[P-12 (A) 4]

Your Committee recommends that the Board of Regents finds that, the Niagara Charter School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the Niagara Charter School and that a renewal charter be issued, and that is provisional charter be extended for a term up through and including June 30, 2016.

Your Committee recommends that the Board of Regents finds that, the Northside Charter High School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the Northside Charter High School and that a renewal charter be issued, and that is provisional charter be extended for a term up through and including June 30, 2017.

Your Committee recommends that the Board of Regents finds that, the Rochester Academy Charter School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the Rochester

Academy Charter School and that a renewal charter be issued, and that is provisional charter be extended for a term up through and including June 30, 2017. The request to expand the grades served by the school to include Kindergarten through sixth grade is not approved.

Your Committee recommends that the Board of Regents finds that, the Urban Choice Charter School: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the Urban Choice Charter School and that a renewal charter be issued, and that is provisional charter be extended for a term up through and including June 30, 2017.

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 February 11, 2014, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Consent Agenda Items

The Board of Regents will take action on the following consent agenda items at their February 11, 2014 meeting.

- Common Core Transition Regulations.
- Regulations to provide flexibility to school districts and charter schools regarding the administration of Regents Examinations in Mathematics (Common Core) to grade 7 and 8 students.

P-12 EDUCATION/CULTURAL EDUCATION JOINT MEETING

Regent Roger Tilles, Chair of the Cultural Education Committee, submitted the following written report. The joint meeting of the Committee on P-12 Education and the Committee on Cultural Education Committee was held on February 12, 2014. In attendance were committee members: Chancellor Emeritus Bennett, Regents Tilles, Dawson, Bendit, Rosa, Cea, Jackson, Cottrell, Brown, Young, Tallon, Norwood, Phillips. Absent: Vice Chancellor Bottar and Regent Cashin.

ITEMS FOR DISCUSSION

Chair's Remarks: Regent Tilles welcomed everyone and opened the meeting. Regent Tilles provided context for the panel of four presenters. Cultural institutions offer programs, resources and hands-on activities that support implementation of the Common Core. The four presenters provided specific examples from their institutions and organizations of activities and programs that support the Common Core. The four presenters were:

- Emily Peterson, an elementary librarian at East Moriches School District.
- Laura Lynch, director of education for the Nassau County Museum of Art
- Sophia Serlis-McPhillips, Director of Administration at the Middle Country Library, which services 62,000 residents in central Long Island.
- Stephanie Turner, Director arts education at the Tilles Center for the Performing Arts at Long Island University

Each presenter provided specific examples of programs and lessons that are designed to support the teaching methods and concepts in the Common Core.

P-12 EDUCATION/ HIGHER EDUCATION JOINT MEETING

Your P-12 Education Committee and Higher Education Committee held a joint meeting on February 10, 2014

Item not requiring action:

Educator Diversity Initiatives - In November, the Board of Regents discussed Teacher Supply and Demand in NYS. Data show that the current educator workforce in NYS is 82% White, 8% Black/African-American, 6% Hispanic/Latino and 2% Asian. This month a joint committee discussion focused on current research, current P-12 and teacher/leader preparation program practices in NYS to promote educator diversity, and recommendations based on State and national models. Your Committees recommend the following next steps for the Board's consideration. It is recommended that:

- the Office of Higher Education revisit the findings from the 2009 – 2010 Regents Work Group to identify potential actionable next steps established to develop a state vision and articulate long-term goals for educator diversity;
- the Office of Higher Education encourage the sectors to utilize a portion of its Faculty Development MOU monies to support educator diversity initiatives;
- the Professional Standards and Practices Board review the new CAEP standards related to educator diversity and propose ways the State can further advance the implementation of these efforts across its approved programs;
- we learn about other existing partnerships between educator preparation programs and P-12 schools and share these as promising approaches to recruit and retain faculty/staff from underrepresented populations; and

- the Department review the current funding levels for the Teacher Opportunity Corps to determine if the current funding level is commensurate with our interest in increasing the number of diverse educators in the State of New York.

PROFESSIONAL PRACTICE

Your Professional Practice Committee held its scheduled meeting on February 11, 2014. All Committee members were present. Regent James C. Dawson and Regent Kathleen M. Cashin were also present, but did not vote on any case or action.

