



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 April 2016 Meeting

**DATE:** May 9, 2016

**AUTHORIZATION(S):** *Margaret Eia*

**Executive Summary**

**Issue for Decision**

Review of the Summary of the April 2016 Meeting of the Board of Regents.

**Proposed Handling**

Approval of the Summary of April 2016 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 April 2016 meeting.

**Timetable for Implementation**

Effective May 17, 2016.

**VOTED**, that the Summary of the April 2016 Meeting of the Board of Regents of The University of the State of New York be approved.



***SUMMARY OF THE APRIL 2016 MEETING***

***OF THE BOARD OF REGENTS***

***OF***

***THE UNIVERSITY OF THE STATE OF NEW YORK***

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

***Albany, New York***

***April 18 and 19, 2016***

***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, April 18, 2016 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

### **MEETING OF THE FULL BOARD, Monday, April 18<sup>th</sup> at 9:00 a.m.**

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

Betty A. Rosa, Chancellor  
T. Andrew Brown, Vice Chancellor  
James R. Tallon, Jr.  
Roger Tilles  
Lester W. Young, Jr.  
Christine D. Cea  
Wade S. Norwood  
Kathleen M. Cashin  
James E. Cottrell  
Josephine Victoria Finn  
Judith Chin  
Beverly L. Ouderkirk  
Catherine Collins  
Judith Johnson  
Nan Eileen Mead  
Elizabeth Hakanson  
Luis O. Reyes

Also present were Commissioner of Education, MaryEllen Elia, Executive Deputy Commissioner, Elizabeth Berlin, Counsel, Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento.

Chancellor Betty A. Rosa 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 Monday, April 18 at 5:30 p.m. to discuss litigation and personnel matters.

**MOVED**, that the Ethics Committee convene in executive session on Monday, April 18 at 6:00 p.m. to discuss personnel matters.

**Motion by:** Vice Chancellor T. Andrew Brown  
**Seconded by:** Regent Christine D. Cea  
**Action:** Motion carried unanimously

## **WELCOME**

Regents Hakanson and Reyes were welcomed to the Board by Chancellor Rosa.

## **NEW WORK GROUP**

Chancellor Rosa announced the formation of a Research Work Group to focus on research as it relates to practice and policy to be lead by Regent Johnson.

## **PRESENTATION**

### **Enacted 2016-2017 Budget**

Regent Tallon led a presentation (Attachment I) and discussion on the enacted 2016-2017 budget.

Chancellor Betty A. Rosa adjourned the meeting.

**MEETING OF THE FULL BOARD, Tuesday, April 19<sup>th</sup> at 10:40 a.m.**

**Board Members in Attendance:**

Betty A. Rosa, Chancellor  
T. Andrew Brown, Vice Chancellor  
James R. Tallon, Jr.  
Roger Tilles  
Lester W. Young, Jr.  
Christine D. Cea  
Wade S. Norwood  
Kathleen M. Cashin  
James E. Cottrell  
Josephine Victoria Finn  
Judith Chin  
Beverly L. Ouderkirk  
Catherine Collins  
Judith Johnson  
Nan Eileen Mead  
Elizabeth Hakanson  
Luis O. Reyes

Also present were Commissioner of Education, MaryEllen Elia, Executive Deputy Commissioner, Elizabeth Berlin, Counsel, Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento. Regent Judith Johnson was absent and excused.

Chancellor Betty A. Rosa called the meeting to order at 10:40 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).

**Motion by:** Regent Lester W. Young, Jr.  
**Seconded by:** Regent Roger Tilles  
**Action:** Motion carried unanimously.

**Summary of the March 2016 Meeting of the Board of Regents  
BR (A) 2**

**MOVED**, that the Summary of the March 2016 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 Beverly L. Ouderkirk  
**Action:** Motion carried unanimously. Regent Josephine Victoria Finn abstained.

**PROGRAM AREA CONSENT ITEMS**

**Higher Education**

**Extension of Provisional Authority to Confer Degrees: Institute of Art-New York  
LLC (dba Sotheby's Institute of Art – New York)  
BR (CA) 1**

**MOVED**, that the Board of Regents grant the Institute of Art–New York, LLC, (dba Sotheby's Institute of Art–New York), an extension of its provisional authority to confer degrees retroactive to March 31, 2016 and ending on March 31, 2017.

**P-12 Education**

**Addition of section 100.5(h) of the Commissioner's Regulations, relating to the  
New York State Seal of Biliteracy  
BR (CA) 2**

**MOVED**, that subdivision (h) of section 100.5 of the Regulations of the Commissioner of Education be added as submitted, effective May 4, 2016.

**Addition of Section 100.19 to the Regulations of the Commissioner Relating to  
School Receivership  
BR (CA) 3**

**MOVED**, section 100.19 of the Regulations of the Commissioner of Education is added, as submitted, effective April 22, 2016, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to immediately adopt revisions to the proposed amendment to clarify certain timelines in the regulation, and to otherwise ensure that the emergency rule adopted at the January 2016 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule.

## **Professional Practice**

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

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

### **Report of the Committee on the Professions Regarding Licensing Petitions BR (CA) 5**

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

### **Master Plan Amendment: Touro College—Valhalla Campus, Doctor of Dental Surgery (D.D.S.) Program in Dentistry BR (CA) 6**

**MOVED**, that the Board of Regents approve an amendment to the master plan of Touro College—Valhalla Campus to authorize the College to offer the D.D.S. program. This amendment will be effective until April 19, 2017, unless the Department registers the program prior to that date, in which case the master plan amendment shall be without term.

**MOVED**, that the Regents approve the consent agenda items.

**Motion by:** Regent Christine D. Cea  
**Seconded by:** Regent Roger Tilles  
**Action:** Motion carried unanimously.

## **STANDING COMMITTEE REPORTS**

### **CULTURAL EDUCATION**

Your Committee on Cultural Education Committee had its scheduled meeting on April 19, 2016. Regent Roger Tilles, Chair of the Cultural Education Committee, submitted the following written report. In attendance were committee members: Regent Tilles, Chair, Regent Chin, Regent Cea, Regent Ouderkirk, Regent Cottrell. Absent: Regent Johnson. In addition to CE Committee Members, in attendance were: Chancellor Rosa, Vice Chancellor Brown, Regents Tallon, Young, Norwood, Cashin, Mead, Hakanson, Reyes, Commissioner Elia and Executive Deputy Commissioner Berlin.

## ITEMS FOR DISCUSSION

Chair's Remarks: Regent Tilles welcomed everyone and asked State Librarian Bernard Marglois to introduce the program.

Mr. Margolis began his remarks by informing the committee that the State Library is beginning the celebration of its bicentennial. He described the weather on April 21, 1818 and indicated that was the day that the State Legislature passed legislation creating the State Library. He then turned the program over to Advisory Committee chairperson Claudia Depkin, who is the director of the Haverstraw King's Daughters Public Library.

### **Update from Advisory Council on Libraries - CE (D) 1**

Ms. Depkin introduced Julianne Wise, Library Media Specialist of the Rochester International Academy, a K-12 institution in Rochester. Ms. Wise introduced three students in grades 6,7 and 8 from the Academy and spoke about the programs in the library that support refugee students and their families. She provided examples of programs including a storytelling competition, a makerspace program and collaborations with the Rochester Public Library. The students spoke about the value and impact that the library has had on their experiences relocating to the Rochester area. Regent Tilles asked what impact there would be if there was no elementary school librarian to provide services at the Academy. Ms. Wise responded that without the elementary school library program, students would not be introduced to information literacy, would not be positioned to participate in language education programs and would not know how to use libraries and information resources to advance their education and language skills.

