



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*
SUBJECT: Summary of the December 2018 Meeting
DATE: January 3, 2019
AUTHORIZATION(S): *MaryEllen Elin*

Executive Summary

Issue for Decision

Review of the Summary of the December 2018 Meetings of the Board of Regents.

Proposed Handling

Approval of the Summary of December 2018 meetings.

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 December 2018 meetings.

Timetable for Implementation

Effective January 15, 2019.

VOTED, that the Summary of the December 2018 Meetings of the Board of Regents of The University of the State of New York be approved.



SUMMARY OF THE DECEMBER 2018 MEETING

OF THE BOARD OF REGENTS

OF

THE UNIVERSITY OF THE STATE OF NEW YORK

***Held at the State Education Building
Albany, New York***

December 10 and 11, 2018

***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, December 10, 2018 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Monday, December 10th at 9:00 a.m.

Board Members in Attendance:

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

Also present were Commissioner of Education, MaryEllen Elia, Executive Deputy Commissioner, Elizabeth Berlin, Counsel and Deputy Commissioner for Legal Affairs, Alison B. Bianchi, and the Secretary, Board of Regents, Anthony Lofrumento. Regent Wade S. Norwood was absent and excused.

ACKNOWLEDGEMENTS

Chancellor Rosa took a moment to honor the passing of three individuals, President George H. W. Bush, Harold Levy, former member of the Board of Regents and Chancellor of the New York City Department of Education and Anne Coonradt who served the Department for 40 years.

Chancellor Rosa also acknowledged Assemblyman Walter T. Mosely in attendance at the meeting.

ACTION ITEM

Executive Session Motion

MOVED, that the Board of Regents convene in executive session on Monday, December 10th at 4:40 p.m. to discuss current litigation matters.

Motion by: Vice Chancellor T. Andrew Brown
Seconded by: Regent Josephine Victoria Finn
Action: Motion carried unanimously.

Regent Judith Chin provided words of reflection to open the meeting.

DISCUSSION ITEM

Proposed Amendments to Section 30-3.17 of the Rules of the Board of Regents Relating to Annual Professional Performance Reviews (APPR) BR (D) 1

Commissioner Elia and the members of the Board discussed the proposed amendments to Section 30-3.17 of the Rules of the Board of Regents Relating to Annual Professional Performance Reviews (APPR).

Remarks by Patricia A. Fahy, Member of the Assembly

Chancellor Rosa recognized Patricia A. Fahy, Member of the Assembly, and invited Assembly Member Fahy to make brief remarks about the need for State Pre-K transportation aid and the need for a policy study regarding a revised start date for children to begin kindergarten (Attachment I.)

Chancellor Betty A. Rosa adjourned the meeting.

MEETING OF THE FULL BOARD, Tuesday, December 11th at 11:25 a.m.

Board Members in Attendance:

Betty A. Rosa, *Chancellor*
T. Andrew Brown, *Vice Chancellor*
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
Nan Eileen Mead
Elizabeth S. Hakanson
Luis O. Reyes
Susan W. Mittler

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

ACKNOWLEDGEMENTS

Chancellor Rosa took a moment to honor the passing of New York State Senator José Peralta.

Regent Catherine Collins provided words of reflection at the start of the meeting and discussed the New Book Vending Machine at the Arthur O. Eve School of Distinction, #61 in Buffalo (Attachment II.)

**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 November 2018 Meeting of the Board of Regents
BR (A) 2**

MOVED, that the Summary of the November 2018 Meeting of the Board of Regents of The University of the State of New York be approved.

Motion by: Regent Christine D. Cea
Seconded by: Regent Josephine Victoria Finn
Action: Motion carried unanimously.

PROGRAM AREA CONSENT ITEMS

Adult Career and Continuing Education Services (ACCES)

Appointments to the New York State Independent Living Council, Inc. BR (CA) 1

MOVED, that Barbara Devore be appointed for a three-year term beginning January 1, 2019 and ending December 31, 2021.

MOVED, that Roger Benn be reappointed to a three-year term beginning January 1, 2019 and ending December 31, 2021.

MOVED, that Denise DiNoto be reappointed to a three-year term beginning January 1, 2019 and ending December 31, 2021.

MOVED, that Robert Meek be reappointed to a three-year term beginning January 1, 2019 and ending December 31, 2021.

MOVED, that Ann Scherff be reappointed to a three-year term beginning January 1, 2019 and ending December 31, 2021.

Appointment to the New York State Rehabilitation Council BR (CA) 2

MOVED, that Alan Gallagher be appointed to an ongoing term beginning January 1, 2019.

Office of Counsel

2019 Regulatory Agenda BR (CA) 3

MOVED, that the 2019 Regulatory Agenda for the State Education Department be approved, as submitted.

Higher Education

Application for Authority to Operate as a for-profit Degree-Granting Institution in New York State: New York Film Academy – Provisional Authority to Confer Degrees

BR (CA) 4

MOVED, that the Board of Regents grant the New York Film Academy (NYFA) provisional authority to confer the B.F.A. degree and approve the master plan amendment for NYFA to offer registered curricula in Filmmaking and Acting for Film. The provisional period will be for five years from the date of approval by the Board of Regents.

**Conferral of Degrees: Dowling College
BR (CA) 5**

MOVED, that the Board of Regents confer upon the following individuals, who have completed the requirements for registered degree programs at Dowling College for the respective degree as listed below:

Dowling College

The following students have completed the requirements for their respective awards as indicated:

Master of Science (M.S.)
Meyer, Alyssa
Velez, Kimberly Renee

**State University of New York College of Technology at Alfred, Alfred Campus:
Master Plan Amendment to Offer the Bachelor of Technology (B. Tech.) in
Agricultural Entrepreneurship Program
BR (CA) 6**

MOVED, that the Board of Regents approve a master plan amendment to authorize State University of New York College of Technology at Alfred to offer a program in Agricultural Entrepreneurship, its first baccalaureate level program in the discipline area of Agriculture at the Alfred campus. The amendment will be effective until December 2019, unless the Department registers the program prior to that date, in which case the master plan amendment shall be without term.

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) 7 - REVISED**

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

**Report of the Committee on the Professions Regarding Licensing Petitions
BR (CA) 8**

MOVED, that the Board of Regents approve the recommendations of the Committee on the Professions regarding licensing petitions and degree conferrals.

**Proposed Amendment to Section 63.9 of the Regulations of the Commissioner of
Education Relating to Administration of Vaccinations by Pharmacists
BR (CA) 9**

MOVED, that paragraphs (2) and (4) of subdivision (b) and paragraph (1) and subparagraph (i) of paragraph (3) of subdivision (c) of §63.9 of the Regulations of the Commissioner of Education be amended, as submitted, effective December 26, 2018.

