



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 January 2012 Meeting
DATE: February 3, 2012
AUTHORIZATION(S):

Executive Summary

Issue for Decision

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

Proposed Handling

Approval of the Summary of January 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 January 2012 meeting.

Timetable for Implementation

Effective February 14, 2012.

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



SUMMARY OF THE DECEMBER MEETING

OF THE BOARD OF REGENTS

OF

THE UNIVERSITY OF THE STATE OF NEW YORK

Held at the State Education Building

Albany, New York

January 9 and 10, 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 a session on Monday, January 9, 2012 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

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

Board Members in Attendance:

Chancellor Merryl H. Tisch
Vice Chancellor Milton L. Cofield
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
Wade S. Norwood
James O. Jackson
Kathleen M. Cashin

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 James E. Cottrell 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, January 10, 2012 at 7:45 a.m. to discuss personnel and litigation matters.

Motion by: Vice Chancellor Milton L. Cofield
Seconded by: Regent Geraldine D. Chapey
Action: Motion carried unanimously

PRESENTATION

Regents Reform Agenda Update

Commissioner John B. King, Jr. presented an update to the Board.

Full Board adjourned at 9:45 a.m.

MEETING OF THE FULL BOARD, Tuesday, January 10 at 11:25 a.m.

Board Members in Attendance:

Chancellor Merryl H. Tisch
Vice Chancellor Milton L. Cofield
Anthony S. Bottar
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 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, Regent James C. Dawson and Regent Charles R. Bendit were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 11:25 a.m.

ACTION ITEMS

Charter Applications for January 2012 BR (A) 1

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

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

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

Motion by: Regent Roger Tilles
Seconded by: Regent Geraldine D. Chapey
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 February 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 on certain of its provisions until all appeals are final and it can be adopted as a permanent rule.

**Amendment to Sections 80-1.1, 80-3.3 and 80-3.7 and Addition of Section 80-5.22
of the Commissioner's Regulations to Allow Individuals with Advanced Degrees
in Science, Technology, Engineering and Mathematics (STEM) 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
BR (CA) 2**

MOVED, that paragraphs (45) through (47) of subdivision (b) of Section 80-1.1 be renumbered to paragraphs (46) through (48) and a new paragraph (45) be added; that subparagraph (i) of paragraph (2) of subdivision (a) of section 80-3.3 be amended; that section 80-3.7 be amended and a new section 80-5.22 is added to the Regulations of the Commissioner of Education, as submitted, effective February 1, 2012.

**Appointments to the State Professional Standards and Practices Board
of Teaching
BR (CA) 3**

MOVED, that the Board of Regents approve the appointment of Debra Calvino (teacher member) to the State Professional Standards and Practices Board for Teaching to complete the term for co-chair beginning January 10, 2012 and ending June 30, 2013.

P-12 Education

**Proposed Amendment of Sections 100.5, 100.6, 100.9 and 200.5 of the
Regulations of the Commissioner of Education Relating to a Skills and
Achievement Commencement Credential for Students with Severe Disabilities
BR (CA) 4**

MOVED, that subparagraph (iii) of paragraph (7) of subdivision (b) of section 100.5 and subparagraph (iii) of paragraph (5) of subdivision (a) of section 200.5 of the Regulations of the Commissioner of Education be amended, that section 100.6 be repealed and a new section 100.6 be added, and that a new subdivision (g) be added to section 100.9, as submitted, effective February 1, 2012.

**Registration of a Public School
BR (CA) 5**

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

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.

**Appointment of Adjunct Member of the Regents Review Committee
BR (CA) 8**

MOVED, that the Board of Regents appoint Michael Lozman as an Adjunct Member of the Regents Review Committee for a term to begin on January 10, 2012 and end on December 31, 2013.

**Appointment of Adjunct Member of the Regents Review Committee
BR (CA) 9**

MOVED, that the Board of Regents appoint Frank Muñoz as an Adjunct Member of the Regents Review Committee for a term to begin on January 10, 2012 and end on December 31, 2013.

**Designation of Regents Physician Shortage Areas (RPSAs)
BR (CA) 10**

MOVED, that the Regents should approve the changes in the lists of designated physician shortage areas described in Attachment 1 this item with an effective date of January 1, 2012.

