



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents
FROM: Tony Lofrumento *Anthony Lofrumento Jr*
SUBJECT: Summary of the February 2015 Meeting
DATE: March 9, 2015
AUTHORIZATION(S): *Elizabeth R Berlin*

Executive Summary

Issue for Decision

Review of the Summary of the February 2015 Meeting of the Board of Regents.

Proposed Handling

Approval of the Summary of February 2015 meeting.

Procedural History

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

Recommendation

Approval of the Summary of the February 2015 meeting.

Timetable for Implementation

Effective March 17, 2015.

VOTED, that the Summary of the February 2015 Meeting of the Board of Regents of The University of the State of New York be approved.



**SUMMARY OF THE FEBRUARY 2015 MEETING
OF THE BOARD OF REGENTS
OF
THE UNIVERSITY OF THE STATE OF NEW YORK**

Held at the State Education Building

***Albany, New York
February 9 and 10, 2015***

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

THE BOARD OF REGENTS

The Board of Regents of The University of the State of New York held a public session on Monday, February 9, 2015 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

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

Board Members in Attendance:

Merryl H. Tisch, Chancellor
Robert M. Bennett, Chancellor Emeritus
James C. Dawson
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
Kathleen M. Cashin
Josephine Victoria Finn

Also present were the Acting Commissioner of Education, Elizabeth Berlin, Counsel, Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Vice Chancellor Anthony S. Bottar and Regents James E. Cottrell and T. Andrew Brown were absent and excused.

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

ACTION ITEM

Executive Session Motions

MOVED, that the Board of Regents convene in executive session on Tuesday, February 10, 2015 at 10:45 a.m. to discuss personnel matters.

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

ACTION ITEM

**ESEA Renewal Application
BR (A) 4**

Deputy Commissioner Cosimo Tangorra and Ira Schwartz led a presentation on ESEA Waiver Renewal request (Attachment I).

The Board of Regents directed the Acting Commissioner of Education and the State Education Department to issue for public comment a draft ESEA Waiver Renewal request, with related amendments, based upon the materials provided to the Board of Regents at its December 2014 meeting and the PowerPoint presentation given at the February 2015 meeting.

Chancellor Merryl H. Tisch adjourned the meeting.

MEETING OF THE FULL BOARD, Tuesday, February 10th at 11:00 a.m.

Board Members in Attendance:

Merryl H. Tisch, Chancellor
Anthony S. Bottar, Vice Chancellor
Robert M. Bennett, Chancellor Emeritus
James C. Dawson
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
Kathleen M. Cashin
Josephine Victoria Finn

Also present were the Acting Commissioner of Education, Elizabeth Berlin, Counsel, Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Regents James E. Cottrell and T. Andrew Brown were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 11:00 a.m.

ACTION ITEMS

**Charter Applications
BR (A) 1**

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

**Summary of the January 2015 Meeting of the Board of Regents
BR (A) 2**

MOVED, that the Summary of the January 2015 Meeting of the Board of Regents of The University of the State of New York be approved.

Motion by: Regent Harry Phillips, 3rd
Seconded by: Regent Roger Tilles
Action: Motion carried unanimously.

PROGRAM AREA CONSENT ITEMS

P-12 Education

Proposed Amendment of Section 100.2(y) of the Commissioner's Regulations Relating to Student Enrollment BR (CA) 1

MOVED, that subdivision (y) of section 100.2 of the Regulations of the Commissioner is amended as submitted, effective March 16, 2015, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to ensure that the emergency rule adopted at the December 2014 Regents meeting remains continuously in effect until the proposed rule can be presented for adoption and take effect as a permanent rule.

Proposed Amendment of §100.5(g)(1)(ii)(a) of the Commissioner's Regulations Relating to the Transition to the Common Core Regents Examination in Algebra I BR (CA) 2

MOVED, that clause (a) of subparagraph (ii) of paragraph (1) of subdivision (g) of section 100.5 of the Regulations of the Commissioner is amended as submitted, effective February 25, 2015; and it is further

MOVED, that clause (a) of subparagraph (ii) of paragraph (1) of subdivision (g) of section 100.5 of the Regulations of the Commissioner is amended as submitted, effective February 14, 2015, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that the emergency rule adopted at the November 2014 Regents meeting, and revised and readopted as an emergency rule at the December 2014 Regents meeting, remains continuously in effect until the effective date of its adoption as a permanent rule.

Higher Education

Adoption of Proposed Amendments to Sections 80-3.6, 100.2(dd) and 154-2.3(k) of the Regulations of the Commissioner of Education Relating to Professional Development in Language Acquisition to Address the Needs of English Language Learners BR (CA) 3

MOVED, The Board of Regents approved the amendments to sections 80-3.6, 100.2(dd) and 154-2.3(k) of the Regulations of the Commissioner of Education relating to professional development in language acquisition addressing the needs of English Language Learners (ELL).

Professional Practice

Report of the Committee on the Professions Regarding Licensing Petitions BR (CA) 4

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

(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) 5

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

Regents Permission to Operate in New York State: The University of Connecticut BR (CA) 6

MOVED, that the Regents approve the proposed permission to operate, effective February 10, 2015, which authorizes the University of Connecticut to use clinical agencies in New York to provide clinical education for a total of five students enrolled in the Neonatal Nurse Practitioner program leading to the M.S. degree or the D.N.P. degree.

Proposed Amendment to Section 29.2 of the Rules of the Board of Regents and Sections 52.44, 52.45, 59.14 and Subparts 79-17 and 79-18 of the Regulations of the Commissioner of Education Relating to the Licensure of Behavior Analysts and Certification of Behavior Analyst Assistants BR (CA) 7

MOVED, that subdivisions (a) and (b) of section 29.2 of the Rules of the Board of Regents and paragraph (1) of subdivision (a) of section 59.14 of the Regulations of the Commissioner of Education be amended and sections 52.44 and 52.45 and Subparts 79-17, and 79-18 of the Regulations of the Commissioner of Education be added, as submitted, effective March 16, 2015, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare to ensure that the emergency rule adopted at the December 15-16, 2014 Regents meeting remains continuously in effect until the effective date of its permanent adoption.

ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES)

Appointments to the New York State Independent Living Council, Inc. BR (CA) 8

MOVED, that that Joseph Bravo be appointed for a three-year term beginning January 1, 2015 and ending December 31, 2017.

MOVED, that Jose Gonzalez be appointed for a three-year term beginning January 1, 2015 and ending December 31, 2017.

MOVED, that Lindsay Miller be appointed for a three-year term beginning January 1, 2015 and ending December 31, 2017.

MOVED, that Suzanne Peters be appointed for a three-year term beginning January 1, 2015 and ending December 31, 2017.

MOVED, that Melba Torres be appointed for a three-year term beginning January 1, 2015 and ending December 31, 2017.

MOVED, that George Hoehmann be appointed for a three-year term beginning January 1, 2015 and ending December 31, 2017.

MOVED, Helen Fang, Robert Gumson, Julie Cardone, Luis Gutierrez, Sue Hoger, Maura Kelley, and Sue Ruff be reappointed for a second three-year term beginning January 1, 2015 and ending December 31, 2017.

MOVED, that Henry Nixon, Jr., be reappointed for a three-year term beginning January 1, 2015 and ending December 31, 2017.

Motion by: Regent Roger Tilles
Seconded by: Regent Harry Phillips, 3rd
Action: Motion carried.