P-12 Education

**Proposed Amendment to Section 114.1 of the Regulations of the Commissioner
of Education Relating to School Breakfast Programs
BR (CA) 10**

MOVED, that the emergency action taken at the September 2018 Board of Regents meeting to add a new §114.1 of the Regulations of the Commissioner of Education be repealed, effective December 11, 2018; and

MOVED, that §114.1 of the Regulations of the Commissioner of Education be amended, as submitted, effective December 11, 2018, 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 implement the requirements of §2 of Part B of Chapter 56 of the Laws of 2018 and 7 CFR Part 220.

**Proposed Addition of Section 114.5 to the Regulations of the Commissioner
Relating to the Prohibition Against Meal Shaming
BR (CA) 11**

MOVED, that the emergency action taken at the September 2018 Board of Regents meeting to add a new §114.5 of the Regulations of the Commissioner of Education be repealed, effective December 11, 2018; and

MOVED, that a new §114.5 of the Regulations of the Commissioner of Education be added, as submitted, effective December 11, 2018, 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 implement the requirements of Education Law §908 as added by Section 1 of Part B of Chapter 56 of the Laws of 2018 and to ensure that the emergency rule adopted at the September 2018 Regents meeting remains continuously in effect until it can be adopted as a permanent rule.

MOVED, that the Regents approve the consent agenda items.

Motion by: Regent Catherine Collins
Seconded by: Regent Nan Eileen Mead
Action: Motion carried unanimously.

STANDING COMMITTEE REPORTS

CULTURAL EDUCATION

Your Committee on Cultural Education had its scheduled meeting on December 11, 2018. Regent Roger Tilles, Co-Chair of the Cultural Education Committee, submitted the following written report. In attendance were committee members: Regent Tilles, Co-Chair, Regent Cea, Regent Cottrell, Regent Ouderkirk and Regent Mead. Regents, in addition to Cultural Education Committee Members, in attendance were: Chancellor Rosa, Vice Chancellor Brown, Regent Cashin, Regent Norwood, Regent Hakanson, Regent Reyes, and Regent Mittler.

Also in attendance were Commissioner Elia, Executive Deputy Commissioner Berlin, Senior Deputy Commissioner for Educational Policy Jhone Ebert, and Counsel and Deputy Commissioner for Legal Affairs Alison Bianchi.

ITEMS FOR DISCUSSION

Co-Chair Regent Tilles welcomed everyone. Regent Tilles then introduced Deputy Commissioner Mark Schaming. Deputy Commissioner Schaming provided a brief report on Office of Cultural Education news and activities:

- At the New York Library Association annual conference last month, Bernard Margolis was posthumously awarded the 2018 NYLA Senator Hugh Farley Outstanding Advocate Award. This award is given to an individual who has made a far reaching, sustained contribution to the promotion and support of library and information services to the people of New York State.
- In addition, the New York Library Association awarded Carol Desch, Coordinator of Statewide Library Services and Director of Library Development, the 2018 NYLA Above and Beyond Award. This award honors individuals who have made significant contributions of recognized service to NYLA and the library profession.

- The New York State Archives exhibited the original New York State constitution on November 15 in Kingston in commemoration of the 200th anniversary of Ulster County’s courthouse. Approximately 500 people saw the document, including 300 students.
- On December 2, the State Museum hosted the 5th Annual Taste NY Holiday Market. Over 6,000 visitors shopped at 30 “made in New York” food and beverage vendors, attended cooking demonstrations, and learned what food New Yorkers ate in the 18th century.

Regents Advisory Council on Museum Appointments [CE (A) 1]

Department staff will present proposed appointments to the Regents Advisory Council on Museums for Board of Regents approval. Members of the Regents Advisory Council on Museums offer advice and consultation on issues of policy and service pursuant to the Board’s statutory mandate to operate the State Museum and oversee museums across New York State. The recommended appointments to the Museum Regents Advisory Council are: David Kahn, Executive Director of the Adirondack Experience The Museum on Blue Mountain Lake and Barbara Hunt McLanahan, Executive Director of the Children’s Museum of the Arts, both for five-year terms through December 31, 2023.

Motion: Regent Cottrell
 Second: Regent Cea
 Unanimous vote in favor of the motion.

State Museum Overview of Native American Graves and Repatriation Act (NAGPRA) [CE (D) 1]

NAGPRA is a federal law passed in 1990 to provide a process for the return of cultural items to federally recognized Native American tribes. Consultation with Native American groups has resulted in numerous successful repatriations and collaborations, including new additions to the State Museum’s collections. Lisa Anderson, NAGPRA Coordinator, and Gwen Saul, Curator of Ethnology, discussed the NAGPRA process, recent repatriations and acquisitions.

HIGHER EDUCATION

Your Higher Education Committee held its scheduled meeting on December 10, 2018. All members were present.

Action Items

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 December 10, 2018, copies of which have been distributed to each member of the Board of Regents.

Matters Not Requiring Board Action:

Proposed Amendments to Sections 52.21 and 80-3.7 of the Regulations of the Commissioner of Education Relating to Student Teaching Requirements for Teacher Certification and the Registration of Teacher Preparation Programs - Your Committee discussed proposed amendments to the Commissioner's Regulations relating to student teaching requirements for teacher certification and registration of teacher preparation programs. Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendments will be presented to the Board of Regents for adoption at its April 2019 meeting. If adopted at the April 2019 meeting, the proposed amendments will become effective on April 24, 2019. HE (D) 3

Proposed Amendments to Section 52.21 of the Regulations of the Commissioner of Education Relating to Field Experience Requirements for Teacher Certification and the Registration of Teacher Preparation Programs - Your Committee discussed proposed amendments to the Commissioner's Regulations relating to the field experience requirements for teacher certification and the registration of teacher preparation programs. After much discussion, it was decided to table the item. HE (D) 2

Matters Requiring Board Action:

Consent Agenda

The Board of Regents acted on the following consent agenda items at the December 2018 meeting.

- **Application for Authority to Operate as a for-profit Degree-Granting Institution in New York State: New York Film Academy** – Provisional Authority to Confer Degrees. The Board of Regents voted to grant New York Film Academy (NYFA) provisional authority to confer the Bachelor of Fine Arts (B.F.A.) degree and approve the master plan amendment for NYFA to offer registered curricula in Filmmaking and Acting for Film. The provisional period will be for five years from the date of approval by the Board. The Department will monitor NYFA's progress toward meeting the requirements for permanent authority to confer degrees. BR (CA) 4
- **Conferral of Degrees: Dowling College** - The Board of Regents approved the conferral of the respective degrees upon listed individuals who have completed the requirements for registered degree programs at Dowling College. BR (CA) 5

- **State University of New York College of Technology at Alfred, Alfred Campus: Master Plan Amendment to offer the Bachelor of Technology (B. Tech) in Agricultural Entrepreneurship Program** - The Board of Regents approved a master plan amendment to authorize the State University of New York College of Technology at Alfred to offer a program in Agricultural Entrepreneurship, its first baccalaureate level program in the discipline area of Agriculture at the Alfred Campus. The amendment will be effective until December 2019, unless the Department registers the program prior to that date, in which case master plan amendment shall be without term. BR (CA)

P-12 EDUCATION

Your P-12 Education Committee held its scheduled meeting on December 10, 2018. All members were present.