**Regents Permission to Operate in New York State: Samford University
BR (CA) 11**

MOVED, that the Regents approve the proposed permission to operate, effective January 10, 2012, which authorizes Samford University's Ida V. Moffett School of Nursing to use 5 clinical agencies in New York for clinical education of students enrolled in its Family Nurse Practitioner programs leading to either the M.S.N. or D.N.P. degree.

Motion by: Regent Harry Phillips 3rd
Seconded by: Regent Geraldine D. Chapey
Action: Motion carried unanimously

STANDING COMMITTEE REPORTS

Adult Career and Continuing Education Services (ACCES)

Your ACCES Committee held its scheduled meeting on January 9, 2012. All members were present. Additional members of the Board attending where: Chancellor Tisch, Regent Bendit, Regent Bottar, Regent Cashin, Regent Cottrell, Regent Dawson, Regent Jackson, Regent Phillips, Regent Tallon, and Regent Young.

MATTERS NOT REQUIRING BOARD ACTION

The Committee was updated on the status of legislative and regulatory changes being proposed to enhance the work of the Bureau of Proprietary School Supervision (BPSS). The Department submitted a revised proposal to the Legislature in October 2011. This legislation will: expedite student assistance when a school closes; limit students' loan liability and the TRA's potential liability by distributing student loan pay-outs throughout the school year rather than at the start of the school; make permanent the procedures for working with schools that are in financial distress so that unnecessary school closures are avoided, students are protected and the viability of TRA is assured; increase fees to reflect the resource needs of the Department; increase license application fee from \$250 to \$5,000; create Candidacy Schools; allow qualified instructors to obtain a single license so that they could teach at any licensed school; and eliminate the business, trade, and computer school designation, with all schools to be known as licensed private career schools.

In addition, as a result of the bill passing: BPSS systems of operation could be fully modernized; more complaints could be investigated and completed; technical and educational assistance to licensed schools and students could be increased; there could be better data collection and management to oversee schools' performance; financial viability reviews of schools and monitoring of schools in financial distress could both be enhanced to limit the number of school closures; greater numbers of cases and investigations could be conducted to ensure quality education; the on-line licensure and discipline system could be purchased and implemented; a more streamlined complaint and discipline resolution process could be implemented; and communications with schools, instructors, and students could be enhanced.

The Department continues to advocate for the 2012 legislation discussed above and work toward upgrading our current 25-year-old computer system.

This concludes our report.

Audits/Budget and Finance

Regent Geraldine Chapey, Chair of the Regents Subcommittee on Audits submitted the following report.

Your Regents Subcommittee on Audits had its scheduled meeting on January 12, 2010. The members of the Subcommittee in attendance were Regent Chapey, Regent Cofield, and Regent Bowman. Chancellor Tisch, Chancellor Emeritus Bennett, Regents Tilles and Bendit were also in attendance.

Items for Discussion

Chair's Remarks: Regent Chapey welcomed everyone and commented on the importance of audits in providing the Board of Regents with information needed to carry out their responsibilities.

Update on ARRA Audit Activities

Audit staff briefed the Subcommittee on audit activities related to the appropriate administration of ARRA funds. The Office of Audit Services has initiated six audits of school districts and two internal audits of the Department processes related to ARRA. One of the audits of a school district has been issued as a final and one as a draft. It is anticipated that the two will be included in the material of the next Subcommittee meeting.

Presentation of Audits

Staff briefed the Subcommittee on the Office of the State Comptroller's (OSC) audit of the Buffalo City School District.

In addition, we were presented with the 32 audits this month. Thirty audits were issued by the OSC, one by the City of New York's Office of the Comptroller, and one by the Office of Audit Services (OAS). Twenty-three of the audits were of school districts, one was of the Department's administration of a higher education program, one of the New York City Department of Education, six of BOCES, and one institution of higher education.

We were briefed on the results of some of the audits including a \$4.1 million disallowance of aid to the Niagara Falls City School District.

The result of the full review of audits presented by the Department's Internal Audit Workgroup is attached.

**Regents Subcommittee on Audits
December 2009 – January 2010
Review of Audits Presented
Department's Internal Audit Workgroup**

Newly Presented Audits

We reviewed the 32 audits that are being presented to the Subcommittee this month. Thirty audits were issued by the Office of the State Comptroller (OSC), one by the City of New York's Office of the Comptroller, and one by the Office of Audit Services (OAS). Twenty-three of the audits were of school districts, one was of the Department's administration of a higher education program, one of the New York City Department of Education, six of BOCES, and one institution of higher education.