The next speakers were Brian Hildreth and Ken Behn of the Southern Tier Library system. Mr. Hildreth provided an overview of the demographics of the largely rural area that the system serves. Mr. Behn commented on the growth and diversity of broadband services in the region. He spoke about plans to implement 100gb/sec. services in all libraries in the region. These libraries serve as community centers and provide a primary means of access to network resources for the rural populations they serve. Currently many libraries in the region have network connectivity that is the equivalent of residential network speeds. A large scale fiber infrastructure implementation is underway using funds from a variety of sources including the Public Library Construction program operated by the Department. Mr. Hildreth commented that e-rate funding is essential for the sustainability of broadband connections and without it libraries would not be able to provide network connectivity as a service.

The final presenter of the morning was Christina Pope, the Director of the Health Sciences Library of SUNY Upstate Medical Center. Ms. Pope described the health pets program that the library operates. The program has successfully increased the use and value of human health information resources in the Library by using pet health as a gateway to delivering health information for humans. Ms. Pope commented that data indicates that people who have pets are more likely to seek health information for their



pets than for themselves. However, once people learn about health resources that might be available for themselves, they are very likely to access it. This is an important focus of the SUNY Upstate Medical Center Library because it is a public library with a mandate to serve citizens in the Syracuse region. The healthy pets project has resulted in significant partnerships and increased access and use of the resources of the library by the public.

## **HIGHER EDUCATION**

Your Higher Education Committee held its scheduled meeting on April 19, 2016. All members were present with the exception of Regent Johnson who was absent and excused.

### **Action Items**

#### **Extension of Existing Safety Nets for Candidates Who Take the New Teacher Certification Examinations (ALST, edTPA, EAS and the Redeveloped CSTs).**

Your Committee discussed amending Part 80 of the Commissioner's Regulations to extend the existing safety nets for candidates who take the new teacher certification examinations (ALST, EAS, edTPA and the redeveloped CSTs). The committee further amended the regulation at the April meeting to eliminate the requirement that the attestation for the ALST safety net be completed by a dean or the substantial equivalent, and the candidate is now authorized to complete the attestation. VOTED: That Part 80 of the Regulations of the Commissioner of Education be amended effective April 19, 2016, 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 teacher candidates who will be applying for certification prior to June 30, 2017, have timely and sufficient notice of the safety net options available to them so that they may receive an initial certificate. It is anticipated that the proposed amendment will be adopted by the Board of Regents as a permanent rule at their July 2016 meeting. HE (A) 2

#### **Creation of a Safety Net for Candidates Who Take and Fail Part Two: Mathematics of the new Multi-Subject: Secondary Teachers Grade 7-12 Content Specialty Test which is required for Students with Disabilities – Grades 7-12 – Generalist Teacher Certification.**

Your Committee discussed amending Part 80 of the Commissioner's Regulations to provide a safety net for candidates who take and fail Part Two: Mathematics of the new Multi-Subject: Secondary Teachers Grade 7 - Grade 12 Content Specialty Test (CST) which is required for Students with Disabilities - Grades 7-12 - Generalist Teacher Certification. The committee further amended the regulation at the April meeting to eliminate the requirement that the attestation for the safety net be completed by a dean or the substantial equivalent, and the candidate is now authorized to complete the

attestation. VOTED: That subdivision (c) of Section 80-1.5 of the Rules of the Board of Regents be amended effective April 19, 2016, 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 teacher candidates who will be applying for certification prior to June 30, 2017, have timely and sufficient notice of the safety net option available to them if they take and pass Parts One and Three, but fail Part Two of the Multi-Subject Content Specialty Test (7-12) so that they may apply for an initial certificate and to ensure that the emergency rule adopted at the January Regents meeting and revised at the April meeting remains in effect continuously until it can be adopted as a permanent rule. It is anticipated that the proposed rule will be adopted as a permanent rule at the June meeting. If adopted at the June meeting, the proposed rule will become permanent on June 29, 2016. HE (A) 1

### **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 April 19, 2016, copies of which have been distributed to each member of the Board of Regents.

#### **Other Matters not requiring action:**

#### **Proposed Amendment of Section 80-5.4 of the Regulations of the Commissioner of Education Relating to the Employment of Substitute Teachers Without a Valid Teaching Certificate.**

Your Committee discussed a proposed amendment of Section 80-5.4 of the Regulations of the Commissioner of Education relating to the employment of substitute teachers without a valid teaching certificate. The proposed amendment to 80-5.4 would allow a district or board of cooperative educational services to employ an individual without a valid teaching certificate as a substitute teacher beyond the 40-day limit, for up to an additional 50 days (90 days total) in limited circumstances where the district superintendent (for districts that are a component district of a board of cooperative educational services or a BOCES) or the superintendent (for districts that are not a component district of a board of cooperative education services) certifies that the district or BOCES, as applicable, has conducted a good faith recruitment search and there are no available certified teachers that can perform the duties of such position. In rare circumstances, a district or BOCES may hire a substitute teacher beyond the 90 days, if a district superintendent or superintendent attests that a good faith recruitment search has been conducted and that there are still no available certified teachers who can perform the duties of such position and that a particular substitute teacher is needed to work with a specific class or group of students until the end of the school year. Additionally, the amendment includes a provision that will extend the reporting requirements in Section 80-5.4(e) of the Commissioner's Regulations to require school districts or BOCES to report the number of substitute teachers without a valid certificate that were authorized to work over the 40 day limit and the number authorized to work

over the 90 day limit in the limited circumstances described above and provide the required certifications to the Department. It is anticipated that the proposed amendment will be submitted to the Board of Regents for adoption at the July 2016 Regents meeting. HE (D) 1

**Proposed Addition to Part 59 of the Commissioner's Regulations Relating to the Authorization of New York Higher Education Institutions to Participate in the State Authorization Reciprocity Agreement (SARA) and the Approval of Out-of-State Institutions to Provide Distance Education to New York Residents.**

Your Committee discussed adding a new Part 59 to the Commissioner's Regulations to authorize New York higher education institutions to participate in State Authorization Reciprocity Agreement (SARA) and the approval of out-of-state institutions to provide distance education to New York State residents. On August 13, 2015, the Governor signed into law Chapter 220 of the Laws of 2015 which enacted a new Education Law §210-c to give the Commissioner the authority to enter into SARA, subject to an appropriation, and provided the Department with the authority to collect fees from NYS and out-of-state IHEs to cover the administrative costs of this work. Since that time, the Department has been regularly engaging stakeholders from the four NYS higher education sectors, the regional compacts, and the national SARA organization about implementation of SARA. It is anticipated that the proposed amendment will be presented for adoption at the July 2016 Regents meeting after publication of a Notice of Proposed Rule Making in the State Register and expiration of the 45-day public comment period prescribed in the State Administrative Procedure Act. HE (D) 2

**Proposed Amendments to Section 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education Relating to Endorsement of Out-of-State Certificates for Service as a Teacher, School District Leader, School District Business Leader and School Building Leader in New York State.**

Should the Board of Regents adopt as an emergency measure the proposed amendments to section 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education relating to endorsement requirements for out-of-state certificates for service as a teacher, school district leader, school district business leader and school building leader in New York State? The proposed amendment would make three significant changes to the current endorsement provisions:

- Candidates certified as a school district leader or school district business leader seeking to qualify for certification in New York would be required to have three or more years of experience teaching in the subject area of their valid certificate or acting as a school building leader or school district or school district business leader within the 5 years immediately preceding their application for endorsement; instead of the current requirements which require the three years of experience to be in the last 10 years.

