



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*
SUBJECT: Summary of the March 2013 Meeting
DATE: April 11, 2013
AUTHORIZATION(S): *J. B. J. G.*
Executive Summary

Issue for Decision

Review of the Summary of the March 2013 Meeting of the Board of Regents.

Proposed Handling

Approval of the Summary of March 2013 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 March 2013 meeting.

Timetable for Implementation

Effective April 23, 2013.

VOTED, that the Summary of the March 2013 Meeting of the Board of Regents of The University of the State of New York be approved.



SUMMARY OF THE MARCH 2013 MEETING

OF THE BOARD OF REGENTS

OF

THE UNIVERSITY OF THE STATE OF NEW YORK

Held at the State Education Building

Albany, New York

March 11 and 12, 2013

***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, March 11 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Monday, March 11 at 9:00 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 9:00 a.m.

ACTION ITEMS

Executive Session Motion

MOVED, that the Board of Regents convene in executive session on Tuesday, March 12, 2013 at 11:40 a.m. to discuss litigation and personnel matters.

Motion by: Vice Chancellor Anthony S. Bottar
Seconded by: Chancellor Emeritus Robert M. Bennett
Action: Motion carried unanimously

Election of Chancellor Oral

The Board met in public session to elect its Chancellor for the Period April 1, 2013 through March 31, 2016. Chancellor Emeritus Bennett followed procedures adopted by the Board in February 1995.

MOVED, the nomination of Chancellor Merryl H. Tisch for the office of Chancellor.

Motion by: Regent Roger Tilles: I nominate Merryl H. Tisch for the office of Chancellor of the Board of Regents for the period April 1, 2013 through March 31, 2016.

Seconded by: Regent Lester W. Young, Jr.

Action: Motion carried unanimously

Following the nominations the Board voted by voice vote.

Chancellor Merryl H. Tisch was re-elected Chancellor by unanimous vote of the members of the Board, the term of office to be April 1, 2013 – March 31, 2016.

Election of Vice Chancellor Oral

The Board met in public session to elect its Vice Chancellor for the Period April 1, 2013 through March 31, 2016. Chancellor Emeritus Bennett followed procedures adopted by the Board in February 1995.

MOVED, the nomination of Vice Chancellor Anthony S. Bottar for the office of Vice Chancellor.

Motion by: Regent Harry Phillips, 3rd: I nominate Anthony S. Bottar for the office of Vice Chancellor of the Board of Regents for the period of April 1, 2013 through March 31, 2016.

Seconded by: Regent Christine D. Cea

Action: Motion carried unanimously

Following the nomination the Board voted by voice vote.

Vice Chancellor Anthony S. Bottar was re-elected Vice Chancellor by unanimous vote of the members of the Board, the term of office to be April 1, 2013 – March 31, 2016.

UPDATES

Common Core Assessment Updates

Kristen Huff and Ken Wagner provided the Board with an update on Common Core Assessment. (See Attachment I)

Online Education Overview

Commissioner John B. King Jr. provided the Board with an overview on Online Education that would be part of various committee presentations throughout the March Meeting.

Chancellor Merryl H. Tisch adjourned the meeting at 10:00 a.m.

MEETING OF THE FULL BOARD, Tuesday, March 12 at 11:50 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
Betty A. Rosa
Lester W. Young, Jr.
Christine D. Cea
Wade S. Norwood
James O. Jackson
Kathleen M. Cashin

Also present were the Commissioner of Education, John B. King Jr., Executive Deputy Commissioner, Elizabeth Berlin, Counsel and Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Regents Charles R. Bendit, James E. Cottrell and T. Andrew Brown were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 11:50 a.m.

ACTION ITEMS

**Charter Applications
BR (A) 1**

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

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

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

**Summary of the February 2013 Meeting of the Board of Regents
BR (A) 2**

MOVED, that the Summary of the February 2013 Meeting of the Board of Regents of The University of the State of New York be approved.

Motion by: Chancellor Emeritus Robert M. Bennett
Seconded by: Regent James C. Dawson
Action: Motion carried unanimously

PROGRAM AREA CONSENT ITEMS

Adult Career and Continuing Education Services (ACCES)

**Proposed Amendments to part 126 and Section 145-2.3 of the Regulations of the Commissioner of Education Relating to the Licensure of Non-Degree Granting Proprietary Schools
BR (CA) 1**

MOVED, that the Board of Regents approve a master plan amendment to authorize the Unification Theological Seminary to offer a Bachelor of Arts (B.A.) degree program in World Religions and Philosophy.