The findings were in the areas of financial reporting, procurement, information technology, payroll, cash, segregation of duties, claims processing, fingerprinting, accounting for extraclassroom activity funds, budgeting, conflict of interest and others such as employment preparation education program contact hours, Medicaid reimbursement, administration of the Higher Education Opportunity Program and compliance with Reading First spending guidelines.

The Department has issued letters to the auditees, reminding them of the requirement to submit corrective action plans to the Department and OSC within 90 days of their receipt of the audit report.

The Department's Internal Audit Workgroup identified 21 of the audits for further review or follow-up as noted below. The St. Lawrence-Lewis BOCES audit of purchasing controls found no discrepancies.

- **Fund Balance, Reserves and Budgeting Practices (Chautauqua Lake, Island Park, Jasper-Troupsburg, Maine-Endwell, Valley Stream 24, Batavia, Cattaraugus-Allegany-Erie-Wyoming BOCES, Malverne, Middle Country, Oneida-Herkimer-Madison BOCES, and Rondout Valley)**

Summary of Audits

The findings generally indicate that the districts' fund balance exceeded the statutory limit and the districts over funded some of the reserves. These reserves were not used for the intended purpose and the districts made payments out of the General Fund instead. Some of the districts also established reserves when they did not have legal authority to do so (i.e. Reserve for Other than Post Employment Benefit (OPEB)).

Follow-up Action

OAS will continue to follow-up on the corrective action plans until all significant recommendations are fully implemented or no longer applicable. OSC will also

begin a process to assess the validity of balances in the Employee Benefit Accrued Liability Reserves (EBALR). The Department will monitor legislative actions relative to fund balance and reserves. A small workgroup has been formed to evaluate the issue of fund balance limitations and the current list of districts that are exceeding such limit. The workgroup will establish a course of action.

- **Fingerprinting and Background Check (Middleburgh, Otsego Northern Catskills BOCES, and Valley Stream 30)**

Summary of Audits

The audits found instances of employees and independent contractors that did not have the required fingerprinting and criminal history background check conducted.

Follow-up Action

The audits have been referred to the Office of School Personnel Review and Accountability (OSPRA) for follow up and to make the districts aware of responsibilities related to criminal history background checks.

- **Medicaid Reimbursement (Canandaigua and Jasper-Troupsburg)**

Summary of Audits

The findings indicate that the districts did not receive hundreds of thousands of dollars in Medicaid reimbursement due to lack of policies and procedures identifying appropriate responsibilities in the claiming and reimbursement process.

Follow-up Action

OAS will review the corrective action plans to ensure all recommendations are implemented.

- **Board Member Fiscal Oversight Training (Jasper-Troupsburg and Rondout Valley)**

Summary of Audits

Audit findings indicate that some board members have not taken any of the required fiscal oversight training, despite holding the position for a number of years.

Follow-up Action

The Office of Counsel is reviewing the audit findings to assess the need for action.

- **Niagara Falls City School District**

Summary of Audit

The District over-reported the allowable contact hours to the Department resulting in \$4,167,602 in excess Employment Preparation Education (EPE) Aid payment. The District's EPE program claimed contact hours for ineligible students, failed to maintain necessary documentation, and employed uncertified teachers.

Follow-up Action

Staff from OAS will contact the State Aid unit to confirm that a payment plan has been established.

- **Roosevelt Union Free School District**

Summary of Audit

The District encumbered 90 percent of unexpended personal service cost appropriations and 83 percent of other than personal service appropriations as of September 30, 2009. However, the District continues to over-expend various budget line codes and, in the first quarter, has over-expended budget codes by a significantly larger amount than in the previous fiscal year. District employees also processed three budget transfers, totaling \$2.8 million, without board approval.

Follow-up Action

Staff from the Office of Education - P-12 will contact the District to follow-up and ask for the corrective action plan.

- **Franklin-Essex-Hamilton BOCES**

Summary of Audit

Six administrative staff members received compensation not authorized by the board. In addition, administrative staff did not use BOCES vehicles and cellular phones according to policies and procedures. Leave time was not credited or used in accordance with terms of employment contracts or collective bargaining agreements. BOCES also withheld payment to a retired administrator in 2007 in order to circumvent the law which limits the amount a retired public employee can earn.

Follow-up Action

Staff from the Office of Education - P-12 will discuss the findings with the District Superintendent.

