



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

TO: The Honorable the Members of the Board of Regents
FROM: Tony Lofrumento *Anthony Lofrumento Jr*
SUBJECT: Summary of the February 2016 Meeting

DATE: March 14, 2016

AUTHORIZATION(S): *Mary Ellen Elin*
Executive Summary

Issue for Decision

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

Proposed Handling

Approval of the Summary of February 2016 meeting.

Procedural History

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

Recommendation

Approval of the Summary of the February 2016 meeting.

Timetable for Implementation

Effective March 21, 2016.

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



SUMMARY OF THE FEBRUARY 2016 MEETING

OF THE BOARD OF REGENTS

OF

THE UNIVERSITY OF THE STATE OF NEW YORK

Held at the State Education Building

Albany, New York

February 22 and 23, 2016

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

THE BOARD OF REGENTS

The Board of Regents of The University of the State of New York held a public session on Monday, February 22, 2016 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Monday, February 22nd at 9:00 a.m.

Board Members in Attendance:

Merryl H. Tisch, Chancellor
Anthony S. Bottar, Vice Chancellor
James R. Tallon, Jr.
Roger Tilles
Charles R. Bendit
Betty A. Rosa
Lester W. Young, Jr.
Wade S. Norwood
Kathleen M. Cashin
James E. Cottrell
Josephine Victoria Finn
Judith Chin
Beverly L. Ouderkirk
Catherine Collins
Judith Johnson

Also present were Commissioner of Education, MaryEllen Elia, Executive Deputy Commissioner, Elizabeth Berlin, Counsel, Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Regents Christine D. Cea and T. Andrew Brown were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 9:00 a.m.

ACTION ITEM

Executive Session Motion

MOVED, that the Board of Regents convene in executive session on Monday, February 22 at 5:00 p.m. to discuss litigation and personnel matters.

MOVED, that the Ethics Committee convene in executive session on Tuesday, February 23 at 8:15 a.m. to discuss personnel matters.

Motion by: Vice Chancellor Anthony S. Bottar
Seconded by: Regent James E. Cottrell
Action: Motion carried unanimously

DISCUSSION ITEM

Overview of Elementary and Secondary Education Act (ESEA) Reauthorization BR (D) 1

Commissioner MaryEllen Elia and Ira Schwartz led a discussion and presentation (Attachment I) providing an overview of the Elementary and Secondary Education Act (ESEA) Reauthorization.

Chancellor Merryl H. Tisch adjourned the meeting.

MEETING OF THE FULL BOARD, Tuesday, February 23rd at 11:00 a.m.

Board Members in Attendance:

Merryl H. Tisch, Chancellor
Anthony S. Bottar, Vice Chancellor
James R. Tallon, Jr.
Charles R. Bendit
Betty A. Rosa
Lester W. Young, Jr.
Kathleen M. Cashin
James E. Cottrell
Judith Chin
Beverly L. Ouderkirk
Catherine Collins
Judith Johnson

Also present were Commissioner of Education, MaryEllen Elia, Executive Deputy Commissioner, Elizabeth Berlin, Counsel, Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Regents Roger Tilles, Christine D. Cea, Wade S. Norwood, T. Andrew Brown and Josephine Victoria Finn were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 11:00 a.m.

Chancellor Tisch reflected on the passing of former Regent Geraldine D. Chapey from Queens. Regent Young provided tribute to Assembly Member Barbara Clark who passed away.

ACTION ITEMS

Adult Career and Continuing Education Services (ACCES) Items

Due to scheduling issues items from the ACCES Committee meeting were acted upon in Full Board.

**New York State Workforce Innovation and Opportunity Act Combined State Plan
ACCES (A) 1**

MOVED, that the Board of Regents approve the New York State WIOA Combined State Plan for submission to the U.S. Departments' of Education and Labor.

Motion by: Regent Judith Johnson
Seconded by: Regent Beverly L. Ouderkirk
Action: Motion carried unanimously

**National External Diploma Program (NEDP)
ACCES (D) 1**

Deputy Commissioner Kevin Smith discussed the National External Diploma Program (NEDP) with the Board and answered questions regarding the program.

**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 Applications for February 2016
BR (A) 1 – SUPPLEMENTAL**

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

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

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

Motion by: Regent Charles R. Bendit
Seconded by: Regent James R. Tallon, Jr.
Action: Motion carried unanimously.

PROGRAM AREA CONSENT ITEMS

Higher Education

**Proposed Amendments of Subpart 4-1 of the Rules of the Board of Regents
Relating to Voluntary Institutional Accreditation for Title IV Purpose
BR (CA) 2**

MOVED, that sections 4-1.4 and 4-1.5 of the Rules of the Board of Regents be amended, as submitted, effective March 9, 2016.

P-12 Education

**Petition of the City School District of the City of Utica for Consent to Exceed
the Constitutional Debt Limit
BR (CA) 3**

MOVED, that the Board of Regents hereby gives consent to the issuance of bonds and/or bond anticipation notes by the Board of Education of the City School District of the City of Utica in an amount not to exceed \$9,750,000 for the reconstruction, addition, improvement and repair of the Kernan Elementary School in the School District, including the demolition of existing buildings, grading or improvement of the site, and the acquisition of original furnishings, equipment, machinery and apparatus required for the purposes for which the building is to be used and the issuance of such bonds and/or bond anticipation notes in excess of the constitutional debt limit of said school district.

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.

**Designation of Regents Physician Shortage Areas (RPSAs)
BR (CA) 6**

MOVED, that the Board of Regents approve the changes in the lists of designated physician shortage areas described, with an effective date of February 23, 2016.

**Proposed Amendment to Section 61.7 of the Regulations of the Commissioner
of Education Relating to the Licensing Examination Requirements
for Dental Hygienists
BR (CA) 7**

MOVED, that subdivisions (b) and (e) of section 61.7 of the Regulations of the Commissioner of Education be amended, as submitted, effective March 9, 2016.

**Proposed Amendment to Section 63.10 of the Regulations of the Commissioner
of Education Relating to Collaborative Drug Therapy Management for
Pharmacists
BR (CA) 8**

MOVED, that section 63.10 of the Regulations of the Commissioner of Education be amended, as submitted, effective March 9, 2016.

MOVED, that the Regents approve the consent agenda items.

Motion by: Regent Charles R. Bendit
Seconded by: Regent Betty A. Rosa
Action: Motion carried unanimously.

STANDING COMMITTEE REPORTS

HIGHER EDUCATION

Your Higher Education Committee held its scheduled meeting on February 23, 2016. All members were present with the exception of Regent Cea and Regents Brown who were absent and excused.

