

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

Summary of the July 2013 Meeting SUBJECT:

DATE: September 9, 2013

AUTHORIZATION(S):

Executive Summary

Issue for Decision

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

Proposed Handling

Approval of the Summary of July 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 July 2013 meeting.

<u>Timetable for Implementation</u>

Effective September 17, 2013.

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



SUMMARY OF THE JULY 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

July 22 and 23, 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, July 22 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

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

Board Members in Attendance:

Chancellor Merryl H. Tisch
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
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. Vice Chancellor Anthony S. Bottar and Regent Charles R. Bendit were absent and excused.

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 Monday, July 22, 2013 at 12:35 p.m. and Tuesday, July 23, 2013 at 8:30 a.m. to discuss personnel matters.

Motion by: Chancellor Emeritus Robert M. Bennett

Seconded by: Regent Geraldine D. Chapey **Action:** Motion carried unanimously

PRESENTATION

3 – 8 Standard Setting Process

Ken Wagner and Kristen Huff presented information on the 3-8 Standard Setting Process (Attachment I).

MOVED, that the Board of Regents approve the cut scores for the grades 3-8 State assessment as proposed by the Commissioner in slides 41 and 42 of the power point presented to the board (Attachment I).

Motion by: Regent James R. Tallon, Jr. Seconded by: Chancellor Emeritus Bennett

MOVED TO AMEND THE PRIOR MOTION AND APPROVE AS AMENDED, that the Board of Regents, commending the process, approve the cut scores for the grades 3-8 State assessments as proposed by the Commissioner in slides 41 and 42 of the power point presented to the Board.

Motion by: Regent James R. Tallon, Jr. Seconded by: Regent Harry Phillips, 3rd

Action: Motion as amended carried unanimously

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

MEETING OF THE FULL BOARD, Monday, July 22, 2013 at 12:40 p.m.

Board Members in Attendance:

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

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. Regents Charles R. Bendit and T. Andrew Brown were absent and excused.

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 (Revised)

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

Interim Action by Standing Committees BR (A) 4

MOVED, that the Standing Committees of the Board of Regents, be and they hereby are, authorized to take interim action for the Board of Regents during the period commencing on July 24, 2013 and ending on September 15, 2013 and that any such action shall be reported to the Board at its meeting on September 16-17, 2013.

Regents Monthly Meeting Dates, January – December 2014 BR (A) 10

MOVED, that the list of Regents meeting dates for the period January – December 2014 is approved.

Motion by: Regent Roger Tilles

Seconded by: Regent James C. Dawson **Action:** Motion carried unanimously

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

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

Motion by: Regent James R Tallon, Jr.
Seconded by: Regent Harry Phillips 3rd
Action: Motion carried unanimously

PROGRAM AREA CONSENT ITEMS

Higher Education

Appointment to the State Professional Standards and Practices Board of Teaching BR (CA) 1

MOVED, that the Board of Regents approve the following four appointments to the State Professional Standards and Practices Board for Teaching: Stephen Danna (higher education member) to complete the term beginning July 1, 2013 and ending June 30, 2017; Michael Rosenberg (higher education member) to complete the term beginning July 1, 2013 and ending June 30, 2017; Colleen MacDonald (teacher member) to complete the term beginning July 1, 2013 and ending June 30, 2017; and Lloyd Jaeger moving from an administrator member to a public member, to complete the term beginning on July 1, 2012 and ending on June 30, 2016.

Proposed Amendment to Section 83.4(d) and Addition of 83.5(b)(1)(iv) to the Regulations of the Commissioner of Education Relating to Moral Character Determinations BR (CA) 2

MOVED, that subdivision (d) of section 83.4 be amended to the Regulations of the Commissioner of Education and that a new subparagraph (iv) shall be added to paragraph (1) of subdivision (b) of section 83.5 of the Regulations of the Commissioner of Education, which was adopted by the Board of Regents as an emergency action on June 18, 2013, effective July 22, 2013, is rescinded; and it is further

MOVED, that subdivision (d) of section 83.4 be amended to the Regulations of the Commissioner of Education and that a new subparagraph (iv) shall be added to paragraph (1) of subdivision (b) of section 83.5 of the Regulations of the Commissioner of Education, as submitted, effective July 22, 2013 as an emergency action upon a finding by the Board of Regents that such action is necessary for preservation of the general welfare to immediately implement the revised rule to ensure that action can be taken expeditiously to revoke or suspend the certificates of teachers and school administrators who commit a crime involving fraud or submission of information related to their criminal history record checks in order to ensure the safety of the children and faculty of the schools in this State, and to ensure that it remains continuously in effect until it can be adopted as a permanent rule.

Proposed Amendments to Part 80 of the Regulations of the Commissioner of Education Relating to Coursework or Training in Harassment, Bullying and Discrimination Prevention and Intervention BR (CA) 3

MOVED, that Part 80 of the Commissioner's regulations be amended, as submitted, effective July 23, 2013, as an emergency action upon a finding by the Board of Regents that such action is necessary for preservation of the general welfare to immediately implement the new law, and to ensure that applicants for certification are notified that that the deadline for the training requirements has been extended from July 1, 2013 to December 31, 2013.

St. Joseph's Seminary and College: Master Plan Amendment to Establish Two Branch Campuses BR (CA) 4

MOVED, that the Board of Regents approve a master plan amendment to authorize St. Joseph's Seminary and College to establish two branch campuses and to offer graduate-level programs at those campuses. This amendment will be effective until July 23, 2014, unless the Department registers the programs at the branch campuses prior to that date, in which case master plan amendment shall be without term.

State University College at Potsdam: Regents Authorization to Award the Master of Science (M.S.) Degree BR (CA) 5

MOVED, that the Board of Regents authorize the State University of New York Board of Trustees to award the Master of Science (M.S.) degree on students successfully completing registered programs at the State University College at Potsdam effective July 23, 2013.

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) 6

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

Report of the Committee on the Professions Regarding Licensing Petitions BR (CA) 7

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

P-12 EDUCATION

Amendment of Section 8.3 of the Rules of the Board of Regents Relating to State Assessments BR (CA) 8

MOVED, that the Title of Part 8 of the Rules of the Board of Regents and section 8.3 of the Rules of the Board of Regents be amended, as submitted, effective August 7, 2013.

Amendment to Section 200.18 of the Regulations of the Commissioner, Relating to Municipal Audits of Education Law Section 4410 Preschool Special Education Programs and Services

BR (CA) 9

MOVED, that subdivision (b) of section 200.18 of the Regulations of the Commissioner of Education be amended, as submitted, effective August 26, 2013, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that the

emergency rule adopted at the May Regents meeting remains continuously in effect until the effective date of its adoption as an emergency rule.