ACTION ITEMS

Professional Discipline Cases

Your Committee recommends that the reports of the Regents Review Committees, including rulings, findings of fact, determinations as to guilt, and recommendations, by unanimous or majority vote, contained in those reports which have been distributed to you, be accepted in 5 cases, and further recommends that 1 summary suspension application be granted. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 45 consent order applications and 3 surrender applications be granted. [PPC EXS (A) 1-3, 7]

In the case of William Roberto Alvarado, Massage Therapist, Calendar No. 26570, we recommend that the recommendation of the Regents Review Committee as to the penalty to be imposed be clarified to specify that the fine which was imposed upon respondent was in the amount of \$500 and that the penalty shown on page 4 of the report of the Regents Review Committee be amended to state: that respondent be fined \$500 and that respondent's license to practice as a massage therapist in New York State be suspended for a period of two years; that execution of said suspension be stayed; and that respondent be placed on probation for a period of 2 years, said probation to commence upon the service of the order in this matter and therefore to run concurrently with the period of suspension, under the terms of probation annexed to the report of the Regents Review Committee, made a part thereof, and marked as Exhibit B, said terms of probation to include provisions both regarding respondent remaining alcohol abuse-free and for the payment of this fine.

These recommendations are made following the review of 54 cases involving nine registered professional nurses, six licensed practical nurses, six licensed practical nurses who are also registered professional nurses, five pharmacists, five professional engineers, four certified public accountants, two architects, one chiropractor, one dentist, one dentist who is also a holder of a dental enteral conscious sedation certificate, one physical therapist assistant, one podiatrist, one public accountancy partnership, one licensed clinical social worker, one licensed master social worker, one licensed mental health counselor, and one massage therapist.

Restorations

Your Committee recommends the following:

That the action taken by the Board of Regents on December 17, 2013 with respect to the application of Thomas Butti for the restoration of his license to practice as a chiropractor in the State of New York be vacated, and, upon considering the matter at the Board's February 2014 meeting, that such application be denied. [PPC EXS (A) 4]

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

Approvals

Regulations: Podiatric Ankle Surgery Privilege – Your Committee recommends the following:

That section 65.8 of the Regulations of the Commissioner of Education be added, as submitted, effective February 26, 2014; and

That section 65.8 of the Regulations of the Commissioner of Education be added, as submitted, effective February 17, 2014, 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 the timely implementation of Chapter 438 of the Laws of 2012. [PPC (A) 1]

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 February 11, 2014, 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 [Oral Report] –

- Full Board Consent Agenda Items
 - Board (Re)Appointments
 - Licensing Petitions and Conferral of Degrees
 - Permission to Operate – Wilkes University: authorized to place students from its Adult-Gerontology Primary Care Nurse Practitioner program leading to the M.S. degree in health agencies in NYS for supervised clinical experiences
- Updates on OP Initiatives

- Vacancies on the State Boards for the Professions
- Technology Update
- Legislation
- Staffing/Productivity Update

School-Based Healthcare Initiatives – A presentation was made to the Committee describing a school-based health care delivery system that serves children and families in non-traditional ways. [PPC (D) 1]

Regulations Relating to Pharmacy Mail Order – The proposed regulations implement the mail order pharmacy component of the 2012 legislation requiring interpretation and translation services for limited English proficient individuals. [PPC (D) 2]

MOVED, that the Committee Reports be approved.

Motion by: Chancellor Emeritus Robert M. Bennett
Seconded by: Regent T. Andrew Brown
Action: Motion carried unanimously

ACTION ITEMS

State Education Department January 2014 Fiscal Report BR (A) 3

Don Juron, Chief Financial Officer, presented the January 2014 Fiscal Report.

MOVED, that the Board accepts the January 2014 State Education Department Fiscal Report as presented.

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

Chancellor Merryl H. Tisch adjourned the meeting.

Appendix I
NEW YORK STATE BOARD OF REGENTS CHARTER ACTIONS

Name of Institution	Program Area	County of Location	Description of Charter Action(s)
Clifton Community Library	CE	St. Lawrence	Amend charter to: <ul style="list-style-type: none"> • reestablish trustee succession and term lengths; • state the number of trustees to be not less than five nor more than nine; • designate Commissioner as agent for service; and • update IRS dissolution language.
Heuvelton Free Library	CE	St. Lawrence	Amend charter to: <ul style="list-style-type: none"> • state the number of trustees to be not less than five nor more than fifteen; • designate the library's service area to be coterminous with the Village of Heuvelton; • designate Commissioner as agent for service; and • update IRS dissolution language.
Indian Castle Church Restoration and Preservation Society	CE	Herkimer	Amend charter to update IRS dissolution language.
The Knox Historical Society	CE	Albany	Extend provisional charter for five years.
Morbid Anatomy Museum	CE	Kings	Grant provisional charter for five years.
Nassau Free Library	CE	Rensselaer	Amend charter to state the number of trustees to be not less than seven nor more than eleven and the term of office for each trustee be three years.
National September 11 Memorial and Museum at the World Trade Center	CE	New York	Grant provisional charter for five years.