ACTION ITEMS

Initial Application Authorized by the Board of Regents [P-12 (A) 1]

Your Committee recommends that the Regents find that: (1) the proposed charter school 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 Article 56 of the Education Law; and (4) granting the application will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves and issues a charter and provisional charter to the Hellenic Classical Charter School – Staten Island for a term of five years in accordance with §2851(2)(p) of the Education Law. The motion passed. Regents Collins and Mittler were in opposition.

Implementation of the State’s Approved Every Student Succeeds Act (ESSA) Plan [P-12 (A) 2]

Your Committee recommends that sections 100.2(ff), 100.2(m), 100.18, 100.19 and Part 120 of the Commissioner’s Regulations as amended and §100.21 as added to the Commissioner’s Regulations as an emergency measure at the November 2018 Board of Regents meeting be repealed, effective December 18, 2018.

Your Committee further recommends that sections 100.2(ff), 100.2(m), 100.18, 100.19 and Part 120 of the Commissioner’s Regulations be amended and that §100.21 be added to the Commissioner’s Regulations, as submitted, effective December 18, 2018, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of general welfare to ensure that the State’s USDE approved ESSA plan can be implemented beginning with the 2018-2019 school year, consistent with the

requirements set forth by the USDE and to ensure that the emergency rule adopted at the June Regents meeting, and subsequently revised at the September and November Regents meetings, can remain continuously in effect until adopted as a permanent rule. The motion passed unanimously.

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 December 11, 2018, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

New York State My Brother's Keeper Initiative [P-12 (D) 1] – the Committee was provided with an update on the various components of the My Brother's Keeper (MBK) Initiative in the areas of the Challenge Grant, Teacher Opportunity Corps, Family and Community Engagement Grants, MBK Fellows Grant, Native American Program Grant, Exemplary Schools and Model Practices Grant, and the latest initiative from the My Brother's Keeper Alliance that involves the Department.

Pathways to a New York State Diploma – the Committee was provided with an historical context of the graduation requirements for a New York State Diploma. The presentation included the current 4 + 1 options, status of the work occurring around a capstone project and the role seals can play in moving toward one New York State diploma. A timeline of milestones for convening a Blue Ribbon Commission was also presented.

Consent Agenda

The Board of Regents will take action on the following consent agenda items at their December 11, 2018 meeting.

- Regulations relating to School Breakfast Programs
- Regulations relating to the Prohibition Against Meal Shaming

P-12 EDUCATION/ADULT CAREER AND CONTINUING EDUCATION SERVICES

Your P-12 Education and Adult Career and Continuing Education Services Committees held their scheduled meeting on December 10, 2018. All members were present.

MATTERS NOT REQUIRING BOARD ACTION

Improving Services and Outcomes for Students and Young Adults with Disabilities [P-12/ACCES (D) 1] – the Committee was provided with information on the Department's

collaborative work to identify and implement effective practices and professional development to improve outcomes for students and young adults with disabilities (differently abled). Department staff discussed the 16 key State Performance Plan indicators and amendments to the Workforce Innovation and Opportunity Act (WIOA) which included the addition of pre-employment transition services (Pre-ETS) for students who are differently abled. Pre-ETS includes job exploration counseling, work-based learning experiences, counseling on postsecondary options, workplace readiness training, and instruction in self-advocacy. The Department will continue to collaborate to identify and implement effective practices and provide professional development necessary to improve services and outcomes for children and young adults who are differently abled.

P-12 EDUCATION/HIGHER EDUCATION

Your P-12 Education and Higher Education Committees held their scheduled meeting on December 10, 2018. All members were present.

MATTERS NOT REQUIRING BOARD ACTION

Dignity for All Students Act (DASA) Task Force Recommendations [P-12/HE (D) 1] – the Committee was provided with an overview of the Dignity for All Students Act (DASA) Task Force recommendations and general themes for the DASA training requirement for certification and other related recommended changes to educator preparation programs. The DASA Task Force was reconvened in 2017 in response to concerns regarding the effectiveness of the DASA training. The reconvened Task Force was charged with examining the content of the DASA training and various means to ensure that prospective school professionals receive effective training before they assume their respective responsibilities. Discussion focused on recommendations and themes that emerged from the reconvened Task Force discussions, specifically the recommendation requiring a three-semester hour multicultural education course that addresses and assesses candidates' knowledge and abilities related to the means for the prevention of and intervention in harassment, bullying, and discrimination. The Department will work with educator preparation providers to incorporate other essential preparation topics into the multicultural education course or across the current program.

PROFESSIONAL PRACTICE

Your Professional Practice Committee held its scheduled meeting on December 11, 2018. All members were present, Chancellor Betty A. Rosa, Kathleen M. Cashin and Regent Roger Tilles 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 4 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 28 consent order applications and 4 surrender applications be granted, and further recommends that 2 summary suspension applications be granted, with Regent Josephine Victoria Finn abstaining in such summary suspension cases.

In the case of Rebecca E. Hilton a/k/a Rebecca E. Owens, Licensed Practical Nurse, Calendar No. 29137, we recommend that the spelling of the title of respondent's profession shown in the Regents Review Committee report be deemed corrected throughout such report and be deemed in all instances to read "Licensed Practical Nurse".

In the case of Jennifer Ann Muehlig, Licensed Practical Nurse, Calendar No. 29456, we recommend that (1) the third recommendation of the Regents Review Committee shown on page numbered four of its report be deemed corrected to show that such recommendation relates to the penalty to be imposed upon respondent and, as so amended, to read "That the recommendation as to the penalty to be imposed rendered by the hearing panel be accepted; and"; and (2) that the entire sentence beginning with the word "Additionally" on the last line of page numbered three of the Regents Review Committee report and continuing onto the top of page numbered four of such report and ending with the word "discretion" be deemed deleted.

In the case of Mercedes Francesca Wagstaff, Licensed Practical Nurse & Registered Professional Nurse, Calendar Nos. 30334 & 30335, we recommend that the abstention of Regent Catherine Collins in the determination of the Board of Regents in these matters be noted and that an Amended Vote & Order be issued to reflect the November 6, 2018 determination of the Board of Regents in these matters, including the abstention by Regent Collins at such time, said November 6, 2018 determination of the Board of Regents in these matters shall remain and continue in effect.

These recommendations are made following the review of 38 cases involving fifteen licensed practical nurses, six registered professional nurses, three certified public accountants, two architects, two licensed practical nurses who are also registered professional nurses, two massage therapists, one dental hygienist, one landscape architect, one licensed clinical social worker, one pharmacist, one pharmacy, and one public accountancy partnership.