STANDING COMMITTEE REPORTS

ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES)

Your ACCES Committee held its scheduled meeting on February 9, 2015. All members were present, with the exception of Chancellor Emeritus Bennett and Regent Tilles, who were excused. Additional members included Regent Finn, Regent Phillips, and Regent Tallon.

Matters not Requiring Board Action

The Impact of the New Workforce Innovation Opportunity Act on Adult Education and Vocational Rehabilitation (ACCES (D) 1) – the Committee was provided information on the Workforce Innovation and Opportunity Act (WIOA) that was signed into law in July, 2014. WIOA requires states to align their workforce development programs, which include amending two core programs administered by the State Education Department:

the Adult Education and Family Literacy Act (Title II of WIOA) and the Rehabilitation Act of 1973 (Title IV of WIOA). WIOA also requires each state to develop and submit a single, unified strategic plan submitted for approval by the Governor and State Workforce Development Board for all core programs, including vocational rehabilitation and adult education, starting in July 2016. To meet these new requirements, the recommendation is for ACCES staff to analyze the changes required in procurement procedures to meet WIOA guidelines; explore options for addressing expanded transition services; and work closely with NYS Department of Labor to establish five joint work groups, each with ACCES-VR and Adult Education representation, to analyze and recommend approaches to WIOA implementation and explore the dedication of up to 2 percent funding to support WIOA transition planning in meeting all of the new requirements.

ACCES-VR Strategic Plan Final Recommendations (ACCES (D) 3) – the Committee was presented with the final recommendations from the ACCES-VR Strategic Plan. ACCES-VR initiated a strategic planning process to identify recommendations which would enhance and improve employment outcomes for individuals with disabilities. Six priority areas were identified: service delivery; communication; partnerships and alliances; operations and fiscal management; human resources and accountability; and technology. Teams were formed to address each priority area and, after completing a full analysis of their area, each team developed recommendations that were presented to ACCES-VR staff. ACCES plans to implement each team’s recommendations to increase ACCES-VR’s effectiveness as an agency and result in moving toward its vision that all individuals with disabilities who want to work will have the opportunity to achieve employment and independence.

First Year Implementation of the new High School Equivalency Exam (ACCES (D) 4) – the Committee was provided an update on the new national High School Equivalency exam, the Test Assessing Secondary Completion™ (TASC) since it was first administered in January, 2014. In the first few months of 2014, only 2,000 individuals took the TASC. However, the rate of testing increased by the third quarter and by the end of the year there were 24,442 individuals who took one or more subtests of the TASC. The TASC Test’s annual calendar will end in March 2015, at which point CTB/McGraw-Hill will release final test participation and pass rates for the TASC. Although final numbers are not yet tabulated, preliminary data indicates that of the 22,598 New Yorkers who took all five subtests in 2014, 11,281 passed all five and received their HSE Diploma for an estimated 2014 New York State passing rate of 49.92%. In addition, NYSED’s policy to allow grandfathered GED® scores has added an additional 1,876 HSE Diplomas. The TASC 2014 pass rate is largely consistent with historic pass rates for examinees who took the GED® in New York State.

Amendment of Section 100.8 of the Regulations of the Commissioner of Education Relating to Local High School Equivalency Diplomas based upon Experimental Programs (ACCES (D) 2) – the Committee discussed proposed amendments to extend the authority of boards of education to issue local high school equivalency diplomas based upon experimental programs from June 30, 2015 to June 30, 2017. This two-

year extension is recommended to ensure that all current NEDP students in the approximately 22 program sites across the state are provided with an opportunity to complete their programs and earn a local high school equivalency diploma. In addition, the Committee asked that ACCES and P-12 staff consider how the NEDP informed local high school equivalency diploma might align with the CDOS credential to provide Special Education students a diploma pathway.

AUDITS/BUDGET AND FINANCE

The Regents Committee on Audits/Budget and Finance met yesterday, as scheduled. Regents Dawson, Tilles, Phillips, Bendit and Tallon were in attendance.

Items Discussed

Completed Audits

The Internal Audit Workgroup reviewed the fourteen audits that are being presented to the Committee this month. All audits were issued by the Office of the State Comptroller (OSC). Ten audits were of special education services providers, three were school districts, and one of a university.

The findings were in the areas of noncompliance with Department's Reimbursable Cost Manual, management of district resources, budgeting, procurement, and tuition assistance program.

Executive Budget Overview and 2015 Fiscal Report

Our Chief Financial Officer provided the Members with an overview of the Executive Budget. The fiscal report for January was also presented. Extensive spending controls continue for all funds. General Fund spending reflects the amounts appropriated in the 2014-15 enacted budget. General Fund accounts are in structural balance. Special Revenue accounts are all in structural balance on a current year basis and the accumulated negative balance in the Cultural Education Account is being increased by approximately \$500,000.

CULTURAL EDUCATION

Regent Roger Tilles, Chair of the Cultural Education Committee, submitted the following written report. Your Committee on Cultural Education Committee had its scheduled meeting on February 9, 2015.

In attendance were committee members: Regents Tilles, Dawson, Cea and Bendit. Absent: Regents Rosa, Cottrell and Brown. In addition to CE Committee Members, in

attendance were Regents Tallon, Phillips and Norwood as well as Acting Commissioner Elizabeth Berlin.

Items for Discussion

Chair's Remarks: Regent Tilles welcomed everyone and opened the meeting. Deputy Commissioner Jeffrey Cannell introduced Acting State Archivist Thomas Ruller who reported on a recent grant to the State Archives for the conservation and digitization of documents from the Hudson Valley region during the British Colonial period. The documents will be conserved and digitized and then made available via the Archives online services.

Amendment to Commissioner's Regulations 230.2

Thomas Ruller, Director of Operations for Cultural Education, presented the proposed Amendment to Commissioner's Regulations 230.2 to the committee for the New York State Board of Regents' approval. The proposed amendment relates to requirements governing the availability of Cultural Education Center facilities for general public and private use. There was no discussion of the proposed amendment. Mr. Ruller noted that the proposed regulatory change will come before the committee for a formal vote in April.

Appointment of Two Members to the Regents Advisory Council on Museums

Mark Schaming, Director of the New York State Museum, requested the Committee approve the appointments of and terms for two members to the Regents Advisory Council on Museums as presented.

- Kate Bennett, President of the Rochester Museum and Science Center, be reappointed to a five-year term. Her term ends on September 30, 2020.
- Suzanne LeBlanc of the Long Island Children's Museum be appointed to a five-year term. Ms. LeBlanc will replace Beth E. Levinthal. Her term ends September 30, 2020.

Motion to approve both nominations: Regent Dawson
Second to the motion: Regent Cea
Unanimously approved.

State Museum – Year of Collecting

John Hart, Director of Research and Collections and Jennifer Lemak, Senior Historian provided an overview of materials added to the Museum's collections during 2014.

Investigating the Effects of Climate Change in New York: Analyzing Modern and Fossil Mammals Information

Dr. Robert S. Feranec, Curator of Mammals and Pleistocene Vertebrate Paleontology, discussed his current research investigating how large mammals first assembled within New York's ecosystems after the last Ice Age. He also discussed another of his research projects, which involves high school and college students, that seeks to determine what the effects of climate change in the past 100 years have been on small mammals in the State.

HIGHER EDUCATION

Your Higher Education Committee held its scheduled meeting on February 10, 2015

Action Items

Approval of Distance Education Across State Lines: State Authorization Reciprocity Agreement (SARA). Your Committee recommends that the Board of Regents approve the Department moving forward with legislative language to be included in the package of Departmental legislative proposals being submitted for consideration by the Legislature.

