



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 March 2012 Meeting
DATE: April 13, 2012

AUTHORIZATION(S):

John B. J. J.
Executive Summary

Issue for Decision

Review of the Summary of the March 2012 Meeting of the Board of Regents.

Proposed Handling

Approval of the Summary of March 2012 meeting.

Procedural History

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

Recommendation

Approval of the Summary of the March 2012 meeting.

Timetable for Implementation

Effective April 24, 2012.

VOTED, that the Summary of the March 2012 Meeting of the Board of Regents of The University of the State of New York be approved.



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

Held at the State Education Building

***Albany, New York
March 19 and 20, 2012***

***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, March 19, 2012 at 9:00 a.m. and Tuesday, March 20 at 11:40 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Monday, March 19 at 9:00 a.m.

Board Members in Attendance:

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

Also present were the Commissioner of Education, John B. King Jr., Executive Deputy Commissioner Valerie Grey, Counsel and Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Regent Wade S. Norwood was 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 March 20, 2012 at 11:05 a.m. to discuss personnel matters.

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

Action Item

Findings and Recommendations of the Independent Review of the Department's Test Integrity Policies and Procedures BR (A) 5

MOVED, that the Board of Regents accept and approve the summary of findings and recommendations as outlined in the attached report. (See attachments I and II)

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

Discussion Items

Partnership for Assessment of Readiness for College and Careers (PARCC) Assessment Design and Development Update and Computer-Based Testing (CBT) BR (D) 1

Kristen Huff and Doug Jaffe presented to the Board. (See attachment III)

Election of Vice Chancellor Oral

The Board met in public session to elect its Vice Chancellor for the Period April 1, 2012 through March 31, 2013. The election followed procedures adopted by the Board in February 1995.

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

Motion by: Chancellor Emeritus Robert M. Bennett
Seconded by: Regent Lester W. Young, Jr.
Action: Motion carried unanimously

Following the nomination the Board voted by voice vote.

Regent Anthony S. Bottar was elected Vice Chancellor by unanimous vote of the members of the Board, the term of office to be April 1, 2012 – March 31, 2013.

Full Board adjourned at 10:45 a.m.

MEETING OF THE FULL BOARD, Tuesday, March 20 at 11:40 a.m.

Board Members in Attendance:

Chancellor Merryl H. Tisch
Milton L. Cofield, Vice Chancellor
Anthony S. Bottar
Geraldine D. Chapey
Harry Phillips, 3rd
James R. Tallon, Jr.
Roger Tilles
Charles R. Bendit
Lester W. Young, Jr.
Christine D. Cea
Kathleen M. Cashin
James E. Cottrell

Also present were the Commissioner of Education, John B. King Jr., Executive Deputy Commissioner Valerie Grey, Counsel and Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento., Chancellor Emeritus Robert M. Bennett, and Regents James C. Dawson, Betty A. Rosa, Wade S. Norwood and James O. Jackson were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 11:40 a.m.

ACTION ITEMS

**Charter Applications for March 2012
BR (A) 1**

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

**Summary of the February 2012 Meeting of the Board of Regents
BR (A) 2**

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

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

PROGRAM AREA CONSENT ITEMS

Higher Education

Amendment to Section 100.2(o) of the Commissioner's Regulations and Addition of a New Subpart 30-2 to the Rules of the Board of Regents, Relating to Annual Professional Performance Reviews of Classroom Teachers and Building Principals BR (CA) 1

MOVED, that paragraph (1) of subdivision (o) be repealed and paragraph (2) of subdivision (o) be renumbered paragraph (1) of subdivision (o), subparagraph (ii) of renumbered paragraph (1) of subdivision (o) be amended, subclause (1) of clause (a) of subparagraph (iv) of renumbered paragraph (1) of subdivision (o) be amended, subclauses (v) through (vii) of renumbered paragraph (1) of subdivision (o) be renumbered subparagraphs (vi) through (viii) of renumbered paragraph (1) of subdivision (o) and that a new subparagraph (v) of renumbered paragraph (1) of subdivision (o) of section 100.2 of the Regulations of the Commissioner of Education be added and that a new Subpart 30-2 of the Rules of the Board of Regents be added, as submitted, effective April 4, 2012, 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 remains continuously in effect while litigation is pending and/or until the budget has been adopted and the rule can be adopted as a permanent rule.