Petition of the City School District of the City of Elmira for Consent to Exceed the Constitutional Debt Limit BR (CA) 10

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 Elmira in an amount not to exceed \$1,110,000 for the acquisition of school buses, vans and station wagons and the issuance of such bonds and/or bond anticipation notes in excess of the constitutional debt limit of said school district.

Registration of Public Schools BR (CA) 11

MOVED, that the schools listed on the table be registered.

New York Performance Standards Consortium ("Consortium Schools") BR (CA) 12

MOVED, that 39 Consortium schools be allowed to extend their use of portfolio assessments in place of the Regents examinations in mathematics, social studies, and science to satisfy §100.5 of the Commissioner's regulations for a further three-year period, through the 2016-2017 school year. Students who enter ninth grade in the fall of 2008 and thereafter in these schools are required to pass the English Regents examination on the same basis as all other students in the State.

MOVED, that, if the Board of Regents approves the extension of this variance, the Board also direct that, should any of the 39 Consortium schools not seek to utilize its variance beginning with the 2013-2014 school year, the Commissioner may grant the variance to another Consortium school in the same school district that replicates the educational practices of an existing Consortium portfolio assessment school.

Charter Schools: Renewal of a Charter School Authorized by the Board of Education of the City School District of the City of Buffalo: Enterprise Charter School BR (CA) 13

MOVED, that the Board of Regents finds that Enterprise Charter School authorized by the Board of Education of the City School District of the City of Buffalo: (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 Enterprise Charter School and that a renewal charter be issued, nunc pro tunc to July 1, 2013, and that its provisional charter be extended for a one-year term up through and including June 30, 2014 at which time the Buffalo BOE, as the chartering entity for Enterprise, will assess the School's progress at meeting performance benchmarks established for the School by the Buffalo BOE and make a determination concerning renewal of the School's charter.

Motion by: Regent James E. Cottrell
Seconded by: Regent Geraldine D. Chapey
Action: Motion carried unanimously

STANDING COMMITTEE REPORTS

P-12 EDUCATION

Your P-12 Education Committee held its scheduled meeting on July 22, 2013. All members were present except for Vice Chancellor Bottar and Regent Bendit, who were excused.

ACTION ITEMS

Transition to Common Core-aligned Regents Examinations in English and Mathematics

Your Committee recommends that subdivisions (a), (b) and (c) of section 100.5 of the Commissioner's Regulations be amended, and that subdivision (g) of section 100.5 be added, as submitted, effective July 30, 2013, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that school districts and students are given sufficient and timely notice of the requirements for transitioning to the new CCLS Regents Examinations in English Language Arts (Common Core) and in Mathematics (Algebra I, Geometry and Algebra II), in order to enable them to prepare for and timely implement these requirements. [P-12 (A) 1]

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 July 22, 2013, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Academic Intervention Services – The Committee discussed a staff recommendation that would provide districts regulatory flexibility in the provision of Academic Intervention Services (AIS) to ensure that existing support services such as AIS and Title I compensatory services remain relevant and appropriate as New York State implements the Common Core Learning Standards. The Committee reached consensus and directed staff to develop proposed amendments to regulations for approval at the September 2013 Regents meeting. [P-12 (D) 1]

Consent Agenda Items

The Board of Regents will take action on the following consent agenda items at their July 22, 2013 meeting.

- Registration of Public Schools
- Amendment of Section 8.3 of the Rules of the Board of Regents relating to State Assessments
- Amendment of Section 200.8 relating to Municipal Audits of Education Law Section 4410 Preschool Special Education Programs and Services.
- Petition of the Elmira CSD for Consent to Exceed the Constitutional Debt Limit.
- Required Assessments for Schools Using Portfolio Assessments.
- Enterprise Charter School Renewal.

PROFESSIONAL PRACTICE

Your Professional Practice Committee held its scheduled meeting on July 22, 2013. All Committee members were present, except for Vice-Chancellor Anthony S. Bottar and Regent Wade S. Norwood, who were excused. Chancellor Merryl H. Tisch was also present, but did not vote on any case or action.

ACTION ITEMS

Professional Discipline Cases

Your Committee recommends upon the recommendation of the Committee on the Professions, that 31 consent order applications and 4 surrender applications be granted.

These recommendations are made following the review of 35 cases involving eight licensed practical nurses, eight registered professional nurses, four licensed practical nurses who are also registered professional nurses, one architect, one certified public accountant, one clinical laboratory technologist, one massage therapist, one occupational therapist, one pharmacist, one physical therapist assistant, one professional engineer, one registered professional nurse who is also a nurse practitioner, and one veterinary technician.

Restorations

Voted that the execution of the Order of Surrender of the licensed practical nurse license of Felecia Thomas be stayed, that she be placed on probation for a period of one year under the terms and conditions annexed to the Report of the Committee on the Professions, and that, upon successful completion of probation, her license be fully restored.

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 July 22, 2013, copies of which have been distributed to each Regent.

MOVED, that the Committee Reports be approved.

Motion by:Regent Harry Phillips 3rdSeconded by:Regent James E. CottrellAction:Motion carried unanimously

ACTION ITEMS

State Education Department June 2013 Fiscal Report BR (A) 3

MOVED, that the Board accepts the June 2013 State Education Department Fiscal Report as presented.

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

UPDATE

Legislative Priorities Update

Nicolas Storelli-Castro provided an update on Legislative Priorities.

INFORMATION ITEM

Reinstallation and Interpretation of Portraits in the Regents Room and Education Building

Mark Schaming provided the Regents with information about the reinstallation and interpretation of portraits in the Regents Room and Education Building.

ACTION ITEMS

Acceptance of a \$450,000, one-year grant from the Tortora Sillcox Family Foundation (the "Foundation") BR (A) 5

MOVED, that the Board of Regents accept the sum of \$450,000 from the Foundation to support the work of the USNY Regents Research Fellowship Program.

Motion by: Regent James C. Dawson

Seconded by: Chancellor Emeritus Robert M. Bennett

Action: Motion carried unanimously

RECOGNITIONS AND APPOINTMENTS

Commissioner King recognized the contributions of Sally Bachofer, Assistant Commissioner, Office of School Innovation.

Commissioner King recognized the appointment of Kathleen Moorhead as Executive Director for Data Systems and Educational Technology.

Appointment of Deputy Commissioner for the Office of Curriculum, Assessment and Educational Technology BR (A) 6

MOVED, that the Board of Regents approve the appointment of Ken Wagner to the position of Deputy Commissioner for the Office of Curriculum, Assessment and Educational Technology effective July 23, 2013.