Matters not requiring action:

Reconvening the edTPA Task Force and Teacher Education Advisory Group

Your Committee received an update on the plan to reconvene the educative Teacher Performance Assessment (edTPA) Task Force as well as reengaging with the Teacher Education Advisory Group. The charge of the reconvened Task Force will be to review and fully discuss the issues and concerns raised by the field regarding the edTPA. HE (D) 1

Proposed Amendments to Section 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education Relating to Reciprocity Requirements and Endorsement of Certificate for Service as a Teacher, School District Leader, and School District Business Leader and Addition of a New Section to Address Reciprocity Requirements for School Building Leaders

Your Committee discussed proposed changes that would allow those out-of-state candidates certified as a teacher, school building leader, or school district or school district business leader to qualify for certification in New York if they have three or more years of experience teaching in the subject area of their valid certificate or acting as a school building leader or school district or school district business leader. In addition, these candidates who wish to become certified in New York must also submit evidence of their baccalaureate degree (teachers) or master's degree (school district or business

leaders) or higher from a regionally accredited higher education institution or an equivalently approved higher education institution as determined by the Department and a letter, or other form of documentation, as determined by the Commissioner, documenting the evaluations the applicant has received during the most recent three years of experience. Essentially, the proposal would streamline the process for those certified and experienced teachers and leaders from other states who can demonstrate a track-record of strong performance based on their evaluation by no longer requiring the candidate to complete a teacher education program which leads to an initial certificate and no longer requiring the candidate to meet citizenship requirements of Section 80-1.3 - specifically those that relate to certificate holders applying who are in Deferred Action for Childhood Arrival (DACA) status pursuant to Sections 59.4 and 80-1.3. In addition, those certified out-of-state teachers and leaders would no longer need to take and pass state certification assessments. HE (D) 2

Overview of the Requirements to Implement Chapter 56 of the Laws of 2015 Relating to the Registration Process for Permanent, Professional and Teaching Assistant Level III Certificate Holders

Your Committee received an overview of the law and discussed the process for drafting amendments to the Commissioner's Regulations. The Department is seeking guidance from the field on key components and plans to incorporate any suggestions from the field. It is anticipated that proposed regulations will be before the Board at the April 2016 Regents meeting. HE (D) 3

Consent Agenda

The Board of Regents will take action on the following consent agenda items at their February 23, 2016 meeting.

- Proposed Amendments of Subpart 4-1 of the Rules of the Board of Regents Relating to Voluntary Institutional Accreditation for Title IV Purposes

HIGHER EDUCATION/PROFESSIONAL PRACTICE JOINT MEETING

Your Higher Education Committee and Professional Practice Committee held a joint meeting on February 23, 2016. All members were present with the exception of Regent Cea and Regent Finn who were absent and excused.

Matters not requiring action:

Proposed Amendment to Section 59.4 and 80-1.3 of the Regulations of the Commissioner of Education Relating to Citizenship

Your Committees discussed a proposed amendment relating to citizenship for the professions and teaching and educational leadership service. Currently, individuals granted deferred action childhood arrivals (DACA) relief under Federal Executive Order and are allowed to continue to be lawfully present in the United States without fear of

deportation are not eligible for State licensure in the professions or those seeking their professional teaching certification under the Regulations of the Commissioner. However, New York enables hundreds of thousands of undocumented students, including DACA students, to receive education through the state's public school system and graduate with New York high school diplomas. Yet their futures historically have been circumscribed by current federal law restricting the issuance of professional licenses based on immigration status and State laws and/or regulations that imposed citizenship requirements for professional licensing in certain professions and for certification as a teacher or school leader.

However, the case law on the citizenship requirements for State licensure has been evolving over the past decade and recent case law dictates that it is time for a change. Based on the rationale in the recent cases, the Department recommends that the Board of Regents use its broad authority over the granting of licenses in the Title VIII professions and the certification of teachers to promulgate regulations expressly authorizing otherwise qualified aliens who are not unlawfully present in the U.S. and who meet all other licensure requirements except citizenship to become licensed or certified.

It is anticipated that this proposed amendment will be before the Board at the May 2016 Regents Meeting for action. HE/PPC (D) 1

P-12 EDUCATION

Your P-12 Education Committee held its scheduled meeting on February 22, 2016. All members were present, except for Regents Cea and Brown, who were excused.

ACTION ITEMS

Regulations to Allow an Exemption of a Student with a Disability from the Requirement for Instruction in Hands-only Cardiopulmonary Resuscitation and the Use of Automated External Defibrillators [P-12 (A) 1]

Your Committee recommends that a new subparagraph (iv) of paragraph (11) of subdivision (c) of section 100.2 of the Regulations of the Commissioner be added as submitted, effective March 9, 2016; and further that a new subparagraph (iv) of paragraph (11) of subdivision (c) of section 100.2 of the Regulations of the Commissioner be added as submitted, effective February 23, 2016, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to immediately ensure that students identified with a disability that precludes their ability to participate in hands-only CPR and the use of AEDs may continue to be exempted from the instruction requirement in the regulation.

Relating to Transition Ratings for Teachers and Building Principals During the Transition to Higher Standards through New State Assessments aligned to Revised Learning Standards and a Revised State Approved Growth Model [P-12 (A) 2]

Your Committee recommends that sections 30-2.14 and 30-3.17 of the Rules of the Board of Regents be added, effective March 14, 2016, as an emergency measure upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to timely implement the recommendations of the New York Common Core Task Force Report, by ensuring that State assessments aligned to the Common Core do not have consequences and that they only be used on an advisory basis for teachers and principals and to ensure that the emergency rule adopted at the December 2015 Regents meeting remains continuously in effect until it can be adopted as a permanent rule.

Charter Schools: Merger Revision to Charters Authorized by the Chancellor of the New York City Department of Education (NYCDOE) [P-12 (A) 3]

Your Committee recommends that the Board of Regents finds that: (1) Achievement First Brooklyn Charter Schools meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) Achievement First Brooklyn Charter Schools can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the schools operated by Achievement First Brooklyn Charter Schools, and the Board of Regents therefore approves the charter revision for Achievement First Brooklyn Charter Schools, as proposed by the Chancellor of the New York City Department of Education and amends the provisional charter accordingly.

Your Committee recommends that the Board of Regents finds that: (1) Uncommon New York City Charter Schools meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) Uncommon New York City Charter Schools can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the schools operated by Uncommon New York City Charter Schools, and the Board of Regents therefore approves the charter revision for Uncommon New York City Charter Schools, as proposed by the Chancellor of the New York City Department of Education and amends the provisional charter accordingly.

Regents Chin, Collins, Johnson, Ouderkirk, and Tilles abstained from the vote.

Charter Schools: Revisions to Charters Authorized by the Board of Regents [P-12 (A) 4]

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

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

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

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

accordingly.

Your Committee recommends that the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for Launch Expeditionary Learning Charter School and amends the provisional charter accordingly. Regents Chin, Collins, Johnson, Ouderkirk, and Tilles abstained from the vote.

Charter Schools: Revisions to Charters Authorized by the Chancellor of the New York City Department of Education (NYCDOE) [P-12 (A) 5]

Your Committee recommends that the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for DREAM Charter School, as proposed by the Chancellor of the New York City Department of Education and amends the provisional charter accordingly.