- **Higher Education Opportunity Program (HEOP) Follow-up**

Summary of Audit

The Department made little progress in correcting problems identified by the prior audit. Only one out of four recommendations has been implemented. The Department still has to: implement the recommendation regarding the follow-up with Long Island University-Brooklyn to comply with HEOP recordkeeping guidelines; use a risk-based approach during site visits to examine the schools' accounting records; and publish the HEOP annual report on time.

Follow-up Action

OAS will follow-up with the program office on the status of these recommendations.

- **Payroll Overpayments (Batavia and Middle Country)**

Summary of Audits

The findings indicate that employees and former employees received compensation and separation payments they were not entitled to, insufficiently documented, or not provided for by their collective bargaining agreement.

Follow-up Action

OAS will review the corrective action plans to ensure all recommendations are implemented.

- **Malverne Union Free School District**

Summary of Audit

The District paid the treasurer \$19,350 as an independent contractor although Statute and regulation clearly indicate that a school officer could not be an independent contractor.

Follow-up Action

OAS will review the corrective action plan to ensure all recommendations are implemented.

- **Schenectady City School District**

Summary of Audit

The former head utility worker received over \$50,000 in overtime compensation for facilities and energy management duties; however, documentation was inadequate to support all the overtime hours paid.

The District hired an internal auditor a year after the requirement under the accountability legislation took effect. In addition, the internal auditor has been late in providing the District with the result of risk assessment.

Follow-up Action

OAS will review the corrective action plan to ensure all recommendations are implemented.

- **Syracuse City School District**

Summary of Audit

The District's accounts receivable records are unreliable and at one point (December 2, 2008), was overstated by at least \$1.24 million or 40 percent. The District also has a School Account (from fundraising and donations) which had about \$107,000 as of June 30, 2008. This account was controlled by the principal and other staff members. The District had no authority to set up this account.

Follow-up Action

Staff from the Office of Education - P-12 and OAS will contact the chief fiscal officer of the District to follow-up on the findings.

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 January 10, 2012.

In attendance were committee members: Regents Tilles, Dawson, Rosa, Cea, Jackson, Cottrell Absent was Regent Bendit.

In addition to CE Committee Members, in attendance were: Chancellor Tisch, Regents Phillips, Chapey and Norwood; Commissioner King and Executive Deputy Commissioner Grey.

ITEMS FOR DISCUSSION

Chair's Remarks: Regent Tilles welcomed everyone and opened the meeting. Regent Tilles asked members of the audience, who included many OCE staff, to introduce themselves.

Deputy Commissioner Jeffrey Cannell introduced the item for discussion today:

CE (A) 1 – Museum Advisory Committee

To activate, pursuant to Regents Rules 3.12(a)(4) an advisory committee on museums to provide the board with advice and consultation on issues of policy and service delivery pursuant to the Board's statutory mandate to operate the State Museum and oversee museums across New York State.

Motion by: Regent Rosa
Seconded by: Regent Dawson
Approved by unanimous vote

Regent Tilles and Regent Dawson reported briefly on a meeting with OCE staff involved in research to gather information on issues and challenges faced by the staff.

Regent Tilles highlighted and congratulated the work of staff on the recent exhibits in the State Capitol and the Concourse that were part of the Governor's State of the State message.

The meeting concluded with a brief presentation on a major exhibit on the Civil War that will open in September 2012. The presentation was made by Mark Schaming, Director of Exhibits, Public Programs and Education at the State Museum.

Higher Education

Your Higher Education Committee held its scheduled meeting on January 10, 2012. All members were present except Chancellor Emeritus Bennett and Regent Bendit.

Action Items

Phillips Beth Israel School of Nursing. Phillips Beth Israel School of Nursing (New York City) applied for institutional accreditation by the Board of Regents and the Commissioner of Education. Based on the findings of a peer site visit team, the School's response to the site visit, and the recommendation of the Regents Advisory Council on Institutional Accreditation, your Committee recommends the Board accredit Phillips Beth Israel School of Nursing for five years without conditions.

Discussion Items: Items not requiring Board action

Amendment to Part 87. Your Committee discussed the proposed amendment to section 87.5 of the Regulations of the Commissioner of Education to eliminate oral argument in appeals by prospective school employees of clearance denials resulting from criminal history record checks.

Institutional Accreditation. Your Committee discussed the US Department of Education's renewal of the recognition of the Regents as an institutional accreditation agency. Your Committee recommends we move forward with the application process. Our petition is due by June 4, 2012.