- In addition, endorsement candidates would be required to provide satisfactory documentation that he/she received evaluation ratings of effective or highly effective, or the substantial equivalent of such ratings, in his or her three most recent years of experience in a public school.
- These certified out-of-state teachers and leaders who have demonstrated effective experience in the certificate title sought would no longer need to take and pass the State certification examinations.

A new subdivision would be added to Section 80-5.20 of the Commissioner's Regulations to add an endorsement pathway for school building leaders seeking to obtain an initial certificate in this State. The proposed amendment would require candidates seeking endorsement of a certificate or an equivalent authorization to practice from another state or territory of the U.S. or the District of Columbia for service as a school building leader in New York State to:

- (1) hold a valid certificate or equivalent authorization to practice from another state or territory of the U.S. or District of Columbia that is equivalent to the initial certificate as a school building leader;
- (2) meet the general certificate requirements in Subpart 80-1, including requirements relating to citizenship, study in child abuse identification and reporting, school violence prevention and intervention, training in harassment, bullying and discrimination prevention and intervention, and a criminal history check;
- (3) hold a master's degree or higher from a regionally accredited higher education institution or an equivalently approved higher education institution as determined by the Department;
- (4) have had at least three years of satisfactory experience in a public school (grades N-12) in another state or territory of the U.S. or the District of Columbia in a position that would have required the professional certificate in the appropriate title (which must have been completed within five years immediately preceding the application for endorsement of the out-of-state certificate); and
- (5) provide satisfactory documentation that the candidate received evaluation ratings of effective or highly effective, or the substantial equivalent of such ratings, in his or her three most recent years of experience in a public school.

It is anticipated that the proposed amendment would be adopted by the Board of Regents at its July 2016 Regents meeting. HE (D) 3

### **Consent Agenda**

The Board of Regents will take action on the following consent agenda item at their April 19, 2016 meeting.

- Extension of Provisional Authority to Confer Degrees: Institute of Art-New York LLC (dba Sotheby's Institute of Art – New York) BR (CA) 1

## **P-12 EDUCATION**

Your P-12 Education Committee held its scheduled meeting on April 18, 2016. All members were present.

### **ACTION ITEMS**

#### **APPR Transition Regulations [P-12 (A) 1]**

Your Committee recommends that sections 30-2.14 and 30-3.17 of the Rules of the Board of Regents be added, effective May 13, 2016, as an emergency measure upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to timely implement the recommendations of the New York Common Core Task Force Report, by ensuring that State assessments aligned to the Common Core do not have consequences and that they only be used on an advisory basis for teachers and principals and to ensure that the emergency rule adopted at the December 2015 Regents meeting remains continuously in effect until it can be adopted as a permanent rule. Regents Collins, Johnson and Reyes abstained.

The Committee discussed the establishment of a work group to conduct research and look at what has been learned as a result of the last two years of implementation of APPR.

#### **Renewal Decisions for Charter School Authorized by the Board of Regents [P-12 (A) 2]**

A motion was made to remove the La Cima Charter School from the vote and to send comments back to the school seeking more information on the change from a dual language arts program as a key design element to a Spanish language arts program. A second motion was made to approve the remaining four charter school items. The motion was passed, with Regent Reyes abstaining.

Your Committee recommends that the Board of Regents finds that, the Niagara 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 Niagara Charter School and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2021.

Your Committee recommends that the Board of Regents finds that, the Aloma D. Johnson 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 Aloma D. Johnson Charter School and that a renewal charter be issued, 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 Amani Public 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 Amani Public Charter School and that 38 a renewal charter be issued, 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 Discovery 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 Discovery Charter School and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2019.

### **Merger Revisions to Charters Authorized by the Chancellor of the New York City Department of Education (NYCDOE) [P-12 (A) 3]**

#### **Manhattan Charter Schools**

Your Committee recommends that pursuant to the authority contained in Education Law §§223 and 2853(1)(b-1):

1. Manhattan Charter School be and hereby is merged with Manhattan Charter School 2, with Manhattan Charter School as the surviving education corporation

under the amended name Manhattan Charter Schools.

2. Manhattan Charter Schools, the surviving corporation, shall continue to administer the educational operations and purposes of the constituent corporations in the same manner as they presently exist,
3. The separate existence of Manhattan Charter School and Manhattan Charter School 2 hereby ceases, and Manhattan Charter School 2, the surviving corporation under the amended name Manhattan Charter Schools is hereby vested with all the rights, privileges, immunities, powers and authority possessed by or granted by law to each of the constituent corporations. All assets and liabilities of the respective constituent corporations are hereby assets and liabilities of such surviving corporation. All property, real, personal and mixed and all debts to each of the corporations on whatever account are hereby attached to Manhattan Charter Schools 2, the surviving corporation under the amended name Manhattan Charter Schools, and may be enforced against it to the same extent as if the debts, liabilities and duties had been incurred or contracted by it.
4. The merged corporation shall operate under the provisional charter granted to Manhattan Charter School 2 under the amended name Manhattan Charter Schools, which is hereby amended to authorize the operation of two public charter schools as follows:
  - i. Manhattan Charter School, and
  - ii. Manhattan Charter School 2
5. The merger herein shall take effect on July 1, 2016.

It is further voted that the Board of Regents finds that: (1) Manhattan Charter Schools meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) Manhattan Charter Schools can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter 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) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the schools operated by Manhattan Charter Schools, and the Board of Regents therefore approves the charter revision for Manhattan Charter Schools, as proposed by the Chancellor of the New York City Department of Education and amends the provisional charter accordingly.

### **Classical Charter Schools**

Your Committee recommends that pursuant to the authority contained in Education Law §§223 and 2853(1)(b-1):

1. South Bronx Classical Charter School and South Bronx Classical Charter School III be and hereby are merged with South Bronx Classical Charter School II, with South Bronx Classical Charter School II as the surviving education corporation under the amended name Classical Charter Schools.
2. Classical Charter Schools, the surviving education corporation, shall continue to administer the educational operations and purposes of the constituent corporations in the same manner as they presently exist.
3. The separate existence of the education corporations South Bronx Classical Charter School, South Bronx Classical Charter School II, and South Bronx Classical Charter School III hereby cease, and South Bronx Classical Charter School II, the surviving corporation under the amended name Classical Charter Schools is hereby vested with all the rights, privileges, immunities, powers and authority possessed by or granted by law to each of the constituent corporations. All assets and liabilities of the respective constituent corporations are hereby assets and liabilities of such surviving corporation. All property, real, personal and mixed and all debts to each of the corporations on whatever account are hereby attached to South Bronx Classical Charter School II, the surviving corporation under the amended name Classical Charter Schools and may be enforced against it to the same extent as if the debts, liabilities and duties had been incurred or contracted by it.
4. The merged corporation shall operate under the provisional charter granted to South Bronx Classical Charter School II under the amended name Classical Charter Schools, which is hereby amended to authorize the operation of three public charter schools as follows:
  - i. South Bronx Classical Charter School,
  - ii. South Bronx Classical Charter School II, and
  - iii. South Bronx Classical Charter School III.
5. The merger herein shall take effect on July 1, 2016.