Motion by: Regent Harry Phillips 3rd
Seconded by: Regent James R. Tallon, Jr.
Action: Motion carried unanimously

Appointment of Assistant Commissioner for the Office of Assessment, Standards and Curriculum BR (A) 7

MOVED, that the Board of Regents approve the appointment of Candace Shyer to the position of Assistant Commissioner for the Office of Assessment, Standards and Curriculum effective July 23, 2013.

Motion by:Regent James C. DawsonSeconded by:Regent Christine D. CeaAction:Motion carried unanimously

Appointment of Assistant Commissioner for the Office of Student Support Services BR (A) 9

MOVED, that the Board of Regents approve the appointment of Renee Rider to the position of Assistant Commissioner for the Office of Student Support Services effective July 23, 2013.

Motion by: Regent Roger Tilles

Seconded by: Regent Geraldine D. Chapey **Action:** Motion carried unanimously

Appointment of Associate Commissioner for the Office of Bilingual Education and Foreign Language Services BR (A) 8

MOVED, that the Board of Regents approve the appointment of Angelica Infante-Green to the position of Associate Commissioner for the Office of Bilingual Education and Foreign Language Services effective July 23, 2013.

Motion by:Regent James C. DawsonSeconded by:Regent Geraldine D. ChapeyAction:Motion carried unanimously

Chancellor Merryl H. Tisch adjourned the meeting at 1:00 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)			
The Asian Heritage Museum	CE	New York	Grant provisional charter for five years.			
The Carlisle Historical Society	CE	Schoharie	Extend provisional charter for five years.			
Cleveland Historical Society	CE	Oswego	Extend provisional charter for five years.			
Eden Regional Farm Museum	CE	Erie	Extend provisional charter for five years.			
House of Angels Renaissance Projects	CE	Albany	Grant provisional charter for five years.			
Italian American Museum	CE	Bronx	Extend provisional charter for five years.			
North Country Children's Museum	CE	St. Lawrence	Grant provisional charter for five years.			
Redwood Historical Society	CE	Jefferson	Extend provisional charter for five years.			
Rochester Baseball Historical Society	CE	Monroe	Grant provisional charter for five years.			
Ruth Keeler Memorial Library	CE	Westchester	Amend charter to specify the number of trustees to be not less than nine nor more than fifteen.			
Wharton Studio Museum	CE	Tompkins	Grant provisional charter for five years.			
Academy of St. Joseph	P-12	New York	Grant an absolute charter in the first instance.			
Catholic Elementary School Association of New York	P-12	New York	Amend charter to add six additional school locations.			
Catholic School Region of Central Westchester	P-12	New York	Grant an absolute charter in the first instance.			
Catholic School Region of Dutchess	P-12	New York	Grant an absolute charter in the first instance.			
Catholic School Region of Manhattan	P-12	New York	Grant an absolute charter in the first instance.			

Catholic School Region of Northeast/East Bronx	P-12	New York	Grant an absolute charter in the first instance.
Catholic School Region of Northern Westchester/ Putnam	P-12	New York	Grant an absolute charter in the first instance.
Catholic School Region of the Northwest and South Bronx	P-12	New York	Amend charter to change the number of trustees to be not less than fifteen nor more than twenty-nine and to delete 4 school locations.
Catholic School Region of Rockland	P-12	New York	Amend charter to change the number of trustees to be not less than fifteen nor more than twenty-nine and to delete 2 school locations.
Catholic School Region of Staten Island	P-12	New York	Amend charter to change the number of trustees to be not less than fifteen nor more than twenty-nine; delete 2 school locations; add 2 new school locations; and to change the name of the school formerly known as St. Peter School to St. Peter- St. Paul School.
Catholic School Region of Ulster/Orange/ Sullivan	P-12	New York	Grant an absolute charter in the first instance.
Creative Minds Montessori School	P-12	Cayuga	Grant provisional charter for three years.
Faith Christian Academy	P-12	Columbia	Grant provisional charter for three years.
New York Center for Child Development	P-12	New York	Amend charter to include two new locations and consent to filing of certificate of assumed name "New York Center for the Developing Child".
Our Lady of Victory Academy of Westchester	P-12	Westchester	Dissolve charter, approval to store student records with St. Catherine Academy, 2250 Williamsbridge Rd. Bronx, New York 10469 and distribution of assets to the Sisters of Mercy of the Americas Mid-Atlantic Community, Inc.

Icahn School of Medicine at Mount Sinai	HE	New York	Amend charter to authorize a new not- for-profit parent holding company to become sole member of the corporation, effective only upon consummation of a transaction by and among the Icahn School of Medicine, the Mount Sinai Hospital and the Mount Sinai Medical Center, Inc., on the one hand, and Continuum Health Partners, Inc., and the hospital entities of which it is the sole member (Beth Israel Medical Center, The St. Luke's- Roosevelt Hospital Center and the New York Eye and Ear Infirmary), on the other.
St. Joseph's Seminary and College	HE	Westchester	Amend charter to operate and offer degrees at 2 branch campuses in Huntington, New York and Douglaston, New York.

Supplemental Summary Table

Name of Institution	Program Area	County of Location	Description of Charter Action(s)
Faith Nursery School	P-12	Nassau	Amend charter to operate day care centers in Nassau County and operate before and after school care programs for children from two to twelve years of age.

Appendix II

REGENTS ACTIONS IN 35 PROFESSIONAL DISCIPLINE CASES AND 1 RESTORATION PETITION

July 22, 2013

The Board of Regents announced disciplinary actions resulting in the surrender of 4 licenses as well as 31 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

Massage Therapy

Hisashi Omichi; Bloomington, NY 12411; Lic. No. 001890; Cal. No. 26715; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Sexual Abuse in the 3rd Degree.

Nursing

Maria Helen Gorman; Licensed Practical Nurse; Kingston, NY 12401; Lic. No. 258486; Cal. No. 25874; Application to surrender license granted. Summary: Licensee admitted to the charge of having failed to administer medications to five patients as ordered by the physician.

Phyllis Marie Caldwell; Licensed Practical Nurse; Syracuse, NY 13205; Lic. No. 134492; Cal. No. 26765; Application to surrender license granted. Summary: Licensee admitted to the charge of practicing the profession of nursing with moral unfitness.

Thomas Casa; Registered Professional Nurse; Bakersfield, CA 93313; Lic. No. 328238; Cal. No. 26769; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted in another jurisdiction of a crime, which, if committed in New York, would constitute Criminal Possession of a Controlled Substance in the 7th Degree, a misdemeanor.