Legislative Update. Your committee received an update on legislative priorities.

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 January 10, 2012, copies of which have been distributed to each Regents.

P-12 Education

Your P-12 Education Committee held its scheduled meeting on January 9, 2012. All members were present.

ACTION ITEMS

Charter Schools

Your Committee recommends that the Board of Regents finds that the proposed charter school (Global Concepts 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 Global Concepts 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, 2016.

[P-12 (A) 1]

Update on New York State's Next Generation Accountability System

Your Committee recommends that the Board of Regents directs the Commissioner of Education and the State Education Department to issue for public comment a draft ESEA Waiver Application based upon the materials provided to the Board of Regents at its November 2011, December 2011 and January 2012 meetings. The Committee discussed the following recommendations: that the growth to proficiency trajectory be three years rather than four; that for determination of Focus School designation, New York City be analyzed based on a community school district performance; that the gap reduction computation for Safe Harbor remain a 10% closure target; and that for transfer high schools that may be considered for Priority designation, New York will compare the combined performance indexes generated through use of the regular and transfer high school cohort definitions. The January 2012 draft waiver application will be released for public comment on or about January 17. A final draft will be brought back to the Committee for action in February. [P-12 (A) 2]

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 January 10, 2012, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Dignity for All Students Act

The Committee discussed proposed amendments to regulations that would require school district and BOCES codes of conduct to include provisions to comply with the Dignity for All Students Act. Specifically included in the proposed amendments are provisions prohibiting discrimination and harassment against any student by employees or students on school property or at a school function and provisions for responding to such acts of discrimination or harassment; a bill of rights and responsibilities of students focusing on positive student behavior and a safe and supportive school climate; and guidelines and programs for in-service education programs for all district staff members.

Following a public comment period, the proposed amendments will be presented to the Committee for action in March. [P-12 (D) 1]

The Committee also discussed proposed amendments to regulations to revise provisions relating to courses of instruction in civility, citizenship and character education to ensure compliance with the Dignity for All Students Act. The proposed amendment does not apply to charter schools. Following a public comment period, the proposed amendments will be presented to the Committee for action in March. [P-12 (D) 2]

The Committee was referred to the Department's online guidance that relates to bullying and cyberbullying. While cyberbullying is not included in either of the proposed amendments, school districts can include provisions in their codes of conduct. See http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.pdf for the Department's guidance document.

Special Education Impartial Hearings – The Committee discussed proposed amendments to regulations to ensure that impartial hearings are conducted in an efficient and expeditious manner and in accordance with federal regulations governing the timeline requirements to conduct these hearings. The proposed rule addresses the following procedural issues: certification and appointment of IHOs; consolidation of multiple due process requests for the same student; prehearing conferences; withdrawals of requests for due process hearings; extensions to the timelines for an impartial hearing decision; and a timeline to render a decision. Following a public comment period, the proposed amendments will be presented to the Committee for action in April. [P-12 (D) 3]

Potential Revisions of High School Graduation Requirements to Provide Safety Net Options for Students with Disabilities – the Committee discussed recommendations for the establishment of new safety net diploma requirements. Discussion focused on several options for consideration by the Regents including the provision of alternatives within the existing safety net to students scoring at least 55 on all five of the currently

required Regents exams; and allowing students to substitute courses aligned with the Career Development and Occupational Studies (CDOS) Standards and/or integrated/specialized career and technical education courses or other courses that prepare the student to achieve his/her postsecondary goals for currently required courses and credits. The Committee endorsed the convening of a workgroup to develop recommendations for a revised graduation safety net for students with disabilities. [P-12 (D) 4]

Testing Integrity Update – the Committee was given an update on issues relating to testing integrity. Special Investigator Hank Greenberg has completed interviews with Department staff and will present his findings and recommendations to the Committee in February.

Legislative Update – The Committee was given an update on P-12 related legislative proposals for Mandate Relief and Flexibility; BOR Intervention in Chronically Underperforming Schools, BOCES as Regional Leaders and the Dreamers Act.

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

Registration of Alternative High School in the Buffalo City School District.
Proposed amendments to regulations to replace the current IEP diploma with a Skills and Achievement Commencement Credential for students with severe disabilities who have taken the NYS Alternative Assessment.