Restorations

Your Committee recommends the following:

That the application of Tarig Yousef 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 December 11, 2018, 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
- Full Board Consent Agenda Items
- Board (Re)Appointments
- Licensing Petitions
- Proposed Amendment to Section 63.9 of the Regulations of the Commissioner of Education Relating to Administration of Vaccinations by Pharmacists (Permanent Adoption)

Discussion of Recent Developments in the Organization and Delivery of Professional Services [PPC (D) 1] - Discussion on the numerous changes to the existing pipeline for delivering professional services, which will necessitate future policy decisions.

Pharmaceutical Delivery Kiosks [PPC (D) 2] - Discussion on pharmaceutical kiosks currently in use in other states and proposed for use at various sites in New York State. Staff will review information gathered about efforts and outcomes in other states and current statutory and regulatory framework.

MOVED, that the Committee Reports be approved.

Motion by: Regent Roger Tilles
Seconded by: Regent Josephine Victoria Finn
Action: Motion carried unanimously.

State Education Department November 2018 Fiscal Report November - BR (A) 3

MOVED, that the Board accepts the November 2018 State Education Department Fiscal Report as presented.

Motion by: Regent Wade S. Norwood
Seconded by: Regent Catherine Collins
Action: Motion carried unanimously.

**2019-20 Non-State Aid Budget and Legislative Priorities and
2019-2020 Regents State Aid Proposal
BR (A) 5 – REVISED
SA (A) 1**

MOVED, that the Regents approve 2019-20 non-State Aid budget and legislative priorities as follows:

2019-20 Non-State Aid Budget Priorities

BOR Committee	Proposal Description	Amount of Current Request	Policy Area
P-12	Promotion of Positive School Climate and Bullying Prevention- Expand the Supportive Schools Grant Program and Technical Assistance Centers to provide resources for schools to be able to assess their current environment and provide them with the support necessary to develop and implement a plan, derived from evidence-based strategies and best practices, for improving school culture, climate, and safety, including prevention of and responses to bullying and ensuring and enhancing DASA compliance.	\$8M	Equity
P-12	Expanding Access to Quality High-Level Coursework- Establish a grant program that would expand and scale up existing online coursework platforms that would be provided to high needs school districts at no cost to increase access to advanced level coursework (AP) that is vetted by NYS certified school and district leaders or appropriate entities, inclusive of the needs of ELLs and SWDs, and delivered by a NYS certified teacher.	\$3M	Equity
P-12	Additional ESSA Implementation recommendations: <ul style="list-style-type: none"> • Supporting Newly Identified (CSI & TSI) Schools- \$3.5M; • Improving Transition Services to NYS Students at Neglected & Delinquent Facilities- \$300,000; • Providing High-Quality Professional Learning- \$2.9M; and • Creation of a Parent-Friendly Data System- \$2.5M. 	\$9.2M	ESSA

<p>P-12</p>	<p>Access to High-Quality Early Education and Early Care Programs- Implementation of the recommendations of the Regents Early Childhood Workgroup’s Blue-Ribbon Committee:</p> <ul style="list-style-type: none"> • Establishment of Regional Early Learning Technical Assistance Centers- \$2M; • Expanding QUALITYstarsNY- \$3M; • Implementing a Multi-Agency Comprehensive Developmental Screening Process- \$700,000; • Elevating Teacher and Leader Preparation and Professional Learning- \$2.5M; and • Tuition Cost Study for High-Quality Prekindergarten- \$300,000 	<p>\$8.5M</p>	<p>Early Learning</p>
<p>P-12</p>	<p>Addressing Teacher Shortages in Approved Private Schools Serving Students with Disabilities & Special Act School Districts</p> <ul style="list-style-type: none"> • Funding for a Pipeline to Incentivize 4410 Staff to Obtain Appropriate Certifications- \$2M • Expand Excessive Teacher Turnover Prevention Compensation Funding- \$4M 	<p>\$6M</p>	<p>Early Learning</p>
<p>P-12</p>	<p>Ensuring Equal Opportunities for English Language Learners/Multilingual Learners- Enhancing Regional Bilingual Education Resource Network support centers (RBERNs) professional development, technical assistance, compliance support, and role in providing translations, to meet ESSA’s mandates and goals regarding ELL/MLL achievement.</p>	<p>\$2.375M</p>	<p>ELLs</p>
<p>P-12</p>	<p>Enhancing the Achievement of English Language Learners- Supporting Spanish Language Arts (SLA) test development (5-year phase-in with costs in out years) and 3-8 and Regents exam translations in order to test student content and language mastery, not just their proficiency in English. SLA test development would begin with development of SLA standards and prep for testing in Grades 3-5. In subsequent years, the assessment would grow to include Grades 6-8 and one year in HS.</p>	<p>SLA \$3.43M Translations \$1M</p>	<p>ELLs</p>
<p>P-12</p>	<p>Ensuring the Appropriate Provision of English Language Learner Services - Creating a new English Language Proficiency assessment for English Language Learners/Multilingual Learners with Severe Cognitive Disabilities. (\$2M each year for at least 3 years)</p>	<p>\$2M</p>	<p>ELLs</p>

P-12	Development of Regents Exams in World Languages- The development of Regents Exams in Spanish and French (5-year phase-in with costs in out years).	\$950,000	Efficiency
P-12	Creating a Special Education and Related Services Data System- additional funding to support Phase II of the system development (a contract to build the system).	\$3.46M- which will cover costs for 2 years	Efficiency
P-12	Improving Facilities System Services- additional funding complete the analysis, development, testing, data migration and implementation of the replacement PMIS system.	\$300,000	Efficiency
HE	Supporting NYS Access & Opportunity Programs- The state's higher education opportunity programs are available to students attending colleges and provide access to higher education to students who might not otherwise have the opportunity. <ul style="list-style-type: none"> • Arthur O. Eve Higher Education Opportunity Program (HEOP); • Science and Technology Entry Program (STEP); • Collegiate Science and Technology Entry Program (CSTEP); and • Liberty Partnerships Program (LPP). 	\$10M	Equity
HE/ ACCES	Enhancing Supports & Services for Postsecondary Success of Students with Disabilities- Grant program to support the reasonable accommodation needs and services for individuals with disabilities enrolled at degree granting institutions of higher education.	\$15M	Equity
HE	Access to a Highly Qualified Diverse Teaching Workforce- Increasing the participation rate of historically underrepresented and economically disadvantaged individuals in teaching careers through the expansion of the Teacher Opportunity Corp II grant program.	\$500,000	Equity
HE	Enhancing Teacher Effectiveness- Expanding the Shanker Grant to increase access to National Board for Professional Teaching Standards (National Board) certification, which allows teachers to hone their practice, provides professional development, and enhances teacher effectiveness.	\$500,000	Efficiency
PP	Development of an Electronic Licensing and Document Management System to Improve Customer Service- Replacing a 35 year-old COBOL-based licensing system and enhancing our customer experience through use of funds resulting 15% registration fee increase authorized by the Legislature in 2009.	\$7.2M in Spending Authority for Phase II	Efficiency

