



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  
**SUBJECT:** Summary of the February 2011 Meeting  
**DATE:** February 24, 2011  
**AUTHORIZATION(S):**

**Executive Summary**

**Issue for Decision**

Review of the Summary of the February 2011 Meeting of the Board of Regents.

**Proposed Handling**

Approval of the Summary of February 2011 meeting.

**Procedural History**

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

**Recommendation**

Approval of the Summary of the February 2011 meeting.

**Timetable for Implementation**

Effective March 7, 2011.

**VOTED**, that the Summary of the February 2011 Meeting of the Board of Regents of The University of the State of New York be approved.



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

***Held at the State Education Building***

***Albany, New York  
February 7 and 8, 2011***

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

## ***THE BOARD OF REGENTS***

The Board of Regents of The University of the State of New York held public sessions on Monday, February 7 at 9:00 a.m. and on Tuesday, February 8 at 11:30 a.m. pursuant to a call to duty sent to each Regent.

### **MEETING OF THE FULL BOARD, Monday, February 7 at 9:00 a.m.**

#### **Board Members in Attendance:**

Merryl H. Tisch, Chancellor  
Milton L. Cofield, Vice Chancellor  
Anthony S. Bottar  
Geraldine D. Chapey  
Harry Phillips, 3<sup>rd</sup>  
James R. Tallon, Jr.  
Roger Tilles  
Charles R. Bendit  
Betty A. Rosa  
Lester W. Young, Jr.  
Christine D. Cea  
Wade S. Norwood

Also present were the Commissioner of Education, David M. Steiner, Senior Deputy Commissioner for P-12 Education, John King, Acting Counsel and Deputy Commissioner for Legal Affairs, Erin O'Grady-Parent, and the Secretary, Board of Regents, Anthony Lofrumento. Chancellor Emeritus Robert M. Bennett, Regents James C. Dawson and Karen Brooks Hopkins were absent and excused.

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

### **ACTION ITEM**

#### **Executive Session Motion**

MOVED, that the Board of Regents convene in executive session on Tuesday, February 8, at 7:30 a.m., to discuss personnel matters.

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

## **PRESENTATIONS**

### **Impact of Executive Budget Proposal**

(Presentation attached)

#### **Oral**

Chief Operating Officer Val Grey presented an overview of the Executive Budget Proposal to the Board.

Full Board adjourned at 9:30 a.m.

## **MEETING OF THE FULL BOARD, Tuesday, February 8 at 11:55 a.m.**

### **Board Members in Attendance:**

Merryl H. Tisch, Chancellor  
Milton L. Cofield, Vice Chancellor  
Chancellor Emeritus Robert M. Bennett  
Anthony S. Bottar  
Geraldine D. Chapey  
Harry Phillips, 3<sup>rd</sup>  
James R. Tallon, Jr.  
Roger Tilles  
Charles R. Bendit  
Betty A. Rosa  
Lester W. Young, Jr.  
Wade S. Norwood

Also present were the Commissioner of Education, David M. Steiner, Senior Deputy Commissioner P-12, John King, Acting Counsel and Deputy Commissioner for Legal Affairs, Erin O'Grady-Parent, and the Secretary, Board of Regents, Anthony Lofrumento., Regents James C. Dawson, Karen Brooks Hopkins and Christine D. Cea were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 11:55 a.m.

## **ACTION ITEMS**

### **Charter Applications for February 2011**

#### **BR (A) 1**

**MOVED**, that the Regents approve each application in accordance with the recommendations contained in the respective summaries.

### **Supplemental Charter Applications**

## **BR (A) 1 – Addendum**

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

## **Summary of the January 2011 Meeting of the Board of Regents BR (A) 2**

**MOVED**, that the Summary of the January 2011 Meeting of the Board of Regents of The University of the State of New York be approved.

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

## **PROGRAM AREA CONSENT ITEMS**

### **Adult Career and Continuing Education Services**

#### **Appointments to the New York State Rehabilitation Council BR (CA) 1**

**MOVED**, that Wendy Strobel, Mira Bowin, LaWanda Cook, and Sophie McDermott be appointed for terms beginning March 1, 2011 and ending December 31, 2013 and that Susan Barlow, Lisa Bayer, Joan McGovern and Marianne Murphy be reappointed for terms beginning March 1, 2011 and ending December 31, 2013.

### **Higher Education**

#### **Proposed Amendment of Section 52.21 of the Regulations of the Commissioner Relating to the Graduate Level Clinically Rich Teacher Preparation Pilot Programs BR (CA) 2**

**MOVED**, that subclause (3) of clause (c) of subparagraph (iv) of paragraph (5) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education be amended, effective February 18, 2011, 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 proposed amendment remains continuously in effect until the proposed amendment can be adopted as a permanent rule.