Your Committee recommends that the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for The Equity Project Charter School, as proposed by the Chancellor of the New York City Department of Education and amends the provisional charter accordingly.

Your Committee recommends that the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter is likely to improve student learning and achievement and materially

further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for Mott Haven Academy Charter School, as proposed by the Chancellor of the New York City Department of Education and amends the provisional charter accordingly.

Your Committee recommends that the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for John W. Lavelle Preparatory Charter School, as proposed by the Chancellor of the New York City Department of Education and amends the provisional charter accordingly. Regents Chin, Collins, Johnson, Ouderkirk, and Tilles abstained from the vote.

MATTERS NOT REQUIRING BOARD ACTION

Academic Intervention Services [P-12 (D) 1] – the Committee discussed previous actions taken by the Board of Regents to continue flexibility in the provisions of Academic Intervention Services (AIS) through the 2015-16 school year. At the Board’s direction, the Department reached out to stakeholders and districts to get feedback on the effectiveness of AIS to assist in making recommendations to the Board. Many school districts and stakeholders agree that the provision of AIS should be based on multiple measures and not entirely based on the results of the State assessment. This view is consistent with Recommendation #19 of the Governor’s Common Core Task Force Report released in December 2015 that specifically states, “Prevent students from being mandated into Academic Intervention Services based on a single test.” Given the Task Force’s recommendation on AIS and the feedback that the Department has received over the past few months on the importance of multiple measures in the decision-making process, the Department has asked districts to share their recommendations on how to incorporate multiple measures into the decision-making process, including parent input, on whether or not a student should receive AIS. Staff will meet with districts and key stakeholder groups to further discuss options to strengthen AIS services and to determine the use of Response to Intervention (RTI) programs as an effective research-based way to provide AIS to students. Proposed amendments to regulations will be brought back to the Committee at a future meeting.

Two school district representatives assisted in the presentation to help guide the Board discussion:

- Maureen Patterson, Assistant Superintendent for Curriculum, Instruction and Assessment, Liverpool Central School District.
- Dr. Esther Friedman, Executive Director for Literacy and Academic Intervention Services, New York City Department of Education.

Placement of Students with Disabilities in the Least Restrictive Environment (LRE) [P-12 (D) 2] – staff provided an update on Department actions to ensure that students with disabilities are in high quality inclusive settings to the maximum extent appropriate. In December, Department staff released a field advisory on LRE providing the State, regional and individual school district data results, proposed next steps, and resources for technical assistance. In January, Department staff continued discussions with District Superintendents. At their request, District Superintendents were provided data from school districts in their respective regions. Staff also provided information and training materials to the Regional Special Education Technical Assistance Centers to be used to engage the field in further regional and local dialogue on the action steps and proposed policy to improve LRE results. Department staff is seeking public comment on the proposed policy and will engage stakeholders in regional forum discussions. It is anticipated that proposed policy would be presented to the Board of Regents in the fall 2016.

School-Justice Partnerships to Keep Youth in School and Out of Courts [P-12 (D) 3] – the Committee discussed the New York State Permanent Judicial Commission on Justice for Children’s work in regard to the school-justice connection that results in too many school-aged children spending time in court, being suspended or expelled from school, or placed in juvenile justice facilities. Kathleen DeCataldo, Executive Director of the New York State Permanent Judicial Commission on Justice for Children provided highlights from the Commission’s report, released in May 2013, entitled Keeping Kids In School and Out of Court, by the New York City School-Justice Partnership Task Force. Ms. DeCataldo also discussed other key strategies that enable children to become successful, productive adults. With the agreement of the Board of Regents, staff will take the following actions to improve outcomes for our students:

- Continue to engage with key stakeholders to promote school-justice partnerships;
- Develop recommendations and more comprehensively deliver technical assistance that will more clearly define uniform discipline policies and practices;
- Assist school districts to implement strategies to reduce the frequency that suspensions and expulsions are used throughout the school year, especially for youth of color, students with disabilities, and English language learners;
- Improve data collection processes to inform decisions on addressing youth-related issues;
- Build frameworks in schools and institute strategies that promote and measure school climate; and

- When funding becomes available, provide professional development for administrators, teachers and community.

Revision and Implementation of New English Language Arts (ELA) and Mathematics Standards [P-12 (D) 4] – the Committee was provided with a timeline for revision and implementation of the new New York State Learning Standards in English Language Arts (ELA) and Mathematics. As part of the standards review process, the Department has engaged stakeholders and obtained input from parents, educators and communities through the AIMHighNY survey. Additionally, the New York State English Language Arts and Mathematics Content Advisory Panels (CAPs) reviewed the survey data and made initial recommendations for possible revisions and guidance. The Department will convene Standards Review Committees in ELA and mathematics beginning in March. The Board of Regents will be given the opportunity to provide input into the make-up of these committees, including committee members and categories of people included. The Committees will provide a draft set of standards for ELA and mathematics that will be posted on AIMHighNY for public comment from July-October. It is anticipated that the revised draft standards will be presented to the Board of Regents for consideration in the fall.

Consent Agenda

The Board of Regents will take action on the following consent agenda item at their February 23, 2016 meeting.

- Petition of the City School District of the City of Utica for Consent to Exceed the Constitutional Debt Limit.

PROFESSIONAL PRACTICE

Your Professional Practice Committee held its scheduled meeting on February 22, 2016. All members were present, except Regent Christine D. Cea, who was excused.

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. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 47 consent order applications and 21 surrender applications be granted. [PPC EXS (A) 1-3]

In the case of Keisha Barron, Licensed Master Social Worker, Cal. No. 27461, we recommend, as a matter of clarification, that the correct calendar number in this case is

27461, as shown in the report of the Regents Review Committee and in the Statement of Charges, and not 25843, as shown in the report of the Hearing Panel.

In the case of Maryann TenEyck, Registered Professional Nurse, Cal. No. 27775, we recommend that the report of the Regents Review Committee be corrected as follows: the word “proccessional” on page 5, line 3 and on page 5, line 9 thereof both be deemed corrected to read “professional”.

In the case of Edward Reilly, Professional Engineer, Cal. No. 28250, we recommend that the recommendation as to the penalty to be imposed rendered by the Regents Review Committee be accepted, except that term of probation numbered 5 be deemed modified by substituting, on line 5 thereof immediately after the word “psychiatrist,” the words “psychologist, or licensed clinical social worker,” in place of the words “or psychologist”.

These recommendations are made following the review of 73 cases involving thirteen registered professional nurses, twelve licensed practical nurses, five licensed practical nurses who are also registered professional nurses, five pharmacists, three certified public accountants, three dentists, three licensed master social workers, three licensed master social workers who are also licensed clinical social workers, two certified public accountant professional corporations, two licensed clinical social workers, two veterinarians, one acupuncturist, one chiropractor, one dental hygienist who is also a holder of a dental hygiene restricted local infiltration anesthesia/nitrous oxide analgesia certificate, one massage therapist, one midwife, one occupational therapy assistant, one pharmacy, one physical therapist, one professional engineer, one psychologist, and one speech-language pathologist.