OCE	State Aid for Library Construction- Increasing funding to better ensure that all New Yorkers continue to have access to state-of-the-art libraries.	\$11M	Equity
OCE	Expanding Access to Education Programs through Cultural Institutions- Support the Museum Education Act and establish competitive grants to support cultural institutions that seek to establish or improve museum education programs designed to improve and support student learning opportunities, including supporting the development of local curricular aids.	\$5M	Equity
OCE	Expanding Public Broadcasting Education Programs- Increased State Aid to expand two Public Broadcasting programs, the Enterprise America and GPS for Success, statewide to each public television station.	\$5M	Equity
ACCES	Bridge to College & Careers Pilot Program- Bridge programs enable out-of-school youth and adults to obtain critical basic skills and high school equivalency diplomas which would lead to programs resulting in industry-recognized credentials for employment or a college degree.	\$3M	Equity
ACCES	Expanding Independent Living Services for Individuals with Disabilities- Independent Living Centers (ILCs) serve people with disabilities and their families by providing an array of services to help these individuals live a fully integrated and self-directed life.	\$5M	Equity
DEPARTMENT WIDE	Building Oversight and Support Capacity at SED- Creation of a 5% set-aside within all new programs for administrative oversight and technical assistance, as is common in federal grants and programs.	5% set-aside	Efficiency
DEPARTMENT WIDE	Enhancing Transparency- Webcasting Regular Board of Regents Public Meetings	\$200,000	Efficiency

MOVED, that that the Regents adopt the 11/29/2018 SA (A) 1 item as their proposal on State Aid to school districts for the school year 2019-2020 (Attachment III.)

Motion by: Regent Nan Eileen Mead
Seconded by: Vice Chancellor T. Andrew Brown
Action: Motion carried unanimously.

**Acceptance of a \$225,000 Grant from The Bill & Melinda Gates Foundation
BR (A) 4**

MOVED, that the Board of Regents accept the sum of \$225,000 from The Bill & Melinda Gates Foundation to support the work of the USNY Regents Research Fund.

Motion by: Regent Roger Tilles
Seconded by: Regent Wade S. Norwood
Action: Regents Kathleen M. Cashin and Beverly L. Ouderkirk
opposed. Motion carried.

Chancellor Rosa wished all a happy holiday season and adjourned the meeting.

Appendix I
NEW YORK STATE BOARD OF REGENTS CHARTER ACTIONS

Name of Institution	Program Area	County (City/Town) of Location	Description of Charter Action(s)
Association of the Suffolk County Historical Societies	CE	Suffolk (Huntington)	Amend charter to change the corporate name to “Long Island Historical Societies” and to expand its geographic service area.
The Beacon Historical Society	CE	Dutchess (Beacon)	Amend charter to change the corporate address.
Brooklyn Historic Railway Association	CE	Kings (Brooklyn)	Extend provisional charter for five years.
Delhi Historical Society	CE	Delaware (Delhi)	Grant an absolute charter.
Friends of Brunel Park: The Emile Brunel Studio and Sculpture Park	CE	Ulster (Boiceville)	Grant a Regents certificate of incorporation.
Johnstown Public Library	CE	Fulton (Johnstown)	Grant provisional charter for five years.
The Knox Historical Society	CE	Albany (Knox)	Grant an absolute charter.
The Long Island Railroad Tower Association	CE	Nassau (Bethpage)	Grant provisional charter for five years.
Lower Lakes Marine Historical Society	CE	Erie (Buffalo)	Amend charter to change the corporate name to “Buffalo Harbor Museum”.
North Country Children’s Museum	CE	St. Lawrence (Potsdam)	Amend charter to change the corporate address and grant an absolute charter.
Red Jacket Community Library	CE	Ontario (Shortsville)	Amend charter to specify the trustee range to be not less than five nor more than eleven.
New York State Association of School Business Officials	P12	Albany (Albany)	Consent to filing of certificate of assumed name “Association of School Business Officials (ASBO) of New York”.
Institute of Public Administration	HE	New York (New York)	Dissolve charter.

Appendix II
**REGENTS ACTIONS IN 38 PROFESSIONAL DISCIPLINE CASES
AND 1 RESTORATION PETITION**

December 10 - 11, 2018

The Board of Regents announced disciplinary actions resulting in the summary suspensions of 1 license and 1 registration, revocation of 2 licenses, surrender of 4 licenses and 30 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. SUMMARY SUSPENSIONS

Pharmacy

Cutie Pharma-Care, Inc.; Pharmacy; Greenwich, NY 12834; Reg. No. 025438; Cal. No. 31031; Application for summary suspension granted.

Daniel J. Cutie; Pharmacist; Greenwich, NY 12834; Lic. No. 039311; Cal. No. 31032; Application for summary suspension granted.

II. REVOCATIONS AND SURRENDERS

Architecture

William A. Scott; Architect; Cheektowaga, NY 14225-1165; Lic. No. 011931; Cal. No. 30861; Application to surrender license granted. Summary: Licensee did not contest the charge of willfully failing to comply with the mandatory continuing education requirements to be registered to practice as an architect.

Massage Therapy

Wenzi Jin; Massage Therapist; Flushing, NY 11355; Lic. No. 026106; Cal. No. 30841; Application to surrender license granted. Summary: Licensee admitted to the charge of inappropriately touching a patient.

Nursing

Rebecca E. Hilton a/k/a Rebecca E. Owens; Licensed Practical Nurse; Brant Lake, NY 12815; Lic. No. 281059; Cal. No. 29137; Found guilty of professional misconduct; Penalty: Revocation.

Jennifer Ann Muehlig; Licensed Practical Nurse; Le Roy, NY 14482; Lic. No. 275622; Cal. No. 29456; Found guilty of professional misconduct; Penalty: Revocation.

Pamela L. Kenny; Registered Professional Nurse; Philadelphia, PA 19127-1455; Lic. No. 713713; Cal. No. 30749; Application to surrender license granted. Summary: Licensee admitted to charges of failing to document correct vital signs in the medical records of four patients in Delaware, and falsely stating on an application for licensure as a registered professional nurse that her employment had never been terminated by any hospital or licensed facility.

Linda Marie Sturges a/k/a Linda Marie Tech Reed; Registered Professional Nurse; Cody, WY 82414-8837; Lic. No. 522247; Cal. No. 30901; Application to surrender license granted. Summary: Licensee admitted to the charge of practicing the profession of nursing with gross negligence in Wyoming.

III. OTHER REGENTS DISCIPLINARY ACTIONS

Architecture

Kiwoo Park; Architect; Seoul, South Korea 04158; Lic. No. 032383; Cal. No. 30647; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation to commence upon return to practice in the State of New York, \$2,500 fine.

Dentistry

Jennifer Lynn Petruso; Dental Hygienist; North Salem, NY 10560; Lic. No. 018830; Cal. No. 30571; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation.