Professional Practice

Your Professional Practice Committee held its scheduled meeting on January 9, 2012. All Committee members were present. Chancellor Merryl H. Tisch, Regent James C. Dawson and Regent James R. Tallon were also present, but did not vote on any case or action. Regent Geraldine Chapey was not present to vote on the CPA Regulations [PPC (A) 1].

ACTION ITEMS

Professional Discipline Cases

Your Committee recommends that the reports of the Regents Review Committees, including rulings, findings of fact, determinations as to guilt, and recommendations, by unanimous or majority vote, contained in those reports which have been distributed to you, be accepted in 3 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 24 consent order applications and 2 surrender applications be granted. [PPC (EXS) 1-3]

In the case of Shreekant Mauskar, Dentist, Calendar No. 25429, we recommend that the recommendation of the Regents Review Committee as to the penalty to be imposed

be clarified and that respondent's two year period of probation shall commence both subsequent to respondent serving the first six months of the period of suspension (the period of actual suspension of licensure) and upon respondent's actual return to practice as a dentist in the State of New York, as to which respondent shall inform the New York State Education Department as specified by the Regents Review Committee, and such penalty be accepted in all other respects.

In the case of Jason Kelsey MacLaughlin, Optometrist, Calendar No. 25706, we recommend that the recommendation of the Regents Review Committee as to the penalty to be imposed be clarified and that respondent's two year period of probation shall commence both subsequent to respondent serving the first two months of the period of suspension (the period of actual suspension of licensure) and upon respondent's actual return to practice as an optometrist in the State of New York, as to which respondent shall inform the New York State Education Department as specified by the Regents Review Committee, and such penalty be accepted in all other respects.

These recommendations are made following the review of 29 cases involving seven licensed practical nurses, five dentists, four registered professional nurses, two certified public accountants, one chiropractor, one licensed clinical social worker, one licensed practical nurse who is also a registered professional nurse, one optometrist, one pharmacist, one physical therapist, one professional engineer, one psychologist, one respiratory therapist, and one veterinarian.

Restorations

Your Committee recommends the following:

That the Board of Regents deny the application of Amir Borzouye for restoration of his license to practice as a physician in the State of New York. [PPC (EXS) 4]

That the Board of Regents deny the application of Joseph S. Reisman for restoration of his license to practice as a certified public accountant in the State of New York. [PPC (EXS) 5].

That the Board of Regents grant the application for restoration of Dr. Itai Rozovsky's license to practice as a physician in the State of New York, that his license be restored and that he be placed on probation for two years under the terms of probation attached to the Report of the Committee on the Professions. [PPC (EXS) 6]

Approvals

Your Committee recommends approval of the following items:

Regulations Relating to Public Accountancy [PPC (A) 1] – 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 January 15, 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 maintain in effect the rules and regulations implementing chapter 456 of the Laws of 2011, which became effective on November 15, 2011, during the required public comment period relating to revisions made to the regulations previously adopted.

Healthcare Reform Initiatives [PPC (A) 2] – That the Board of Regents approve the establishment of a Regents Advisory Workgroup on Healthcare to be constituted and to operate as described in the January 6, 2012 memo from Douglas E. Lentivech to the Professional Practice Committee [PPC (A) 2].

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 January 10, 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 –

1. Technology Update
2. Staffing/Productivity Update
3. Updates on OP Initiatives
4. Full Board Consent Agenda Items:
5. Licensing Petitions and Conferral of Degrees
6. Board (Re)Appointments
7. RRC Appointments (Frank Muñoz and Michael Lozman)
8. Physician Shortage Areas Designation Changes
9. Authorization of Stamford University's Ida V. Moffett School of Nursing to use 5 clinical agencies in New York for clinical education of students enrolled in its Family Nurse Practitioner programs leading to either the M.S.N. or D.N.P. degree.

Regulations Relating to Corporate Practice Waivers for 4410 Schools and Early Intervention Agencies [PPC (D) 1] – Regulations will implement a 2011 law relating to the issuance of waivers to permit preschool special education providers and early intervention agencies to provide certain professional services.

Motion by: Regent Harry Phillips, 3rd
Seconded by: Regent Anthony S. Bottar
Action: Motion carried unanimously.

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

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

Motion by: Vice Chancellor Milton L. Cofield
Seconded by: Regent Harry Phillips, 3rd
Action: Motion carried unanimously
**Appointment of Assistant Commissioner for the Office of Higher Education
BR (CA) 4**

MOVED, that the Board of Regents approve the appointment of Stephanie Wood-Garnett to the position of Assistant Commissioner for the Office of Higher Education effective February 13, 2012.