Proposed Amendment of Section 87.5 of the Regulations of the Commissioner of Education, Relating to Due Process Procedures for Criminal History Record Checks of Prospective School Employees and Applicants for Certification BR (CA) 2

MOVED, that subparagraphs (iii), (iv) and (v) of paragraph (5) of subdivision (a) of section 87.5 of the Regulations of the Commissioner of Education be amended, as submitted, effective April 11, 2012.

P-12 Education

Petition of the Jamestown City School District for Consent to Exceed the Constitutional Debt Limit BR (CA) 4

MOVED, that the Board of Regents hereby give consent to the issuance of bonds and/or bond anticipation notes by the Board of Education of the Jamestown City School District in an amount not to exceed \$68,000,000 for capital improvements, consisting of

reconstruction and renovations, in part and construction to school buildings, grounds and facilities throughout the district and the issuance of such bonds and/or bond anticipation notes in excess of the constitutional debt limit of said school district.

**Proposed Amendment of Sections 200.4, and 200.16 of the Regulations of the
Commissioner of Education Relating to Preschool and School-Age
Individual Evaluations
BR (CA) 5**

MOVED, that paragraphs (1) and (2) of subdivision (b) of section 200.4 and paragraph (2) of subdivision (c), paragraph (1) of subdivision (e) and paragraph (1) of subdivision (f) of section 200.16 of the Regulations of the Commissioner of Education be amended, as submitted, effective April 11, 2012.

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, the proposed (re)appointments by approved.

**Regents Permission to Operate in New York State: Mansfield University
BR (CA) 7**

MOVED, that the Regents approve the proposed permission to operate effective March 20, 2012, authorizing Mansfield University to use clinical agencies in New York for clinical education of students in its Bachelor of Science in Nursing program.

**Regents Permission to Operate in New York State: University of Medicine and
Dentistry of New Jersey
BR (CA) 8**

MOVED, that the Regents approve the proposed permission to operate effective March 20, 2012, which authorizes the University of Medicine and Dentistry of New Jersey's School of Nursing to use one clinical agency in New York for clinical education of nurse-midwifery students in its M.S.N. program.

**Report of the Committee on the Professions Regarding Licensing Petitions
BR (CA) 9**

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

Motion by: Regent Anthony S. Bottar
Seconded by: Vice Chancellor Milton L. Cofield
Action: Motion carried unanimously

STANDING COMMITTEE REPORTS

P-12 EDUCATION COMMITTEE

Your P-12 Education Committee held its scheduled meeting on March 19, 2012. All members were present, except for Regent Norwood, who was excused.

ACTION ITEMS

Charter Schools

VOTED: That the Board of Regents finds that the **Syracuse Academy of Science Charter School**: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will operate in an educationally and fiscally sound manner; (3) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the Syracuse Academy of Science Charter School and that a second renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2017.

VOTED: That the Board of Regents finds that the **Buffalo Academy of Science Charter School**: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will operate in an educationally and fiscally sound manner; (3) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the Buffalo Academy of Science Charter School and that a second renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2015.

VOTED: That the Board of Regents finds that the **Western New York Maritime Charter School**: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will operate in an educationally and fiscally sound manner; (3) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight

hundred fifty of Article 56 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the Western New York Maritime Charter School and that a second renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2015. [P-12 (A) 1]

The Committee expressed appreciation for the additional information provided in the charter school renewals item this month and would like to see other public schools highlighted similarly in the future.

Revisions of New York's English Language Proficiency Standards

The Committee discussed revisions to New York's English Language Proficiency (ELP) standards by developing new frameworks, pathways and performance indicators, by English language proficiency levels, for English as a Second Language that correspond to the NYS P-12 Common Core Learning Standards; and new Native Language Arts standards for the 10 most frequently spoken languages in New York State public schools that parallel the New York State P-12 Common Core Learning Standards. The Committee recommended that parents be included on the ESL/NLA NYS Steering Committee. Following discussion, the Committee recommended that the Board of Regents direct Department staff to revise the English Language Proficiency (ELP) standards (ESL and NLA) so that they correspond to the NYS P-12 Common Core Learning Standards. Staff will present them to the Board of Regents for action in summer 2012. [P-12 (A) 2]

Dignity Act

Your Committee recommends that subdivision (c) of section 100.2 of the Regulations of the Commissioner of Education relating to instruction in civility, citizenship and character education, to implement the Dignity for All Students Act ("Dignity Act"), be amended, as submitted, effective July 1, 2012. [P-12 (A) 3]

Your Committee recommends that paragraph (2) of subdivision (l) of section 100.2 of the Regulations of the Commissioner of Education relating to codes of conduct, to implement the Dignity for All Students Act ("Dignity Act"), be amended and that section 119.6 be added, as submitted, effective July 1, 2012.