Landscape Architecture

Paul Erik Ersboll; Landscape Architect; Northport, NY 11768; Lic. No. 001358; Cal. No. 29679; Application for consent order granted; Penalty agreed upon: 2 years actual suspension with leave to apply for early termination upon submission of continuing education credits, 2 years probation, \$2,500 fine.

Massage Therapy

Marc J. Gatchalian a/k/a Marc Cateholion; Massage Therapist; Westbury, NY 11590-5402; Lic. No. 023968; Cal. No. 30401; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for not less than 6 months and until successful participation in course of therapy and treatment and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice.

Nursing

Sege David Kalmbacher a/k/a Sege Kalmbacher; Licensed Practical Nurse; Churchville, NY 14428; Lic. No. 248214; Cal. No. 29589; Found guilty of professional misconduct; Penalty: Indefinite suspension for a minimum of 2 years and until substance abuse-free and until fit

to practice, probation 2 years to commence subsequent to termination of suspension and if and when return to practice.

Annemarie Brignoni; Registered Professional Nurse; Saratoga Springs, NY 12866; Lic. No. 585001; Cal. No. 30150; 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.

Sarah Margaret Hubbard; Registered Professional Nurse; Rochester, NY 14624; Lic. No. 701486; Cal. No. 30152; 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.

Gia Giselle Cabrera; Licensed Practical Nurse; Schenectady, NY 12308; Lic. No. 324683; Cal. No. 30311; Application for consent order granted; Penalty agreed upon: 2 months actual suspension, 22 months stayed suspension, 2 years probation to commence upon return to practice, \$250 fine.

Susan Colton; Licensed Practical Nurse; Warsaw, NY 14569-1558; Lic. No. 184034; Cal. No. 30371; 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.

Shawn S. Sprague; Licensed Practical Nurse; New Hartford, NY 13413; Lic. No. 273658; Cal. No. 30377; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation to commence if and when return to practice, \$500 fine.

Angela M. Groff; Licensed Practical Nurse; Copenhagen, NY 13626; Lic. No. 302172; Cal. No. 30489; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Jamie L. Williams; Licensed Practical Nurse; Ontario, NY 14519; Lic. No. 299118; Cal. No. 30525; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Jessica Mindel; Licensed Practical Nurse, Registered Professional Nurse; Amityville, NY 11701-3714; Lic. Nos. 293235, 662098; Cal. Nos. 30539, 30540; Application for consent order granted; Penalty agreed upon: 1 month actual suspensions, 23 months stayed suspensions, 2 years probation, \$500 fine.

Courtney Marie Gervaise; Licensed Practical Nurse; Syracuse, NY 13212-3110; Lic. No. 297142; Cal. No. 30558; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation to commence upon return to practice, \$500 fine.

Betty F. Glaser; Registered Professional Nurse; Commack, NY 11725; Lic. No. 454734; Cal. No. 30572; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$750 fine.

Catherine A. Tidd; Licensed Practical Nurse; Sardinia, NY 14134; Lic. No. 281723; Cal. No. 30578; 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.

Susan A. Sliwinski; Licensed Practical Nurse; Tully, NY 13159; Lic. No. 302236; Cal. No. 30584; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Maryann Youngberg; Licensed Practical Nurse, Registered Professional Nurse; New Paltz, NY 12561; Lic. Nos. 304634, 663665; Cal. Nos. 30585, 30586; Application for consent order granted; Penalty agreed upon: 2 years stayed suspensions, 2 years probation, \$500 fine.

Laura Ann Critelli; Licensed Practical Nurse; Franklin, NY 13775; Lic. No. 293072; Cal. No. 30587; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 3 months and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine.

Erin Elizabeth Mikesell; Licensed Practical Nurse; Port Leyden, NY 13433; Lic. No. 322134; Cal. No. 30593; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Jennifer Lyn Williams; Registered Professional Nurse; Batavia, NY 14020-9424; Lic. No. 688918; Cal. No. 30595; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 6 months and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine.

Shelley Renee Brock; Licensed Practical Nurse; Halfmoon, NY 12065-8109; Lic. No. 287102; Cal. No. 30682; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Sharonda Danielle Clairborne; Licensed Practical Nurse; Riverhead, NY 11901-0702; Lic. No. 285580; Cal. No. 30683; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Public Accountancy

Kevin O'Brien Clark; Certified Public Accountant; Staten Island, NY 10301-2004; Lic. No. 052952; Cal. No. 30624; Application for consent order granted; Penalty agreed upon: 6

months actual suspension, 18 months stayed suspension, 24 months probation, \$2,500 fine.

Gennaro J. Fulvio; Certified Public Accountant; Tuckahoe, NY 10707; Lic. No. 041733; Cal. No. 30625; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$2,500 fine.

Kenneth Steven Werner; Certified Public Accountant; Merrick, NY 11566; Lic. No. 058800; Cal. No. 30626; Application for consent order granted; Penalty agreed upon: 6 months actual suspension, 18 months stayed suspension, 24 months probation, \$5,000 fine.

Fulvio & Associates, LLP; Public Accountancy Partnership; New York, NY 10018; Reg. No. 046476; Cal. No. 30627; Application for consent order granted; Penalty agreed upon: \$5,000 fine.

Social Work

Robin L. James; Licensed Clinical Social Worker; Accord, NY 12404; Lic. No. 036902; Cal. No. 29383; Found guilty of professional misconduct; Penalty: \$500 fine, 2 years suspension, execution of suspension stayed, probation 2 years.

IV. RESTORATION

The Board of Regents voted on December 11, 2018 to deny the application for restoration of the physician license of Tariq Yousef, Briarcliff Manor, NY. Dr. Yousef's license was surrendered February 29, 2008.

ATTACHMENT I

THE ASSEMBLY

STATE OF NEW YORK

ALBANY



PATRICIA A. FAHY
Assemblymember 109th District

COMMITTEES
Alcoholism & Drug Abuse
Children & Families
Codes
Environmental Conservation
Higher Education
Tourism, Parks, Arts &
Sports Development

Chancellor Betty A. Rosa
NYS Board of Regents
State Education Building
89 Washington Avenue
Albany, NY 12234

December 4, 2018

Dear Chancellor Rosa,

I commend your continued efforts to strengthen and expand pre-kindergarten education, and I am writing to urge your assistance in addressing two pertinent issues as you finalize your 2019 budget priorities including: **the current lack of state Pre-K transportation aid, and the need for a policy study regarding a revised start date for children to begin kindergarten.** Both of these would support early learning that is so essential for student success.

Aid for Pre-K Transportation

Transportation is essential for many children to be able to attend school and the lack of state transportation aid for Pre-K students makes it difficult for many upstate districts to offer Pre-K transportation, thereby limiting access for needy families to existing Pre-K programs. Because of the lack of state subsidies, most districts that do offer Pre-K programs cannot afford to transport Pre-K students without these subsidies, often leaving parents who do not have transportation alternatives to forego this critical educational opportunity for their children. It is often these same families whose children would most benefit from Pre-K education preventing more costly remedial assistance in future years.