Motion by: Regent James R. Tallon, Jr.
Seconded by: Regent Roger Tilles
Action: Motion carried unanimously

Chancellor Merryl H. Tisch adjourned the meeting at 12:10 PM.

Appendix I
NEW YORK STATE BOARD OF REGENTS CHARTER ACTIONS

Name of Institution	Program Area	County of Location	Description of Charter Action(s)
American Light and Tower	CE	Monroe	Extend provisional charter for two years.
City Island Historical Society	CE	Bronx	Grant absolute charter.
Genesee Warbirds	CE	Genesee	Extend provisional charter for five years.
The Haverstraw Brick Museum	CE	Rockland	Grant absolute charter.
The Hale Historical Research Foundation	CE	Essex	Grant a Regents certificate of incorporation.
International Print Center of New York	CE	New York	Grant absolute charter.
The Museum of African American History	CE	New York	Extend provisional charter for five years.
Oppenheim Historical Society	CE	Fulton	Extend provisional charter for five years.
The Roscoe O&W Railway Museum	CE	Sullivan	Extend provisional charter for five years.

Museum of Chinese in the Americas	CE	New York	Amend charter to change the corporate name to "Museum of Chinese in America" and grant an absolute charter.
Tromp town Historical Society	CE	Madison	Grant absolute charter.
Anderson Center for Autism	P-12	Dutchess	Consent to filing of certificate of assumed name "Anderson Center Consulting".
Bais Yaakov, Faigeh Schonberger, of Adas Yereim	P-12	Kings	Amend charter to add authority to operate day care center for children ages one to three and extend charter for three years.
Buffalo Academy of Sacred Heart	P-12	Erie	Amend charter to change the corporate name to "Buffalo Academy of the Sacred Heart" and to change location to Town of Amherst, County of Erie, New York.
Little Scholars Learning Academy	P-12	Tompkins	Grant provisional charter for three years.
The Montessori School of New York	P-12	New York	Amend charter to add IRS tax language.
St. Luke's School	P-12	New York	Grant absolute charter in the first instance.
Lebanese American University	HE	New York	Amend charter to authorize corporation to operate postsecondary degree programs registered by NYSED and to confer degrees approved and authorized by the Board of Regents in connection with such programs.

Appendix II

REGENTS ACTIONS IN 29 PROFESSIONAL DISCIPLINE CASES AND 3 RESTORATION PETITIONS

January 9-10, 2012

The Board of Regents announced disciplinary actions resulting in the surrender of 2 licenses as well as 27 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. SURRENDERS

Nursing

Michael P. Allen; Licensed Practical Nurse; Malone, NY 12953-0010; Lic. No. 200913; Cal. No. 26010; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Attempted Arson in the 3rd Degree.

Psychology

Alisa R. Kasachkoff; New York, NY 10128; Lic. No. 006499; Cal. No. 26002; Application to surrender license granted. Summary: Licensee could not successfully defend the charge of knowingly submitting false claims for payment to the New York State Medical Assistance Program.

II. OTHER REGENTS DISCIPLINARY ACTIONS

Chiropractic

Paul David Ravener; Glen Cove, NY 11542; Lic. No. 003502; Cal. No. 24505; Found guilty of professional misconduct; Penalty: 24 month suspension, execution of last 18 months of suspension stayed, probation 24 months to commence upon service of the Order and run concurrent with suspension.

Dentistry

Scott Bruce Amer; Dentist; Hewlett, NY 11557; Lic. No. 035525; Cal. No. 24719; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation, \$7,500 fine.

Shreekant Mauskar; Dentist; Latham, NY 12110; Lic. No. 045092; Cal. No. 25429; Found guilty of professional misconduct; Penalty: 2 year suspension, execution of last 18 months of suspension stayed, probation 2 years to commence subsequent to termination of suspension and upon actual return to practice.

Tracey Lee Ambrister; Dentist; Westbury, NY 11590; Lic. No. 048023; Cal. No. 25927; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$1,000 fine.

Philip Yi-Pu Kuo; Dentist; Smithtown, NY 11787; Lic. No. 045754; Cal. No. 25867; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$10,000 fine.

Elliott Silverman; Dentist; Linwood, NJ 08221; Lic. No. 043750; Cal. No. 25971; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation to commence upon return to practice in State of New York, \$500 fine payable within 3 months.