II. OTHER REGENTS DISCIPLINARY ACTIONS

Architecture

Henry Radusky; New York, NY 10004; Lic. No. 015029; Cal. No. 26615; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$5,000 fine.

Clinical Laboratory Technology Practice

Karen L. Kryder; Clinical Laboratory Technologist; Rochester, NY 14606-4903; Lic. No. 000932; Cal. No. 26654; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Engineering and Land Surveying

Hisashi Omichi; Professional Engineer; Bloomington, NY 12411; Lic. No. 069795; Cal. No. 26716; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 6 months and until mentally fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months.

Nursing

Cherrie Pearl Bridgeman; Licensed Practical Nurse, Registered Professional Nurse; Deer Park, NY 11729; Lic. Nos. 241992, 566261; Cal. Nos. 26107, 26106; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Robin Ann Perras; Licensed Practical Nurse; Oswego, NY 13126; Lic. No. 279618; Cal. No. 26452; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation to commence upon return to practice.

Mary Lynn Massonne; Registered Professional Nurse, Nurse Practitioner (Family Health); Charlton, NY 12019; Lic. No. 397377, Cert. No. 332837; Cal. Nos. 26456, 26457; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$750 fine.

Michelle Versluis; Licensed Practical Nurse; Rochester, NY 14612; Lic. No. 273970; Cal. No. 26470; 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.

Colleen M. Pepper; Registered Professional Nurse; Rochester, NY 14616; Lic. No. 604657; Cal. No. 26471; 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, \$1,000 fine.

Cheryln Travers; Licensed Practical Nurse; Albany, NY 12208; Lic. No. 265439; Cal. No. 26515; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 3 months and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice.

Lindsay A. Johnson; Licensed Practical Nurse; Penn Yan, NY 14527; Lic. No. 271160; Cal. No. 26524; 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.

John M. Filapello; Registered Professional Nurse; Ellenton, FL 34222; Lic. No. 494610; Cal. No. 26543; Application for consent order granted; Penalty agreed upon: 4 month actual suspension, 20 month stayed suspension, 2 years probation to commence upon return to practice in State of New York, \$500 fine payable within 6 months.

Merritt L. Stuver; Licensed Practical Nurse; Rochester, NY 14606; Lic. No. 233308; Cal. No. 26553; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation to commence upon return to practice, \$250 fine payable within 6 months.

Mobeen Shirazi; Registered Professional Nurse; Rochester, NY 14607; Lic. No. 587423; Cal. No. 26569; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Deborah Carr Bernhard; Registered Professional Nurse; Sodus, NY 14551-9619; Lic. No. 324192; Cal. No. 26573; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Lisa M. Baker; Licensed Practical Nurse, Registered Professional Nurse; Ogdensburg, NY 13669; Lic. Nos. 269945, 553026; Cal. Nos. 26579, 26580; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 2 years probation, \$500 fine.

Amy Nicoll; Licensed Practical Nurse, Registered Professional Nurse; Syracuse, NY 13219; Lic. Nos. 280886, 571984; Cal. Nos. 26613, 26614; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon termination of suspension, 1 year probation to commence upon return to practice, \$500 fine payable within 6 months.

Brittney Turner a/k/a Brittney Lynn Turner a/k/a Brittney L. Turner; Registered Professional Nurse; Cold Spring, NY 10516-2916; Lic. No. 587000; Cal. No. 26627; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$500 fine.

Marcie A. Conlon; Registered Professional Nurse; Penn Yan, NY 14527; Lic. No. 517428; Cal. No. 26631; 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.

Lauren Elizabeth Torres; Licensed Practical Nurse; Middletown, NY 10940; Lic. No. 302977; Cal. No. 26707; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation.

Nancy Rae Nopper; Licensed Practical Nurse, Registered Professional Nurse; Rensselaer, NY 12144; Lic. Nos. 118190, 401111; Cal. Nos. 26719, 26718; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Elizabeth Ann Harris; Registered Professional Nurse; Middletown, NY 10940; Lic. No. 511489; Cal. No. 26722; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for not less than 3 months and until fit to practice, upon termination of suspension, 2 years probation, \$500 fine payable within 2 months.

Occupational Therapy

Colleen M. Varney; Occupational Therapist; Henrietta, NY 14467; Lic. No. 008179; Cal. No. 26695; Application for consent order granted; Penalty agreed upon: 1 year actual suspension, 1 year probation to commence if and when return to practice, \$500 fine payable within 6 months.

Pharmacy

Scott Edward Brierton; Pharmacist; Glens Falls, NY 12801; Lic. No. 040039; Cal. No. 26643; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$750 fine.

Physical Therapy

Christopher T. Merk; Physical Therapist Assistant; Cheektowaga, NY 14225; Cert. No. 004036; Cal. No. 26562; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$750 fine.

Public Accountancy

Marie S. O'Connor; Certified Public Accountant; Wyckoff, NJ 07481; Lic. No. 038208; Cal. 26802; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$1,000 fine.

Veterinary Medicine

Levi Benjamin Bromley; Veterinary Technician; Whitehall, NY 12887; Lic. No. 006474; Cal. 26720; 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.

III. RESTORATION

The Board of Regents voted on July 23, 2013 to stay the order of surrender of the licensed practical nurse license of Felecia Thomas, Rochester, NY, to place her on probation for a period of one year under specified terms and conditions, and, upon successful completion of probation, to fully restore her license. Ms. Thomas' license was originally surrendered December 6, 2005.



Setting Performance Standards on New York State Grades 3-8 Common Core Assessments

Board of Regents July 22, 2013



A New Baseline

- This year's Grades 3-8 ELA and math proficiency percentages should not be compared directly with prior year results.
 - Unlike prior years, proficiency is now based on the Common Core – a more demanding set of knowledge and skills necessary for 21st century college and careers.
- These results will present a new and transparent baseline from which we can measure student progress and preparedness for college and careers.

New Standards, New Tests, New Scale

New Scale

100 - 425

New performance standards

Level 4: Student <u>excels</u> in CCLS for this grade level

Level 3: Student is <u>proficient</u> in CCLS for this grade level

Level 2: Student is <u>not proficient</u> in CCLS for this grade level (<u>partial</u> but insufficient)

Level 1: Student is <u>well below proficient</u> in standards for this grade level

Notes on Accountability: Institutional

No new districts will be identified as Focus Districts and no new schools will be identified as Priority Schools based on 2012-13 assessment results.

Notes on Accountability: Educators

New York's growth scores are based on year-to-year comparisons for similar students, all of whom experienced New York's Common Core assessments for the first time in 2012-13.

The state-provided growth scores are based on year-to-year comparisons on scale scores (100 to 425 in 2012-13) not performance levels (Level 1, 2, 3, or 4).