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) 2**

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

**Report of the Committee on the Professions Regarding Licensing Petitions
BR (CA) 3**

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

P-12 Education

**Merger of KIPP S.T.A.R. College Preparatory Charter School (a SUNY Board of Trustees authorized school) into KIPP NYC Washington Heights Academy Charter School (a Board of Regents authorized school), as surviving education corporation with a name change to KIPP NYC Public Charter Schools, and Renewal of Charter for KIPP S.T.A.R. College Preparatory Charter School
BR (CA) 4**

MOVED, that the Regents approve the following:

Education Corporation Merger

VOTED: That pursuant to the authority contained in Education Law §§223 and 2853(1)(b-1)

1. KIPP NYC Washington Heights Academy Charter School and KIPP S.T.A.R. College Preparatory Charter School be and hereby are consolidated, with KIPP NYC Washington Heights Academy Charter School as the surviving corporation under a change of name to KIPP NYC Public Charter Schools.
2. KIPP NYC Public Charter Schools, the surviving corporation, shall continue to administer the educational operations and purposes of the constituent corporations in the same manner as they presently exist.
3. The separate existence of the education corporation KIPP S.T.A.R. College Preparatory Charter School hereby ceases, and KIPP NYC Public Charter Schools, the surviving corporation, is hereby vested with all the rights, privileges, immunities, powers and authority possessed by or granted by law to each of the constituent corporations. All assets and liabilities of the respective constituent corporations are hereby assets and liabilities of such surviving corporation. All property, real, personal and mixed and all debts to each of the corporations on whatever account are hereby attached to KIPP NYC Public Charter Schools, the surviving corporation, and may be enforced against it to the same extent as if the debts, liabilities and duties had been incurred or contracted by it.
4. The consolidated corporation shall operate under the provisional charter granted to KIPP NYC Washington Heights Academy Charter School, which is hereby amended as follows:
 - The name of the surviving education corporation, KIPP NYC Washington Heights Academy Charter School, is changed to "KIPP NYC Public Charter Schools."
 - KIPP NYC Public Schools is authorized to operate two K-12 public charter schools as follows:
 - 1) KIPP NYC Washington Heights Academy Charter School, which is a K-12 school, will operate a school program for grades K-4 located at 586 W 177th St, New York, NY 10033 (co-located with PS #115) and a school program for grades 5-8 located at 21 Jumel Place, New York, NY 10032 (co-located with MS #90) whose students will articulate into KIPP NYC College Prep High School located at 625 West 133rd Street, New York, NY 10027.
 - 2) KIPP S.T.A.R. College Preparatory Charter School, which is a K-12 school, will operate a school program for grades K-4 which will be co-located in NYCDOE space beginning in the 2014-15 school year¹, and a school program for grades 5-8 at 423 W 123rd St, New York, NY 10027

¹ NYCDOE school siting for 2014-15 school year has not yet taken place.

(co-located with PS #125) whose students will articulate into KIPP NYC College Prep High School located at 625 W 133rd Street, New York, NY 10027;

5. The consolidation herein shall take effect immediately; and it is further

VOTED: 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 revisions for KIPP NYC Washington Heights Academy Charter School.

KIPP S.T.A.R. College Preparatory Charter School Renewal

VOTED: That the Board of Regents finds that the proposed renewal application: (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 renewal for KIPP S.T.A.R. College Preparatory Charter School with proposed enrollment plan and amend the provisional charter accordingly through June 30, 2018.

Revisions to Charters Authorized by the Board of Regents: Riverhead Charter School and Discovery Charter School BR (CA) 5

MOVED, 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 Riverhead Charter School and amends the provisional charter accordingly.

MOVED, 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 Discovery Charter School and amends the provisional charter accordingly.

Motion by: Regent Harry Phillips, 3rd
Seconded by: Regent James C. Dawson
Action: Motion carried unanimously

STANDING COMMITTEE REPORTS

HIGHER EDUCATION

Your Higher Education Committee held its scheduled meeting on March 11, 2013.