It is further voted that the Board of Regents finds that: (1) Classical Charter Schools meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) Classical Charter Schools can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter 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) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the schools operated by Classical Charter Schools, and the Board of Regents therefore approves the charter revision for Classical Charter Schools and amends the provisional charter accordingly.



## **Merger Revision to Charters Authorized by the Board of Regents [P-12 (A) 4]**

Your Committee recommends that pursuant to the authority contained in Education Law §§223 and 2853(1)(b-1)

1. Brighter Choice Charter School for Boys is hereby merged with Brighter Choice Charter School for Girls, with the Brighter Choice Charter School for Girls as the surviving corporation, under the amended name “Brighter Choice Elementary Charter Schools.”

2. Brighter Choice Elementary Charter Schools, the surviving corporation, shall continue to administer the educational operations and purposes of the constituent corporations in the same manner as they presently exist.

3. The separate existence of the education corporations Brighter Choice Charter School for Boys and Brighter Choice Charter School for Girls hereby ceases, and Brighter Choice Elementary Charter Schools, the surviving corporation, is hereby vested with all the rights, privileges, immunities, powers and authority possessed, or granted, by law to each of the constituent corporations. All assets and liabilities of the respective constituent corporations are hereby assets and liabilities of such surviving corporation. All property, real, personal and mixed and all debts to each of the corporations on whatever account are hereby attached to Brighter Choice Elementary Charter Schools, the surviving corporation, and may be enforced against it to the same extent as if the debts, liabilities and duties had been incurred or contracted by it.

4. The merged corporation shall operate under the provisional charter granted to Brighter Choice Charter School for Girls (renamed “Brighter Choice Elementary Charter Schools”), which is hereby amended to authorize the operation of two public charter schools, both authorized to serve a maximum of 325 students in Kindergarten through the fifth grade.

5. The merger herein shall take effect on July 1, 2016.

It is further voted that the Board of Regents finds that: (1) Brighter Choice Elementary Charter Schools meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) Brighter Choice Elementary Charter Schools can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter 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) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the schools operated by Brighter Choice Elementary Charter Schools, and the Board of Regents therefore approves the charter revision for Brighter Choice Elementary Charter Schools, as proposed by the New York State Education Department and amends the provisional charter accordingly.

**Revision to a Charter Authorized by the Board of Regents: School in the Square Public Charter School [P-12 (A) 5]**

Your Committee recommends that the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter 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) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for School in the Square Public Charter School and amends the provisional charter accordingly.

**Revision to a Charter Authorized by the Chancellor of the New York City Department of Education (NYCDOE) [P-12 (A) 6]**

Your Committee recommends that the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter 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) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for Teaching Firms of America Professional Preparatory Charter School, as proposed by the Chancellor of the New York City Department of Education and amends the provisional charter accordingly. Regent Mead abstained.

**Charter Schools: Dissolutions [P-12 (A) 7]**

Your Committee recommends that consent be given to the Pinnacle Charter School to file a petition for judicial dissolution pursuant to §1102 of the Not-for-Profit Corporation Law and that the provisional charter of the Ross Global Academy Charter School, located in New York City Community School District 1, County of New York, State of New York, which was granted by the Board of Regents in January 2006 and extended by the Board of Regents on January 11, 2011 be, and the same hereby is, dissolved, that notice to such effect be given to the board of trustees of the Corporation, and that the Board of Regents recommends that any student records and/or any remaining assets of the corporation be transferred and distributed to each school district having resident children served by the charter school in the last school year in accordance with the provisions of Education Law §2851(2)(t), subject to judicial approval pursuant to Education Law §220.

## **Renewals of Charter Schools Authorized by the Board of Education of the City School District of the City of Buffalo [P-12 (A) 8 REVISED]**

A motion was made to remove the Westminster Community Charter School from the vote and send the application back to the Buffalo Public School District with comments and to seek more information. The vote to approve the renewal of the Enterprise Charter School was passed unanimously.

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 Enterprise Charter School as proposed by the Board of Education of the City School District of the City of Buffalo, 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 Westminster Community Charter School as proposed by the Board of Education of the City School District of the City of Buffalo, and that its provisional charter be extended for a term up through and including June 30, 2021.

### **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 April 19, 2016, copies of which have been distributed to each Regent.

### **MATTERS NOT REQUIRING BOARD ACTION**

**ELA and Mathematics Standards, Curriculum, Assessments Updates/Teacher and Principal Evaluation System Review** – the Committee was presented with an update on the Standards Review process and developments since the last update at the February 2016 meeting. Over 1,000 educators applied to be considered for the Standards Review Committee for ELA and over 700 for Math. Parents were also

encouraged to apply through a survey that closed April 14. Invitation letters for both Review Committees will be sent out in late April. An update was also provided on EngageNY, S/CDN, and the Grade 3-8 Assessments. The Committee provided feedback on the presentation related to the item review process, untimed testing and how they would like to provide to field more information on Questar and to possibly have them present at a future meeting. The Committee was also provided with an update on the Teacher and Principal Evaluation System Review. The Commissioner will provide periodic updates on the Standards Review Process, Assessments, and the Teacher & Principal Evaluation System Review.

**Methodology by Which School Districts Shall Identify Students in Grades 3-8 Who Receive Academic Intervention Services (AIS)** [P-12 (D) 1] – the Committee discussed proposed regulations to revise the current methodology for identification of students for AIS in the 2016-17 school year and beyond. Based on discussions with superintendents, principals, AIS instructors, teachers trained in Rtl, and other key stakeholders, the Department recommends that the Regents take a two-step approach to identifying students for AIS. First, students performing at or below a median cut point score between a Level 2 and a Level 3 shall be considered for AIS. Upon identification, districts will use a district-developed procedure for determining which student receives AIS after consideration of a student's scores on multiple measures of student performance. Staff will provide additional recommendations to the Regents later this year. It is anticipated that the proposed rule will be presented for action this summer.

**Update on Computer-Based Testing** [P-12 (D) 2] – The Committee was updated on the current computer-based New York State Alternate Assessment (NYSAA) and the future Grades 3-8 ELA and Math Computer-Based Field Tests for public schools, charter schools and non-public schools. The full computer-based NYSAA tests were administered in March 2016 and computer-based testing, including the first administration of computer-based field tests in grades 3-8, will continue through June. Discussion focused on field testing of the 3-8 ELA and Math. To date, 952 schools, in about half of New York State school districts, volunteered to administer computer-based field tests in 2016. Administration of computer-based field tests helps schools and districts understand the technical requirements of CBT and begin to plan for a full rollout of CBT in the future.

**Update on the Implementation of School Receivership** [P-12 (D) 3] – the Committee discussed and were provided information on Persistently Struggling and Struggling Schools Performance Management process, including quarterly reporting, on-site support and technical assistance, and oversight of the Persistently Struggling Schools' grants. Discussion focused on the process by which determinations are made regarding whether a school has made Demonstrable Improvement. Staff will come back later this year to present on the outcomes of the first year of the receivership initiative.

## **Consent Agenda**

The Board of Regents will take action on the following consent agenda items at their April 19, 2016 meeting.