Therefore, the state-provided growth scores will result in **similar proportions** of educators earning each rating category* in 2012-13 compared to 2011-12.

^{*}Highly Effective, Effective, Developing, Ineffective

Notes on Accountability: Educators

School districts and schools are urged to be thoughtful when using these new Common Core assessment results for local employment decisions, particularly during this first year of the transition.

Notes on Accountability: Students

Students will not be adversely affected by changes to the design of State tests.

Common Core Regents exams will be phased in over several years to ensure all students have the opportunity to meet graduation requirements.

School districts and schools should be thoughtful when preserving legitimate parent and student expectations for access to educational programs, including local promotion and admission policies.

Notes on Accountability: Students

The Department intends to review the requirements for academic intervention services (AIS), including:

- How academic support services should align and reinforce high-quality common core instruction for all students
- How eligibility relates to performance on State tests
- •Any necessary transition in eligibility requirements in the 2013-14 school year

Converging Evidence about College Readiness







Whether the measure is national or New York-specific, there is converging evidence about student preparedness for college and careers.

Graduating College and Career Ready

New York's 4-year high school graduation rate is 74% for All Students. However, the percent graduating college and career ready is significantly lower.

June 2012 Graduation Rate

Graduation under Current Requirements

	% Graduating
All Students	74.0
American Indian	58.5
Asian/Pacific Islander	81.6
Black	58.1
Hispanic	57.8
White	85.7
English Language Learners	34.3
Students with Disabilities	44.7

Calculated College and Career Ready*

	% Graduating		
All Students	35.3		
American Indian	18.8		
Asian/Pacific Islander	56.5		
Black	12.5		
Hispanic	15.7		
White	48.5		
English Language Learner	rs 7.3		
Students with Disabilities	4.9		

^{*}Students graduating with at least a score of 75 on Regents English and 80 on a Math Regents, which correlates with success in first-year college courses.

Source: NYSED Office of Information and Reporting Services

New York

Percent at or above Proficient: 3-8 ELA & Math

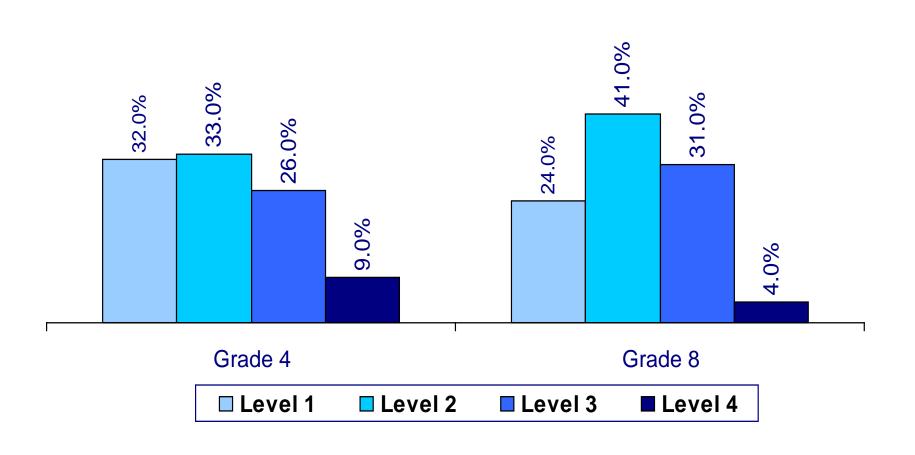
	20	09	2010		2012	
Grade	ELA	Math	ELA	Math	ELA	Math
3	76	93	55	59	56	61
4	77	87	57	64	59	69
5	82	88	53	65	58	67
6	81	83	54	61	56	65
7	80	87	50	62	52	65
8	69	80	51	55	50	61
	NAEP 2007		NAEP 2009		NAEP 2011	
Grade	Reading	Math	Reading	Math	Reading	Math
4	36	43	36	40	35	36
8	32	30	33	34	35	30

Source: NYSED June 17, 2012 Release of Data (Background Information: Slide Presentation). Available at: http://www.p12.nysed.gov/irs/pressRelease/20120717/2012-ELAandMathSlides-SHORTDECK-7-16-12.ppt. ELA data from slide 16; Math data from slide 31. Percentages represent students scoring a "3" or a "4".

Source: NAEP Summary Report for New York State. Available at: http://nces.ed.gov/nationsreportcard/states/Default.aspx Most recent year available for Reading and Mathematics is 2011.