Panel on On-Line Learning in Higher Education. Your Committee held a discussion related to on-line learning. Topics included national trends in on-line learning, including Massive Open Online Courses (MOOCs), how NY-based colleges are responding to the expansion of on-line learning (how are assessments being made, how are faculty being trained), and an example of what kinds of partnerships higher education institutions are exploring to incorporate on-line learning into their programs.

Overview of President Obama's New Scorecard for Higher Education. Your Committee discussed the President's on-line tool that allows students to search on a broad range of criteria for the college that best meets their needs. It also provides specific data on the potential college to allow students to compare institutions on such issues as tuition, graduation rates and amount of student loans.

Update on the Governor's Proposal for the Funding of Community Colleges. Your Committee received an update on the Governor's proposed changes to the funding of certain community college programs to ensure that the programs are relevant to private industry and that there is demand for graduates in the private sector. The committee recommended the Department be involved in the formation of this legislation.

P-12 EDUCATION

Your P-12 Education Committee held its scheduled meeting on March 11, 2013. All members were present.

ACTION ITEMS

NYCDOE Charter School Renewal: Mott Haven Academy Charter School

The NYCDOE Charter School Renewal for Mott Haven Academy Charter Schools was not acted on and will be presented to the Board of Regents at their April meeting. [P-12 (A) 2]

NYCDOE Charter School Renewals

Your Committee recommends 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 **Brooklyn Ascend 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.

Your Committee recommends 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 **DREAM 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.

Your Committee recommends 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 **PAVE Academy 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.

Your Committee recommends 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 **St. HOPE Leadership Academy 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.

Your Committee recommends 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 Equity Project 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.

Your Committee recommends 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 **VOICE Charter School of New York** 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.

Your Committee recommends 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 **Bronx Academy of Promise 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. [P-12 (A) 5]

Board of Regents Authorized Charter School Renewals

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 its provisional charter be extended for a term up through and including June 30, 2014.

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 its provisional charter be extended for a term up through and including June 30, 2014. Regent Betty Rosa abstained from the vote. [P-12 (A) 3]

Regulations Relating to Renewal of Charters of Charter Schools Authorized by the Board of Regents

Your Committee recommends that section 119.7 of the Regulations of the Commissioner of Education be added, as submitted, as an emergency action effective March 12, 2013, upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to immediately amend the Commissioner's Regulations to clarify procedures for the renewal of charters of charter schools for which the Board of Regents is the charter entity, and thereby ensure that decisions on pending charter renewals are timely made pursuant to the amended regulations. It is anticipated that the proposed amendment will be presented for permanent adoption at the June 2013 Regents meeting, after publication in the State Register and expiration of the 45-day public comment period. [P-12 (A) 4]

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 March 12, 2013, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Safe Schools Task Force – In January, the Board of Regents directed the Department to reestablish the Safe Schools Task Force which will be chaired by the Vice Chancellor and Commissioner and will be charged with advising the Department in the following areas:

- The effectiveness of the current regulations and guidance governing school building safety and positive learning environments,
- How to reframe the exiting Violent and Disruptive Incident Reporting System (VADIR) in combination with the Dignity for All Students Act (DASA) reporting requirements to better identify key safety issues and establish a safe school climate for effective teaching and learning (including potential recommendations for legislative changes regarding VADIR),
- The design and effectiveness of District and school building safety plans in preparing students and educators for emergency events,
- The use of the Diagnostic Tool for School and District Effectiveness (DTSDE) to examine school climate and culture, and
- The role and responsibility of the New York State Center for School Safety (NYSCSS).

The Committee discussed the recommendation and the Board of Regents directed representatives from the Department to work with various outside organizations and agencies to assist and advise the Board of Regents and the Department on these areas. In addition to those presented, Committee members requested that NYSOCFS, Healthy Schools and EPIC be added to the list of organizations and agencies invited to be represented on the task force. It is anticipated that the first meeting of the task force will be held in late April and the subgroups will begin meeting in June. [P-12 (D) 1]

Charter School Office Update – The Committee was provided with an update on the academic performance of the Board of Regents authorized portfolio of public charter schools; activities of the Department's Charter School Office in carrying out the Board of Regents public charter school authorizing and oversight role and responsibility; and a summary of New York charter schools. Discussion focused on the Charter School Performance Framework and the specific benchmarks that charter schools are expected to meet. [P-12 (D) 2]