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 March 20 2012, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Proposed Revocation of Charter of Believe Southside Charter High School - A panel of three Regents comprised of Chancellor Merryll H. Tisch, Chair, Regent Lester W. Young, Jr., and Regent Kathleen M. Cashin voted unanimously to send a recommended decision to the Board of Regents for its consideration and adoption on March 20, 2012 which, among other things, would keep the Believe Southside Charter High School ("School") on probation until June 30, 2012 pursuant to a Probation Order that is currently in effect, and revoke the School's charter and certificate of incorporation (also known as the provisional charter), and dissolve the education corporation, effective July 1, 2012.

Strategic Plan for School Turnaround - The Committee was presented with an overview of the Department's Strategic Plan for School Turnaround, connecting Race to the Top, ESEA waiver, and the Regents Reform Agenda. Staff shared the six focused tenets for school district effectiveness and moving those tenets towards implementation using a diagnostic tool for school and district effectiveness. Also discussed were goals of the proposed diagnostic tool, peer review process and longitudinal study.

CTE Integrated Course Options - The Committee discussed current policy for CTE approved programs and options to include additional integrated academic credits beyond what is currently allowed. Discussion focused on the number of integrated credits currently available through approved programs, and the number that could be available to students with minimal revision to existing regulations. A phase-in plan and timeline were discussed as were the challenges that some districts face. The Committee approved the phase-in plan for integrated academic credits in approved CTE programs and directed staff to identify revisions necessary in Commissioner's Regulations and the CTE Program Approval process to ensure a level of rigor that is aligned with college and career readiness. The Committee also directed staff to come back in the spring to discuss possible pathways to include CTE as part of New York State's graduation requirements. [P-12 (D) 1]

Consent Agenda Items - The Committee discussed the following items scheduled for approval on the Full Board consent agenda:

- Proposed Amendment of Sections 200.4, and 200.16 of the Regulations of the Commissioner of Education Relating to Preschool and School-Age Individual Evaluations.
- Petition of the Jamestown City School District for Consent to Exceed the Constitutional Debt Limit.

AUDIT/BUDGET AND FINANCE

The Regents Committee on Audits/Budget and Finance met as scheduled on March 19, 2012. Vice Chair Bendit, Chancellor Tisch, Vice Chancellor Cofield, Regents Cottrell, Phillips, Tallon, Tilles, and Young were in attendance.

Chair's Remarks: Regent Chapey welcomed everyone and stressed the important role budget, finance, and auditing plays and will continue to play in the implementation of the Reform Agenda.

ITEMS FOR DISCUSSION

Budget and Legislative Update

The Committee was updated on the 2012-13 Budget. The legislature continues to move toward adoption of a budget. Both houses will participate in joint budget conference committees.

Statewide Financial System Update

The Committee was briefed on a significant change in the State's accounting system. The Statewide Financial System is being undertaken to replace its 30 year old central accounting system. Department staff have been actively involved in the implementation and as a result the Department is well positioned for the implementation of the new system. The system is expected to go live on April 1.

New York State Single Audit

Senior staff from the accounting firm of KPMG presented the Committee members with the results of the 2010-11 New York State Single Audit for the State Education Department. The Department received in excess of \$6 billion in federal funds during the audit period. The required audit examined compliance with regulations as well as the adequacy of Department controls. There were seven audit findings. The findings were described by the auditors and Department staff discussed corrective actions that have been undertaken.

Completed Audits

The Committee was presented with 13 audits this month. The audits included ten audits issued by the Office of the State Comptroller (OSC) and three by the Comptroller of the City of New York. The findings were in the areas of procurement, information technology, budgeting, financial reporting, compliance with fingerprinting requirements, Medicaid claiming, and oversight of the Tuition Assistance Program (TAP).

February 2012 Fiscal Report

Our Executive Deputy Commissioner briefed the Committee members. Two accounts that remain a concern are teacher tenure hearing and assessment. The cultural education account is now in structural balance on a current year basis; however, the account continues to carry a large accumulated deficit from prior years.

ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES)

Your ACCES Committee held its scheduled meeting on March 20, 2012. All members were present, with the exception of Chancellor Emeritus Bennett, Regent Rosa, Regent Tilles and Regent Norwood, who were excused. Additional members of the Board attending where: Chancellor Tisch, Regent Cashin, Regent Jackson, and Regent Phillips.

Matters Not Requiring Board Action

ACCES-VR Employment Outcomes and Strategies for Improvement – The Committee was provided an annual update on recent results and strategic actions to increase the number and quality of employment outcomes for individuals participating in vocational rehabilitation services. Kyle Goodridge, Co-Chair of the State Rehabilitation Council, presented on the vocational rehabilitation item and contributed his viewpoint as an employer and his ideas on how we can work closer with employers to meet their needs and increase employment outcomes for our consumers. Kyle also presented on the regulatory changes being proposed by the United States Department of Labor. (ACCES (D)1)

PROFESSIONAL PRACTICE

Your Professional Practice Committee held its scheduled meeting on March 19, 2012. All Committee members were present, except Regent Wade S. Norwood, who was excused. Chancellor Meryll H. Tisch was also present, but did not vote on any case or action.

ACTION ITEMS

Professional Discipline Cases

Your Committee recommends that the reports of the Regents Review Committees, including rulings, findings of fact, determinations as to guilt, and recommendations, by unanimous or majority vote, contained in those reports which have been distributed to you, be accepted in 6 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 19 consent order applications and 5 surrender applications be granted. [PPC EXS (A) 1-3]

These recommendations are made following the review of 30 cases involving seven licensed practical nurses, four registered professional nurses, two dentists, two architects, two certified public accountants, two licensed clinical social workers, two licensed practical nurses who are also registered professional nurses, one dental professional corporation, one physical therapist, one psychologist with two separate applications, and one registered professional nurse who is also a nurse practitioner with

a specialty area of practice in Family Health and with another specialty area of practice in Psychiatry.

Restorations

Your Committee recommends the following:

That the execution of the Order of Revocation of the physical therapist license of Richard Cowan be stayed; that he be placed on probation for a term of five years subject to various terms and conditions as 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) 4]

That the application of Shirley Lee-Perez for the restoration of her license to practice as a registered professional nurse in New York State be denied. [PPC EXS (A) 5]

That the execution of the Order of Revocation of the physician license of Hank Ross be stayed; that he be placed on probation for a period of seven years under the terms and conditions of probation set forth in Exhibit A attached to the Report of the Committee on the Professions; and that, upon successful completion of probation, his license be fully restored. [PPC EXS (A) 6]

Approvals

Your Committee recommends approval of the following items:

Waivers from Corporate Practice Restrictions for Special Education Schools and Early Intervention Agencies [PPC (A) 1] – That section 59.15 of the Regulations of the Commissioner of Education is added and section 29.18 of the Rules of the Board of Regents is amended, as submitted, effective April 11, 2012.

Implementation of a Practice Privilege in Public Accountancy [PPC (A) 2] – That subdivision (h) of section 29.10 of the Rules of the Board of Regents be repealed and a new subdivision (h) be added, that section 70.7 of the Regulations of the Commissioner of Education be repealed and a new section 70.7 be added, and that subdivision (a) and paragraph (2) of subdivision (d) of section 70.8 of the Regulations of the Commissioner of Education be amended, as submitted, effective April 11, 2012; and

That subdivision (h) of section 29.10 of the Rules of the Board of Regents be repealed and a new subdivision (h) be added, that section 70.7 of the Regulations of the Commissioner of Education be repealed and a new section 70.7 be added, and that subdivision (a) and paragraph (2) of subdivision (d) of section 70.8 of the Regulations of the Commissioner of Education be amended, as submitted, effective March 21, 2012, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the public safety and general welfare in order to

ensure that the emergency rule remains continuously in effect until the effective date of its adoption as a permanent rule.