Restorations

Your Committee recommends the following:

That Nelson Pang be required to take and pass the Pharmacist Assessment for Remediation Evaluation (PARE) and the Multistate Pharmacy Jurisprudence Examination (MPJE); that, following his successful completion of the PARE and MPJE, as determined by the Director of the Office of Professional Discipline, the execution of the surrender of his pharmacist license be stayed; that, upon his return to practice, he be placed on probation for a period of five years under the terms and conditions of probation of the Committee on the Professions; and that, upon successful completion of probation, his license be fully restored. [PPC EXS (A) 4]

That the application of Demetrios M. Perdios for the restoration of his license to practice as a certified public accountant in New York State be denied. [PPC EXS (A) 5]
Long-Term Clinical Clerkships [PPC EXS (A) 6]

Your Committee recommends the following:

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

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

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

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

That the application of Spartan Health Sciences University School of Medicine to place students in long-term clinical clerkships in New York be denied.

Approvals

Regulations: Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer Tuberculosis Tests – Your Committee recommends the following: That subdivision (c) of section 64.7 of the Regulations of the Commissioner of Education be amended, as submitted, effective February 23, 2016, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare to conform the Regulations of the Commissioner of Education to timely implement the requirements of Chapter 464 of the Laws of 2015, which authorizes registered professional nurses to execute non-patient specific orders prescribed by a licensed physician or a certified nurse practitioner to administer tuberculosis tests. [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 22, 2016, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Your Committee discussed several topics of interest, including:

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

Dental Anesthesia Certification Requirements for Licensed Dentists – The proposed amendment is based on a review of policy and redefines the types of anesthesia used by licensed dentists, with anesthesia certification, to conform the regulation's definitions with the definitions used by the American Dental Association (ADA). The proposed amendment also establishes new certifications for administering conscious (moderate) parenteral anesthesia and conscious (moderate) enteral anesthesia and includes a requirement for separate certifications for the administration of those types of anesthesia to pediatric patients aged 12 and under. [PPC (D) 1]

Motion by: Regent Catherine Collins
Seconded by: Regent Lester W. Young, Jr.
Action: Motion carried unanimously.

Executive Budget Overview

Executive Deputy Commissioner Beth Berlin provided a budget overview to the Board.

State Education Department January 2016 Fiscal Report BR (A) 3

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

Motion by: Regent Charles R. Bendit
Seconded by: Regent James E. Cottrell
Action: Motion carried unanimously.

CLOSING REMARKS

Regent Charles R. Bendit provided closing remarks, reflecting on his time with the Board.

Regent Charles R. Bendit 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)
Friendship-Nile Historical Society	CE	Allegany	Extend provisional charter for five years.
Genesee Country Museum	CE	Monroe	Amend charter to specify the trustee range to be not less than five nor more than thirty-five.
Long Island Music Hall of Fame	CE	Suffolk	Amend charter to change the corporate address and extend charter for five years.
Museum of Contemporary Art-Yonkers	CE	Westchester	Dissolve provisional charter.
Chesterton Academy of Rochester	P12	Monroe	Grant provisional charter for three years.
Fei Tian Academy of the Arts	P12	Orange	Amend charter for authority to operate an additional campus site.
International Preschools	P12	New York	Extend provisional charter for three years.
Albany Medical College	OP	Albany	Amend charter to specify the number of trustees to be not less than five nor more than forty.

SUPPLEMENTAL CHARTER APPLICATIONS

Name of Institution	Program Area	County of Location	Description of Charter Action(s)
Call Homestead Museum	CE	Steuben	Request Attorney General to commence proceeding or action under the Not-for-Profit Corporation Law for dissolution of the corporation and distribution of its remaining assets
SVA of New York, LLC	HE	New York	Application for Regents consent to file articles of organization to establish a limited liability company (LLC) for purposes of transitioning operation of the School of Visual Arts from the existing business corporation (School of Visual Arts, Inc.) to the LLC, with the business corporation as sole member

Appendix II
REGENTS ACTIONS IN 73 PROFESSIONAL DISCIPLINE CASES
AND 2 RESTORATION PETITIONS
February 22 - 23, 2016

The Board of Regents announced disciplinary actions resulting in the revocation of 2 licenses, surrender of 21 licenses, and 50 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. REVOCATIONS AND SURRENDERS

Acupuncture

Mikal Paul Gohring; Anchorage, AK 99503; Lic. No. 000252; Cal. No. 28714;
Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Driving While Intoxicated, an unclassified misdemeanor; Criminal Mischief in the 3rd Degree, a class A misdemeanor; and Assault in the 3rd Degree, a class A misdemeanor.

Chiropractic

Dmitry Slobodyansky; Brooklyn, NY 11224; Lic. No. 008950; Cal. No. 28702;
Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Conspiracy to Commit Health Care Fraud and Mail Fraud, a felony.

Nursing

Maryann TenEyck; Registered Professional Nurse; Schenectady, NY 12306; Lic. No. 494915; Cal. No. 27775; **Found guilty of professional misconduct; Penalty:** Revocation.

Lynn M. Merriam; Licensed Practical Nurse; Rochester, NY 14624; Lic. No. 144974; Cal. No. 28186; **Found guilty of professional misconduct; Penalty:** Revocation.

Kristen A. Johnson; Registered Professional Nurse; Fulton, NY 13069; Lic. No. 623118; Cal. No. 28576; **Application to surrender license granted. Summary:** Licensee did not contest the charge of moral unfitness in the practice.

Utika E. Alexander a/k/a Utika Stroman; Licensed Practical Nurse; Albion, NY 14411-9399; Lic. No. 296237; Cal. No. 28659; **Application to surrender license granted. Summary:** Licensee admitted to the charge of having been convicted of Robbery in the 2nd Degree a class C felony.

Nicholle Gaveglia; Licensed Practical Nurse; Selden, NY 11784-2288; Lic. No. 282630; Cal. No. 28679; **Application to surrender license granted. Summary:** Licensee admitted to the charge of having been convicted of Falsifying Business Records in the 1st Degree, a class E felony; Criminal Possession of a Controlled Substance in the 7th Degree, a class A misdemeanor; and Petit Larceny, a class A misdemeanor.

Juliet Joyce Clifford; Licensed Practical Nurse, Registered Professional Nurse; Mount Vernon, NY 10553; Lic. Nos. 231709, 481873; Cal. Nos. 28696, 28697; **Application to surrender licenses granted. Summary:** Licensee admitted to the charge of having failed, while acting as Director of Nursing, to properly notify authorities of the elopement of a demented resident.