P-12 Online and Blended Learning Panel – To have an updated sense of what virtual learning looks like in P-12 education, the Committee invited a panel of educators to discuss different examples of virtual learning programs and their benefits and achievement outcomes to students currently enrolled in programs at their schools. The panel members were:

- **Ty Cesene**, Principal, Bronx Arena High School, New York City Department of Education. Bronx Arena High School utilizes multiple approaches of blended learning to differentiate and personalize the educational experience for over-aged and under-credited students.
- **Ann Collins**, Principal, Hugh Gregg Elementary School, Corning-Painted Post Area School District. Corning-Painted Post Area SD uses the Northwest Evaluation Association's (NWEA) MAP computerized adaptive testing system, and the web-based DIBELS Data System, to drive instructional practice and improve student learning.
- **Dr. Kelli Eckdahl**, e-Learning Director, EduTech (Genesee Valley and Wayne-Finger Lakes BOCES). EduTech (an educational partnership between Wayne-Finger Lakes BOCES and Genesee Valley) is a grantee in NYSED's Virtual Advanced Placement (VAP) Program, which was recently funded through federal Race to the Top dollars. For the past 10 years, EduTech has managed AccelerateU, which offers more than 150 online courses.
- **Dr. Angela M. Nagle**, Superintendent, East Greenbush Central School District. East Greenbush CSD provides distance education classes to students through the BOCES Distance Learning Network, a network of 43 schools that collaborates across 12 counties.

In addition to hearing from each panel member about their specific programs, the panelists held an in-depth conversation with the Regents on plans to increase student participation and the challenges and benefits associated with online and blended learning. [P-12 (D) 3]

Nondiploma Exiting Credential for Students with Disabilities – the Committee discussed proposed amendments to regulations relating to a nondiploma exiting credential for students with disabilities that they would earn upon graduation that would recognize the student's preparation for entry level employment. Discussion focused on recommendations received through public comment which offered both support and concern for the proposed amendments. It is anticipated that staff will come back in April for further discussion and that the revised proposed amendment will be presented for emergency adoption at the June Regents meeting. This timetable would ensure that the certificate is in place with the June 30, 2013 repeal of individualized education program (IEP) diploma. [P-12 (D) 4]

ADULT CAREER AND CONTINUING EDUCATION (ACCES)

Your ACCES Committee held its scheduled meeting on March 11, 2013. All members were present.

MATTERS NOT REQUIRING BOARD ACTION

High School Equivalency (HSE) Test Update – The Committee was provided an update on the results of the Request for Proposal (RFP) that was issued for the High School Equivalency (HSE) test. The survey that was conducted in January-February of this year resulted in strong favor of a three year phased-in approach to the Computer Based Test. SED had a six person expert panel score the two RFP's and McGraw-Hill scored highest overall and had the lowest cost. Vendor responsibilities and benefits of competition were also discussed.

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 March 12, 2013.

In attendance were committee members: Regents Tilles, Dawson, Cea, Jackson, and Brown. Absent: Regents Bendit, Rosa, and Cottrell. In addition to CE Committee Members, in attendance were: Chancellor Tisch; Chancellor Emeritus Bennett; Regents Chapey, Phillips, Tallon, and Cashin; and Commissioner King

ITEMS FOR DISCUSSION

Regent Dawson welcomed everyone and opened the meeting.

Deputy Commissioner Cannell provided a brief update on OCE activities including a report on media coverage of the Civil War Exhibit and the State Education Department's mural in Chancellor's Hall, the New York in Bloom fundraiser, Museum Advisory Council Meeting, the World Trade Center Museum awards, and the Common Core workshop scheduled for Summer 2013, and new exhibitions that have recently opened.

CE (D) 2 – Three-Year Strategic Plan

Deputy Commissioner Cannell updated the Committee on the plan that was presented to CE Committee in December 2011. Cannell reviewed accomplishments and project activities based on a plan and presented a high-level overview of the major activities of the Office of Cultural Education for 2013-2015.

Chair's Remarks: Regent Tilles remarked on the Museum Advisory Council and meetings to discuss museum best practices and collaboration with USNY and other community organization.

CE (A) 1 – Museum History Collections Policy

Mark Schaming, Director and Assistant Commissioner of the NYS Museum, spoke of the adoption of a collections policy for the History Collections of the State Museum, replacing a 1985 policy on deaccessioning (also on Consent Agenda). Motion to adopt the collections policy was made.