Engineering and Land Surveying

Shawn M. Bray; Professional Engineer; Churchville, NY 14428; Lic. No. 071383; Cal. No. 25963; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Nursing

Elizabeth Lacey Roberts; Licensed Practical Nurse; Olean, NY 14760; Lic. No. 290363; Cal. No. 25670; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Karen R. Conklin a/k/a Karen C. Wilbanks a/k/a Karen Ruth Morais; Licensed Practical Nurse; Spencerport, NY 14559; Lic. No. 131338; Cal. No. 25724; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 11 month stayed suspension, 1 year probation to commence upon return to practice, \$500 fine.

Billie Jo Timmerman; Licensed Practical Nurse; Walworth, NY 14568; Lic. No. 262288; Cal. No. 25731; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Andre Williams; Licensed Practical Nurse; Newark, NJ 07103; Lic. No. 259517; Cal. No. 25846; Application for consent order granted; Penalty agreed upon: Annulment of licensed practical nurse license.

Eileen C. Fox; Registered Professional Nurse; Bronx, NY 10464; Lic. No. 292795; Cal. No. 25886; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Jessica L. Burger; Registered Professional Nurse; Hannibal, NY 13074; Lic. No. 592389; Cal. No. 25894; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Scott P. Broderick; Registered Professional Nurse; Plattsburgh, NY 12901; Lic. No. 492664; Cal. No. 25937; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Eileen E. Philipps; Licensed Practical Nurse, Registered Professional Nurse; Lake Carmel, NY 10512; Lic. Nos. 229532, 458364; Cal. Nos. 25940, 25939; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Amy M. Cole; Licensed Practical Nurse; Buffalo, NY 14215; Lic. No. 108410; Cal. No. 25942; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Rebecca L. Ferguson; Registered Professional Nurse; Rochester, NY 14615; Lic. No. 567488; Cal. 25943; 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 12 months.

Lisa G. Sousie; Licensed Practical Nurse; Troy, NY 12182-2311; Lic. No. 285821; Cal. No. 25949; Application for consent order granted; Penalty agreed upon: 9 month actual suspension, 15 month stayed suspension, 2 years probation, \$500 fine.

Optometry

Jason Kelsey MacLaughlin; Clarence Center, NY 14032; Lic. No. 006542; Cal. No. 25706; Found guilty of professional misconduct; Penalty: 2 year suspension, execution of last 22 months of suspension stayed, probation 2 years to commence subsequent to termination of suspension and upon actual return to practice.

Pharmacy

Marina Mavromatis; Pharmacist; Whitestone, NY 11357; Lic. No. 047187; Cal. No. 25968; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$1,000 fine.

Physical Therapy

John Michael Henry; Physical Therapist; Port Jefferson, NY 11777; Lic. No. 022487; Cal. No. 25887; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation.

Public Accountancy

Pincus Lieberman; Certified Public Accountant; Wyckoff, NJ 07481; Lic. (Cert.) No. 021202; Cal. No. 25842; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, 1 year probation, \$2,500 fine.

Joseph Gabriel Mayo; Certified Public Accountant; Holly Hill, NY 32117; Lic. No. 058774; Cal. No. 25910; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$1,000 fine.

Respiratory Therapy

Anthony William Zirino; Respiratory Therapist; Staten Island, NY 10314-6204; Lic. No. 006596; Cal. No. 25751; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$1,000 fine.

Social Work

Steven B. Hauptman; Licensed Clinical Social Worker; Rocky Point, NY 11778; Lic. No. 049411; Cal. No. 25911; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$1,500 fine.

Veterinary Medicine

Kendra Ellen Stauffer; Veterinarian; Hawthorne, FL 32640-9242; Lic. No. 008268; Cal. No. 25970; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, 1 year probation to commence upon return to practice in State of New York, \$500 fine payable within 3 months.

III. RESTORATIONS

The Board of Regents voted on January 10, 2012 to deny the petition for restoration of the physician license of Amir Borzouye. Dr. Borzouye's license was originally revoked January 6, 1998.

The Board of Regents voted on January 10, 2012 to deny the petition for restoration of the certified public account license of Joseph S. Reisman. Mr. Reisman's license was originally surrendered July 10, 1990.

The Board of Regents voted on January 10, 2012 to restore the physician license of Itai Rozovsky, and to place him on probation for two years, under specified terms and conditions. Dr. Rozovsky's license was originally revoked April 2, 2001.