Matthew David Mendelow; Registered Professional Nurse; New York, NY 10010; Lic. No. 574361; Cal. No. 28711; **Application to surrender license granted. Summary:** Licensee admitted to the charge of being a habitual user of the prescription-required controlled narcotic drugs hydromorphone and morphine during the period of in or about February 2014 to in or about April 2014.

Marci L. Gullberg; Registered Professional Nurse; Fairfield, CT 06824-5845; Lic. No. 589372; Cal. No. 28712; **Application to surrender license granted. Summary:** Licensee did not contest the charge of withdrawing morphine and/or lorazepam from a hospital Pyxis machine ostensibly for administration to patients, but failing to consistently and accurately document said medication administration in the patients' medication administration records, pain scale flow sheets and/or nursing notes.

Pharmacy

Lena Thaotramhuyen Congtang a/k/a Lena T. Congtang a/k/a Lena T. Lasher; Pharmacist; High Bridge, NJ 08829; Lic. No. 050268; Cal. No. 28618; **Application to surrender license granted. Summary:** Licensee admitted to the charge of having been convicted of Conspiracy to Misbrand Prescription Drugs, Misbranding Drugs, Conspiracy to Commit Mail and Wire Fraud, Mail Fraud and Wire Fraud.

Kevin Jon Schaffer; Pharmacist; Utica, NY 13502; Lic. No. 031029; Cal. No. 28664; **Application to surrender license granted. Summary:** Licensee admitted to the charge of having been convicted of Possession of a Sexual Performance by a Child, a class E felony.

Randall James Smith; Pharmacist; Mexico, ME 04257; Lic. No. 033567; Cal. No. 28669; **Application to surrender license granted. Summary:** Licensee admitted to the charge of processing and dispensing a prescription for his wife with a local doctor's name on said prescription even though the local doctor had not prescribed said medication.

Christina Wang Chai; Pharmacist; Fort Lee, NJ 07024; Lic. No. 054370; Cal. No. 28673; **Application to surrender license granted. Summary:** Licensee admitted to the charge

of having been convicted of Conspiracy to Distribute and Possess with Intent to Distribute a Controlled Substance, a felony.

Pasquale Minuto; Pharmacist; Albany, NY 12203; Lic. No. 043388; Cal. No. 28682; **Application to surrender license granted. Summary:** Licensee admitted to the charge of having been convicted of Conspiracy to Commit Money Laundering, a felony.

Psychology

Jay Alfred Seitz; Fort Dix, NJ 08640; Lic. No. 010816; Cal. No. 28677; **Application to surrender license granted. Summary:** Licensee admitted to charges of having been convicted under Federal law of Conspiracy to Commit Mail Fraud and Health Care Fraud; Mail Fraud; and Health Care Fraud, all felonies; and under New York State law of two counts of Stalking in the 3rd Degree, both class A misdemeanors; and one count of Menacing in the 2nd Degree, a class A misdemeanor.

Public Accountancy

Robert S. Gruber; Certified Public Accountant; New York, NY 10022; Lic. No. 033339; Cal. No. 28630; **Application to surrender license granted. Summary:** Licensee admitted to the charge of having been convicted of Promoting Gambling in the 1st Degree, a class E felony.

Social Work

Stephen Parks Bell; Licensed Master Social Worker, Licensed Clinical Social Worker; Flushing, NY 11367; Lic. Nos. 069712, 076892; Cal. Nos. 28397, 28501; **Application to surrender licenses granted. Summary:** Licensee admitted to the charge of engaging in sexual intercourse with a patient.

Melisa Rae Schonfield; Licensed Master Social Worker, Licensed Clinical Social Worker; Bedford Hills, NY 10507-2400; Lic. Nos. 055742, 069999; Cal. Nos. 28573, 28574; **Application to surrender licenses granted. Summary:** Licensee admitted to the charge of having been convicted of Attempted Murder in the 2nd Degree.

Veterinary Medicine

William Valentino a/k/a Louis W. Valentino a/k/a Louis William Valentino; Veterinarian; Davie, FL 33328; Lic. No. 007676; Cal. No. 28717; **Application to surrender license granted. Summary:** Licensee did not contest the charge of practicing veterinary medicine in the State of Maryland without a license and without a current registration.

II. OTHER REGENTS DISCIPLINARY ACTIONS

Dentistry

Paul C. Carey; Dentist; Massapequa, NY 11758; Lic. No. 039421; Cal. No. 28411; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$750 fine.

Leonard Michael Badger; Dentist; Orlando, FL 32836; Lic. No. 053549; Cal. No. 28439; **Application for consent order granted; Penalty agreed upon:** 2 month actual suspension, 22 month stayed suspension, 24 months probation to commence upon return to practice in the State of New York, \$3,500 fine payable within 6 months.

Erica Nicole Vitagliano; Dental Hygienist, Dental Hygiene Restricted Local Infiltration Anesthesia/Nitrous Oxide Analgesia; Wake Forest, NC 27587; Lic. No. 024469, Cert. No. 001502; Cal. Nos. 28472, 28473; **Application for consent order granted; Penalty agreed upon:** Indefinite actual suspensions for not less than 6 months and until fit to practice, upon termination of suspensions, 2 years probation to commence upon return to practice in the State of New York.

Louisa F. Correa; Dentist; Paramus, NJ 07652; Lic. No. 043148; Cal. No. 28590; **Application for consent order granted; Penalty agreed upon:** 12 month actual suspension, 12 month stayed suspension, 24 months probation to commence upon return to practice in the State of New York, \$5,000 fine payable as stated.

Engineering and Land Surveying

Edward Reilly; Professional Engineer; Slingerlands, NY 12159; Lic. No. 066193; Cal. No. 28250; **Found guilty of professional misconduct; Penalty:** 24 month suspension, execution of last 21 months of suspension stayed, upon service of Order and concurrent with actual suspension, probation 2 years.

Massage Therapy

Riche C. Yao; Forest Hills, NY 11375; Lic. No. 024298; Cal. No. 28596; **Application for consent order granted; Penalty agreed upon:** 9 month actual suspension, 15 month stayed suspension, 2 years probation to commence upon return to practice.

Midwifery

Emory Jana Ship; New York, NY 10025-8437; Lic. No. 001332; Cal. No. 28070; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$2,500 fine.

Nursing

Zinaida Perutskaya; Registered Professional Nurse; Staten Island, NY 10305; Lic. No. 562739; Cal. No. 27119; **Application for consent order granted; Penalty agreed upon:** 6 month actual suspension, 18 month stayed suspension, 2 years probation.

Philomena Elizabeth Henry; Registered Professional Nurse; Fairport, NY 14450; Lic. No. 502323; Cal. No. 27963; **Application for consent order granted; Penalty agreed upon:** 2 month actual suspension, 22 month stayed suspension, 2 years probation to commence upon return to practice.

Angelique Sestito a/k/a Angelique Daragjati; Licensed Practical Nurse, Registered Professional Nurse; Staten Island, NY 10312; Lic. Nos. 256036, 513628; Cal. Nos. 28171, 28172; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 23 month stayed suspension, 2 years probation.