Proposed Amendments to Section 80-1.6 of the Regulations of the Commissioner of Education to Extend the Time Validity of an Expired Initial, Transitional and/or Conditional Initial Certificate for Up to One Additional Year If a Candidate Took One of the Revised Content Specialty Tests (CSTs) Required and Did Not Receive a Score During a Timeframe Prescribed by the Commissioner. Your Committee recommends that subdivision (c) of section 80-1.6 of the Regulations of the Commissioner of Education be amended, as submitted, effective February 10, 2015, for the preservation of the general welfare in order to ensure that teachers, who have taken one of the revised CSTs administered on or after September 2014 that is required for their certificate title but have not received a score from the Department on their revised CST, receive a time extension of up to one year on their expired certificate to ensure that they do not lose their certification and/or employment. It is anticipated that the proposed amendment will be adopted by the Board of Regents as a permanent rule at its April 2015 meeting. If adopted at the April 2015 meeting, the proposed amendment will become effective April 29, 2015.

Renewal of Institutional Accreditation: Institute of Design and Construction. Your Committee recommends that the Board of Regents deny accreditation of the Institute of Design and Construction.

Motion for Action by Full Board

Madam Chancellor and Colleagues: Your Higher Education Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on February 10, 2015, copies of which have been distributed to each member of the Board of Regents.

Other matters not requiring action:

Change to Federal Regulations Regarding Teacher Preparation Programs. Your Committee reviewed new regulations proposed by the federal government regarding teacher preparation programs. The U.S. Department of Education (USDE) has proposed new teacher preparation accountability regulations under Title II of the Higher

Education Act (HEA).¹ These regulations would require institutions of higher education (IHEs) with teacher preparation programs to report data on their website using a revised Institutional Report Card (IRC) format. The proposed regulations would require states to post a more detailed State Report Card (SRC) on the performance of teacher preparation programs, as well as potential corrective actions for low-performing or at-risk programs. These proposed regulations would also require states to establish specific indicators that would be used to assess and report on the quality of teacher preparation programs under the Title II reporting system.

Update on Higher Education Faculty Development Agreements. Your Committee received an update on the Year 2 achievements of the Higher Education Faculty Development Program Memoranda of Understanding with SUNY, CUNY and the respective single-source agreement with the Commission on Independent Colleges and Universities (clcu). Related projects and sustainable resources created with Race to the Top funds through the Faculty Development Program projects were highlighted.

P-12 EDUCATION

Your P-12 Education Committee held its scheduled meeting on February 9, 2015. All members were present.

Action Items

Graduation Requirements for English Language Learners [P-12 (A) 1]

Your Committee recommends that paragraph (7) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education be amended as submitted, effective February 10, 2015 upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to immediately extend the ability to graduate with a Local Diploma via appeal to qualifying English Language Learner (ELL) students who satisfy all other graduation requirements (including those who satisfy such requirements via available alternative pathways) in January 2015 or thereafter, so that school districts and such students are given sufficient notice to prepare for and timely implement such graduation pathway in the 2014-15 school year.

School Use of Epinephrine Auto-Injectors [P-12 (A) 2]

Your Committee recommends that section 136.6 of the Regulations of the Commissioner is added, as submitted, effective February 27, 2015, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to immediately establish standards for the provision, maintenance and administration of epinephrine auto-injectors pursuant to Education

¹ United States of America. USDE. *Federal Register 34 CFR, Parts 612 and 686 Teacher Preparation Issues; Proposed Rules*. Washington, DC: GPO, 2014. Web. <http://ifap.ed.gov/fregisters/attachments/FR120314.pdf>.

Law section 921, as added by Chapter 424 of the Laws of 2014, and thus ensure the timely implementation of the statute on its effective date.

Renewal Decisions for Charter Schools Authorized by the Board of Regents [P-12 (A) 3]

Your Committee recommends that the Board of Regents finds that, the **Bronx Charter School for the Arts**: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the Bronx Charter School for the Arts and that a renewal charter be issued, and that is provisional charter be extended for a term up through and including June 30, 2020.

Your Committee recommends 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) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the Buffalo Academy of Science Charter School and that a renewal charter be issued, and that is provisional charter be extended for a term up through and including June 30, 2020.

Your Committee recommends that the Board of Regents finds that, the **West Buffalo Charter School**: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the West Buffalo Charter School and that a renewal charter be issued, and that is provisional charter be extended for a term up through and including June 30, 2020.

Your Committee recommends 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) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound

manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the Western New York Maritime Charter School and that a renewal charter be issued, and that is provisional charter be extended for a term up through and including June 30, 2020.

New York City Department of Education Charter School Revisions

Brownsville Ascend Charter School [P-12 (A) 4]

Your Committee recommends that the Board of Regents finds that the proposed revised charter: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will permit the charter school to 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 above listed charter revision as proposed by Chancellor of the NYCDOE and the provisional charter for the Brownsville Ascend Charter School is amended accordingly.

Future Leaders Institute Charter School [P-12 (A) 5]

Your Committee recommends that the Board of Regents finds that the proposed revised charter: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will permit the charter school to 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 above listed charter revision as proposed by Chancellor of the NYCDOE and the provisional charter for the Future Leaders Institute Charter School is amended accordingly.

St. Hope Leadership Academy Charter School [P-12 (A) 6]

Your Committee recommends that the Board of Regents finds that the proposed revised charter: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will permit the charter school to 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 above listed charter revision as proposed

by Chancellor of the NYCDOE and the provisional charter for the St. Hope Leadership Academy Charter School is amended accordingly.

Brooklyn Ascend Charter School [P-12 (A) 7]

Your Committee recommends that the Board of Regents finds that the proposed revised charter: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will permit the charter school to 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 above listed charter revision as proposed by Chancellor of the NYCDOE and the provisional charter for the Brooklyn Ascend Charter School is amended accordingly.

Explore Charter School and Explore Empower Charter School [P-12 (A) 8]

Your Committee recommends that the Board of Regents finds that the proposed revised charter: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will permit the charter school to 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 above listed charter revision as proposed by Chancellor of the NYCDOE and the provisional charter for the Explore Charter School is amended accordingly.

Harlem Children's Zone Promise Academy Charter School [P-12 (A) 9]

Your Committee recommends that the Board of Regents finds that the proposed revised charter: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will permit the charter school to 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 above listed charter revision as proposed by Chancellor of the NYCDOE and the provisional charter for the Harlem Children's Zone Promise Academy Charter School is amended accordingly.

Charter Renewal Recommendations for Six Charters Authorized by the Chancellor of the New York City Department of Education [P-12 (A) 10]

Your Committee recommends that the Board of Regents finds that the proposed charter school: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will operate in an educationally and fiscally sound manner; (3) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves and issues the renewal charter of the **Staten Island Community Charter School** as proposed by the Chancellor of the New York City Department of Education, and that its provisional charter be extended for a term up through and including June 30, 2016.

Your Committee recommends that the Board of Regents finds that the proposed charter school: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will operate in an educationally and fiscally sound manner; (3) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves and issues the renewal charter of the **Cultural Arts Academy Charter School at Spring Creek** as proposed by the Chancellor of the New York City Department of Education, and that its provisional charter be extended for a term up through and including June 30, 2017.

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

Your Committee recommends that the Board of Regents finds that the proposed charter school: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will operate in an educationally and fiscally sound manner; (3) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves and issues the renewal charter of the **Achievement First Crown Heights Charter School** as proposed by the Chancellor of the New York

City Department of Education, and that its provisional charter with the current maximum enrollment be extended for a term up through and including June 30, 2018.