MOTION FOR ACTION BY FULL BOARD

Your Professional Practice Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on March 19, 2012, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Your Committee discussed several topics of interest, including:

Deputy Commissioner's Report/Update [Oral] – The Deputy Commissioner reported on the following issues:

- Full Board Consent Agenda Items
 - Licensing Petitions/Conferral of Degrees [BR (CA) 9]
 - Board (Re)Appointments [BR (CA) 6]
 - Permission to Operate – authorizes the University of Medicine and Dentistry of New Jersey's School of Nursing to use one clinical agency in New York for clinical education of nurse-midwifery students in its M.S.N. program. [BR (CA) 8]
 - Permission to Operate – authorizes Mansfield University to use clinical agencies in New York for clinical education of students in its Bachelor of Science in Nursing program. [BR (CA) 7]
- Update on the Regents Advisory Workgroup on Healthcare
- Update on Development of Regulations Regarding the Standards and Procedures of the Regents Advisory Committee on Long-Term Clinical Clerkships
- Updates on OP Initiatives
 - Technology Update
 - Staffing/Productivity Update
 - Update on report to the Legislature regarding the licensure of individuals providing certain mental health services

HIGHER EDUCATION

Your Higher Education Committee held its scheduled meeting on March 20, 2012. All members were present.

Action Items

Elyon College Establishment: Associate in Science (A.S.) in Judaic Studies and an Associate in Applied Science (A.A.S.) in Accounting and Business Technology. It is

recommended that the Board of Regents approve a master plan amendment to authorize Elyon College, Brooklyn, to offer A.S. and A.A.S. programs, respectively, in Judaic Studies and in Accounting and Business Technology as its first associate degree programs in the disciplinary areas of the humanities and business. The amendment will be effective until March 2013, unless the programs are registered prior to that date, in which case master plan amendment shall be without term.

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 March 20, 2012, copies of which have been distributed to each member of the Board of Regents.

Other matters not requiring action:

Teacher Certification Performance-Based Assessment. Your Committee recommends that we formally commit to utilize, for our initial teacher certification performance assessment, a multi-state performance assessment developed by Stanford University's Center for Assessment, Learning and Equity and delivered by Pearson, instead of a NYSED/Pearson developed alternative. The Stanford assessment would meet the Board of Regents policy goals while providing several potential advantages: stronger field credibility, more defensible validity analysis, and more sustainable ongoing rigor.

Smart Scholars Update. Your Committee received an update on the progress of the Smart Scholars Early College High School (SS ECHS) Program, and the work of the SS ECHS Advisory Council. In addition to providing policy recommendations, this item will provide an update on the outcomes of the Smart Scholars Early College High Schools. In addition, the discussion will include performance data on early college high schools, and information on the faculty teaching the college courses at the early college high schools, A presentation was also heard by one of the ECHS partnerships, Schenectady Smart Schools ECHS. This SS ECHS is a partnership between Schenectady County Community College (SCCC) and Schenectady High School, which is on of the four SS ECHS partnerships that received Cohort 1 and Cohort 2 funding.

Administration of Ability-to-Benefit Tests for the Purposes of TAP. Discussion held on section 145-2.15. For students first receiving aid pursuant to section 661 of the Education Law in the 2007-2008 academic year and each academic year thereafter, students shall have a certificate of graduation from a recognized school providing secondary education from a state within the United States, or the recognized equivalent of such certificate, or receive a passing score on a (federally approved) ability-to-benefit test identified by the Board of Regents as satisfying the eligibility requirements of this section that has been independently administered and evaluated, as defined by the commissioner in subdivision (e) of this section.

Statewide Plan for Higher Education. Your Committee received an update on the progress of the Statewide Plan for Higher Education 2012-2020, including the Commissioner's Advisory Council work.

Accreditation. Your Committee discussed amending Subpart 4-1 of the Rules of the Board of Regents relating to voluntary institutional accreditation for Title IV purposes. The proposed additions will help ensure technical alignment with federal requirements for institutional accrediting agencies. The proposed amendment is expected to return to the Regents in May for action.

MOVED, that all March 2012 Committee reports be accepted.

Motion by: Regent Roger Tilles
Seconded by: Vice Chancellor Milton L. Cofield
Action: Motion carried unanimously.

**State Education Department Fiscal Report – February 2012
BR (A) 3**

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

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

**Proposed Revocation of Charter of Believe Southside Charter High School
BR (A) 7**

MOVED, that the recommended decision is adopted by the Board of Regents, that the Believe Southside Charter High School shall remain on probation until June 30, 2012 pursuant to the Probation Order; that the charter and certificate of incorporation (also known as the provisional charter) of the Believe Southside Charter High School are revoked and the education corporation is dissolved, effective July 1, 2012; that notice to such effect be given to the trustees of the charter school; that the School must notify parents of existing students of this decision; that any student records maintained by the School must be transferred to the New York City Department of Education in accordance with the provisions of Education Law §2851(2)(t), and the assets of the corporation be distributed through the procedures set forth in Education Law §220.