In the Assembly, I carry a bill (A.1762-B) in the Assembly, to provide parity to Pre-K transportation in a manner similar to the K - 12 transportation, and it has garnered considerable support with 41 cosponsors. I have also shared and discussed this proposal with SED staff. Your support in recommending funding in this year's budget priorities would go a long way in elevating this issue and need.

Age of Start Date for Kindergarten

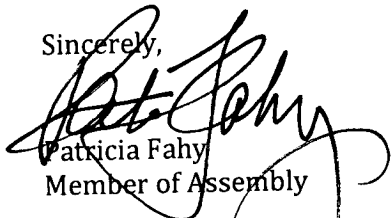
There is a growing body of research noting children who are four (these with fall birthdays) when they begin kindergarten are often too young developmentally and struggle academically as a result. The negative impact of having a poor start to their education may be long lasting and can affect their future academic progress. There are varying views on this pointing to a need for a comprehensive review of the issue. I will be introducing legislation in the upcoming legislative session that requests the Regents study the readiness of children who become five after September 1st in any school year, review best practices in early education, and issue recommendations.

Please note, since I personally support an age change, I have previously sponsored a bill (A.1763) to amend the education law by phasing in over a three year period the required age to begin attending school. As you are aware, in New York State, children are not required by law to attend school until age six (a related concern) and currently must turn six before December 1st. Modeled after recent changes in California, this bill changes the start date month gradually, over a period of three years, to September 1st to ensure that children are slightly older and more mature before starting school enabling an easier and more successful transition to school.

I recognized that early childhood education has been an important part of the Regents agenda, and I urge your consideration in adding both funding for Pre-K transportation and a policy study of best practices for kindergarten age start dates. I am more than happy to discuss these issues with you and your colleagues and will continue to advocate for these needs in the legislature.

Thank you in advance for your consideration and for all you do on behalf on the children of New York State.

Sincerely,



Patricia Fahy
Member of Assembly

CC: NYS Board of Regents
NYSED Commissioner MaryEllen Elia
NYS Assembly Speaker Carl Heastie
Assemblymember Cathy Nolan, Assembly Education Committee Chair

ATTACHMENT II

NEW Book Vending Machine

Arthur O. Eve School of Distinction, #61



Principal, Mrs. Parette U. Walker and JoAnna Rozier-Johnson, Youth Director for the CAO, look on as students demonstrate the New Book Vending Machine, which is available for all students.



Grade 2 student, Dakotah, excitedly holds up a gold coin as one of the first students to use the new vending machine.



Students, dressed as their favorite Storybook Character, select a book from the Vending Machine.

Derek Gee/Buffalo News



Students show off their book selections, while Clifford looks on!
CREDIT WBFO NEWS PHOTO BY EILEEN BUCKLEY



There are a variety of books in the vending machine for readers of all levels.



Mr. Muhammad and his violin students perform for the Ribbon Cutting Ceremony.



Mrs. Sharon Belton-Cottman, Board Vice President of Executive Affairs; Mrs. Parette U. Walker, Principal; New York State Regent Dr. Catherine Collins; and Dr. Unseld Robinson, Assistant Principal pose in front of the New Vending Machine in the School 61 Library.

ATTACHMENT III



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

TO: State Aid Subcommittee
FROM: Elizabeth R. Berlin
SUBJECT: 2019-2020 Regents State Aid Proposal
DATE: November 29, 2018
AUTHORIZATION(S):

Issue for Decision

Should the Board of Regents approve the 2019-2020 State Aid proposal reflecting the Regents' priorities for State Aid to school districts?

Reason(s) for Consideration

Policy Implementation.

Proposed Handling

This detailed State Aid Proposal will be presented to the Full Board for approval at the December 2018 meeting of the Board of Regents.

Procedural History

Each year the Board of Regents, through its State Aid Subcommittee, develops a proposal on State Aid to support public education. In developing the proposal for the 2019-2020 school year, the State Aid Subcommittee has considered an approach that focuses on the most important investments that need to be made in primary and secondary education, consistent with the "5 E's" of Regents priorities:

1. Equity
2. Every Student Succeeds Act Implementation
3. Early Childhood Learning
4. English Language Learners
5. Efficiency

In September, October, and November, members of the State Aid Subcommittee discussed their priority areas as well as concerns that have been raised by stakeholder groups, specifically including recommendations to continue the phase-in of the Foundation Aid formula and updating necessary components. Subcommittee members reviewed the recommended investment areas from proposals in previous years; discussed feedback and input gathered from stakeholders, educators, parents and business representatives; and considered how such past proposals aligned with the recognized priorities for the coming year.

Specifically, committee members highlighted the importance of:

- The continued phase-in of the Foundation Aid formula.
- The continued expansion of prekindergarten programs, aligned with the recommendations of the Early Childhood Blue Ribbon Committee.
- Enhancing support for English Language Learners.
- Expanding college and career pathways, focused through career and technical education.

The State Aid Subcommittee has constructed a proposal that meets these needs. The detailed State Aid proposal comes before the Subcommittee at its December meeting, and the Subcommittee will make a recommendation to the Full Board to approve.

Background Information

A decade after the end of the Great Recession, State Aid for school districts in recent years has rebounded to its highest statewide levels ever. At the same time, school districts continue to face fiscal challenges in the form of growing populations of students with needs. Despite over \$5 billion in increases since its inception in 2007, the Foundation Aid formula has not yet been fully phased in.

The Regents State Aid Proposal provides much-needed resources for school districts to maintain their base operations and educational programs while allowing for expansions in specified priority areas. The table below provides a summary level overview of these investments:

Aid Category	Amount
Foundation Aid, including \$85M ELL Setaside	\$1.66 billion
Statutory Reimbursement-based Aid Increases	\$410 million
Operating Aid Subtotal	\$2.06 billion
Career and Technical Education	\$25 million
Universal Prekindergarten Expansion	\$26 million
Grand Total	\$2.1 billion

Foundation Aid (\$1.66 billion)

Foundation Aid, enacted by the Legislature and Governor in 2007 at the recommendation of the Board of Regents, provides general operating support for school districts. Proportionally greater funding flows to low wealth school districts and districts with a concentration of students who need it the most—those with special education needs, English Language Learners and economically disadvantaged students. As of the November 2018 School Aid Database, Foundation Aid provides \$17.1 billion in funding to districts statewide, with \$4.1 billion in remaining phase-in increases, not counting inflationary adjustments.