Your Committee recommends that the Board of Regents finds that the proposed charter school: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will operate in an educationally and fiscally sound manner; (3) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves and issues the renewal charter of the **Achievement First East New York Charter School** as proposed by the Chancellor of the New York City Department of Education, and that its provisional charter be extended for a term up through and including June 30, 2019.

Your Committee recommends that the Board of Regents finds that the proposed charter school: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will operate in an educationally and fiscally sound manner; (3) is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves and issues the renewal charter of the **Harlem Children's Zone Promise Academy II Charter School** as proposed by the Chancellor of the New York City Department of Education, and that its provisional charter be extended for a term up through and including June 30, 2019.

A motion was made amending the renewal dates of the three Buffalo charter schools to June 30, 2020. The motion was approved, but was opposed by Regents Tallon and Rosa. A final motion was then made to approve the amended Buffalo charter schools as well as the remaining thirteen recommendations as presented. The motion was approved, but was opposed by Regent Tilles.

Motion for Action by Full Board

Madam Chancellor and Colleagues: Your P-12 Education Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on February 10, 2015, copies of which have been distributed to each Regent.

Matters not Requiring Board Action

School Turnaround Office Overview – the Committee was presented with an update on the work of the School Turnaround Office. For the last three years, School Turnaround Office (STO), housed in the Office of School Innovation, has overseen \$437 million in grant funding to 190 schools in 55 school districts around the state. In addition to

awarding grants directed at transforming low-performing district schools, STO also offers several grants for high-performing schools to support the replication and dissemination of their best practices. STO's Performance Management system in place to monitor all of the STO grants has revealed challenges facing struggling schools in New York, has an elevated focus on accountability and student performance data, and has helped generate promising outcomes.

Consent Agenda

The Board of Regents will take action on the following consent agenda items at their February 10, 2015 meeting.

- Regulations relating to Transition to the Common Core Regents Examination in Algebra Regulations relating to the Duration of Competition rule, and
- Regulations relating to Student Enrollment.

P-12 EDUCATION/ADULT CAREER AND CONTINUING EDUCATION (ACCES)/CULTURAL EDUCATION JOINT COMMITTEE

Your P-12 Education Committee, Adult Career and Continuing Education Services Committee (ACCES) and Cultural Education Committee held a joint meeting on February 9, 2015. All members were present, except for Regents Brown and Cottrell, who were excused.

Matters Not Requiring Board Action

Assistive Technology for Students with Disabilities [P-12/ACCES/CE (D) 1] – The Committees received information on assistive technology devices and services that provide necessary supports for individuals with disabilities to facilitate success and independence in academic, social, communication and occupational activities. The Committees were joined by the following panel members who provided insight on the needs/concerns and the importance of state-of-the-art assistive technology.

Tamara Mariotti - Past-President of the New York State Disability Services Council (NYSDSC) and co-chair, with Regent Cea, of the New York State Advisory Council on Postsecondary Access, Support and Success for Students with Disabilities. Tamara is the ADA/504 Coordinator as well as the Coordinator for Disability Services at Mohawk Valley Community College (MVCC). She privately consults with local school districts and agencies providing assistive technology evaluations. She also provides consultant services to residents with visual, hearing and physical disabilities at the Masonic Care Community to improve access through assistive technology and computers.

Matthew Donato – a freshman at Mohawk Valley Community College majoring in Liberal Arts & Sciences: General Studies. Matt was diagnosed with dyslexia as a child, which is a learning disability characterized by reading and writing difficulties. Matt described

how difficult it was getting through high school with a learning disability and how certain assistive technology has made his transition to college easier and more fulfilling.

Two additional panel members were unable to attend due to bad weather conditions.

Staff identified next steps including the identification of issues impacting the availability of assistive technology; increasing awareness of existing services; conducting a statewide survey; enhancing existing technical assistance and support resources; updating policy guidance for schools; and supporting the purchase of assistive technology with Smart Schools Bond Act Funds.

PROFESSIONAL PRACTICE

Your Professional Practice Committee held its scheduled meeting on February 10, 2015. All committee members were present, except for Regent James E. Cottrell who was excused. Chancellor Merryl H. Tisch, Regent James C. Dawson, Regent Kathleen M. Cashin and Regent James R. Tallon, Jr. were also present, but did not vote on any case or action.

Action Items

Professional Discipline Cases

Your Committee recommends that the reports of the Regents Review Committees, including rulings, findings of fact, determinations as to guilt, and recommendations, by unanimous or majority vote, contained in those reports which have been distributed to you, be accepted in six cases and be clarified in two of those cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 42 consent order applications and 11 surrender applications be granted. [PPC EXS (A) 1-3]

In the Matter of James C. Kent, Physical Therapist Assistant, Cal. No. 26488, we recommend that the Regents Review Committee report, hearing panel report, and Statement of Charges in this matter each be deemed to show that the correct title of respondent's profession is "Physical Therapist Assistant", not "Physical Therapy Assistant"; and that the third paragraph of the first page of the Regents Review Committee report be deemed deleted and, in lieu thereof, be deemed substituted to read as follows:

The hearing panel report and all attachments are hereby corrected so that any reference to "physical therapy assistant" or "licensed physical therapy assistant" is amended to "physical therapist assistant" and "certified physical therapist assistant", respectively; any reference to "license" or "licensure" regarding respondent's professional title is amended to "certificate" and "certification", respectively; and the word "petition" in paragraph "5" on the last page of the Regents Review Committee

report be deemed amended and the words "Statement of Charges" be deemed substituted in lieu thereof.

In the cases of Marina U. Shimuny, Dentist, Calendar No. 27438 and Marina U. Shimuny, Registered Professional Nurse, Calendar No. 27439, we recommend that the respective reports of the Regents Review Committee each be clarified to explain when the period of probation is to be served and to read, immediately following the words "that execution of the last eighteen months of said suspension be stayed, and that, upon service of the order in this matter," and in substitution for the remainder of this sentence beginning with the words "and therefore concurrent with both the actual and stayed portions of the suspension," "respondent be placed on probation for two years under the terms of probation set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit B, which period of probation will run concurrently with the period of suspension imposed and therefore commence when the actual period of suspension commences."

These recommendations are made following the review of 59 cases involving fifteen licensed practical nurses, eleven registered professional nurses, four certified public accountants, three dentists, three licensed practical nurses who are also registered professional nurses, three pharmacists, two physical therapists, two respiratory therapists, one architect, one chiropractor, one land surveyor, one licensed master social worker who is also a licensed clinical social worker, one massage therapist, one physical therapist assistant, one psychologist, one respiratory therapy technician who is also a respiratory therapist, one speech-language pathologist, one veterinarian, and one veterinary technician.