- Regulations relating to the Seal of Biliteracy
- Regulations relating to School Receivership

## **PROFESSIONAL PRACTICE**

Your Professional Practice Committee held its scheduled meeting on April 18, 2016. Regent Kathleen M. Cashin, Regent Elizabeth S. Hakanson, and Regent Eileen Mead 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 3 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 56 consent order applications and 3 surrender applications be granted. [PPC EXS (A) 1-3]

These recommendations are made following the review of 62 cases involving eight licensed practical nurses, eight pharmacists, seven registered professional nurses, five veterinarians, four dentists, four pharmacies, three certified public accountants, three licensed practical nurses who are also registered professional nurses, two architects, two chiropractors, two licensed clinical social workers, two physical therapists, three veterinary technicians, one audiologist, one certified interior designer, one clinical laboratory technologist, one licensed mental health counselor, one physical therapy PLLC, and one professional engineer.

### **Restorations**

Your Committee recommends the following:

That the application of Celestine Amaefule for the restoration of his license to practice as a physician in New York State 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 April 18, 2016, 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] –

- Full Board Consent Agenda Items
- Board (Re)Appointments
- Licensing Petitions

Licensure of Professional Geologists and Continuing Education for Land Surveyors – The proposed amendments establish, among other things, the licensure requirements for applicants for licensure as professional geologists, which include professional education, experience and examination requirements. The proposed amendments also extend the expiration date for the mandatory continuing education requirement for land surveyors to conform the Regulations of the Commissioner of Education to the statute. (Discussion)

Licensing Examination Requirements for Certified Shorthand Reporters – Due to Department resource issues, the Department created and administered certified shorthand reporting licensure examination has not keep pace with the technology available to the shorthand reporting profession. The proposed amendment addresses this situation by removing the Department created and administered five part licensing examination requirement and replacing it with language that permits the Department to accept a passing score on an examination determined by the State Board for Certified Shorthand Reporting to be acceptable for licensure as a certified shorthand reporter. (Discussion)

**Motion by:** Regent Roger Tilles  
**Seconded by:** Regent Kathleen M. Cashin  
**Action:** Motion carried unanimously.

## **State Education Department March 2016 Fiscal Report BR (A) 3**

**MOVED**, that the Board accepts the March 2016 State Education Department Fiscal Report as presented.

**Motion by:** Regent Roger Tilles  
**Seconded by:** Regent Christine D. Cea  
**Action:** Motion carried unanimously.

Chancellor Betty A. Rosa adjourned the meeting.

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

<b>Name of Institution</b>	<b>Program Area</b>	<b>County of Location</b>	<b>Description of Charter Action(s)</b>
The Children's Museum of Science and Technology	CE	Rensselaer	Merge with the Scotia-Glenville Children's Museum, with The Children's Museum of Science and Technology as the surviving corporation.
Ellington Farman Library	CE	Chautauqua	Merge with the Farman Free Library Association of Ellington, N.Y., with the Ellington Farman Library as the surviving corporation.
Longhouse Reserve	CE	Suffolk	Correct order of consolidation nun pro tunc July 18, 2002 to reflect correct county of New York for Longhouse Reserve Ltd.
82nd Street Academics	P12	Queens	Consent to filing of certificate of assumed name "Highland Academics".
A Plus Kidz Academy	P12	Kings	Grant provisional charter for three years.
Hamza Academy	P12	Nassau	Extend provisional charter for three years.
Our Lady of the Blessed Sacrament Catholic Academy	P12	Queens	Grant provisional charter for three years.
Our Lady of Guadalupe Catholic Academy	P12	Kings	Grant provisional charter for three years.
Our Lady of Hope Catholic Academy	P12	Queens	Grant provisional charter for three years.
Our Lady of the Snows Catholic Academy	P12	Queens	Grant provisional charter for three years.
Resurrection Ascension Catholic Academy	P12	Queens	Grant provisional charter for three years.
Rush Nursery School	P12	Monroe	Amend charter to update IRS dissolution language.
Sacred Heart Catholic Academy of Bayside	P12	Queens	Grant provisional charter for three years.
Sacred Heart Catholic Academy of Glendale	P12	Queens	Grant provisional charter for three years.
Saint Adalbert Catholic Academy	P12	Queens	Grant provisional charter for three years.
St. Athanasius Catholic Academy	P12	Kings	Grant provisional charter for three years.

Saint Margaret Catholic Academy	P12	Queens	Grant provisional charter for three years.
Saint Sebastian Catholic Academy	P12	Queens	Grant provisional charter for three years.
Saint Therese Classical Academy	P12	Orange	Grant provisional charter for three years.
San Miguel Academy of Newburgh	P12	Orange	Extend provisional charter for three years.
Summerville Nursery School	P12	Monroe	Amend charter to update IRS dissolution language.
Touro College	OP	New York	Amend charter to add authority to confer the Doctor of Dental Surgery (D.D.S.) degree at the Valhalla campus.
Institute of Design and Construction	HE	Kings	Dissolve charter, approval to store student records with NYSED and approval to distribute remaining assets to IDC Foundation, Inc.



## **Appendix II**

### **REGENTS ACTIONS IN 62 PROFESSIONAL DISCIPLINE CASES AND 1 RESTORATION PETITION**

**April 18 - 19, 2016**

The Board of Regents announced disciplinary actions resulting in the surrender of 3 licenses, and 58 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 reconsideration and 1 restoration petitions.

#### **I. SURRENDERS**

##### **Architecture**

Jae Yoon Ko; San Francisco, CA 94107; Lic. No. 011493; Cal. No. 28804; Application to surrender license granted. Summary: Licensee admitted to the charge of violating terms of probation imposed by the Board of Regents.

##### **Nursing**

Michael Lee DeMello; Registered Professional Nurse; Brattleboro, VT 05301; Lic. No. 553945; Cal. No. 28811; Application to surrender license granted. Summary: Licensee admitted to the charge of diverting the controlled substances hydromorphone and morphine in the Commonwealth of Massachusetts.

##### **Pharmacy**

George Warren Mock; Pharmacist; Strongsville, OH 44136; Lic. No. 028576; Cal. 28810; Application to surrender license granted. Summary: Licensee admitted to the charge of failing to offer to counsel patients of caregivers when dispensing prescriptions.

#### **II. OTHER REGENTS DISCIPLINARY ACTIONS**

##### **Architecture**

Herbert Ruderman; Sarasota, FL 34236; Lic. No. 010971; Cal. No. 28541; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 2 years probation, \$2,500 fine.

## **Chiropractic**

Allan Mitchell Cherkin; Patchogue, NY 11772; Lic. No. 003464; Cal. No. 28200; Application for consent order granted; Penalty agreed upon: 12 month actual suspension, 12 month stayed suspension, 2 years probation, \$10,000 fine.

Bart Allen Brundage; Farmington, NY 14425; Lic. No. 009751; Cal. No. 28467; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$2,500 fine.

## **Clinical Laboratory Technology**

Gina Allgeier; Clinical Laboratory Technologist; Bay Shore, NY 11706; Lic. No. 000243; Cal. No. 28515; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 24 months probation.

## **Dentistry**

Peter Anthony Lucchese; Dentist; Glen Head, NY 11545; Lic. No. 044345; Cal. No. 26270; Application for consent order granted; Penalty agreed upon: 6 month actual suspension, 18 month stayed suspension, 2 years probation, \$10,000 fine.

John C. Taneff; Dentist; Cheektowaga, NY 14206; Lic. No. 043843; Cal. No. 27779; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 24 months probation, 100 hours public service, \$7,500 fine.

Gary Lance Schatzberg; Dentist; Bethpage, NY 11714; Lic. No. 048395; Cal. No. 28469; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$1,500 fine.

Elmira Gadol; Dentist; New York, NY 10023; Lic. No. 043917; Cal. No. 28512; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$2,500 fine.