**MOVED**, that subclause (3) of clause (c) of subparagraph (iv) of paragraph (5) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education be amended, effective March 2, 2011.

**Appointment to the State Professional Standards and Practices Board  
for Teaching  
BR (CA) 3**

**MOVED**, that the Board of Regents approve the following appointment to the State Professional Standards and Practices Board for Teaching: Maria Dewald (public member) for a four-year term beginning February 8, 2011 and ending June 30, 2014

**Professional Practice**

**(Re)Appointments of Members to the State Boards for the Professions and  
(Re)Appointments of Extended Members to the State Boards for the Professions  
for Service on Licensure Disciplinary and/or Licensure Restoration and Moral  
Character Panels  
BR (CA) 4**

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

**Regents Permission to Operate in New York State: Johns Hopkins University  
BR (CA) 5**

**MOVED**, that the Regents approve the proposed permission to operate, effective February 8, 2011, to authorize Johns Hopkins University to offer its three credit hour Innovations Engineering course to select high school students at State University of New York Jefferson Community College's campus.

**Report of the Committee on the Professions Regarding Licensing Petitions  
BR (CA) 6**

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

**Designation of Regents Physician Shortage Areas (RPSAs)  
BR (CA) 7**

**MOVED**, Regents should approve the changes in the lists of designated physician shortage areas described in **Attachment I** with an effective date of January 1, 2011.

**Rescission of Professional Licenses of Two Clinical Laboratory Technologists,  
One Clinical Laboratory Technician, One Licensed Clinical Social Worker, and  
One Certified Public Accountant  
BR (CA) 8**

**MOVED**, that the State Education Department is directed to rescind the licenses of the licensees identified in **Attachment II** to this item, effective immediately.

**P-12 Education**

**Proposed Technical Amendment of Section 100.2(ee)(2) of the Regulations of the  
Commissioner  
BR (CA) 9**

**MOVED**, that paragraph (2) of subdivision (ee) of section 100.2 of the Regulations of the Commissioner be amended as submitted, effective February 15, 2011, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to immediately clarify and resolve inconsistencies in section 100.2(ee)(2) of the Commissioner's Regulations, and therefore ensure that the regulation's provisions are properly administered pursuant to the policies established by the Board of Regents.

<b>Motion by:</b>	Regent Anthony S. Bottar
<b>Seconded by:</b>	Chancellor Emeritus Robert M. Bennett
<b>Action:</b>	Motion carried unanimously

**STANDING COMMITTEE REPORTS**

**P-12 Education**

Your P-12 Education Committee held its scheduled meeting on February 7, 2011. All members were present, except for Chancellor Emeritus Bennett and Regents Dawson, Brooks Hopkins, and Norwood.

**ACTION ITEMS**

**Charter School Actions** Your Committee recommends that the Board of Regents approves the Bedford Preparatory Charter School and Coney Island Preparatory Public

Charter School charter revisions as proposed by the Chancellor of the New York City Department of Education (NYCDOE) and the provisional charters are amended accordingly. [P-12 (A) 1]

#### MOTION FOR ACTION BY FULL BOARD

Madam Chancellor and Colleagues: Your P-12 Education Committee recommends, and I move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on February 8, 2011, copies of which have been distributed to each Regent.

#### MATTERS NOT REQUIRING BOARD ACTION

Graduation Rate: Data Collection and Reporting Processes – The Committee discussed the Department's procedures for collecting and reporting the cohort graduation rate, including recent audit findings and recommendations. Discussion focused on how graduation rate cohorts are defined, including reasons why students may or may not be included and the documentation required for any student who is to be excluded from the cohort for graduation rate reporting. [P-12 (D) 1]

Partnership for Assessment of Readiness for College and Careers (PARCC) Assessment Update – The Committee was updated on the design and development of the PARCC assessments which are scheduled to be operational in 2014-15. The Committee discussed the work of the Assessment Design and Development Team, the Leadership Team, and the Governing Board all of which were convened by Achieve, Inc. in December 2010 to begin development and design of the assessments. The Committee discussed the role of the Board of Regents as New York State moves towards a national cut score for grades 3-11 and concerns relating to how the PARCC assessments fit in with the additional standards adopted by New York State. The Committee discussed recommendations for assessment design options including rich performance tasks, through-course assessments and end of year assessments. Staff will come back at a future meeting to present additional information on the design of the PARCC assessments. [P-12 (D) 2]

Joint Regents Report on Accountability – due to time constraints, this item was not discussed and will be presented at a future meeting. [P-12 (D) 3]