Restorations

Your Committee recommends the following:

That the application of Benjamin J. Salloum for the restoration of his license to practice as a chiropractor in the State of New York be denied. [PPC EXS (A) 4]

Motion for Action by Full Board

Madam Chancellor and Colleagues: Your Professional Practice Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on February 10, 2015, 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 Report] –

1. Full Board Consent Agenda Items

1. Board (Re)Appointments
 2. Licensing Petitions
 3. Permission to Operate – University of Connecticut
 4. Emergency Action - Applied Behavior Analysis
2. Updates on OP Initiatives
 1. Technology Update
 2. Legislation Update
 3. Staffing/Productivity Update

Regulations Relating to Continuing Education for Optometrists [PPC (D) 1] – Proposed amendment to section 66.6 of the Regulations of the Commissioner of Education relating to the continuing education requirements for optometrists certified to use therapeutic pharmaceutical agents. The proposed amendment provides such optometrists with more flexibility in satisfying their continuing education requirements by expanding the list of methods of study that the Department will consider acceptable for continuing education purposes. [PPC (D) 1]

Regulations Relating to the Practice of Medical Physics [PPC (D) 2] – Proposed amendments to Section 52.31 and Subparts 79-8.5 and 79-8.6 of the Regulations of the Commissioner of Education Relating to the Requirements for Medical Physics Education Programs and Eligibility for a Limited Permit in a Specialty Area of Medical Physics. [PPC (D) 2]

MOVED, that the Committee Reports be approved.

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

**State Education Department January 2015 Fiscal Report
BR (A) 3**

MOVED, that the Board accepts the January 2015 State Education Department Fiscal Report as presented.

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

ACTION ITEM

**Acceptance of a \$250,000 Grant from the Tiger Foundation
BR (A) 5**

MOVED, that the Board of Regents accept the sum of \$250,000 from the Tiger Foundation to support the work of the USNY Regents Research Fellowship Program.

Motion by: Regent James C. Dawson
Seconded by: Regent James R. Tallon, Jr.
Action: Motion carried unanimously

Chancellor Merryl H. Tisch adjourned the meeting.

Appendix I
NEW YORK STATE BOARD OF REGENTS CHARTER ACTIONS

Name of Institution	Program Area	County of Location	Description of Charter Action(s)
Marshall Historical Society	CE	Oneida	Grant an absolute charter.
The Museum of Modern Art	CE	New York	Amend charter to increase the maximum number of trustees to fifty.
New York State Eagles Museum	CE	Tompkins	Extend provisional charter for five years.
Parrish Art Museum	CE	Suffolk	Amend charter to change the corporate address
Salmon River Visitor's Center and International Sport Fishing Museum	CE	Oswego	Extend provisional charter for five years.
Universal Hip Hop Museum	CE	Kings	Grant provisional charter for five years.
Globaissance Learning Oasis for Building Engagement	P12	Saratoga	Grant provisional charter for three years.
Practising Law Institute	HE	New York	Amend charter to change the corporate address and revise the corporate purposes.
Rudolf Steiner Institute	HE	Rockland	Dissolve certificate of incorporation and approval to distribute assets to The Triskeles Foundation.

Appendix II
REGENTS ACTIONS IN 61 PROFESSIONAL DISCIPLINE CASES

February 9 - 10, 2015

The Board of Regents announced disciplinary actions resulting in the surrender of 11 licenses, and 48 other disciplinary actions. The penalty indicated for each case relates solely to the misconduct set forth in that particular case. In addition, the Board acted upon 1 restoration petition.

I. SURRENDERS

Chiropractic

Danette Stefanelli; Roseland, NJ 07068; Lic. No. 008653; Cal. No. 27969; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Conspiracy to Commit Health Care Fraud, a class C felony.

Nursing

Willie G. Reid; Registered Professional Nurse; Youngstown, OH 44505; Lic. No. 524940; Cal. No. 27866; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Possession of Child Pornography.

Samilyn Olson; Registered Professional Nurse; Jamestown, NY 14701; Lic. No. 436996; Cal. No. 27874; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Conspiracy to Possess with Intent to Distribute and Distribution of Oxycodone.

Joyce Ampomaah Opoku; Licensed Practical Nurse; New Windsor, NY 12553-7120; Lic. No. 299371; Cal. No. 27880; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Willful Violation of Health Laws, a misdemeanor.

Michael Thomas Benson; Registered Professional Nurse; Grass Valley, CA 95945; Lic. No. 519267; Cal. No. 27892; Application to surrender license granted. Summary: Licensee did not contest the charge of having been found guilty of gross negligence by the California Board of Registered Nursing for not charting the administration of narcotics for two patients, which, if committed in New York, would constitute gross negligence on a particular occasion.

Molly D. Mills a/k/a Molly Mills; Licensed Practical Nurse; Lawrence, NY 11559-1644; Lic. No. 272224; Cal. No. 27927; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Public Lewdness, a class B misdemeanor.

Sheryl Lee Coons a/k/a Sheryl Muto; Registered Professional Nurse; Lake Ariel, PA 18436; Lic. No. 408629; Cal. No. 27932; Application to surrender license granted. Summary: Licensee did not contest the charge of having been convicted of Forgery in the 2nd Degree.

Lori Jean O'Brian; Registered Professional Nurse; Alburg, VT 05440-9770; Lic. No. 568315; Cal. No. 27952; Application to surrender license granted. Summary: Licensee admitted to the charge of having been found guilty of professional misconduct in the State of Vermont, which conduct would be considered practicing the profession of nursing with incompetence on more than one occasion if committed in New York State.

Leila Marie Mulla; Registered Professional Nurse; St. Gabriel, LA 70776; Lic. No. 576852; Cal. No. 27992; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Manslaughter and Armed Robbery in the State of Louisiana.

Pharmacy

Jordan S. Gonzalez; Pharmacist; New York, NY 10032; Lic. No. 055480; Cal. No. 27727; Application to surrender license granted. Summary: Licensee admitted to allegations of knowingly attempting to develop, produce and possess toxins, as defined by Title 18, United States Code, section 178(2), for use as a weapon, and knowingly and intentionally possessing a three-neck round-bottom flask intending that it would be used to manufacture a controlled substance, contrary to Title 21, United States Code, section 841(a)(1).

Psychology

Rachel Leilani Kiehle; Albany, NY 12210; Lic. No. 015438; Cal. No. 27536; Application to surrender license granted. Summary: Licensee did not contest charges of billing for sessions with no therapeutic purpose, moral unfitness in the practice and verbal intimidation of a patient.

II. OTHER REGENTS DISCIPLINARY ACTIONS

Architecture

John Michael Manasseri; Oswego, NY 13126; Lic. No. 025640; Cal. No. 27361; Application for consent order granted; Penalty agreed upon: 1 year actual suspension with leave to apply after service of first 3 months for a stay of execution of any unserved portion thereof, upon service of Order, 2 years probation, \$500 fine.

Dentistry

Marina U. Shimuny; Dentist; Flushing, NY 11366; Lic. No. 051646; Cal. No. 27438; Found guilty of professional misconduct; Penalty: 2 year suspension, execution of last 18 months of suspension stayed, probation 2 years to run concurrently with period of suspension.

Elzbieta B. Gapinski; Dentist; Yonkers, NY 10704; Lic. No. 044785; Cal. No. 27695; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Robert Lloyd Gordon; Dentist; East Granby, CT 06026; Lic. No. 029754; Cal. No. 27842; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation to commence upon return to practice in the State of New York, \$1,000 fine payable within 90 days.

Engineering and Land Surveying

Alphonse Pesce, Jr.; Land Surveyor; Holbrook, NY 11741-1207; Lic. No. 048365; Cal. No. 27677; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, thereafter, 2 years probation, \$5,000 fine.

Massage Therapy

Brent Gregory Carbino; Colton, NY 13625; Lic. No. 018731; Cal. No. 27764; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Nursing

Kim Marie Quickel a/k/a Kim M. Quickel; Licensed Practical Nurse; Mamaroneck, NY 10543; Lic. No. 218935; Cal. No. 27231; Found guilty of professional misconduct; Penalty: 2 year suspension, execution of suspension, upon service of Order, probation 2 years.