Motion by: Regent Harry Phillips, 3rd
Seconded by: Vice Chancellor Milton L. Cofield
Action: Motion carried unanimously

**Amendment to Section 100.2(o) of the Commissioner's Regulations
and Addition of a New Subpart 30-2 to the Rules of the Board of Regents,
Relating to Annual Professional Performance Reviews of Classroom
Teachers and Building Principals (See attachment IV)
BR (A) 6**

MOVED, that paragraph (1) of subdivision (o) be repealed and paragraph (2) of subdivision (o) be renumbered paragraph (1) of subdivision (o), subparagraph (ii) of renumbered paragraph (1) of subdivision (o) be amended, subclause (1) of clause (a) of subparagraph (iv) of renumbered paragraph (1) of subdivision (o) be amended, subparagraphs (v) through (vii) of renumbered paragraph (1) of subdivision (o) be renumbered subparagraphs (vi) through (viii) of renumbered paragraph (1) of subdivision (o) and that a new subparagraph (v) of renumbered paragraph (1) of subdivision (o) of section 100.2 of the Regulations of the Commissioner of Education be added and that a new Subpart 30-2 of the Rules of the Board of Regents be added, as submitted, effective April 4, 2012, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to immediately revise the Regents Rules and Commissioner's Regulations to conform to and implement the provisions of a Chapter of the Laws of 2012 (as proposed in S.6732/A.9554) relating to annual professional performance reviews of classroom teachers and building principals and thereby ensure that school districts and BOCES may timely implement the new annual professional performance requirements for classroom teachers and building principals in accordance with the statute, and to otherwise ensure that the emergency rule, as revised, remains continuously in effect until it can be adopted as a permanent rule.

Motion by: Regent James R. Tallon, Jr.
Seconded by: Regent James E. Cottrell
Action: Motion carried unanimously

**Appointment to the Position of Executive Secretary, State Board for Nursing
BR (A) 4**

MOVED, that the Regents approve the appointment of Suzanne Sullivan as Executive Secretary to the State Board for Nursing.

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

Transitions

Chancellor Tisch, Regent Tilles and Commissioner King spoke regarding the retirement of Rebecca Cort and her leadership and work in special education.

Chancellor Tisch spoke regarding the departure of Vice Chancellor Milton Cofield. Vice Chancellor Cofield addressed the Board for the final time as Vice Chancellor.

Vice Chancellor Milton L. Cofield adjourned the meeting at 11:35 AM.

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

Summary Table

Name of Institution	Program Area	County of Location	Description of Charter Action(s)
Amherst Museum	CE	Erie	Amend charter to change corporate name to "Buffalo Niagara Heritage Village".
Dolores Yigal Ashet Chayel Museum	CE	Broome	Consent to filing of certificate of assumed name "The United States Woman of Valor Museum".
Dyckman Farmhouse Museum Alliance	CE	New York	Amend charter to add dissolution language.
Fairview Public Library	CE	Delaware	Amend charter to: <ul style="list-style-type: none"> • Change the term of office of trustees from five to three years; • designate the Commissioner agent for service.
The Interactive Museum	CE	Orange	Extend provisional charter for five years.
JWalks: Retracing Jewish Heritage, Inc.	CE	Queens	Application for Regents consent to file an application for authority to operate as an authorized foreign education corporation under Education Law §216-a(3)(b) and the Not-for-Profit Corporation Law.
Marcellus Historical Society	CE	Onondaga	Grant absolute charter.
The Museum of American Humor	CE	New York	Grant provisional charter for five years.
Rockefeller Archive Center	CE	Westchester	Grant absolute charter.
Symbols of Tribal Spirits: The Bedford Stuyvesant Museum of African Art	CE	Kings	Grant provisional charter for five years.
The Brookwood School	P-12	Ostego	Extend provisional charter for three years.