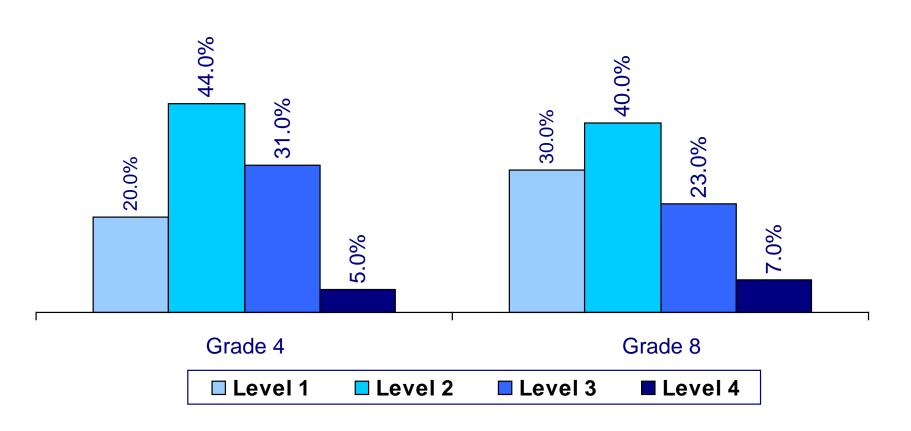
New York 2011 NAEP Reading

Grades 4 and 8 Total Public



New York 2011 NAEP Math

Grades 4 and 8 Total Public

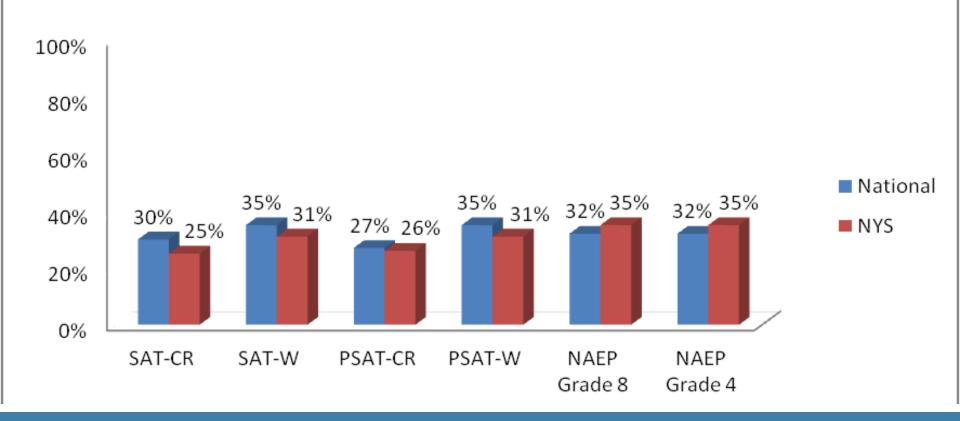


SAT and P/N Benchmarks for New York Students

- College Board and NAEP study determined scores on SAT and PSAT/NMSQT that correspond with college readiness for the nation.
- Criteria were adapted slightly to accommodate NY students' course-taking patterns.
- The results for all NY students who graduated in 2010 and who took the SAT and PSAT/NMSQT are on the following slide.

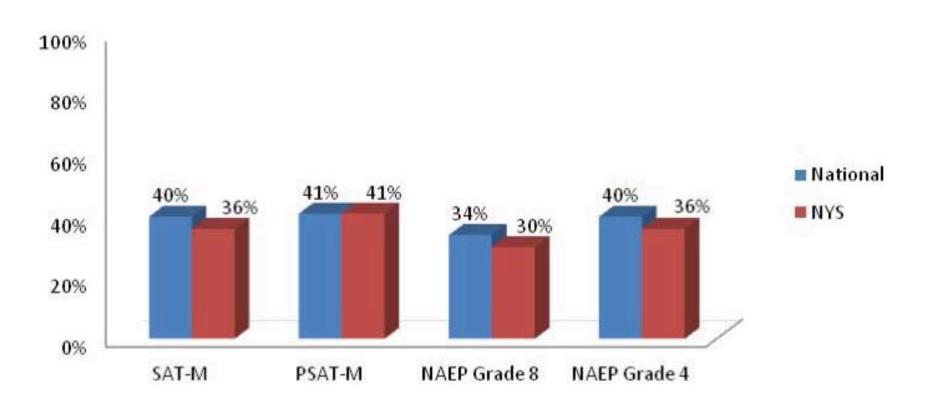
SAT and PSAT/NMSQT CCR Benchmark Data: ELA

Percent of Students at or above ELA External Benchmarks



SAT and PSAT/NMSQT CCR Benchmark Data: Math

Percent of Students at or above Math External Benchmarks



SETTING PERFORMANCE STANDARDS

Common Core Standards / CCR

Research-based Methodology

NY Educator Judgment

Cut Scores

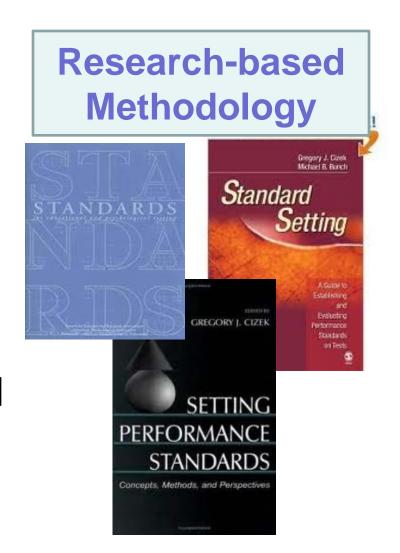
Standard Setting Determination



SETTING PERFORMANCE STANDARDS

 Required by USDE and Standards for Educational and Psychological Measurement to use research-based methodology

 National experts in standard setting monitored planning, materials and process



Just as NY Educators are Essential to Test Development...

NYS Educators are represented on the following panels:

- New York State Content Advisory Panels
 - Spans early childhood and P12 through CUNY, SUNY and clcu faculty
- Item Development, Item Review, Final Form Review

These panels are informing:

- College and Career Ready Determinations
- Test specifications, policies, and items
- NYS policy-level and grade-level performance level descriptors
- Standard setting

...NY Educators are Essential to Setting Standards

- 95 NY Educators for four full days of work
- 34 stayed for a fifth day
- Variety of educators represented:
 - K12 ELA and Math Teachers
 - BOCES
 - ELL and SWD specialists
 - Higher Education
 - K12 Administration

Selection of Panelists

Letters sent to key NY educator organizations, BOCES and Big 5 seeking nominations of educators who:

- have a deep knowledge of the Common Core standards
- have experience teaching different student populations
- represent the diversity of New York State
- include urban/rural/suburban schools
- include various geographic areas of the state

Resumes were reviewed carefully to ensure rich representation for each ELA and Math grade band.

Standard Setting Panelists

Days 1 – 4

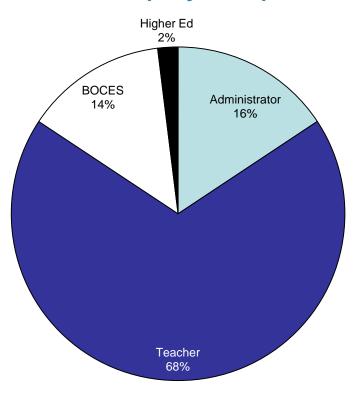
- A total of 95 panelists
- •Panelists divided into four groups:
 - o ELA Grades 3 − 5
 - ELA Grades 6 8
 - o Math Grades 3 − 5
 - Math Grades 6 8

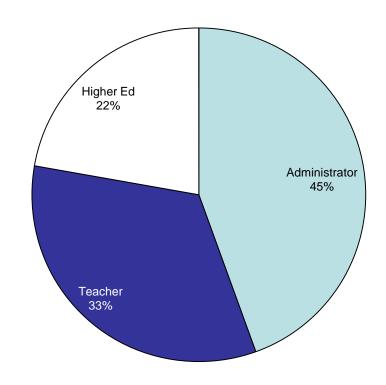
For Day 5

- •34 of the 95 remained for Day 5
 - Panelists divided into two groups: ELA and Math

ELA Panelists by Position

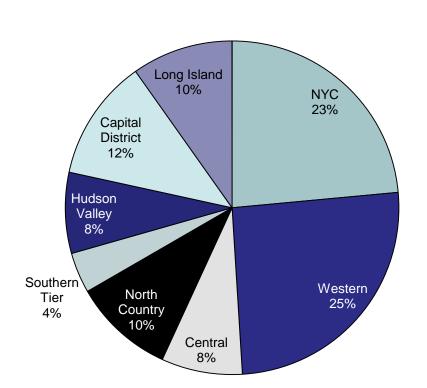
SS Panelists (Days 1-4)