Credit for Online and Blended Coursework – The Committee discussed proposed amendments to regulations that would prescribe requirements for earning credit for online or a combination of online and blended coursework. Discussion focused on current science laboratory requirements and the increasing availability of high-quality virtual laboratory experiences and discussions that will take place with the field regarding alternative approaches to this requirement. The Committee also expressed the importance of monitoring the progress of students who take online courses to see if there are significant improvements on assessments. Staff will develop guidance documents to inform public school districts and BOCES interested in offering new



learning opportunities for students through online instruction. It is anticipated that the proposed rule will be presented for adoption at the May Regents meeting. [P-12 (D) 4]

Consent Agenda Items – The Committee discussed proposed amendments to regulations to make technical amendments to Section 100.2(ee)(2). This item is scheduled for approval on the full Board consent agenda. [BR (CA) 9]

### **P-12 Education/ Adult Career and Continuing Education Services (ACCES)**

Your P-12 Education and ACCES Committees held a joint meeting on February 7, 2011. All members were present, with the exception of Chancellor Emeritus Bennett, Regent Norwood, and Regent Brooks Hopkins, who were excused. Additional members of the Board attending were: Chancellor Tisch, Regent Bendit, and Regent Phillips.

#### **MATTERS REQUIRING BOARD ACTION**

Your Committees voted to approve that the Board of Regents direct Department staff to develop a plan to establish a requirement for a student's demonstration of GED test readiness via the OPT or other Department approved instruments for discussion at the June 2011 meeting of this P-12 Education / ACCES Joint Committee. Any plan will include promotion of access and multiple pathways to GED preparation opportunities that will result in enhanced student success and an improved GED statewide pass rate. Any plan will address the need to build capacity for readiness screening that does not currently exist.

In addition, your Committees voted to approve that the Board of Regents submit a recommendation to the Governor and the Legislature advocating for the revocation of Section 317 of the Education Law, thus permitting the Board to promulgate regulations imposing a fair and equitable fee on GED test candidates that will help ensure the viability of New York's GED Testing program for the students and adults who need this credential as a pathway to higher education, post-secondary training, and the workforce. (P-12/ACCES (A) 1)

### **P-12 Education/State Aid**

Your P-12 Education Committee and Subcommittee on State Aid held a joint meeting on February 7, 2011. All members were present, except for Regents Dawson and Brooks Hopkins, who were excused.

## MATTERS NOT REQUIRING BOARD ACTION

Mandate Relief and Flexibility - The Committee discussed a set of draft mandate relief options intended to increase flexibility and reduce requirements in ways that do not adversely impact the health and safety of students and essential elements of education reform. The Regents discussed options related to special education, school operations including school facilities and pupil transportation, curriculum and instruction and teacher certification. Staff will come back in March for a more detailed discussion of specific recommendations.

Executive Proposal on State Aid to School Districts – The Committee discussed the 2011-12 Executive budget which proposes \$19.4 billion in funding for General Support for Public Schools – a year to year reduction of \$1.5 billion compared to the previous year as supplemented with federal funding restorations.

### **P-12 Education/Higher Education**

Your P-12 Education Committee and Higher Education Committee held joint meetings on February 7-8, 2011. All members were present, except for Regents Dawson and Brooks Hopkins, who were excused.

## MATTERS NOT REQUIRING BOARD ACTION

### Panel Discussion on College Readiness

- Laura Anglin, President, Commission on Independent Colleges and Universities (CICU)
- Elizabeth Van Nest, Vice President for Legal Affairs and General Counsel; Executive Director, Council of Governing Boards (CICU)
- Susan Birkhead, MS, RN, Director, Samaritan Hospital School of Nursing
- Susan Scrimshaw, Ph.D., President of The Sage Colleges
- David Lavallee, Ph.D., Senior Vice Chancellor for Academic Affairs and Provost of SUNY
- Ann Marie Murray, Ph.D., President, Herkimer County Community College
- Nancy Kleniewski, Ph.D., President, SUNY College at Oneonta
- Alexandra Logue, Ph.D., Executive Vice Chancellor and University Provost of CUNY
- Felix V. Matos Rodriguez, Ph.D., President, Hostos Community College
- Russell K. Hotzler, Ph.D., President, New York City College of Technology

The panel provided brief descriptions of their programs and answered questions relating to New York State's high school graduates and how well they are prepared for college and careers. There was consensus that students need solid basic skills in math and science, critical thinking and writing, and organization and study skills. If students go on to college without these basic skills, they will likely need remediation and have

difficulty catching up. Panel members expressed the importance of early childhood and middle-level programs, and quality teacher training and preparation. The panel members are eager to work with the Board of Regents to develop mutual goals and complementary strategies to improve student achievement and create a more seamless educational experience for all students.