## **Engineering and Land Surveying**

Marshall Thomas Ferrell; Professional Engineer; Birmingham, AL 35244; Lic. No. 063475; Cal. No. 28800; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation to commence upon return to practice in the State of New York, \$1,000 fine payable within 3 months.

## **Interior Design**

Jacqueline Lee Falk; Certified Interior Designer; New York, NY 10016; Cert. No. 000131; Cal. No. 28504; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$5,000 fine.

## **Nursing**

Kristi A. Wallen a/k/a Kristi Moore; Licensed Practical Nurse; Unadilla, NY 13849; Lic. No. 273679; Cal. No. 28106; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Catherine Grace Ritchie; Registered Professional Nurse; Ithaca, NY 14850; Lic. No. 654201; Cal. No. 28134; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Charlene Marie Sands a/k/a Charlene Marie O'Brien; Licensed Practical Nurse; Warsaw, NY 14011; Lic. No. 280003; Cal. No. 28252; Application for consent order granted; Penalty agreed upon: 4 month actual suspension, 20 month stayed suspension, 2 years probation.

Jennifer Collazo; Licensed Practical Nurse; Cortland, NY 13045; Lic. No. 298558; Cal. No. 28272; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Elaine M. Whalen; Registered Professional Nurse; Fayetteville, NY 13066; Lic. No. 597044; Cal. No. 28275; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Christine M. Clark; Registered Professional Nurse; Farmingville, NY 11738-2023; Lic. No. 633433; Cal. No. 28357; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 24 months probation.

Annie McMenamin; Registered Professional Nurse; Bellerose, NY 11426; Lic. No. 646059; Cal. No. 28403; Application for consent order granted; Penalty agreed upon: 24 month stayed suspension, 24 months probation, \$500 fine.

Kyong Sook Yun; Registered Professional Nurse; Poughkeepsie, NY 12603-5112; Lic. No. 304671; Cal. No. 28448; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 24 months probation.

Jared William Colletti; Registered Professional Nurse; Phelps, NY 14532-1055; Lic. No. 669177; Cal. No. 28500; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Ann-Marie A. Pfaff; Licensed Practical Nurse; Brooklyn, NY 11236; Lic. No. 271751; Cal. No. 28510; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation.

Erica Rachael Fenton; Licensed Practical Nurse, Registered Professional Nurse; Glens Falls, NY 12801; Lic. Nos. 256628, 547712; Cal. Nos. 28523, 28524; Application for consent order granted; Penalty agreed upon: Indefinite actual suspensions for no less than 1 month and until physically and mentally fit to practice, upon termination of suspensions, 2 years probation to commence upon return to practice, \$500 fine payable within 3 months.

Judith Lynn Tuttle a/k/a Judith L. Tuttle; Licensed Practical Nurse, Registered Professional Nurse; Phelps, NY 14532; Lic. Nos. 243332, 562801; Cal. Nos. 28532, 28533; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Barbara Lathia Trotter; Licensed Practical Nurse; Syracuse, NY 13205; Lic. No. 219573; Cal. No. 28553; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation.

Kathi Annemarie Concannon a/k/a Kathi Ann Cavallo; Licensed Practical Nurse, Registered Professional Nurse; New Windsor, NY 12553; Lic. Nos. 206474, 419853; Cal. Nos. 28600, 28601; Application for consent order granted; Penalty agreed upon: Indefinite actual suspensions of no less than 3 months and until successful participation in course of therapy and treatment and until fit to practice, upon termination of suspensions, 2 years probation to commence if and when return to practice.

Christine Mary Labanowski; Licensed Practical Nurse; Medford, NY 11763; Lic. No. 293652; Cal. No. 28604; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 24 months probation.

Schmeka L. Morgan; Licensed Practical Nurse; Rochester, NY 14616; Lic. No. 272497; Cal. No. 28609; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months.

Glenna Marie Murrell; Licensed Practical Nurse; Poughkeepsie, NY 12601; Lic. No. 284664; Cal. No. 28814; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension of not less than 1 month and until fit to practice, upon termination of suspension, 2 years probation to commence if and when return to practice.

## Pharmacy

Alan P. Theriault; Pharmacist; Arlington, VA 22202; Lic. No. 041451; Cal. No. 28256; Application for consent order granted; Penalty agreed upon: 2 month actual suspension, 22 month stayed suspension, 2 years probation, \$1,000 fine.

Jane Sagona Balasiano; Pharmacist; Fishkill, NY 12524; Lic. No. 036416; Cal. No. 28401; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$1,500 fine.

William John Schwetz; Pharmacist; Mineola, NY 11501; Lic. No. 047949; Cal. No. 28464; Application for consent order granted; Penalty agreed upon: \$7,500 fine, 1 year probation.

Genovese Drug Stores, Inc d/b/a Rite Aid; Pharmacy; 5125 Merrick Road, Massapequa Park, NY 11762; Reg. No. 013474; Cal. No. 28465; Application for consent order granted; Penalty agreed upon: \$7,500 fine payable within 30 days.

Nasser Zarif El-Miniawi; Pharmacist; Syosset, NY 11791; Lic. No. 037007; Cal. No. 28482; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$5,000 fine.

CVS Albany, L.L.C. d/b/a CVS Pharmacy; Pharmacy; 20 East Montauk Highway, Lindenhurst, NY 11757; Reg. No. 020186; Cal. No. 28511; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, 1 year probation, \$5,000 fine.

Sunita Kain Kumar; Pharmacist; Manhasset Hills, NY 11040; Lic. No. 040536; Cal. No. 28519; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, \$1,000 fine payable within 30 days.

Halco Pharmacy II Inc. d/b/a Mittman's Pharmacy; Pharmacy; 167 Havemeyer Street, Brooklyn, NY 11211; Reg. No. 029300; Cal. No. 28520; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, \$1,000 fine payable within 30 days.

Ann Leslie Palmer; Pharmacist; Port Jefferson, NY 11777-1427; Lic. No. 034220; Cal. No. 28549; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$1,500 fine.

Brian Ira Fine; Pharmacist; Hewlett, NY 11557; Lic. No. 035383; Cal. No. 28561; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, 1 year probation, \$1,000 fine.

Fine's Fine Pharmacy, Inc. d/b/a Park Slope Pharmacy; Pharmacy; 803 8th Avenue, Brooklyn, NY 11215; Reg. No. 019035; Cal. No. 28562; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, 1 year probation, \$1,000 fine.

## **Physical Therapy**

Olean Physical Therapy Professionals, PLLC; 3132 NYS Route 417, Olean, NY 14760; Cal. No. 27367; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$10,000 fine payable within 6 months.

Manfong Ma; Physical Therapist; Glen Oaks, NY 11004; Lic. No. 015947; Cal. No. 28584; Application for consent order granted; Penalty agreed upon: 1 year suspension with leave to apply for early termination upon successful completion of certain courses in certain areas, upon service of or early termination of suspension, 2 years probation to commence if and when return to practice, \$500 fine payable within 30 days.

Dina Lynn Delgado; Physical Therapist; Universal City, TX 78148; Lic. No. 011169; Cal. No. 28794; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation to commence upon return to practice in the State of New York, \$500 fine payable within 6 months.

## **Public Accountancy**

Hyun Ho Kim; Certified Public Accountant; Vernon, CT 06066-4062; Lic. No. 098658; Cal. No. 28569; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, \$1,000 fine payable within 30 days.