Catholic Academy of West Buffalo	P-12	Erie	<p>Amend charter to:</p> <ul style="list-style-type: none"> • delete and replace section 3 of the charter pertaining to the composition of the board of trustees. • delete and replace section 7, item (L) of the charter pertaining to the powers of the members of the corporation; • delete and replace dissolution language to recommend the distribution of any remaining assets for the support of Catholic education for the community served by the corporation or, in the alternative for the Diocese of Buffalo; • and extend the charter for five years.
The Diabetes Health and Wellness Academy of N.Y.C.	P-12	New York	Grant provisional charter for two years and consent to filing of certificate of assumed name “Educators in Diabetes Health and Wellness”.
The Gateway Middle School	P-12	New York	Amend charter to restate corporate purposes and extend charter for three years
Greene Hill School	P-12	Kings	Extend provisional charter for three years.
The McCarton School	P-12	New York	Amend charter to change corporate address to 331 West 25 th Street, New York, New York 10020 and extend charter for three years
The Montessori School of New York	P-12	New York	Amend charter to change the corporate name to “The Montessori School of New York – International”; delete authority to operate at 777 United Nations Plaza, New York, NY, and 21 Jayson Avenue, Great Neck, NY; add authority to operate a summer school, and a toddler program for two year olds.
My First School	P-12	Nassau	Extend provisional charter for five years.

New York State Technology Education Association	P-12	Tompkins	Amend charter to change corporate name to "New York State Technology and Engineering Educators Association".
Old First Nursery School	P-12	Kings	Extend provisional charter for five years.
Pine Plains Pre School	P-12	Dutchess	Dissolve absolute charter.
Elyon College	HE	Kings	Grant provisional charter for five years.

APPENDIX II

REGENTS ACTIONS IN 30 PROFESSIONAL DISCIPLINE CASES AND 3 RESTORATION PETITIONS

March 19-20, 2012

The Board of Regents announced disciplinary actions resulting in the revocation of 3 licenses, the reconsideration of 1 license, the surrender of 4 licenses and 1 certificate, and 21 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

Architecture

Walter Orlando Devivo a/k/a Walter Devivo; Malone, NY 12953-0010; Lic. No. 022659; Cal. No. 25602; Found guilty of professional misconduct; Penalty: Revocation.

Dentistry

Sol S. Stolzenberg DMD PC; c/o Toothsavers, 57 West 57th Street, New York, NY 10019; Cal. No. 26035; Application to surrender certificate of incorporation granted, \$5,000 fine payable within 30 days. Summary: Respondent did not contest the charge of permitting, aiding or abetting a person not licensed or otherwise authorized to practice dentistry in the State of New York to examine the mouth of a patient.

Solomon Lehrhaupt; Dentist; Morrisville, PA 19067; Lic. No. 028959; Cal. No. 26050; Application to surrender license granted. Summary: Licensee did not contest the charge of having been found guilty of improper professional practice or professional misconduct in Pennsylvania.

Nursing

Nadege Polynice a/k/a Nadesh Polynice; Licensed Practical Nurse; Brooklyn, NY 11234; Lic. No. 267723; Cal. No. 25931; Found guilty of professional misconduct; Penalty: Revocation.

Teresa J. Block a/k/a Teresa J. Powers a/k/a Teresa J. Palmer; Registered Professional Nurse; Lafayette, NY 13084; Lic. No. 271325; Cal. No. 26047; Application to surrender license granted. Summary: Licensee admitted to charges of having been found guilty of improper professional practice or professional misconduct in Arizona and of having failed to disclose the Arizona discipline on her registration renewal.

Psychology

Rosemarie D. Amendolia; Corinth, NY 12822; Lic. No. 011270; Cal. No. 26015; Application for reconsideration granted; application to surrender license granted, surrender to supersede and be in lieu of Vote and Order under Cal. No. 25566. Summary: Licensee admitted to the charge of having been convicted of Petit Larceny.

Public Accountancy

Patti Tay a/k/a Patti Pi-Ching Hsu; Certified Public Accountant; Brooklyn, NY 11230; Lic. No. 079998; Cal. No. 25782; Found guilty of professional misconduct; Penalty: Revocation.

Thomas Francis Kiely; Certified Public Accountant; East Amherst, NY 14051; Lic. No. 056219; Cal. No. 26054; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Attempted Grand Larceny in the 2nd Degree and Attempted Criminal Possession of a Forged Instrument in the 2nd Degree, both felonies.

II. OTHER REGENTS DISCIPLINARY ACTIONS

Architecture

Frederick Charles Maddox; New York, NY 10018; Lic. No. 020503; Cal. No. 25683; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$5,000 fine.