Schuylerville Public Library	CE	Saratoga	Dissolve absolute charter of Schuylerville Public Library (village public library) and grant approval for distribution of assets to the Schuylerville Public Library, (school district public library).
Southampton Historical Museum	CE	Suffolk	Consolidate with The Southampton Colonial Society (a Not-for-Profit corporation), with Southampton Historical Museum as the surviving corporation.
The McCarton School	P-12	New York	Amend charter to specify the operation of a nursery school for preschool children from three to five years old, kindergarten for five year olds, and grades one through twelve school for students ages five to twenty-one.
Daemen College	HE	Erie	Amend charter to add authority to confer the Master of Public Health (M.P.H.) degree.

Appendix II

REGENTS ACTIONS IN 54 PROFESSIONAL DISCIPLINE CASES AND 2 RESTORATION PETITIONS

February 10-11, 2014

The Board of Regents announced disciplinary actions resulting in the summary suspension of 1 license, the revocation of 4 licenses, the surrender of 2 licenses and 1 certificate, and 46 other disciplinary actions. The penalty indicated for each case relates solely to the misconduct set forth in that particular case. In addition, the Board acted upon 2 restoration petitions.

I. SUMMARY SUSPENSION

Nursing

Joseph P. Carelli; Registered Professional Nurse; Marcellus, NY 13108-1088; Lic. No. 652414; Cal. No. 27276; Application for summary suspension granted.

II. REVOCATIONS AND SURRENDERS

Engineering and Land Surveying

Carmine Joseph Desio a/k/a Carmine Desio; Professional Engineer; Malverne, NY 11565 ; Lic. No. 037835; Cal. No. 26366; Found guilty of professional misconduct; Penalty: Revocation.

Bhalchandra Achyutrao Kamat a/k/a Balu Kamat; Professional Engineer; Ridgefield, NJ 07657; Lic. No. 047177; Cal. No. 26367; Found guilty of professional misconduct; Penalty: Revocation.

Nursing

Ted Hirsch; Licensed Practical Nurse, Registered Professional Nurse; East Meadow, NY 11554-1407; Lic. Nos. 274127, 551861; Cal. Nos. 26585, 26586; Found guilty of professional misconduct; Penalty: Revocation.

Judith E. Sanders; Registered Professional Nurse; Scotia, NY 12302-1624; Lic. No. 297440; Cal. No. 27108; Application to surrender license granted. Summary: Licensee did not contest the charge of having been convicted of Willful Violation of New York Public Health Laws.

Physical Therapy

Steven Krieger; Physical Therapist Assistant; Buffalo, NY 14220; Cert. No. 007208; Cal. No. 27237; Application to surrender certificate granted. Summary: Licensee admitted to the charge of having been convicted in Michigan of Operating a Motor Vehicle While Intoxicated, as a third offense.

Social Work

Robert Scott Schreiner; Licensed Clinical Social Worker; Richmondville, NY 12149-2031; Lic. No. 048237; Cal. No. 26952; Application to surrender license granted. Summary: Licensee did not contest charges of having engaged in sexual conduct with a client.

III. OTHER REGENTS DISCIPLINARY ACTIONS

Architecture

Anthony Gerard Piscopia; Patchogue, NY 11772; Lic. No. 016013; Cal. No. 26950; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$2,500 fine.

Zevilla Jackson-Preston a/k/a Zevilla Jackson Preston; New York, NY 10030; Lic. No. 025844; Cal. No. 26971; Application for consent order granted; Penalty agreed upon: 24 month stayed suspension, 2 years probation, \$2,500 fine.

Chiropractic

David C. Magnano; Clearwater, FL 33767-2324; Lic. No. 003443; Cal. No. 27197; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation to commence upon return to practice in State of New York, \$2,500 fine payable within 6 months.