New York State Teacher and Principal Effectiveness – Evaluation Policy Options for Local and Non-tested Assessments – the Committee discussed options relating to the 40% of teacher and principal evaluation to be based on assessments (20% tied to growth or a comparable measure and 20% based on locally selected assessments). Options were presented with regard to non-tested subjects and which year-to-year assessment systems can be used. Additionally, options were presented on which locally-developed or locally-selected assessments are appropriate. Staff will come back in March to discuss policy options for value-added/growth modeling for the 20% that is tied to State assessments (ELA and Math 4-8).

## **Higher Education**

Your Higher Education Committee held its scheduled meeting on February 7, 2011. All members were present.

### **ACTION ITEMS:**

Relay School of Education. Your Committee approved a motion to grant a provisional charter for a period of three years and a master plan amendment to authorize Relay School of Education, New York, to offer its first master's degree program in the disciplinary area of education (M.A.T. program in middle childhood education). The master plan amendment will be effective until February 28, 2012, unless the program is registered by the Department prior to that date, in which case master plan amendment shall be without term.

Emergency Adoption of Proposed Regulations to Allow Individuals with Advanced Degrees in Science, Technology, Engineering, and Mathematics and Related Teaching Experience at the Postsecondary Level to Obtain a Teaching Certificate in Earth Science, Biology, Chemistry, Physics, Mathematics or in a Closely Related Field. Your Committee voted that a new subparagraph (45) of subdivision (b) be added to Section 80-1.1; that subparagraph (i) of paragraph (2) of subdivision (a) of section 80-3.3 be amended; that clause (c) of subparagraph (ii) of paragraph (3) of subdivision (a) of section 80-3.7 be amended and a new section 80-5.22 is added to the Regulations of the Commissioner of Education, effective February 15, 2011, as an emergency action upon a finding by the Board of Regents that such action is necessary to protect the general welfare of the public to address the demonstrated shortage of certified teachers in science and mathematics in grades 5-9 and 7-12.

## MOTION FOR ACTION BY FULL BOARD

Madam Chancellor and Colleagues: Your Higher Education Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on February 7, 2011, copies of which have been distributed to each Regents.

## MATTERS NOT REQUIRING BOARD ACTION

Graduate Level Clinically Rich Principal Preparation Pilot Program Request for Proposals. Your committee discussed and reviewed policy issues related to the RFP for the Graduate Level Clinically Rich Pilot Programs.

### **Adult Career and Continuing Education Services (ACCES)**

Your ACCES Committee held its scheduled meeting on February 7, 2011. All members were present.

## MATTERS NOT REQUIRING BOARD ACTION

The Committee was informed about the Vocational Rehabilitation Recruitment, Training and Staff Development (RTSD) Unit. The RTSD Unit is responsible for the professional development of all Vocational Rehabilitation staff and recruitment of Vocational Rehabilitation Counselor staff. Training is an important part of the development of qualified staff to meet the employment needs of people with disabilities. The RTSD Unit provides supports for paraprofessional, professional and management staff to pursue education and training in order to meet professional certification requirements as well as to learn new skills to help improve the quality of services and employment outcomes for individuals with disabilities. Staff participates in a variety of training and professional development opportunities that lead to completion of college degrees, professional certifications and basic skill development. Staff is also provided financial support through the RSA grant to participate in training courses taken to increase their knowledge and skills in vocational rehabilitation. The training courses and opportunities offered during the year allow Vocational Rehabilitation professional staff to obtain the credits necessary to maintain their professional certification, specifically Certified Rehabilitation Counselors (CRC). (ACCES (D) 1)

### **Audits/Budget and Finance**

Your Regents Committee on Audits/Budget and Finance met as scheduled on February 7, 2011. Vice Chair Bendit, Chancellor Tisch, Chancellor Emeritus Bennett, Vice Chancellor Cofield, Regents Phillips, Tallon, Tilles, and Young were in attendance.

Chair's Remarks: Regent Chapey welcomed everyone. I emphasized the linkage of auditing and budgeting and providing proper oversight of government functions.

## ITEMS FOR DISCUSSION

January 2011 Fiscal Report - Your Committee reviewed the January fiscal report. There was a discussion of the fiscal challenges facing the Department. The report now includes an SED Plan Adjustment Report. The concerns remain in the area of teacher tenure hearing, assessment costs, the summer school for the arts and the GED program.

Completed Audits - The Committee was presented with 19 audits this month. The audits included 1 ARRA audits issued by the Office of Audit Services (OAS), and 18 audits issued by the Office of the State Comptroller (OSC) of which 2 were of Department functions or activities. The OSC audits identified procurement issues; they also identified opportunities for school districts to achieve cost savings. OAS will continue to monitor trends requiring the attention of the Committee.

### **Professional Practice**

Your Professional Practice Committee held its scheduled meeting on February 8, 2011. All members were present except for Regent Christine D. Cea, who was excused. Commissioner Steiner was also present.