Motion by: Regent Tilles
Second by: Regent Dawson
Passed by unanimous vote

CE (D) 1 – Update on NovelNY

Bernard Margolis, State Librarian and Assistant Commissioner of the NYS Library, provided an update on the status of the statewide NovelNY online database program which, as of December 31, 2012, was available in 5,595 libraries statewide. The update included: statistics on level of use, penetration in libraries, economic impact and value to citizens. Upcoming plans include the addition on databases informed by the Common Core Standards.

PROFESSIONAL PRACTICE

Your Professional Practice Committee held its scheduled meetings on March 11 and 12, 2013. All Committee Members were present, except Regent James E. Cottrell, who was excused. Chancellor Merryl Tisch, Regent James R. Tallon, Jr. 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 3 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 19 consent order applications and 3 surrender applications be granted. [PPC EXS (A) 1-3]

These recommendations are made following the review of 25 cases involving six registered professional nurses, four licensed practical nurses, two licensed practical nurses who are also registered professional nurses, two pharmacists, one chiropractor, one dentist, one licensed mental health counselor, one massage therapist, one midwife, one podiatrist, one professional engineer, one respiratory therapist, and one veterinarian.

Restorations

Your Committee recommends that the application of David Roemer for the restoration of his license to practice as a physician in New York State be stayed; that he be placed on probation for a period ending five years following his receipt of written notice from the Director of OPMC that he has successfully completed the required fellowship program, residency training program, or other re-training program, such probation to be under various terms and conditions annexed to the Report of the Committee on the

Professions as Exhibit A; and that, upon successful completion of probation, his license be fully restored. [PPC EXS (A) 4]

Approvals

Your Committee recommends approval of the following:

Regulations Relating to Pharmacy [PPC (A) 1] – That sections 63.11 and 63.12 of the Regulations of the Commissioner of Education be added, as submitted, effective March 30, 2013, 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 immediately conform the Regulations of the Commissioner to Part V of Chapter 57 of the Laws of 2012, in order to timely implement the provisions of the new law, which becomes effective March 30, 2013.

MOTION FOR ACTION BY FULL BOARD

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 March 12, 2013, 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] – The Deputy Commissioner reported on the following items:

- Full Board Consent Agenda Items
 - Board (Re)Appointments
 - Licensing Petitions
- Updates on OP Initiatives
 - Technology Update
 - Staffing/Productivity Update

Online Learning in Professional Education – At its meeting on March 11, 2013, the Committee participated in an interactive online presentation with Weill Cornell Medical College focused upon the current use of online technology in medical education that links students attending medical school in Qatar to a New York State medical school program.

Acupuncture Regulations – Proposed Amendment to the Rules of the Board of Regents Relating to the Authorization of Degrees: Adding Doctor of Acupuncture and Oriental Medicine (D.A.O.M.) Degree in New York

AUDITS/BUDGET AND FINANCE

The Regents Committee on Audits/Budget and Finance met as scheduled this morning March 12, 2013. Chancellor Tisch, Regents Tallon, Tilles, Phillips, and Young were in attendance.

Items for Discussion

New York State Single Audit – State Education Department Findings

The Department expended more than \$4.6 billion in federal funds from 8 major programs during the 2011-12 State fiscal year. Staff from the accounting firm of KPMG briefed the Committee on six audit findings related to the Department's administration of those federal funds

Completed Audits

The Committee was presented with nine audits this month. Six of the audits were issued by the Office of the State Comptroller (OSC) and three by the Office of Audit Services (OAS). Seven of the audits were of school districts and two were of preschool providers of special education services. The findings were in the areas of procurement, financial reporting, claims processing, information technology, payroll, segregation of duties, Medicaid reimbursements, Employment Preparation Education program, and school improvement grants.

February 2013 Fiscal Report

Our Chief Financial Officer briefed the Members. General Fund accounts are in structural balance with the exception of the Tenured Teacher Hearings (TTH) account, although fiscal and programmatic reforms were included in the enacted state budget, there continues to be a deficit of an estimated \$9 million in unpaid bills due to chronic under funding of this program. 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 \$2,800,000, due primarily to an increase in revenue this year.

MOVED, that the Committee Reports be approved.