Dentistry

Venkatesh Sampathkumar; Dentist, Dental Enteral Conscious Sedation; Dix Hills, NY 11746-6514; Lic. No. 051152, Cert. No. 000515; Cal. Nos. 26845, 26846; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$1,500 fine.

Samir K. Khalil; Dentist; Pittsford, NY 14534; Lic. No. 042165; Cal. No. 26974; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation to commence if and when return to practice, \$1,000 fine payable within 6 months.

Engineering and Land Surveying

Steven I. Schneider; Professional Engineer; Watchung, NJ 07069; Lic. No. 054776; Cal. No. 27020; Application for consent order granted; Penalty agreed upon: 24 month stayed suspension, 24 months probation, \$5,000 fine.

Kazimierz Cader; Professional Engineer; Roseland, NJ 07068; Lic. No. 069119; Cal. No. 27027; Application for consent order granted; Penalty agreed upon: 24 month stayed suspension, 24 months probation, \$2,500 fine.

Ainsley Ainsworth Ferraro; Professional Engineer; Brooklyn, NY 11222; Lic. No. 062079; Cal. No. 27028; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 24 months probation, \$6,000 fine.

Massage Therapy

William Roberto Alvarado; Cummings, GA 30040; Lic. No. 015661; Cal. No. 26570; Found guilty of professional misconduct; Penalty: \$500 fine, suspension 2 years, execution of suspension stayed, probation 2 years.

Mental Health Practitioner

Christine Smith Mulford; Licensed Mental Health Counselor; Albany, NY 12206; Lic. No. 000004; Cal. No. 26983; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$1,000 fine.

Nursing

Benson Bernard St. Vallier; Licensed Practical Nurse, Registered Professional Nurse; Brooklyn, NY 11203; Lic. Nos. 212317, 487534; Cal. Nos. 26898, 26897; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation.

Denise Deppoliti; Registered Professional Nurse; Chittenango, NY 13037; Lic. No. 231011; Cal. No. 26907; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$500 fine.

Stephanie Lynn Bixby; Licensed Practical Nurse, Registered Professional Nurse; Madison, NY 13402; Lic. Nos. 267402, 604813; Cal. Nos. 26964, 26965; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Cherise Nicole Dorsey; Registered Professional Nurse; Baldwin, NY 11510; Lic. No. 592693; Cal. No. 26978; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$750 fine.

John Anthony McLaughlin; Registered Professional Nurse; Commack, NY 11725; Lic. No. 528114; Cal. No. 26980; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Kristin PeQueen a/k/a Kristin M. PeQueen; Licensed Practical Nurse; Akron, NY 14001; Lic. No. 292007; Cal. No. 26987; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Stacey A. King; Licensed Practical Nurse; Batavia, NY 14020; Lic. No. 269862; Cal. No. 26988; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Sue Ann Stucker; Licensed Practical Nurse, Registered Professional Nurse; Chittenango, NY 13037; Lic. Nos. 230233, 534902; Cal. Nos. 26999, 26998; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, \$500 fine payable within 6 months.

Denise N. Brown; Licensed Practical Nurse, Registered Professional Nurse; Freeville, NY 13068; Lic. Nos. 158013, 358064; Cal. Nos. 27003, 27005; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Margaret Susan Senate; Registered Professional Nurse; Fishkill, NY 12524; Lic. No. 632128; Cal. No. 27021; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation.

Suzzy Lee Rotella; Licensed Practical Nurse; Potsdam, NY 13676; Lic. No. 199974; Cal. No. 27022; 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.

Dallas Kirk; Licensed Practical Nurse; Pine Bush, NY 12566; Lic. No. 300819; Cal. No. 27024; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until substance abuse-free and until fit to practice, upon termination of suspension, 2 years probation, \$500 fine payable within 2 months.

Margaret Ann Burm; Registered Professional Nurse; Newark, NY 14513; Lic. No. 453889; Cal. No. 27025; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Joyce Riche Rahrer Stoeher; Licensed Practical Nurse; West Babylon, NY 11704-5023; Lic. No. 156050; Cal. No. 27032; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until successfully participate in a course of therapy and treatment and until fit to practice, upon termination of suspension, probation 2 years to commence if and when return to practice.