Taneisha Nicole Foy; Licensed Practical Nurse; Cohoes, NY 12047; Lic. No. 269921; Cal. No. 28311; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$500 fine.

Zenaida C. del Rosario; Licensed Practical Nurse, Registered Professional Nurse; Elmsford, NY 10523; Lic. Nos. 137457, 442304; Cal. Nos. 28362, 28363; **Application for consent order granted; Penalty agreed upon:** 3 month actual suspension, 21 month stayed suspension, 24 months probation, \$500 fine.

Rodney Bradford Wilkinson; Licensed Practical Nurse; Rochester, NY 14605; Lic. No. 291302; Cal. No. 28365; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$250 fine.

Shari Shabli Venisee; Licensed Practical Nurse; Rochester, NY 14621-3149; Lic. No. 317661; Cal. No. 28366; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$250 fine.

Kyle David Gerould; Licensed Practical Nurse; Livonia, NY 14487-9317; Lic. No. 316218; Cal. No. 28367; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$250 fine.

Yves-Maryse Telemaque; Licensed Practical Nurse; West Babylon, NY 11704; Lic. No. 299156; Cal. No. 28370; **Application for consent order granted; Penalty agreed upon:** 3 month actual suspension, 21 month stayed suspension, 24 months probation.

Cory Scott Whitney; Licensed Practical Nurse; York, NY 14592; Lic. No. 291533; Cal. No. 28378; **Application for consent order granted; Penalty agreed upon:** Indefinite actual suspension for no less than 2 months and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$250 fine payable within 4 months.

Kipp A. Rifanburg; Registered Professional Nurse; Jupiter, FL 33458; Lic. No. 630617; Cal. No. 28388; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation to commence upon return to practice in the State of New York, \$500 fine payable within 6 months.

Tricia Jean Johnson; Registered Professional Nurse; Falconer, NY 14733; Lic. No. 488199; Cal. No. 28392; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$250 fine.

Richard Montesa Base; Licensed Practical Nurse, Registered Professional Nurse; New Hyde Park, NY 11040; Lic. Nos. 241140, 475185; Cal. Nos. 28393, 28394; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

Lindsay Jo Minns; Registered Professional Nurse; Geneva, NY 14456; Lic. No. 556270; Cal. No. 28408; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

Traci Lyn Snyder; Registered Professional Nurse; Liverpool, NY 13090; Lic. No. 525264; Cal. No. 28415; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

Lisa M. Baran; Licensed Practical Nurse; Weedsport, NY 13166; Lic. No. 264553; Cal. No. 28422; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine.

Alfon Cloe Cabardo Maristela; Registered Professional Nurse; Valley Stream, NY 11580; Lic. No. 601666; Cal. No. 28425; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$500 fine.

Tara L. Tipton; Licensed Practical Nurse; Watertown, NY 13601; Lic. No. 277384; Cal. No. 28436; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine.

Jahnice Monique Strange; Licensed Practical Nurse; Shirley, NY 11967; Lic. No. 205875; Cal. No. 28449; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 23 month suspension stayed, 24 months probation, \$2,500 fine.

Jennifer Langdon; Registered Professional Nurse; Glen Head, NY 11545-1624; Lic. No. 450472; Cal. No. 28450; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

Kim Marie Frick a/k/a Kim Marie Swieczkowski; Licensed Practical Nurse, Registered Professional Nurse; Moriches, NY 11955; Lic. Nos. 205959, 426027; Cal. Nos. 28452, 28453; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$1,000 fine.

Barbara Leslie Davis; Registered Professional Nurse; Plattsburgh, NY 12901; Lic. No. 280443; Cal. No. 28483; **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.

Occupational Therapy

Suzanne Ryder; Occupational Therapy Assistant; Akron, NY 14001; Cert. No. 004150; Cal. No. 28032; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

Pharmacy

CVS Albany, LLC; Pharmacy; 330 Route 304, Bardonia, NY 10954; Reg. No. 032857; Cal. No. 27870; **Application for consent order granted; Penalty agreed upon:** \$20,000 fine payable in 30 days.

Physical Therapy

Kevin Charles Redmon; Physical Therapist; Santa Ana, CA 92701; Lic. No. 014983; Cal. 28591; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 23 month stayed suspension, 24 months probation to commence upon return to practice in the State of New York, \$1,000 fine payable within 6 months.

Public Accountancy

Leonard Rosen & Company, P.C.; 15 Maiden Lane - Suite 505, New York, NY 10038; Cal. No. 28410; **Application for consent order granted; Penalty agreed upon:** \$2,500 fine payable within 2 months.

Lerner & Sipkin, CPAs, LLP; 132 Nassau Street - Suite 1023, New York, NY 10038; Cal. No. 28471; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$10,000 fine payable as stated.

Anthony Giampaolo; Certified Public Accountant; Lincroft, NJ 07738; Lic. No. 082931; Cal. No. 28479; **Application for consent order granted; Penalty agreed upon:** Partial actual suspension in certain area until successful completion of course of retraining in said certain area, upon termination of actual partial suspension, 2 years probation, \$1,500 fine payable within 30 days.

James Gurrieri; Certified Public Accountant; New York, NY 10021; Lic. No. 043291; Cal. No. 28502; **Application for consent order granted; Penalty agreed upon:** Partial actual suspension in certain area until successful completion of course of retraining in said certain area, upon termination of actual partial suspension, 2 years probation, \$2,500 fine payable within 30 days.

Social Work

Robin Einbinder; Licensed Clinical Social Worker; Potsdam, NY 13676-3100; Lic. No. 040064; Cal. No. 27329; **Found guilty of professional misconduct; Penalty:** \$500 fine to be paid within 6 months; complete certain course within 1 year.

Kimberly J. Daignault; Licensed Master Social Worker; Middle Grove, NY 12850; Lic. No. 075995; Cal. No. 28383; **Application for consent order granted; Penalty agreed upon:** Indefinite actual suspension until mentally and physically fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice.

Mary Anne Fielding; Licensed Clinical Social Worker; Hopewell Junction, NY 12533; Lic. No. 061876; Cal. No. 28409; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$1,000 fine.

Kristin Ackner McFerran; Licensed Master Social Worker; Latham, NY 12110; Lic. No. 086566; Cal. No. 28413; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

Marci Lynn Rosner a/k/a Marci L. Rosner; Licensed Master Social Worker, Licensed Clinical Social Worker; Great Neck, NY 11021-3651; Lic. Nos. 049157, 070067; Cal. Nos. 28443, 28444; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

Speech-Language Pathology and Audiology

Melissa Beth Tasch; Speech-Language Pathologist; New Rochelle, NY 10805; Lic. No. 003305; Cal. No. 28179; **Application for consent order granted; Penalty agreed upon:** 6 month actual suspension, 18 month stayed suspension, 24 months probation, \$1,000 fine.