## 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 4 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 29 consent order applications and 4 surrender applications be granted. [PPC EXS (A) 1-3]

In the case of Irving H. Kamsler, Certified Public Accountant, Calendar No. 25303, we recommend that the word "accountant" be deemed added at the end of the third line on page 5 of the report of the Regents Review Committee such that the title of respondent's profession be therein deemed corrected to read "certified public accountant".

These recommendations are made following the review of 37 cases involving seven registered professional nurses, five licensed practical nurses who are also registered professional nurses, four dentists, four licensed practical nurses, four pharmacists, two chiropractors, one acupuncturist, one architect, one certified public

accountant, one licensed master social worker, one psychologist, and one veterinary technician.

### Restoration Petitions

Your Committee recommends the following actions with regard to the applications for the restoration of a professional license:

That the Board of Regents deny the application for the restoration of the physician license of Robert Patrick Gillis. [PPC EXS (A) 4]

That, upon submission of proof satisfactory to the Director of the Office of Professional Discipline that the applicant has completed the continuing education requirements specified in the Report of the Committee on the Professions and that he has passed the Multistate Pharmacy Jurisprudence Examination, the execution of the surrender of Michael J. Leonti's license to practice as a pharmacist in the State of New York be stayed; that he be placed on probation for a period of one year, under the terms set forth in Exhibit A to the Report of the Committee on the Professions; and that, upon successful completion of probation, his license be fully restored. [PPC EXS (A) 5]

That the Board of Regents deny the application for the restoration of the physician license of Crisologo L. Padilla. [PPC EXS (A) 6]

### APPROVALS

Regents Oversight of International Medical Schools Approved for Long-Term Clinical Clerkship Placements – Your Committee recommends approval of the plan submitted to the Committee regarding the approval of international medical schools seeking to place students in long-term clinical clerkships in New York State, as such plan was amended by the Committee. [PPC (A) 1]

### MOTION FOR ACTION BY FULL BOARD

Madam Chancellor and Colleagues: Your Professional Practice Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on February 8, 2011, 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 – The Deputy Commissioner reported on the following issues: [Oral report]

- E-licensing update

- Document Management System update
- Move to 1411 Broadway update
- Overview of PPC Consent Agenda Items scheduled for action by the Full Board, including, but not limited to:
  - Johns Hopkins University Permission to Operate
  - Rescission of Professional Licenses
  - Designation of Physician Shortage Areas

## **Cultural Education**

Regent Roger Tilles, Chair of the Cultural Education Committee, submitted the following written report. Your Committee on Cultural Education Committee had its scheduled meeting on February 8, 2011. In attendance were committee members: Regents Tilles, Bendit and Rosa. Absent: Regents Dawson, Brooks-Hopkins and Phillips.

In addition to CE Committee Members, in attendance were: Chancellor Tisch, Valerie Grey, Carole Huxley and Anne Ackerson, Executive Director of the Museum Association of New York.

### ITEMS FOR DISCUSSION

Chair's Remarks: Regent Tilles welcomed everyone and opened the meeting. Regent Tilles remarked on a recent editorial in the New York Times defending libraries and library services. Regent Tilles also remarked on the need for greater collaboration between cultural institutions and K-12 schools and commented on his desire to see the development of a specific model for collaboration between a K-12 school and a cultural institution such as a museum to achieve school turn-around. The entire committee participated in a lively discussion of the opportunities for collaboration and the challenge to cultural institutions in having sufficient capacity to support the efforts required to achieve school turn around.

### CE (A) 1 – Amendment of Regents Rule §3.27, Relating to Museum Collections Management Policies

Regent Tilles introduced Carole Huxley, Chair of the Board of Regents Ad-Hoc Advisory Committee on Deaccessioning. Huxley introduced Anne Ackerson, who was a member of the Ad-Hoc Committee. Both Huxley and Ackerson commented favorably on the diversity and expertise of the members of the Ad-Hoc committee. Regent Tilles remarked that the committee agreed that it would defer for later discussion, issues relating to deaccessioning of collections in colleges and universities and libraries. Huxley and Ackerson commented that there is a remaining concern about the ability of the Department to provide oversight of Museums and there was universal agreement among the committee members that museums must have guidance from the Department regarding the Regents rules on deaccessioning and other regulations governing the operation of Museums.

Regent Tilles called for a vote on the proposed amendment has been recommended by the Ad-Hoc Committee and endorsed by Department management to protect collections held by museums and historical societies. Approval of the proposed amendment will make the proposed rule available for public comment. The proposed amendment would apply to chartered museums and historical societies authorized to own and hold collections under Rule §3.27, and would:

- Enumerate nine specific criteria under which an institution may deaccession an item or material in its collection.
- Specify that proceeds from deaccessioning be restricted in a separate fund to be used only for the acquisition of collections or the direct conservation, protection or care of collections.