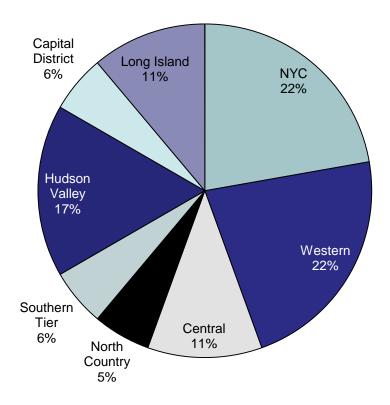




ELA Panelists by Geographic Region

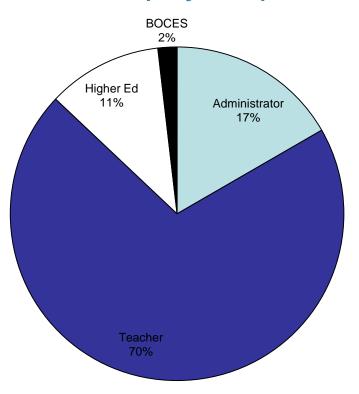
SS Panelists (Days 1-4)

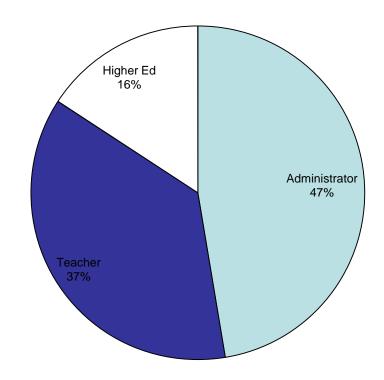




Math Panelists by Position

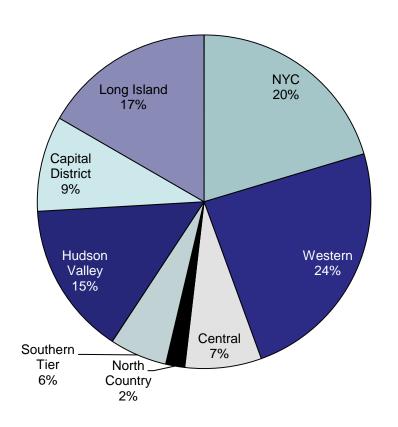
SS Panelists (Days 1-4)

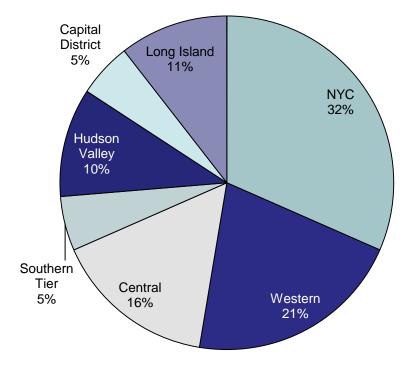




Math Panelists by Geographic Representation

SS Panelists (Days 1-4)





First Task: Defining Expectations

For each grade, panelists:

- 1.Review detailed descriptions of the range of knowledge and skills that describe students who are proficient with grade-level standards (Level 3)
- 2. Discuss and come to consensus on the specific knowledge and skills that characterize a student who is "just barely" proficient. This is the **threshold** student.
- 3. Repeat process for Level 2 (partial but insufficient) and Level 4 (excel).

Focus is on what students <u>should</u> be able to do at each grade according to demand of the standards.

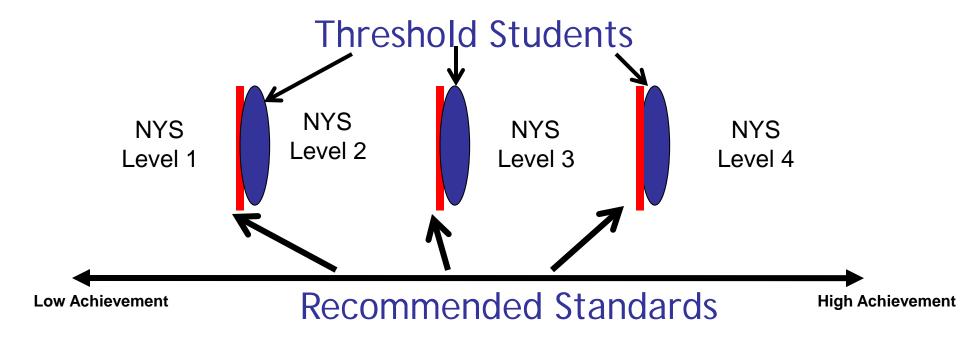
Performance Level Descriptions

				IIII3 I3 LIIC FLD
Cluster	Performance Level 4	Performance Level 3	Performance Level 2	for one cluster.
Students	In any multi-digit number, determine that a	In any multi-digit number, determine that	In any multi-digit number, de	
understand the	digit in one place represents 10 times as	a digit in one place represents 10 times	digit in one place represents	
place value system.	much as it represents in the place to its right	as much as it represents in the place to	much as it represents in the	
(5.NBT.1-4)	and 1/10 of what it represents in the place to	its right and 1/10 of what it represents in	right or 1/10 of what it repre	
	its left.	the place to its left.	place to its left by using visu	comprise the
	Explain patterns in the placement of the	Explain patterns in the number of zeros		Major content of
	decimal point when a decimal is multiplied or	of the product when multiplying a		
	divided by a power of 10.	number by powers of 10.		the grade. PLDs
	l.,	l.,		are available for
	Use whole number exponents to denote	Use whole number exponents to denote		
	powers of 10.	powers of 10.		all five.
	Use symbols (>,<, =) to compare two powers of 10 expressed exponentially (compare 10 ² to 10 ⁵).		Deed with and assumed	
	Read, write, and compare decimals to any	Read, write, and compare decimals to	Read, write, and compare detenths using numerals, num	
	place using numerals, number names,	the thousandths using numerals,	expanded form, and inequal	
	expanded form, and inequality symbols (>,	number names, expanded form, and	<, =).	ny dymbolo (* ,
	<, =), and choose the appropriate context	inequality symbols (>, <, =).		
	given a rounded number.		Round decimals to tenths.	
		Round decimals to thousandths.		

This is the PLD

Steps in the Standard Setting Process (cont.)