Veterinary Medicine

Steven Joseph Agoston; Veterinarian; Bethel, NY 12720; Lic. No. 007951; Cal. No. 28385; **Application for consent order granted; Penalty agreed upon:** 3 month actual suspension, 21 month stayed suspension, 24 months probation, \$5,000 fine.

III. RESTORATIONS

The Board of Regents voted on February 23, 2016 to stay the execution of the order of surrender of the pharmacist license of Nelson Pang, Mahopac, NY, subsequent to successful completion of certain examinations, to place him on probation for three years under specified terms and conditions, and upon successful completion of probation, to fully restore his license. Mr. Pang's license was originally surrendered effective February 17, 2008.

The Board of Regents voted on February 23, 2016 to deny the application for restoration of the certified public accountant license of Demetrios M. Perdios, Roslyn Heights, NY. Mr. Perdios' license was originally surrendered effective October 8, 2005.



engage^{ny}

Our Students. Their Moment.

**Elementary and Secondary Education
Act (ESEA) Reauthorization / Every
Student Succeeds Act (ESSA)**

February 2016

Background Information

Reauthorization of the Elementary and Secondary Education (ESEA) Act of 1965 appears imminent.

- The ESEA was last reauthorized in 2001 as the No Child Left Behind Act. The ESEA is many years overdue for reauthorization.
- A Joint House-Senate Conference Committee reported out the “Every Student Succeeds Act” (ESSA) to both houses on November 30, 2015.
- December 2, 2015: The ESSA was passed by the US House of Representatives.
- December 9, 2015: The ESSA was passed by the US Senate.
- December 10, 2015: The President signed the bill into law.

Major Programs Funded Through ESSA

- Title IA: Funding for Schoolwide Programs and Targeted Assistance Schools
- Title IB: State Assessment Grants
- Title IC: Education of Migratory Children
- Title ID: Prevention and Intervention Programs for Children & Youth Who are Neglected, Delinquent and At-Risk
- Title II: Preparing, Training and Recruiting High Quality Teachers, Principals and Other School Leaders
- Title III: Language Instruction English Learners and Immigrant Students
- Title IV: 21st Century Schools, Charter Schools, Magnet Schools, Family Engagement, Education Innovation and Research, Promise Neighborhoods, School Safety, and Academic Enrichment
- Title V: Rural Schools
- Title VI: Indian, Native Hawaiian, and Alaska Native Education
- Title VII: Impact Aid
- Title IX: Homeless Children and Youth

The BIG Picture

- Some provisions of the current ESEA and/or of the ESEA flexibility waiver, especially as related to assessment and reporting requirements, are maintained.
- There are areas where states now have significantly more flexibility than under the current ESEA or the ESEA flexibility waiver, particularly in terms of standards, accountability, and educator evaluation systems.
- The Secretary's authority to issue regulations and non-regulatory guidance in order to interpret the provisions of the statute have been significantly circumscribed.
- More funding is now distributed through block grants.

Timeline

- ESEA Flexibility Waiver sunsets on August 1, 2016 except for certain provisions related to Priority and Focus Schools.
- Most of the provisions of the ESSA begin with the 2016-17 school year.
- Accountability provisions of ESSA begin with the 2017-18 school year, or possibly later.

Overview of Every Student Succeeds Act

Today's Presentation will focus on the Provisions of Title IA Pertaining to Standards, Assessments, and Accountability

Overview of Every Student Succeeds Act

Standards:

- States must provide assurance that they have adopted “challenging” academic standards in mathematics, English language arts & science.
- Standards must be aligned to college and career/technical education standards.
- Standards must include no less than three levels of achievement.
- Standards do not have to be Common Core Learning Standards.
- States need not submit their standards to USDE for review, but states must demonstrate alignment to college and career/technical education standards.

Overview of Every Student Succeeds Act

Assessments:

- In English language arts and mathematics, students must be tested annually in grades 3-8 and once in high school.
- In science, students must be tested once in elementary, middle, and high school.
- States may administer either a single summative test or multiple state-wide interim tests that are combined to create a single summative score.
- Assessments must include multiple up-to-date measures of student academic achievement.
- Districts, with State approval, can choose to use a nationally-recognized high school academic assessment, such as the ACT or SAT, in lieu of a state assessment.
- The grade 8 “double testing” waiver continues with the caveat that students impacted by waiver must take a more advanced math assessment in high school.

Overview of Every Student Succeeds Act

Assessment of English language learners:

- Two options for testing recently arrived English language learners (ELL):
 - Exclude ELLs from one administration of the ELA assessment and exclude results on ELA, math and NYSESLAT for the first year of enrollment for accountability purposes, or
 - Test ELLs in the school year in which they arrive, but instead of using that score to determine school accountability in the first year, incorporate the results into a measure of growth to be used in school accountability in the second year after arrival. In the third year and beyond, student proficiency results must be used for accountability purposes. This is the model currently approved for use in Florida.
- Former English language learners can be included in the ELL subgroup for up to four years. Under ESEA, they could only be included for two years.

Overview of Every Student Succeeds Act

Assessment of Students with Disabilities:

- States must continue to limit alternative assessments for students with significant cognitive disabilities to 1% of total tested students.
- Districts can apply for a waiver of this limit – but must provide a justification.

Note: States may now administer computer adaptive exams with an option to measure student proficiency and growth with items above or below a student's grade level. This provision will be helpful in effectively assessing both students with disabilities and English language learners.

Overview of Every Student Succeeds Act

Participation Rate and Assessment Time:

- States must continue to assess the achievement of not less than 95% of all students and student subgroups using Title I State assessments.
- Participation rate is not named as an accountability indicator; it is up to states to decide the consequences for non-participation.
- States may set a “target limit” on the aggregate amount of time used for test administration for each grade as percentage of annual instructional time.
- Funding is provided for states to develop and administer assessments required by the ESSA.

Overview of Every Student Succeeds Act

USDE Pilot to Develop Innovative Assessment Systems:

- Provides Secretary with authority to allow pilot of innovative assessment systems in no more than seven states during the first three years of ESSA.
- Systems may include assessments that are:
 - competency-based,
 - instructionally embedded,
 - interim,
 - cumulative year-end assessments or performance based assessments that combine into an annual summative score,
 - computer-based, and
 - Assessments that validate proficiency or demonstrate mastery.
- After the initial three year period, the Secretary must issue a progress report. The Secretary then has the authority to expand the program to other states.

Overview of Every Student Succeeds Act

Accountability:

- NY State's ESEA Flexibility Waiver will sunset after August 1, 2016.
- NY State must develop an accountability plan for submission to the USDE that establishes the following:
 - Ambitious long-term goals.
 - A system for annual measurement of all students and each subgroup.
 - A system that allows the State to annually differentiate between schools based on performance indicators for all students and for each student subgroup.
 - A methodology for identification of schools in need of intervention and criteria by which schools can exit accountability status.
 - A process for determining state and district action in schools identified as in need of intervention through required improvement plans.