In order to provide stability and predictability to the Foundation Aid formula, the Regents State Aid Proposal calls for the restoration of an inflationary adjustment (called the “phase-in foundation percent”) over a three-year period, and the full phase-in the formula by the 2021-22 school year. This additional adjustment would increase the full phase-in amount to \$4.9 billion, but it would eliminate the dramatic fluctuations in the phase-in calculation since the expiration of the inflationary adjustment. This change, coupled with a fixed three-year phase-in schedule, would provide over \$1.6 billion in additional annual Foundation Aid statewide over the next three years, achieved through a combination of three targeted increases:

- A uniform percentage phase-in increase for all districts that have a remaining phase-in.
- A minimum increase for all districts.
- A new \$85 million English Language Learner setaside within Foundation Aid, to accelerate additional Foundation Aid to districts through an ELL-driven formula, and will ensure that such funds are spent consistent with meeting Part 154 of the Commissioner’s regulations (similar to the existing Community Schools setaside). If enacted, the Department would publish guidance for how school districts would be required to spend these additional funds.

Statutory Reimbursement-based Aids (\$410 million)

Consistent with existing law and the most recent claims submitted by school districts to the Department, the Regents State Aid Proposal also includes \$410 million in increases for reimbursement-based aid formulas for the 2019-2020 school year, such as Building Aid (\$272 million), Transportation Aid (\$77 million), BOCES Aid (\$22 million), Public and Private Excess

Cost Aid for special education services (\$13 million), and the consolidation of prekindergarten programs (\$25 million).

Based on the recommendation of the Board of Regents, in 2017 the Governor and Legislature put the state on a path toward the consolidation of the multiple separate prekindergarten programs that existed. As a part of that consolidation, in the 2019-2020 school year there will be \$25 million in a federal prekindergarten grant that will become state-funded in order to allow those programs to continue to operate after the federal grants have expired. This \$25 million, though not additional funds for those school districts, is new state funding and thus is included within the \$410 million increase in reimbursement-based aids.

Career and Technical Education (\$25 million)

Recent years have shown reduced participation in career and technical education (CTE) programming, even as the Board was working to incorporate success in the most rigorous programs into the State's graduation pathways. In just six years, New York State will face a deficit of 350,000 workers for mid-level skill jobs which require more than a high school diploma but less than a four-year degree. High quality CTE programs are a boon to the state's economy – as they prepare the workforce of the future with the skills employees need on the first day of work.

The Regent's State Aid Proposal provides for additional CTE funding in two ways:

- **Enhanced BOCES Aid for CTE Pathways Programs.** The instructional salary eligible for BOCES Aid has remained fixed at \$30,000 per year since 1992. Since this flat reimbursement amount has not kept pace with the actual costs to employ well-prepared teachers to run strong programs, the state has effectively reduced its direct support for these programs over time. This may have reduced the ability of school districts to send students to high quality CTE programs offered by the BOCES, especially in an era of capped local revenues that make support for the costs of student participation extremely challenging. To address this issue and reap the benefits of high quality CTE programming for both students and the State's economy, the Regents recommend doubling the instructional salary ceiling to \$60,000 over the next five years, with 20 percent of the gap funded for services provided in 2018-2019, and 20 percent annually for four years thereafter, with any further adjustment necessary to bring the reimbursement salary into alignment with the effects of inflation occurring in the following year. After that, the reimbursement salary level should be indexed to the rates of growth in professionals' salaries (available in federal data) to avoid the reemergence of similar distortions in the future.

- **Enhanced and Expanded Aid for High Quality CTE programs Operated by the Big Five Cities and Non-component School Districts.** The Board recommends that the state change its method of reimbursing the expenses for Career and Technical Education programming for the large cities and other non-BOCES component districts. The current program pays a flat per-pupil amount which has not been adjusted for inflation in some time. This has made it difficult for the non-BOCES component districts to maintain quality programs. To reflect the changes in the cost of operating career and technical education programs that provide the rigorous preparation necessary for success in the world of work, the Regents State Aid Proposal recommends that the reimbursement model for these districts be made more similar to that used for BOCES-operated programs.

As a transition, however, the Proposal would recommend a \$25 million increase in Special Services Aid as “seed money” so that non-BOCES component districts can begin to expand their programs in the 2019-2020 school year, while they wait for reimbursement in the 2020-2021 school year.

Universal Prekindergarten (\$26 million)

The Board has convened an Early Childhood Blue Ribbon Committee that has developed a robust series of recommendations to improve the quality and expand the opportunity of all early learning programs. In addition to the \$25 million in sustainable state funding to continue federal grant prekindergarten seats, the Regents State Aid Proposal would include a total of \$26 million for further expansion of programs for four-year-olds. First, \$20 million would allow for the addition of 2,000 more children to be served, which would bring the overall percentage of students served in New York State to just under 70%. Second, \$6 million would be provided for pilot programs which will target half- and full-day 10-month and summer inclusion prekindergarten programs for three- and four-year olds.

Recommendation

It is recommended that the Board take the following action:

VOTED that the Regents adopt the attached as their proposal on State Aid to school districts for the school year 2019-2020.

Timetable for Implementation

The Regents State Aid Proposal is effective immediately. The Regents State Aid Proposal is a recommendation to the Governor and the Legislature.

Attachment: 2019-2020 Regents Proposal Summary
(\$ in millions)

Program	2018-2019 School Year	Regents 2019- 2020 Request	Increase
General Purpose Aid	\$18,903	\$20,614	\$1,711
Foundation Aid	\$17,791	\$19,451	\$1,660
High Tax Aid	\$223	\$223	\$0
Academic Enhancement Aid	\$28	\$28	\$0
Charter School Transitional Aid	\$39	\$40	\$1
Reorganization Incentive Operating Aid	\$6	\$6	(\$1)
Supplemental Public Excess Cost Aid	\$4	\$4	\$0
Full Day Kindergarten Conversion Aid	\$3	\$3	\$0
Universal Prekindergarten (incl. consolidation)	\$809	\$834	\$25
Blue Ribbon Committee Expansion	\$0	\$26	\$26
Support for Pupils with Disabilities	\$1,011	\$1,024	\$13
Public High Cost Excess Cost Aid	\$639	\$620	(\$19)
Private Excess Cost Aid	\$372	\$404	\$32
BOCES\Career and Technical Ed.	\$1,207	\$1,250	\$44
BOCES Aid	\$949	\$971	\$22
Special Services Aid	\$257	\$254	(\$3)
Career and Technical Education Expansion	\$0	\$25	\$25
Instructional Materials Aids	\$275	\$279	\$3
Hardware & Technology Aid	\$37	\$38	\$1
Library Materials Aid	\$19	\$19	\$1
Software Aid	\$45	\$46	\$1
Textbook Aid	\$175	\$177	\$1
Reimbursement-Based Aids	\$4,871	\$5,219	\$349
Building Aids	\$2,957	\$3,229	\$272
Transportation Aids	\$1,914	\$1,991	\$77
Other GSPS	\$283	\$285	\$2
Total GSPS	\$26,550	\$28,671	\$2,121

Note: Some amounts may not add due to rounding.