Motion by: Chancellor Emeritus Robert M. Bennett
Seconded by: Regent Roger Tilles
Action: Motion carried unanimously

MOVED, that the Regents approve the Collections Policy for History Collections.

Motion by: Regent Roger Tilles
Seconded by: Chancellor Emeritus Robert M. Bennett
Action: Motion carried unanimously

DISCUSSION ITEM

Common Core Assessment Update (PARCC)

Commissioner John B. King, Jr. provided an update on Common Core Assessment (PARCC).

**State Education Department February 2013 Fiscal Report
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MOVED, that accept the February 2013 State Education Department Fiscal Report as presented.

Motion by: Regent Geraldine D. Chapey
Seconded by: Regent James R. Tallon, Jr.
Action: Motion carried unanimously

Chancellor Merryl H. Tisch adjourned the meeting at 12:15 p.m.

Appendix I
NEW YORK STATE BOARD OF REGENTS CHARTER ACTIONS

Name of Institution	Program Area	County of Location	Description of Charter Action(s)
Bancroft Public Library	CE	Washington	Grant an absolute charter.
Cornell Railroad Historical Society	CE	Tompkins	Amend charter to change the corporate address.
Cornwall Historical Society and Museum	CE	Orange	Amend charter to change the corporate name to "The Cornwall Historical Society" and grant an absolute charter.
DIRT Modified Stock Car Museum	CE	Cayuga	Consent to filing of certificate of assumed name "DIRT Motosports Hall of Fame and Classic Car Museum".
Hudson River Maritime Museum	CE	Ulster	Extend provisional charter for five years.
Jordan Historical Society	CE	Onondaga	Extend provisional charter for five years.
Long Island Educational TV Council, Inc.	CE	Nassau	Dissolve Regents certificate of incorporation.
New York Putnam Rail and Trail Association	CE	Westchester	Grant a provisional charter for five years.
The People's Museum	CE	Queens	Extend provisional charter for five years.
Schuylerville Public Library	CE	Saratoga	Grant a provisional charter for five years five years in lieu of granting an absolute charter in the first instance.
The Susan B. Anthony House	CE	Monroe	Consent to filing of certificate of assumed name "National Susan B Anthony Museum & House".
The Watervliet Historical Society	CE	Albany	Amend charter to update IRS dissolution language.
The Bridges Academy	P-12	Suffolk	Grant a provisional charter for three years.
John A. Coleman School	P-12	Westchester	Grant an absolute charter.
Love of Learning Montessori School	P-12	Suffolk	Extend provisional charter for five years.

SUPPLEMENTAL SUMMARY TABLE

Name of Institution	Program Area	County of Location	Description of Charter Action(s)
New York State Council of School Superintendents	P-12	Albany	Amend charter to update IRS language.

Appendix II

REGENTS ACTIONS IN 25 PROFESSIONAL DISCIPLINE CASES AND 1 RESTORATION PETITION

March 12, 2013

The Board of Regents announced disciplinary actions resulting in the surrender of 3 licenses as well as 22 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 1 restoration petition.

I. SURRENDERS

Nursing

Miranda C. Ackerley; Licensed Practical Nurse; Liberty, NY 12754-2801; Lic. No. 304589; Cal. No. 26527; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Endangering the Welfare of an Incompetent or Physically disabled person, a misdemeanor.

Valerie Lee Chong; Registered Professional Nurse; Massapequa, NY 11758; Lic. No. 476417; Cal. No. 26550; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Petit Larceny, a class A misdemeanor.

Pharmacy

Kenny Chun-Hui Ho; Pharmacist; Little Neck, NY 11363; Lic. No. 044058; Cal. No. 26574; Application to surrender license granted. Summary: Licensee admitted to having been convicted of Criminal Possession of a Controlled Substance in the 1st Degree, a class A-1 felony; Operating a Motor Vehicle While Under the Influence of Drugs, an unclassified misdemeanor; and Criminal Possession of a Controlled Substance in the 7th Degree, a class A misdemeanor.

II. OTHER REGENTS DISCIPLINARY ACTIONS

Chiropractic

Anthony Amabile; Buffalo, NY 14210; Lic. No. 003781; Cal. No. 26483; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$1,000 fine.