If the Board of Regents approves the proposed amendment as written, it will be presented for adoption at the May Regents meeting, after its publication in the State Register and expiration of a 45-day public comment period.

Motion to approve: Regent Bendit.

Seconded by: Regent Rosa

Unanimously approved.

#### CE (D) 1 – Curriculum Support for Teachers from Office of Cultural Education Programs

Liz Hood, Director of Educational Television and Public Broadcasting, discussed with the committee a Departmental team called the OCE/P-12 Collaboration team. Hood reported that the team consists of approximately 25 members from throughout P-12 and OCE. The group hopes to provide in June some specific recommendations to the Cultural Education Committee regarding opportunities for partnership. One specific area for collaboration is seeing ways to include appropriate language in the upcoming RFPs for Race to the Top to provide incentives for cultural institutions to partner with schools to apply. The committee actively discussed the benefits of the OCE/P-12 team, encouraged Hood to report back to the committee routinely and to invite Regent Tilles to participate in upcoming meetings.

#### CE (D) 2 – The New York State Museum's Vertebrate Paleontology Program

Dr. Robert S. Feranec, the State Museum's curator of vertebrate paleontology provided an update on the current research and collections acquisition and stewardship in vertebrate paleontology at the State Museum. Dr. Feranec focused on climate change in his presentation, providing the committee with examples of his research, collection stewardship and outreach activities. He educated the committee on Bergman's Rule and informed the committee of the range of his publication activities, which include Science Magazine as well as Scholastic publications for the K-12 audience. The committee commented on the opportunity to develop a model of collaboration between the OCE, especially the State Museum, and Albany region K-12 schools and encouraged OCE to



develop a model program, similar to the model that was suggested by Regent Tilles in his earlier remarks.

**MOVED**, that the reports from the Regents Standing Committees be approved as submitted.

**Motion by:** Vice Chancellor Milton L. Cofield  
**Seconded by:** Chancellor Emeritus Robert M. Bennett  
**Action:** Motion carried unanimously, however, Regent Roger Tilles recused himself from the Relay School of Education vote.

**ACTION ITEM**

**State Education Department January 2011 Fiscal Report  
BR (A) 3**

**MOVED**, that the Board of Regents accept the January 2011 State Education Department Fiscal Report as presented.

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

**Appendix I**  
**NEW YORK STATE BOARD OF REGENTS CHARTER ACTIONS**

<b>Name of Institution</b>	<b>Program Area</b>	<b>County of Location</b>	<b>Description of Charter Action(s)</b>
Company K, 88 <sup>th</sup> New York Volunteers	CE	Suffolk	Regents Certificate of Incorporation.
Destroyer Escort Historical Museum	CE	Albany	Grant absolute charter.
Niagara Aquarium Foundation	CE	Niagara	Grant absolute charter.
Ossining Public Library	CE	Westchester	Amend absolute charter to: <ul style="list-style-type: none"> <li>• specify the number of trustees to be not less than five nor more than nine;</li> <li>• specify trustees be elected by the qualified voters of the Ossining Union Free School District as currently occupied seats become vacant beginning in 2011.</li> </ul>
The Blue Man Creativity Center School	P-12	New York	Amend provisional charter to: <ul style="list-style-type: none"> <li>• change corporate name to “Blue School”;</li> <li>• change corporate address to 51 Astor Place, New York, New York 10003.</li> </ul>
John A. Coleman School	P-12	New York	Amend provisional charter to specify corporation is also operating at 317 North Street, White Plains, New York 10605 and extend charter for three years.
Millbrook Early Childhood Education Center	P-12	Dutchess	Grant absolute charter.
Mohawk Country Home School	P-12	Westchester	Amend absolute charter to change corporate name to “Mohawk Country Day School”.
North Side School	P-12	Queens	Amend absolute charter to change corporate name to “Circle Academy”.
Rochester Institute of Technology	HE	Monroe	Amend absolute charter to authorize the corporation to confer the degree of master of architecture (M.Arch.).

<b>Name of Institution</b>	<b>Program Area</b>	<b>County of Location</b>	<b>Description of Charter Action(s)</b>
Relay School of Education	HE	New York	Grant provisional charter for five years.
University at Buffalo Foundation, Inc.	HE	Erie	Amend charter to revise language regarding election of trustees, term length, number of trustees and trustee vacancies.

**Appendix II**  
**REGENTS ACTIONS IN 37 PROFESSIONAL DISCIPLINE CASES**  
**AND 3 RESTORATION PETITIONS**

**February 7-8, 2011**

The Board of Regents announced disciplinary actions resulting in the revocation of 2 licenses, surrender of 4 licenses, and 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 3 restoration petitions.