Stephen Surgit; Certified Public Accountant; Huntington Station, NY 11746; Lic. No. 082074; Cal. No. 28615; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, \$1,000 fine payable within 30 days.

William Charles Gewanter; Certified Public Accountant; Merrick, NY 11566; Lic. No. 092770; Cal. No. 28621; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, \$1,000 fine payable within 30 days.

## **Social Work**

Cheryl Ann Bianchi-Bigelow; Licensed Clinical Social Worker; Rochester, NY 14610; Lic. No. 034299; Cal. No. 27901; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$1,000 fine.

## **Speech-Language Pathology and Audiology**

Frederick M. Ruffen; Audiologist; Glen Cove, NY 11542-1943; Lic. No. 000024; Cal. No. 28602; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$5,000 fine.

## **Veterinary Medicine**

Jon David Redfield; Veterinarian; Fredonia, NY 14063; Lic. No. 006619; Cal. No. 28087; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation to commence upon return to practice, \$3,000 fine payable within 6 months.

Renee Freeman; Veterinary Technician; Albuquerque, NM 87104; Lic. No. 002890; Cal. No. 28476; 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 in the State of New York, \$500 fine payable within 6 months.

Sarah Maureen Cecere; Veterinary Technician; Le Roy, NY 14482; Lic. No. 004636; Cal. No. 28536; 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 payable within 6 months.

Diane S. Tutone; Veterinary Technician; Little River, SC 29566; Lic. No. 000392; Cal. No. 28537; 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 in the State of New York, \$500 fine payable within 6 months.

Norman Clayton Woodworth; Veterinarian; Elba, NY 14058-9713; Lic. No. 005072; Cal. No. 28538; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$5,000 fine.

Gwendolyn Margery Wollney; Veterinarian; Batavia, NY 14020; Lic. No. 006189; Cal. No. 28539; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$5,000 fine.

Frances Gex Woodworth; Veterinarian; Elba, NY 14058-9713; Lic. No. 005071; Cal. No. 28540; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$5,000 fine.

## **III. RECONSIDERATION**

Carrie J. Medley; Licensed Mental Health Counselor; Rochester, NY 14620; Lic. No. 004850; Cal. No. 28825; Application for reconsideration granted: With 1 year period of probation to commence upon termination of indefinite suspension and upon return to practice.

## **IV. RESTORATIONS**

The Board of Regents voted on April 19, 2016 to deny the application for restoration of the physician license of Celestine I. Amaefule, Goldsboro, NC. Dr. Amaefule's license was originally revoked May 11, 1996.



New York State  
EDUCATION DEPARTMENT

Knowledge > Skill > Opportunity



# ATTACHMENT I

## Summary of the 2016-17 Enacted State Budget



# School Aid Overview

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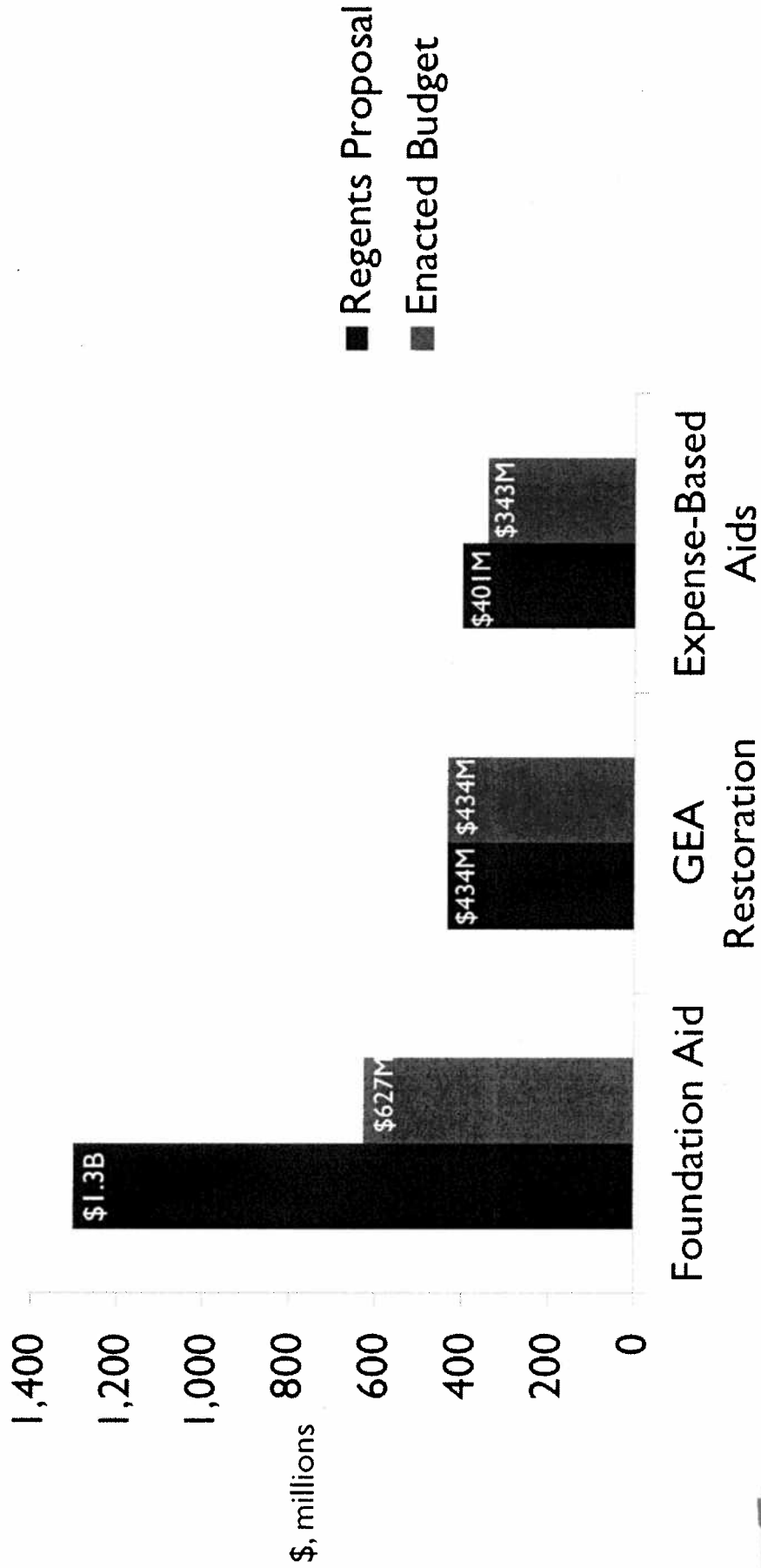
The enacted budget provides a \$1.4 billion, or 6.1%, increase in state aid to school districts for a total of \$24.6 billion.

This includes additional general support for public schools (GSPS) as follows:

- \$434 million Gap Elimination Adjustment (GEA) full restoration to **all** districts;
- \$627 million Foundation Aid increase; and
- \$343 million increase in statutorily-based Expense-based aids.

# Comparison to Regents State Aid Proposal

- The enacted budget's elimination of the GEA matches the Regents' proposal.
- The increase in Foundation Aid is less than half the amount proposed.



**Note:** The lower enacted amount for expense-based aids reflects an update in the actual costs claimed by districts, consistent with the Regent's proposal to fully fund those aid categories.

## Gap Elimination Adjustment (GEA)

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The Gap Elimination Adjustment is restored for all districts statewide for 2016-2017.