Overview of Every Student Succeeds Act

Annual Measurement of All Students and Each Subgroup:

- In all public schools, academic achievement will be measured by proficiency in English language arts (ELA) and mathematics.
- English language proficiency and growth towards English language proficiency must be measured for English learners in grades 3-8 and once in high school.
- State must choose at least one indicator of school quality or success to be included in the proficiency calculation at a much lesser weight than the academic indicators being measured, such as student or educator engagement, student access to and completion of advanced courses, postsecondary readiness, and/or school climate and safety.
- Elementary and middle schools:
 - Must use either a measure of growth or another statewide academic measure for meaningful differentiation of performance among schools.
- High schools:
 - May use a measure of student growth on annual assessments.
 - State must include the four year adjusted graduation rate.
 - At the state's discretion, an extended year graduation rate may be used.

Overview of Every Student Succeeds Act

Methodology for Identifying Schools

- States are required to establish a policy to identify the following groups of schools to be placed in one statewide category for comprehensive support and improvement.
 - At least five percent of the lowest performing Title I schools in the State.
 - All high schools that are failing to graduate more than one-third of students.
 - Schools with subgroup(s) that are consistently underperforming in the same manner as a school in the lowest five percent category for a period of time that is determined by the State.
- States may choose to identify other categories of schools for intervention.
- Identification shall begin with the 2017-18 school year, and shall occur at least once every three years.
- Proficiency results for students who have attended a school for less than half of the academic year will not be included in making school accountability determinations, but must be included in State and local report cards.
- Exit criteria must also be established for schools to be removed from accountability status within a four year period.

Overview of Every Student Succeeds Act

Required Improvement Plans:

- Schools identified for being in the bottom five percent based on the accountability index as well as those identified for high school graduation rate must develop a Comprehensive Support and Improvement Plan.
- The district for each identified school must partner with stakeholders to develop and implement a plan that is informed by the indicators in the State accountability system.
- Plans must include evidence based interventions and identify resource inequities, inclusive of district and school budgets; plans must be approved, monitored and reviewed by the State.

Overview of Every Student Succeeds Act

Required Improvement Plans (continued):

- Schools identified for consistent underperformance of a subgroup must develop a Targeted Support and Improvement Plan.
 - This plan must be approved and monitored by the district.
 - If the subgroup's underperformance is the only reason for the school's identification, the plan must identify resource inequities to be addressed through the plan.
 - The district must implement additional action in the school if the school does not improve after a period of time that is determined by the district.
 - If the school does not improve within the time determined by the State, the State must identify the school for a Comprehensive Support and Improvement Plan.

Transfer high schools are subject to different improvement activities and the State may permit a school that enrolls fewer than 100 students and that is identified for graduation rate to forego improvement activities.

Overview of Every Student Succeeds Act

Title I State Set-Aside for School Improvement and 1003(g) School Improvement Grants:

- 1003(g) School Improvement Grants have sunset and will no longer be funded once ESSA is fully implemented.
- States shall reserve the greater of 7% of the state's Title I allocation or the Fiscal Year 2016 reservation plus the amount received under 1003(g) for Fiscal Year 2016 to support school improvement activities.
- States must allocate 95% of this reservation to districts, but may distribute funds on a formula or competitive basis to identified schools.
- With the districts' permission, states may choose to use the funds to provide direct services to districts.
- Districts may use funds to develop Comprehensive Support or Targeted Support Improvement Plans; support schools in implementing the improvement plans; and/or monitor identified schools.
- USDE cannot require states to implement specific activities with these funds.

Overview of Every Student Succeeds Act

Direct Student Service Grants:

- Replaces the requirements under ESEA for Supplemental Educational Services (SES).
- States may, but are not required to, reserve up to 3% of their Title I allocation to provide competitive grants to a district to provide “direct student services.”
- Most of funds set aside must be used to pay for direct student services, such as high quality academic tutoring, transportation associated with public school choice (which is permissive, but not required) and cost associated with enrollment in courses that are not available at students’ assigned school (advanced placement, CTE, credit recovery and academic acceleration courses leading to a regular high school diploma).
- If funds are set aside for direct services, the State must create and maintain a list of providers.

Overview of Every Student Succeeds Act

Parent and Family Engagement:

- Parents must be informed among other things about:
 - Information regarding the professional qualifications of the student's classroom teacher.
 - Information on each assessment required by the State and, where feasible, the assessments required districtwide by the LEA.
 - Information on the level of achievement and academic growth of the student on each of the State academic assessments.
 - Timely notice when their child has been assigned, or has been taught for four or more consecutive weeks by a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.
 - LEAs using Title I and/or Title III funds to provide a language instruction educational program must also implement an effective means of outreach specifically to parents of students identified as English Learners that includes holding and, notifying parents of opportunities for, regular meetings.

Overview of Every Student Succeeds Act

Parent and Family Engagement:

LEAs must conduct affirmative outreach to all parents and family members as part of their implementation of programs, activities, and procedures for the involvement of parents and family members. LEAs must continue to develop jointly with, agree on with, and distribute to, parents of participating children written Parent and Family Engagement policies at both the LEA and school level.

LEAs with Title I, Part A allocations of \$500,000 or greater must reserve at least 1% of their funds for the purposes of carrying out the Parent and Family Engagement activities outlined above.

Overview of Every Student Succeeds Act

Teacher and Principal Evaluations:

- There are no longer requirements pertaining to a Teacher and Principal Evaluation System.
- Student growth does not need to be part of a State's teacher and principal evaluation system.
- Any requirement related to highly qualified teachers is eliminated and replaced with requirement for teachers working in Title I programs to meet State certification and licensure standards.
- States are required to ensure that ineffective, out-of-field and inexperienced teachers, principals and school leaders are not serving Title I schools at a disproportionate rate.
- States must describe measures used to evaluate and then publicly report them.

Overview of Every Student Succeeds Act

Development of State Plan:

“developed by the State educational agency with timely and meaningful consultation with the Governor, members of the State legislature and State board of education(if the State has a State board of education), local educational agencies (including those located in rural areas), representatives of Indian tribes located in the State, teachers, principals, other school leaders, charter school leaders (if the State has charter schools), specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents.”

Overview of Every Student Succeeds Act

Priority and Focus School Transition

Rules:

- States were required by January 29, 2016 to inform USDE how they would move forward with Priority and Focus Schools.
- Consistent with Commissioner's Regulations, the Department is moving forward with identifying new Priority and Focus Schools and Focus Districts as well as exiting schools and districts from these designations.
- Districts have been preliminarily notified of the status of their districts and schools and given an opportunity to appeal these designations.
- As required by New York's ESEA flexibility waiver, the Department will submit the new lists of schools and districts to USDE by March 1, 2016.

Next Steps

Staff will:

- Continue to familiarize themselves with the provision of the legislation.
- Devise a plan for consulting with stakeholders about the development of NY State's application.
- Begin to draft the State application.