Jennifer Lynn Johnson; Licensed Practical Nurse; Kanona, NY 14856; Lic. No. 289923; Cal. No. 27306; Found guilty of professional misconduct; Penalty: \$500 fine, suspension for a minimum of 1 month and thereafter indefinitely until alcohol abuse-free and until fit to practice, probation 2 years to commence subsequent to termination of indefinite suspension and upon actual return to practice.

Marina U. Shimuny; Registered Professional Nurse; Flushing, NY 11366; Lic. No. 522669; Cal. No. 27439; Found guilty of professional misconduct; Penalty: 2 year suspension, execution of last 18 months of suspension stayed, probation 2 years to run concurrently with period of suspension.

Tammy Beth Wojtach a/k/a Tammy B. Wojtach a/k/a Tamara Beth Wojtach; Licensed Practical Nurse; Selden, NY 11784; Lic. No. 266473; Cal. No. 27558; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 24 months probation, \$500 fine.

Michael A. Sherlock; Registered Professional Nurse; Farmingdale, NY 11735; Lic. No. 337170; Cal. No. 27590; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation.

Carole Elaine Persse; Licensed Practical Nurse; Baldwinsville, NY 13027; Lic. No. 238453; Cal. No. 27627; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months.

Barbara Ann Facticeau; Licensed Practical Nurse; Ballston Spa, NY 12020; Lic. No. 173870; Cal. No. 27640; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Mary Northrip; Registered Professional Nurse; Blairstown, NJ 07825; Lic. No. 533920; Cal. No. 27643; Application for consent order granted; Penalty agreed upon: 24 month stayed suspension, 2 years probation, \$2,500 fine.

Michael Brian Bertie; Registered Professional Nurse; Bronx, NY 10463; Lic. No. 599988; Cal. No. 27663; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, 1 year probation.

Hillary Marie Konsuit; Licensed Practical Nurse; Endicott, NY 13760-4996; Lic. No. 310716; Cal. No. 27669; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Patricia M. McGarry; Licensed Practical Nurse, Registered Professional Nurse; Nanuet, NY 10954; Lic. Nos. 274509, 548035; Cal. Nos. 27675, 27674; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 24 months probation, \$1,000 fine.

April Berrus; Licensed Practical Nurse; Lowville, NY 13367; Lic. No. 311655; Cal. No. 27682; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Loretta Jean O'Connor; Licensed Practical Nurse; Lowville, NY 13367; Lic. No. 257735; Cal. No. 27683; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Hope R. Ives; Licensed Practical Nurse, Registered Professional Nurse; Bainbridge, NY 13733-3218; Lic. Nos. 261472, 560906; Cal. Nos. 27703, 27702; Application for

consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Esther K. Akeem; Licensed Practical Nurse; Rochester, NY 14624; Lic. No. 267152; Cal. No. 27722; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation, \$250 fine.

Jennifer Ann Moses; Licensed Practical Nurse; Kenmore, NY 14127; Lic. No. 226947; Cal. No. 27734; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months.

Deborah Carr; Registered Professional Nurse; San Diego, CA 92104-1294; Lic. No. 498858; Cal. No. 27749; Application for consent order granted; Penalty agreed upon: 24 month stayed suspension, 24 months probation to commence upon return to practice in the State of New York.

Sharon L. McNinch; Licensed Practical Nurse; Cortland, NY 13045; Lic. No. 259046; Cal. No. 27753; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months.

Grace Oyinlola Ayorinde; Licensed Practical Nurse; Bronx, NY 10455; Lic. No. 220159; Cal. No. 27760; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 2 years probation.

Robert M. Peterson; Licensed Practical Nurse; Buffalo, NY 14214; Lic. No. 296319; Cal. No. 27763; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Shellyann Marie Folkes a/k/a Shellyann M. Folkes; Licensed Practical Nurse, Registered Professional Nurse; Saint Albans, NY 11412-2127; Lic. Nos. 286901, 630499; Cal. Nos. 27782, 27783; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation.

Pharmacy

Brenda Schierhorst Papile; Pharmacist; Glenwood Landing, NY 11547; Lic. No. 034528; Cal. No. 26419; Application for consent order granted; Penalty agreed upon: 2 year actual suspension with leave to apply for early termination after service of at least 2 months, upon termination of actual suspension, 2 years probation to commence if and when return to practice.

Brandon Matthew Cigana; Pharmacist; Whitehall, NY 12887; Lic. No. 054424; Cal. No. 27733; Application for consent order granted; Penalty agreed upon: Indefinite actual

suspension until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months.

Physical Therapy

Hany M. Mekhael; Physical Therapist; Staten Island, NY 10309; Lic. No. 015968; Cal. No. 27660; Application for consent order granted; Penalty agreed upon: 6 month actual suspension, 18 month stayed suspension, 2 years probation.

David Nonyelum Momah; Physical Therapist; Bronxville, NY 10708; Lic. No. 013295; Cal. No. 27841; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation, \$2,000 fine.

Public Accountancy

Adam Robert Greene; Certified Public Accountant; Melville, NY 11747; Lic. No. 075590; Cal. No. 27099; Application for consent order granted; Penalty agreed upon: 18 month actual suspension, 3 years probation upon service of Order, \$10,000 fine.

Wai-Fong Lee; Certified Public Accountant; New York, NY 10123; Lic. No. 075644; Cal. No. 27245; Found guilty of professional misconduct; Penalty: 24 month suspension, execution of last 21 months of suspension stayed.

Joseph Frank Sofo; Certified Public Accountant; Roslyn Heights, NY 11577-1101; Lic. No. 055603; Cal. No. 27571; Application for consent order granted; Penalty agreed upon: Partial actual suspension in certain area for no less than 6 months and until successful completion of coursework in said certain area, upon termination of partial actual suspension, 2 years probation, \$7,500 fine payable within 2 months.

Steven Neil Epstein; Certified Public Accountant; New York, NY 10028; Lic. No. 064877; Cal. No. 27646; Application for consent order granted; Penalty agreed upon: Partial actual suspension in certain area until successful completion of coursework in said certain area, upon termination of partial actual suspension, 2 years probation, \$2,500 fine payable within 5 months.

Respiratory Therapy

Medard Leonidas; Respiratory Therapist; Briarwood, NY 11435; Lic. No. 002982; Cal. No. 27490; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 24 months probation.

Igor Khiger; Respiratory Therapy Technician, Respiratory Therapist; Staten Island, NY 10309; Lic. Nos. 001247, 004309; Cal. Nos. 27685, 27686; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation.

Leonard A. Mann; Respiratory Therapist; Hamburg, NY 14075; Lic. No. 002187; Cal. No. 27717; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Social Work

Jennifer Suzanne Delvecchio; Licensed Master Social Worker, Licensed Clinical Social Worker; Poughkeepsie, NY 12603; Lic. Nos. 072880, 076774; Cal. Nos. 27299, 27298; Application for consent order granted; Penalty agreed upon: 4 month actual suspension, 20 month stayed suspension, 24 months probation.

Speech-Language Pathology and Audiology

Stuart Silverstein; Speech-Language Pathologist; Staten Island, NY 10309-2119; Lic. No. 003005; Cal. No. 27623; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, 1 year probation, \$500 fine.

Veterinary Medicine

Mark Allen Calhoun; Veterinary Technician; Saratoga Springs, NY 12866-8790; Lic. No. 007714; Cal. No. 27687; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months.