Despite the display of a “Final GEA Payment” on the state aid runs, all restored funding will be paid throughout the year consistent with the existing payment schedule.

## Eligibility for State Aid Increases

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The enacted budget **did not** change the statutory requirements that in order for districts to receive their 2015-2016 and 2016-2017 state aid increases, they must have 3012-d evaluation plan approved by the Department by September 1, 2016.

State aid increases for this purpose include the entire increase in GSPs, including all aids such as Foundation Aid, the GEA Restoration, and expense-based aids.

# Additional Grants and Allocations

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The enacted budget also provides for the following:

- \$22 million in grants to expand prekindergarten for 3-year olds;
- \$3 million for an additional round of Early College High School Grants;
- \$2 million for QUALITYstarsNY, the state’s early learning quality rating and improvement system;
- \$1 million CTE Support for ELLs and students with disabilities; and
- \$1 million increase in the Bilingual Education program.

## Community Schools

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Further, the enacted budget includes \$175 million in support for community schools:

- \$100 million is provided through a setaside within the district's Foundation Aid increase; the amount and districts impacted are the same persistently struggling, struggling, and high need districts as the Governor's Community Schools Aid proposal; and
- \$75 million in grants is provided to struggling and persistently struggling schools pursuant to a plan developed by the Department.

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# Other Provisions

## Settlement Funds

- The enacted budget does not include any of the Regents proposed education-related uses of the state’s settlement funds, nor did it include any uses that were education-related.

## Statewide Universal Full Day Prekindergarten

- No changes, expansions, or consolidations were made in this program.

## Free and Reduced Price Lunch Counts

- The Department is required to research and provide recommendations for counting free- and reduced-price lunch (FRPL) students in state aid formulas for districts participating in the Federal Community Eligibility Program.

# Regents Priority Programs

The enacted budget includes funding for the following Regents priority requests:

Program	Requested	Increase Received
Improve Outcomes for Boys and Young Men of Color	\$21 million	\$18 million
Office of Family and Community Engagement (State Operations)	Included above	\$2 million
Higher Education Opportunity Program (HEOP)	\$2.5 million	\$5.9 million
Science and Technology Entry Program (STEP)	\$2.5 million	\$2.6 million
Collegiate Science and Technology Entry Program (CSTEP)	\$4 million	\$2 million
Liberty Partnerships Program (LPP)	\$750,000	\$3.1 million
Early College High Schools	\$3.5 million	\$2.5 million
Public Library Construction	\$4.2 million	\$5 million



# Aid to Localities

The Enacted Budget provides increases to the following programs:

Program	Increased Funding
Adult Literacy Education	\$1 million
Aid to Public Libraries	\$4 million
Foster Youth College Success Initiative	\$1.5 million
Math and Science High Schools	\$461,000
Non-Public Schools	\$62.6 million*
Preschool Special Education	\$15 million
Private Schools for the Blind and Deaf	\$2.3 million
Safety Equipment for Non-Public Schools	\$10.5 million

\* Includes a \$1.9 million increase for Mandated Services Aid and a \$60.7 million increase for Comprehensive Attendance Policy.

# Aid to Localities

The Enacted Budget additional investments in:

Program	Increased Funding
Full and Half Day Pre-K Programs for 3 Year Olds	\$22 million
Career and Technical Education (CTE)	\$1 million
Chapter 853, 4410, 4201 and Special Act schools/providers to Support the Minimum Wage Increase	\$1.1 million
Advanced Placement Fee for Economically Disadvantaged Students	\$500,000
Teen Health Fund	\$120,000

# State Operations

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The enacted budget provides new operations funding as follows:

- \$2 million to establish an Office of Family and Community Engagement pursuant to the Initiative to Improve Outcomes for Boys and Young Men of Color
- \$2 million to re-establish an Office of Religious and Independent Schools
- \$1 million for Teacher and Principal Professional Development
- \$225,000 to continue the appointment of monitors in East Ramapo

In addition, the enacted budget:

- Continues funding of the \$8.4 million for assessment and \$800,000 for the Office of Facilities
- Eliminates \$1 million for implementation of the new educator evaluation system
- Includes a \$550,000 appropriation for the Interstate Reciprocity for Postsecondary Distance Education Account
- Does not include requested additional spending authority needed to proceed with the Office of Professions E-Licensing system

# Regents Budget Requests

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The enacted budget does not include the following Regents funding requests:

Program	Request
Enhancing the Achievement of English Language Learners	\$10 million
Improving Assessments for Students with Disabilities	\$2.9 million
Building Oversight and Support Capacity at SED	5% set-aside
State Aid Modeling	\$2 million
Erasure Analysis of Test Results	\$500,000
Bridge to College and Careers Pilot Program	\$10 million
Facilities Planning System	\$4 million

# Policy Changes Within the Budget (P-12 Education)

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The enacted budget included the following policy initiatives:

## **School Safety:**

- Enacts a Regents legislative priority to authorize the Department to administratively provide a waiver to a school district that fails to meet the 180-day school year requirement due to school closure in an emergency situation after a credible threat to student safety as reasonably determined by a lead school official.
- 4 of the currently required 12 fire drills each year are substituted with lockdown drills, requires safety plans to include procedures for responding to students making threats against themselves (including suicide), requires schools to certify to the Commissioner that all staff have undergone annual training on the emergency response plan (including components on violence prevention and mental health), and allows for continued student participation on the district wide school safety team under certain circumstances.

## **QUALITYstarsNY:**

- Requires the Department, the Office of Children and Family Services, and the NYC Department of Health and Mental Hygiene to recommend pre-kindergarten programs receiving state funds that are identified as needing extraordinary quality support to voluntarily participate in QUALITYstars.

# Policy Changes Within the Budget (Higher Education)

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The enacted budget included the following policy initiatives:

## **Financial Aid:**

- Allows dependent students to use their parents or independent students to use their income tax returns from two years ago (rather than the previous year) to calculate state financial aid assistance.
- Extends the payment of tuition (up to the tuition level charged at SUNY) for active members of the NY Army National Guard, Air National Guard and Naval Militia who are enrolled at least part-time at a two or four-year college or university in NYS for 5 years.
- Permanently extends the Social Worker Loan Forgiveness Program, the NYS Faculty Loan Forgiveness Incentive Program, the Patricia K. Magee Nursing Faculty Scholarship Programs, and the Regents Physician Loan Forgiveness Program (administered by the Department).

## **Private College Reporting Requirement:**

- The enacted budget requires all private degree granting institutions of higher education, starting on August 15, 2016 and thereafter, to report to the Chairs of Senate and Assembly Higher Education Committees on information such as tuition trends, enrollment trends, endowment levels, average financial aid packages and graduation rates.

# Policy Changes Within the Budget (Professions)

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The enacted budget included the following policy initiatives:

- Extends the exemption, for two years, from psychology, social work, mental health counseling, marriage and family therapy, creative arts therapy and psychoanalysis licensure for individuals working in certain programs regulated, operated, funded or approved by the Office of Mental Health, Office for People with Developmental Disabilities, the Office for Alcoholism and Substance Abuse Services, the Department of Health, the State Office for the Aging, the Office of Children and Family Services, the Department of Corrections and Community Services, the Office of Temporary and Disability Assistance, local governmental units or social services districts.
- Expands the use of alternative project delivery methods, including for certain development projects.
- Exempts practitioners that certify to the Department of Health that he or she will not issue more than 25 prescriptions (controlled and non-controlled) over the succeeding 12-month period from electronic prescribing requirements.



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# Thank You.