Define the threshold student for each level



Second Task: Review Test and Benchmarks

For each grade, panelists:

- 1. Take a "mini test" comprised of a subset the same items administered in 2013
- 2. Review the remainder of the test
- 3. Have opportunity to discuss any questions with the test developers
- 4.Review benchmark data from NAEP, SAT and PSAT/NMSQT

Third Task: Educators Provide First Judgment

Panelists are asked to provide their response to the following question:

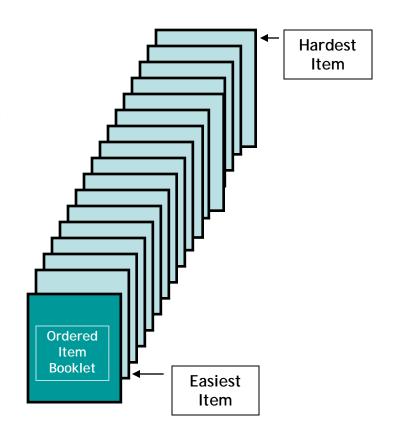
For proficiency level (NYS Level 3) only, given the rigor of the Common Core State Standards, I will be surprised if:

- Fewer than _____ percent of students reach proficiency
- More than _____ percent of students reach proficiency

At this point in process, panelists have yet to review how students performed on the test.

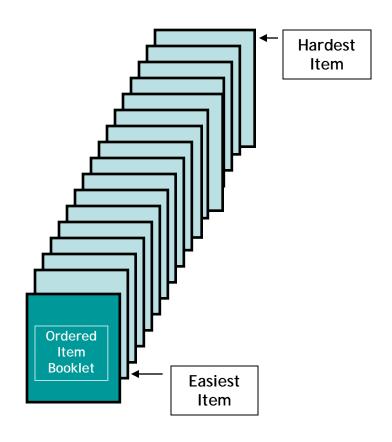
Fourth Task: Training on Ordered Item Booklet (OIB) Method

- Most common methodology in state testing
- Extensive research base for validity of process to capture educator judgment
- Items from test are ordered from easiest to hardest
- It is the tool by which cut score recommendations are made



Fourth Task: Training on Ordered Item Booklet (OIB) Method (cont.)

- Panelists are trained on how to use the OIB to make judgments about where the cut scores should be to distinguish:
 - Level 2 from Level 1
 - Level 3 from Level 2
 - Level 4 from Level 3
- After training, each panelist fills out a survey indicating his or her level of understanding. If <u>any</u> panelist is not confident in their understanding, more training is provided to <u>all</u>.



Fifth Task: Make Round 1 Judgments about Cut Scores

- Panelists make judgments individually
- Individual judgments are handed to facilitators
- Facilitators aggregate data and share with panelists
- Panelists discuss their rationales for their judgments
 - Rationales must be based on threshold descriptions and expectations of the Common Core standards
- Panelists review impact data
 - Impact data are the percentage of students who would be in each category if Round 1 cut scores were implemented

Four Rounds for Each Grade

- The process described above is repeated <u>four times</u> for each grade to ensure panelists have ample time to discuss rationales for their judgments and change their judgments should their fellow panelists offer compelling rationales to do so.
- Panelists were not required to come to consensus as individual judgment is valued.
- The process takes four full days for three grades.
- All panelists were present from beginning to end each and every day. No multi-tasking was permitted.

Panelist Evaluation of Process

Over 90% of panelists at end of Day 4 said they would defend the recommended cut scores. Of those in the minority, none strongly disagreed with the recommended standards (they only moderately disagreed).

"The standards are being set by a group that consists of teachers, k-12, college professors and administrators. It makes sense and it's transparent." "The collective experience and knowledge evidenced in discussions and the outcomes of the tasks resulted in fair and unbiased standards. Participants followed directions carefully and judiciously."

Day 5

- The purpose of Day 5 was to review the results across all six grade levels to ensure that the results made sense from a broader perspective.
- Panelists were allowed to make small adjustments only.
 - Adjustments had to be within +/- 4 raw score points.
 - Adjustments were required to be grounded in rationale of threshold definitions and the expectations of the Common Core standards.
- Commissioner was presented with both sets of recommendations – those from Day 4 and from Day 5.
- The results of Day 4 and Day 5 differed minimally.

Changes in Cut Score Points from Day 4 to Day 5

		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8
ELA	NYS Level 2	-3	-1	-2	-3	-1	-2
	NYS Level 3	0	0	0	0	-1	-1
	NYS Level 4	0	0	0	0	0	1
Math	NYS Level 2	0	0	-2	0	0	0
	NYS Level 3	0	0	0	0	0	0
	NYS Level 4	1	0	0	0	0	0

Statement from National Experts

"In observing the training for the NY State Grades 3-8 ELA and Math Common Core Tests Standard Setting on June 29, 2013, we were comfortable that the facilitators were following best practices in implementing research-based procedures. After observing a full standard-setting session, we are confident that the recommended cut scores were derived using a well-implemented process that followed the plan presented to the NY technical advisory committee (TAC)."

Marianne Perie and Michael Rodriguez
New York State TAC

The Commissioner accepted recommendations from Day 5 with no changes.

ELA: Final Recommended Cut Scores

Grade	Level 1	Level 2	Level 3	Level 4
3	148-290	291-319	320-357	358-423
4	139-286	287-319	320-342	343-412
5	116-288	289-319	320-345	346-425
6	112-282	283-319	320-337	338-412
7	103-286	287-317	318-346	347-413
8	100-283	284-315	316-342	343-417

Math: Final Recommended Cut Scores

Grade	Level 1	Level 2	Level 3	Level 4
3	139-284	285-313	314-339	340-394
4	126-282	283-313	314-340	341-402
5	126-293	294-318	319-345	346-406
6	119-283	284-317	318-339	340-399
7	133-292	293-321	322-347	348-401
8	119-286	287-321	322-348	349-403



Using Test Scores to Inform Classroom Instruction



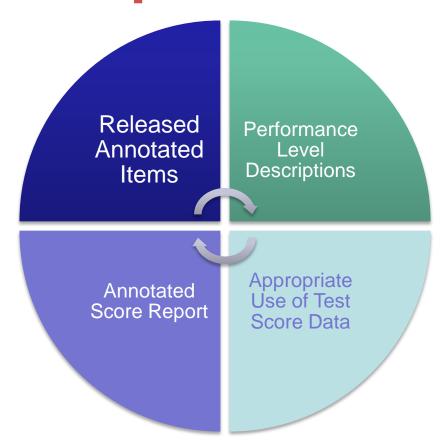
Resources Available Now on EngageNY.org

- 1. Test Guides
- 2. Assessment Design Information
- 3. Sample Questions

Test guides include full blueprint (test specifications). Assessment design documentation includes specific criteria for writing test questions.

EngageNY.org

To Come: Materials to Support Score Interpretation and Use



Available on EngageNY.org upon release of scores

Also...

- Key background information for principals and teachers to share when talking with families and the community about the results
- Recommendations for parents on key background information to emphasize with students when discussing the results