**I. REVOCATIONS AND SURRENDERS**

Chiropractic

**Michael Jay Horowitz**; Otisville, NY 10963; Lic. No. 007885; Cal. No. 25285; **Found guilty of professional misconduct; Penalty:** Revocation.

Dentistry

**Joanne Susan Tobias a/k/a Joanne Baker**; Dentist; Scarsdale, NY 10583; Lic. No. 042355; Cal. No. 24945; **Application to surrender license granted. Summary:** Licensee admitted to the charge of having been convicted of Grand Larceny in the 3<sup>rd</sup> Degree and Insurance Fraud in the 3<sup>rd</sup> Degree, both felonies.

**Bruce Speiser**; Dentist; Brooklyn, NY 11201-5309; Lic. No. 040096; Cal. No. 25463; **Application to surrender license granted. Summary:** Licensee admitted to the charge of having been convicted of Grand Larceny in the 3<sup>rd</sup> Degree, a class D felony.

Nursing

**Marissa Duval**; Registered Professional Nurse; Hudson, QC JOP 1HO, Canada; Lic. No. 567271; Cal. No. 25464; **Application to surrender license granted. Summary:** Licensee did not contest charges of documenting the withdrawal and administration of medication when there was no physician's order for said medication; documenting the withdrawal and administration of double the dosage of a medication ordered by a physician; and documenting the withdrawal of a medication when there was no physician's order for said medication.

Pharmacy

**Thomas Farkas**; Pharmacist; New York, NY 10016; Lic. No. 035919; Cal. No. 25406; **Application to surrender license granted. Summary:** Licensee admitted to the charge of grossly negligent failure to comply with substantial provisions of Federal laws, rules or regulations governing the practice of pharmacy.

## Social Work

**Jason M. Weinberg a/k/a Yona Weinberg**; Licensed Master Social Worker; Brooklyn, NY 11210; Lic. No. 074545; Cal. No. 25259; **Found guilty of professional misconduct**; **Penalty**: Revocation.

## II. OTHER REGENTS DISCIPLINARY ACTIONS

### Acupuncture

**Benjamin Nazitto, III**; Snyder, NY 14226; Lic. No. 002363; Cal. No. 25066; **Application for consent order granted**; **Penalty agreed upon**: 1 year stayed suspension, 1 year probation, \$500 fine.

### Architecture

**Jensen C. Vasil**; Hoboken, NJ 07030; Lic. No. 031194; Cal. No. 25231; **Application for consent order granted**; **Penalty agreed upon**: 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$5,000 fine.

### Chiropractic

**Christopher E. Mazzo**; Paterson, NJ 07501; Lic. No. 009091; Cal. No. 25427; **Application for consent order granted**; **Penalty agreed upon**: 2 year stayed suspension, 2 years probation to commence upon return to practice in State of New York, \$500 fine.

### Dentistry

**Alex Silman**; Dentist; Marlboro, NJ 07746; Lic. No. 049524; Cal. No. 25178; **Application for consent order granted**; **Penalty agreed upon**: 18 month actual suspension, 18 month stayed suspension, 3 years probation, \$5,000 fine, 100 hours public service.

**Jeffrey Marc Etess**; Dentist; Smithtown, NY 11787; Lic. No. 047537; Cal. No. 25235; **Application for consent order granted**; **Penalty agreed upon**: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$5,000 fine.

### Nursing

**Kimberly Ann Miller**; Registered Professional Nurse; Penfield, NY 14526; Lic. No. 492421; Cal. No. 24634; **Application for consent order granted**; **Penalty agreed upon**: 2 year stayed suspension, 2 years probation, \$500 fine.

**Jacqueline A. Pajuelo**; Licensed Practical Nurse; Glen Cove, NY 11542; Lic No. 261411; Cal. No. 25192; **Found guilty of violation of probation; Penalty:** Indefinite actual suspension until substance abuse-free, alcohol abuse-free and fit to practice, upon termination of suspension, probation 2 years to commence upon actual return to practice, subsequent to at least 7 days prior notice from respondent by certified mail, submit written proof of having discharged all obligations relating to the original fine under Cal. No. 24021 within 1 year.

**Maureen Walsh-White a/k/a Maureen M. Fischer**; Licensed Practical Nurse, Registered Professional Nurse; Canastota, NY 13032; Lic. Nos. 190352, 457192; Cal. Nos. 25198, 25199; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

**Richard A. Chagnon**; Licensed Practical Nurse, Registered Professional Nurse; Albany, NY 12203; Lic. Nos. 227568, 520446; Cal. Nos. 25250, 25251; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

**Jessica J. Edstrom**; Registered Professional Nurse; Riverhead, NY 11730; Lic. No. 592712; Cal. No. 25298; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

**Marilyn Carfi**; Registered Professional Nurse; Fort Lee, NJ 07024; Lic. No. 377610; Cal. No. 25311; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$1,000 fine.