John Raymond Long; Veterinarian; Batavia, NY 14020; Lic. No. 002270; Cal. No. 27740; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

III. RESTORATION

The Board of Regents voted on February 10, 2015 to deny the application for restoration of the chiropractor license of Benjamin J. Salloum, Rome, NY. Dr. Salloum's license was originally revoked March 21, 2006.

Elementary and Secondary Education Act Flexibility Waiver Renewal for 2015-19

February 9, 2015



History of the ESEA Waiver

September 2011: President Obama announced an ESEA regulatory flexibility initiative.

May 2012: The USDE approved New York State's Flexibility Waiver Request for the 2012-13 and 2013-14 school years.

September/November 2013: USDE offered states with approved ESEA Flexibility Waivers the opportunity to renew the waivers for the 2014-15 school year only.

July 2014: The USDE approved New York State's Flexibility Waiver Renewal Request for the 2014-15 school year.

November 2014: The USDE offered states with approved ESEA Flexibility Waivers the opportunity to renew the waivers for the 2015-16, 2016-17, and 2017-18 school years. A small number of states, including New York, that were judged by the USDE to be fully implementing the waiver's teacher and principal evaluation requirements were offered the opportunity to apply for a 4-year waiver, extending to the 2018-19 school year.

ESEA Flexibility Waiver Principles

- **Principle 1** – The State’s plan for implementing state-developed college- and career-ready standards and high-quality assessments aligned to those standards.
- **Principle 2** – The State’s plan for implementing a differentiated accountability systems for schools and districts that incorporates a variety of measures, targets meaningful interventions based on need, and identifies high-performing or rapidly improving schools. Includes the State’s plan to take dramatic action in the lowest-performing schools, provide greater autonomy to high-performing schools, and target interventions and resources at a subgroup level in schools that may be performing well overall but in which a single subgroup may be lagging.

ESEA Flexibility Waiver Principles

- **Principle 3** – the State’s plan to implement teacher and principal evaluation and support systems based on multiple measures that meaningfully differentiate performance, and are designed to provide teachers and leaders with clear, timely, and useful feedback, as well as targeted supports.
- **Principle 4** - the State’s plan to reduce duplication and unnecessary burden.

Summary of Current Provisions to Be Continued

The general architecture of New York’s current accountability system is the basis for the 2015-19 ESEA Renewal Request. We recommend that the Regents approve a waiver that continues to:

- Use state ELA, math, and science assessments; graduation rates; and participation rates as the basis for school and district accountability determinations.
- Use a Performance Index (PI) to measure ELA, mathematics, and science results.
- Use “progress filters” as part of the process to determine whether particular schools or districts should be identified as Focus, Priority or Local Assistance Plan Schools or Focus Districts.
- Apply special rules to Special Act School Districts and NYC CSD 75 schools, and make case by case determinations about transfer high schools.
- Require Focus Districts and Focus and Priority Schools to make two years of progress and meet minimum performance standards to be removed from identification.
- Identify other low performing schools as Local Assistance Plan schools.

Summary of Current Provisions to Be Continued

- Identify high performing and rapidly improving schools as Reward Schools and make grants available to selected Title I Reward Schools.
- Require Focus Districts to participate in the Diagnostic Tool for School and District Effectiveness, District Comprehensive Improvement Plans (DCIP), and School Comprehensive Educational Plans (SCEP) processes.
- Require Focus Districts to offer Public School Choice to students attending Title I Priority and Focus Schools, set aside an amount equal to 5-15% of the district's Title I, IIA, and if applicable Title III funds to support Priority and Focus School improvement plans and 1% for parent engagement activities.
- Offer Priority Schools the opportunity to compete for 1003(g) School Improvement Grant funds or School Innovation Funds.
- Require Priority Schools to implement a whole school reform model, assess school leadership, and offer extended learning time.

ESEA Renewal Request for 2015-19

The proposed revisions to the ESEA Waiver for the 2015-19 school year period fall into two primary categories:

1. Additions made to address new waiver requirements from USDE
2. Amendments to streamline existing school and district school improvement planning processes and accountability designation methodologies in order to support school and district improvement efforts.

Department staff does not recommend making any amendments to New York's current waiver pertaining to Principle 1: College- and Career-ready Expectations for all Students or Principle 3: Supporting Effective Instruction and Leadership.

ESEA Renewal: USDE Requirements

- ✓ States must include as part of their ESEA Renewal Waiver Request a description of interventions in the State's lowest-performing schools and schools with the largest achievement gaps.
- ✓ The description must address how the State will identify those Priority and Focus Schools that have not met targets and how the State will increase the rigor of interventions and supports in those schools.
- ✓ The Department must provide USDE with a list of Priority and Focus Schools by January 31, 2016. Included in this list will be re-identified Focus and Priority Schools.
- ✓ The state must continue to identify at least five percent of its Title I Schools as Priority and ten percent as Focus.

Current Waiver: Identified Schools and Districts

Schools

(based on 2012-13 State assessment data)

	Priority	Focus	Local Assistance Plan	Reward
State Total	178	446	311	354

District Type	# of Districts
Focus Districts	62
Good Standing	633

- ¹ The New York City Department of Education (NYC DOE) has 31 of its 32 Community School Districts identified as Focus Districts. In this chart, the NYC DOE is counted as one central district.

ESEA Renewal: Re-Identified Focus Schools

Under the Draft ESEA Renewal Proposal:

- Re-identified Focus Schools must revise their SCEP to focus on the needs identified through their most recent Integrated Intervention Team (IIT), district-led, or School-led with district oversight DTSDE reviews.
- Districts must complete a school leader checklist for the re-identified Focus School, if the principal has been leader of the school for more than two full academic years, in order to determine whether the school leader should be provided additional professional development and/or mentoring or replaced.
- Re-identified Focus Schools must begin intensive implementation of at least one ESEA turnaround principle (e.g., redesign the school day, week, or year; modify the instructional program to ensure it is research-based, rigorous, and aligned with State academic content standards; provide time for collaboration on the use of data) starting no later than the 2016-17 school year.

ESEA Renewal: Re-Identified Priority Schools

Under the Draft ESEA Renewal Proposal:

- Pursuant to the provisions of Commissioner’s Regulations Part 100.18, re-identified Priority Schools will be preliminarily identified for Registration Review, and districts will be given an opportunity to appeal that designation.

- After reviewing appeals, the Commissioner will determine which schools to place under Registration Review (SURR). If a school is identified as a SURR, an NYSED team will visit the school and make a recommendation to the Commissioner whether the school should:
 - i. Continue to implement its current improvement plan, as modified by recommendations of the Integrated Intervention Team;
 - ii. Implement a new school comprehensive education plan or “out of time” plan, which may contain a new whole school reform model; or
 - iii. Be phased out or closed.

ESEA Renewal: Re-Identified Priority Schools

Under the Draft ESEA Renewal Proposal:

- If the district is allowed to either continue its current plan or implement a new plan, the district must:
 - ✓ Complete a school leader checklist (if the principal has been leader of school for more than two full academic years);
 - ✓ Ensure that the school has extended learning time; and
 - ✓ Ensure that the staff at the school participate in mandatory professional development in support of the current or new plan.

Schools Under Registration Review (SURR) must begin implementation of approved plans in the 2016-17 school year and must fully implement plans no later than the beginning of the 2017-18 school year.

ESEA Renewal: Re-Identified LAP Schools

LAP Schools have unacceptably large gaps in performance among groups of students; have failed for three consecutive years to make Adequate Yearly Progress (AYP) for a group of students on an accountability measure; or are performing at a level that would otherwise have caused the school to be identified as Focus, if the school were located in a Focus District.