Dentistry

Kyung Eun Sung; Dentist; Edgewater, NJ 07020; Lic. No. 053404; Cal. No. 26477; Application for consent order granted; Penalty agreed upon: 6 month actual suspension, 18 month stayed suspension, 2 years probation, \$1,000 fine, 50 hours public service.

Engineering and Land Surveying

Kwong T. Seung; Professional Engineer; New York, NY 10013; Lic. No. 053953; Cal. No. 26447; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation, \$2,500 fine.

Massage Therapy

Raymond H. Adaszczik; Palisades Park, NJ 07650-1865; Lic. No. 021123; Cal. No. 26453; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation, \$2,500 fine.

Mental Health Practitioner

Karen J. Mac David; Licensed Mental Health Counselor; Bowmansville, NY 14026; Lic. No. 004189; Cal. No. 26451; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Midwifery

Christine Fern Allison a/k/a Tioma Allison; Brooklyn, NY 11225; Lic. No. 000471; Cal. No. 25456; Application for consent order granted; Penalty agreed upon: 2 year suspension with leave to apply for early termination after completion of at least 1 year and after satisfactory completion of certain courses, upon termination of suspension, 2 years probation to commence if and when return to practice.

Nursing

Maya Glazynova; Registered Professional Nurse; Brooklyn, NY 11214; Lic. No. 517390; Cal. No. 26164; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation to commence if and when return to practice.

Kimbal J. Cavilee; Licensed Practical Nurse; Schenectady, NY 12309-1012; Lic. No. 216939; Cal. No. 26190; Found guilty of professional misconduct; Penalty: 24 months suspension, execution of last 21 months of suspension stayed, probation 2 years to commence subsequent to termination of suspension and upon actual return to practice.

Andrew Aiden Stritzl; Registered Professional Nurse; Greenlawn, NY 11740-2308, Bradenton, FL 34210; Lic. No. 598529; Cal. No. 26278; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Christina Sieracki; Registered Professional Nurse; Williamsville, NY 14221; Lic. No. 602047; Cal. No. 26354; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months.

Jadranka Popovich a/k/a Jadraka Popovic; Registered Professional Nurse; Carlisle, PA 17013; Lic. No. 618370; Cal. No. 26406; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation to commence if and when return to practice in State of New York, \$250 fine payable within 5 months.

Lauren Ann Douglas a/k/a Lauren Ann Lemos; Licensed Practical Nurse; Plattsburgh, NY 12901; Lic. No. 292684; Cal. No. 26422; Found guilty of professional misconduct; Penalty: \$500 fine, 2 years suspension, execution of suspension stayed, probation 2 years.

Paul Cohen; Licensed Practical Nurse, Registered Professional Nurse; New York, NY 10128; Lic. Nos. 070918, 281191; Cal. Nos. 26435, 26434; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon termination of suspension, 2 years probation to commence if and when return to practice.

Kathleen A. Christofaro; Licensed Practical Nurse, Registered Professional Nurse; Pine City, NY 14871; Lic. Nos. 141887, 595860; Cal. Nos. 26441, 26442; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Krysta M. Logsdon; Registered Professional Nurse; Holley, NY 14470; Lic. No. 599221; Cal. No. 26487; 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.

Melody J. Gerwin; Licensed Practical Nurse; Valley Falls, NY 12185-0141; Lic. No. 130876; Cal. No. 26510; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation.

Pharmacy

Evan A. Kowal a/k/a Evan A. Fleischman; Pharmacist; Rochester, NY 14620; Lic. No. 051824; Cal. No. 26475; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Podiatry

William A. Holley; Getzville, NY 14068-1325; Lic. No. 004933; Cal. No. 26272; Found guilty of professional misconduct; Penalty: \$2,500 fine, 2 years suspension, execution of suspension stayed, probation 2 years.

Respiratory Therapy

Gerald M. Oberting; Respiratory Therapist; Albany, NY 12203; Lic. No. 000909; Cal. No. 26377; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Veterinary Medicine

Evan Cary Blonder; Veterinarian; Port Jefferson Station, NY 11776; Lic. No. 006448; Cal. No. 26450; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation.

III. RESTORATION

The Board of Regents voted on March 12, 2013 to stay the order of surrender of the physician license of David Roemer, Chatham, NY, to place him on probation for a period of not less than five years under specified terms and conditions, and, upon successful completion of probation, to fully restore his license. Dr. Roemer's license was originally surrendered May 2, 2003.