Amanda Rose Milne; Registered Professional Nurse; Rochester, NY 14620-2323; Lic. No. 568352; Cal. No. 27033; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Susan Alison Reilly; Registered Professional Nurse; Ballston Spa, NY 12020-3402; Lic. No. 654550; Cal. No. 27058; 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.

Angelina M. Vitale; Licensed Practical Nurse; Ronkonkoma, NY 11779; Lic. No. 203242; Cal. No. 27081; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Angela Marie Kurgan a/k/a Angela M. Kurgan; Licensed Practical Nurse, Registered Professional Nurse; Melbourne, FL 32940; Lic. Nos. 216667, 445427; Cal. Nos. 27095, 27094; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation to commence upon return to practice in State of New York, \$500 fine payable within 90 days.

Pharmacy

Sana U. Khan; Pharmacist; Huntington, NY 11743; Lic. No. 031746; Cal. No. 26748; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation to commence upon return to practice, \$2,500 fine.

Andrew William Dack; Pharmacist; Ilion, NY 13357; Lic. No. 054668; Cal. No. 26904; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$1,000 fine.

Artin Ohanian; Pharmacist; Highland Lakes, NJ 07422-1000; Lic. No. 054486; Cal. No. 26942; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for not less than 3 months and until mentally fit to practice, upon termination of suspension, 2 years probation.

Carlos Enrique Urriola; Pharmacist; New York, NY 10012; Lic. No. 040101; Cal. No. 26979; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, 1 year probation, \$2,000 fine.

Susan M. Harrison; Pharmacist; Commack, NY 11725; Lic. No. 030826; Cal. No. 26981; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$1,000 fine.

Podiatry

Nedjie Marie Pierre; Brooklyn, NY 11203; Lic. No. 005538; Cal. No. 26906; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation, \$5,000 fine.

Public Accountancy

Alan W. Gracie, Jr.; Certified Public Accountant; East Amherst, NY 14051; Lic. No. 072986; Cal. No. 27037; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, \$500 fine payable within 1 month.

Michael E. Tober; Certified Public Accountant; Lancaster, NY 14086-3263; Lic. No. 042967; Cal. No. 27038; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, \$500 fine payable within 1 month.

Michael Orville Anthony Archer; Certified Public Accountant; Valley Stream, NY 11580; Lic. No. 068573; Cal. No. 27154; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$2,500 fine.

Glenn N. Deans; Certified Public Accountant; Valley Stream, NY 11580; Lic. No. 040512; Cal. No. 27155; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$2,500 fine.

Deans Archer CPAs; Public Accountancy Partnership; 265 East Merrick Road – Suite 205, Valley Stream, NY 11580; Reg. No. 028532; Cal. No. 27156; Application for consent order granted; Penalty agreed upon: \$2,500 fine payable within 5 months.

Social Work

Joseph Delvecchio; Licensed Master Social Worker; Rochester, NY 14609; Lic. No. 043178; Cal. No. 26989; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

IV. RESTORATIONS

The Board of Regents voted on February 11, 2014 to vacate the action taken by the Board of Regents on December 17, 2013 with respect to the application of Thomas A. Butti, Brooklyn, NY, for restoration of his chiropractor license, and, upon considering the matter at the Board's February 2014 meeting, to deny such application. Dr. Butti's license was originally revoked June 8, 1999.

The Board of Regents voted on February 11, 2014 to deny the application for restoration of the physician license of Jacob Harris, New York, NY. Dr. Harris' license was originally revoked April 8, 2003.



**THE STATE EDUCATION
DEPARTMENT**

THE UNIVERSITY
OF THE STATE
OF NEW YORK
ALBANY, NY 12234

EXECUTIVE DEPUTY
COMMISSIONER

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Assessments - Reduce Testing Time

2014-15 BUDGET PRIORITY

The Issue:

In order to address concerns from the public regarding the amount of testing time in the classroom, the Department is requesting funds to implement state of the art printing and distribution processes for the Grades 3-8 tests. The upgrades will enable the Department to substantially reduce the number of questions that need to be field tested separately from the April test administration. As a result, the number of schools and students that will be required to participate in stand-alone field tests will also be greatly reduced.

This enhanced industry standard printing and distribution process will have the additional benefit of improved security, and therefore public confidence in the 3-8 testing program.

2014-15 Budget Request - \$8.4 million additional State Funds

- Modified Printing \$3.0m
- Increased Security Features \$1.6m
- Packaging and Distribution \$2.1m
- Storage, Collection and Support \$1.7m