Under proposed waiver:

- After three consecutive years of identification - the school must conduct a school-led review with district oversight and use that review as the basis for development of a new Local Assistance Plan.
- After four years - the school must participate in a district-led DTSDE review, and use that review as the basis for development of an SCEP.
- After five years - the school must participate in an IIT DTSDE review.
 - The IIT may recommend to the Commissioner that the school be identified as a Focus School. The IIT review must be used as the basis for development of an SCEP that meets all requirements for a Focus School.

ESEA Renewal: Recommended Revisions

Based on the first years of waiver implementation, the Department recommends changes to refine, simplify, and standardize the following:

- School and District Improvement Set-Asides
- Priority School Identification
- Focus School Identification
- Performance Index (PI)
- Double Testing
- Annual Measureable Objectives
- LAP School Identification and Support
- Progress Filters
- Focus School Removal and Replacement
- Graduation Rate for Removal
- Sunset of Supplemental Education Services (SES) List of Providers

ESEA Renewal: Recommended Revisions

Revisions to Required District Set-Asides

Original approved ESEA Waiver –

Districts were required to set aside an amount equal to between 5 and 15 percent of their Title I, IIA, and III (if applicable) funds to support Focus and Priority School activities and services from an NYSED approved list.

Proposed ESEA Renewal Waiver –

Require districts to first utilize 1003(a) School Improvement funds to pay for activities connected to:

- Implementation of the DTSDE process, DCIP and SCEP;
- Review of the principals' qualifications;
- Evaluation of plan implementation; and
- Any costs associated with providing SED data on leading and lagging indicators in Priority and Focus Schools.

ESEA Renewal: Recommended Revisions

Revisions to Required District Set-Asides

- In addition, districts will be required to use their 5-15 percent set-aside to fund Public School Choice and offer 200 hours of extended learning time to students in Priority Schools.
- If the cost of meeting those obligations goes beyond the district's set-aside, the district must utilize other funds to meet these obligations.
- If funds earmarked for the set-aside remain after these obligations have been fulfilled, which will be the case for most Focus Districts, the funds are to be used to support implementation of turnaround principles or whole school reform models, address recommendations of DTSDE reviews, or support community school programs or the provisions of CTE or advanced coursework to high school students.

Revisions to Priority School Identification

- Create new list of Priority Schools based on 2014-15 School Year assessment data.
- All public schools eligible for identification, including Schools In Good Standing.

Revisions to Focus School Identification

- Replace current complex formula based on percentage of students who are non-proficient/non-graduates with streamlined method.
- Within Focus Districts, identify any school as Focus that has one or more subgroups performing unacceptably.
- It is possible therefore that a Focus School may be identified for a different subgroup than that for which the District is identified.
- It is also possible that a Focus District may have no identified Focus Schools.

Revisions to Performance Index

- Eliminate the incorporation of “Growth to Proficiency” in computation of Grades 3-8 ELA and math Performance Index (PI), as incorporation of growth rarely changes accountability decisions and significantly delays returning accountability determinations to schools and districts.
- Continue to use Student Growth Percentiles (SGPs), which measure growth of students compared to comparable students across the State, in making elementary and middle school accountability determinations.
- Modify PI to incorporate students with disabilities (SWD), English language learner (ELL), and Career and Technical Education (CTE) waiver amendments, if approved by USDE.

Double Testing Waiver

- Apply for a four-year waiver to allow grades 7 and 8 students who take high school math Regents to not be required to take the grade level mathematics assessment.
- Previously, an annual application was required.

Revisions to Annual Measurable Objectives (AMOs)

- Set new AMOs for the 2017-18 through the 2022-23 school years for elementary/middle schools based on 2015-16 school year results.
- For high schools, reset AMOs earlier than 2017-18 if appropriate as more students take the Common Core based Regents ELA and mathematics exams.
- Readjust AMOs as necessary to reflect any approved amendments in relation to assessments of SWD, ELL and to include CTE results.

Revisions to Local Assistance Plan Identification and Supports

- Revise LAP School identification process to:
 - Ensure that all schools that would have been identified as Priority or Focus in a Focus District are identified as LAP in a non-Focus District.
 - Ensure that schools that have large gaps in performance between members of a subgroup and non-members of a subgroup are not identified, if members of the subgroup are performing well in relation to the rest of the state.
 - Align the “Progress Filters” for LAP identification with those for Priority and Focus Schools.
- Base LAP identification for low-performance and large gaps in performance between subgroups on two years of performance and require two years of progress for removal.
- Provide 1003(a) School Improvement Grants to Title I LAP Schools.

Revisions to Progress Filters

Progress Filters are alternate measures used to determine whether districts and schools have made sufficient progress so that even though the school or district may be low-performing for an accountability group on a performance measure that group's performance is used to identify the district or school.

Department proposes to:

- Standardize the filters used for Priority, Focus, and LAP Schools.
- Use Adequate Yearly Progress as a filter for Priority and Focus Schools.
- Key Progress Filters are:
 - Group has made a ten point gain in the Performance Index from Prior Year.
 - Median Student Growth Percentile is at or above Statewide average.
 - Subgroups 4- or 5-year graduation rate is above Statewide average or has increased by ten percent over last two years.
 - Subgroup has made AYP for past two years.

Revisions to Focus School Removal and Replacement

- Eliminate requirement that in certain circumstances Districts must replace schools that are eligible for removal from Focus status with new Focus Schools.
- Note: New LAP rules may result in LAP Schools becoming Focus Schools.

Revisions to Graduation Rate Requirements for Removal

- Allow Priority and Focus Schools and Focus Districts to be considered for removal, if:
 - ✓ They make two years of progress.
 - ✓ They are above the minimum standards for removal in the most current year.

(Currently, schools and districts must be above the minimum standard for graduation rate in both the current and the prior school year.)

Revisions to Supplemental Educational Services (SES)

- Sunset list of approved providers of SES.
- Districts may continue to contract directly with vendors to provide tutorial services.

ESEA Renewal: Consultation and Collaboration

Local Educational Agencies, and organizations representing teachers, administrators, parents, community-based organizations, civil rights organizations, students with disabilities and English language learners have assisted the Department in responding to the requirements of the Renewal application.

- May 2014 - the ESEA “Think Tank,” which supported the Department with development of the original ESEA Waiver application and its subsequent renewal, was reconvened and has met eight times.
- January 2015 – Work Group for Districts LAP Schools
- January 2015 – DTSDE Institute
- January and February 2015 – Title I Committee of Practitioners
- February 2015 - Commissioner, Senior Deputy Commissioner, Deputy Commissioner for P-12 and other staff will be discussing the proposed Waiver Renewal as part of regular meetings.

ESEA Renewal: Request for Public Comment

- ❖ With the approval of the Regents, staff will release the February 2015 draft renewal request for public comment from approximately **February 12 – February 23, 2015**.
- ❖ At the March 16-17, 2015 meeting of the Board, Department staff will provide a summary of the public comments received and any suggested revisions to the application based on those comments.
- ❖ The Department will also present the proposed final draft of the ESEA Waiver Flexibility Request for Board of Regents approval at the March 2015 meeting prior to submission to the USDE.

Recommendation to Board of Regents

The Department recommends that the Board of Regents direct the Commissioner of Education and the State Education Department to issue for public comment a draft ESEA Waiver Renewal request, with related amendments, based upon the materials provided to the Board of Regents at its December 2014 and February 2015 meetings.