Dentistry

Fernando Leon; Dentist; Bayside, NY 11360; Lic. No. 044858; Cal. No. 26056; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Nursing

Elyse Marie Mullé; Licensed Practical Nurse; Westbury, NY 11590; Lic. No. 285322; Cal. No. 25104; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Marjorie Maxine Edmonson; Licensed Practical Nurse; Cambria Heights, NY 11411; Lic. No. 237939; Cal. No. 25161; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Coral Elise Quintyne; Licensed Practical Nurse; Brooklyn, NY 11236; Lic. No. 293012; Cal. No. 25838; Found guilty of professional misconduct; Penalty: 3 years suspension,

execution of last 2 years of suspension stayed, probation 3 years to commence and run concurrently with suspension.

Caroline M. Goss; Registered Professional Nurse; Mattituck, NY 11952; Lic. No. 603863; Cal. No. 25876; Found guilty of professional misconduct; Penalty: 24 months suspension, execution of last 18 months of suspension stayed, probation 24 months to commence subsequent to termination of period of actual suspension and upon actual return to practice.

Alisia Danielle McIntyre; Licensed Practical Nurse, Registered Professional Nurse; Poughquag, NY 12570; Lic. Nos. 236377, 491215; Cal. Nos. 25899, 25898; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until successful participation in course of therapy and treatment and until fit to practice, upon termination of suspension, 2 years probation, \$500 fine payable within 2 months.

Sabrina Valerie Brewster; Licensed Practical Nurse; Queens Village, NY 11429; Lic. No. 270368; Cal. No. 25941; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$750 fine.

Christine Syx; Licensed Practical Nurse; Downingtown, PA 19335-3740; Lic. No. 299957; Cal. No. 25967; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Michelle Patricia Adams-Embrack; Licensed Practical Nurse, Registered Professional Nurse; Brooklyn, NY 11236; Lic. Nos. 270304, 584317; Cal. Nos. 25988, 25989; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 2 years probation, \$2,500 fine.

Jill L. Butler; Registered Professional Nurse, Nurse Practitioner (Family Health), Nurse Practitioner (Psychiatry); Walton, NY 13856; Lic. No. 463338, Cert. Nos. 332920, 400789; Cal. Nos. 26020, 26019, 26021; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 2 years and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine.

Lindsay Colleen Farnsworth; Licensed Practical Nurse; Newton Falls, NY 13666; Lic. No. 282756; Cal. No. 26030; 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.

Jeffrey Allen Akers; Registered Professional Nurse; Johnstown, NY 12095-1708; Lic. No. 495499; Cal. No. 26031; 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.

Katherine Eileen Pettigrew; Registered Professional Nurse; Gansvoort, NY 12831; Lic. No. 607487; Cal. No. 26045; 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.

Physical Therapy

Robert W. Verkey; Physical Therapist; Marion, NY 14505; Lic. No. 020187; Cal. No. 25990; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 2 years probation, \$1,000 fine.

Social Work

Abigail Sara List; Licensed Clinical Social Worker; New York, NY 10023; Lic. No. 051753; Cal. No. 25954; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 24 months probation, \$250 fine.

Michael R. Matthews; Licensed Clinical Social Worker; Staten Island, NY 10301; Lic. No. 016915; Cal. No. 26039; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, 1 year probation, \$3,000 fine.

III. RESTORATIONS

The Board of Regents voted on March 20, 2012 to stay the order revoking the physical therapist license of Richard Cowan and to place him on probation for a term of five years, under various terms and conditions, to include that he be required to work under supervision in an Article 28 facility or in another group setting approved by the Director of the Office of Professional Discipline, upon successful completion of which his license would be fully restored. Mr. Cowan's license was originally revoked July 6, 2005.

The Board of Regents voted on March 20, 2012 to deny the restoration of the registered professional nurse license of Shirley Lee-Perez. Ms. Lee-Perez' license was originally revoked February 12, 2002.

The Board of Regents voted on March 20, 2012 to stay the order revoking the physician license of Hank Ross, and to place him on probation for a period of seven years, under various terms and conditions, to include a provision that he work in a supervised group setting approved in advance by the Director of the Office of Professional Medical Conduct and that he only be allowed to perform ambulatory surgical procedures personally supervised by a pre-approved orthopedic surgeon, upon successful completion of which his license would be fully restored. Dr. Ross' license was originally revoked November 1, 2007.