**Lisa Marie Wilson**; Licensed Practical Nurse; Rome, NY 13440; Lic. No. 237495; Cal. No. 25313; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

**Scott T. Whitcomb**; Licensed Practical Nurse, Registered Professional Nurse; Ontario, NY 14519; Lic. Nos. 243164, 510725; Cal. Nos. 25344, 25345; **Application for consent order granted; Penalty agreed upon:** 12 month actual suspension, 12 month stayed suspension, 2 years probation, \$1,000 fine.

**Andrew J. Haynes**; Registered Professional Nurse; Delevan, NY 14042; Lic. No. 516223; Cal. No. 25359; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

**Barbara Lee Figuero**; Licensed Practical Nurse; Indiantown, FL 34956; Lic. No. 134835; Cal. No. 25369; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation to commence upon return to practice in State of New York, \$500 fine payable within 2 months.

**Linda Marie Lorenz**; Licensed Practical Nurse; Riverhead, NY 11901; Lic. No. 272737; Cal. No. 25371; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation.

**David L. Rosten**; Licensed Practical Nurse, Registered Professional Nurse; Alden, NY 14004; Lic. Nos. 197391, 413129; Cal. Nos. 25382, 25383; **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.

**Walter Gerard Szpakowicz**; Registered Professional Nurse; Milford, PA 18337; Lic. No. 461343; Cal. No. 25426; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation.

**Ziada A. Wa-Dutumi-Barnes a/k/a Ziada W. Barnes**; Registered Professional Nurse; Newburgh, NY 12551; Lic. No. 566937; Cal. No. 25439; **Application for consent order granted; Penalty agreed upon:** Indefinite actual suspension until successfully participate in course of therapy and treatment and until fit to practice, upon termination of suspension, 2 years probation, \$500 fine payable within 2 months.

**Crystna Kobylecky**; Licensed Practical Nurse, Registered Professional Nurse; Washingtonville, NY 10992; Lic. Nos. 244335, 512360; Cal. Nos. 25445, 25446; **Application for consent order granted; Penalty agreed upon:** Indefinite actual suspension for no less than 1 year and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine.

#### Pharmacy

**Robert Steven Chong**; Pharmacist; Flushing, NY 11366; Lic. No. 044534; Cal. No. 24770; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 23 month stayed suspension, 24 months probation, \$1,000 fine.

**Wilfredo Aldebot**; Pharmacist; Riverdale, NY 10463; Lic. No. 039051; Cal. No. 24855; **Application for consent order granted; Penalty agreed upon:** Censure and Reprimand, \$5,000 fine payable within 60 days.

**Michele Pallotta**; Pharmacist; Schenectady, NY 12304-1905; Lic. No. 031885; Cal. No. 25372; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

## Psychology

**William Mitchell Korosh**; Staten Island, NY 10314; Lic. No. 011277; Cal. No. 24996; **Application for consent order granted; Penalty agreed upon:** 6 month actual suspension, 18 month stayed suspension, 2 years probation.

## Public Accountancy

**Irving H. Kamsler**; Certified Public Accountant; Riverdale, NY 10463; Lic. No. 030909; Cal. No. 25303; **Found guilty of professional misconduct; Penalty:** \$2,500 fine to be paid within 12 months, 24 month suspension, execution of last 21 months of suspension stayed, probation 24 months to commence subsequent to termination of 3 month actual suspension and upon actual return to practice, subsequent to at least 7 days prior notice from respondent by certified mail.

## Veterinary Medicine

**Christine Cecelia Russell**; Veterinary Technician; Manorville, NY 11949-3004; Lic. No. 003823; Cal. No. 25131; **Application for consent order granted; Penalty agreed upon:** 3 month actual suspension, 21 month stayed suspension, 2 years probation, \$500 fine.

### **III. RESTORATIONS**

The Board of Regents voted on February 8, 2011 to deny the petition for restoration of the physician license of Robert Patrick Gillis, New York, NY 10011. Dr. Gillis' license was originally surrendered February 29, 2000.

The Board of Regents voted on February 8, 2011 to deny the petition for restoration of the physician license of Crisologo L. Padilla, Brooklyn, NY 11210. Dr. Padilla's license was originally revoked September 30, 2002.

The Board of Regents voted on February 8, 2011 to stay the surrender of the pharmacist license of Michael J. Leonti, Auburn, NY 13021, upon his completion of 15 hours of continuing education and successful completion of the Multistate Pharmacy Jurisprudence Examination, and to place him on probation for one year under specified terms. Mr. Leonti's license was originally surrendered March 25, 2003.