



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 March 2019 Meeting
DATE: March 28, 2019
AUTHORIZATION(S): *Margaret Eia*

EXECUTIVE SUMMARY

Issue for Decision

Review of the Summary of the March 2019 Meetings of the Board of Regents.

Proposed Handling

Approval of the Summary of March 2019 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 March 2019 meetings.

Timetable for Implementation

Effective April 9, 2019.

VOTED, that the Summary of the March 2019 Meetings of the Board of Regents of The University of the State of New York be approved.



SUMMARY OF THE MARCH 2019 MEETING

OF THE BOARD OF REGENTS

OF

THE UNIVERSITY OF THE STATE OF NEW YORK

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

March 11 and 12, 2019

***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, March 11, 2019 at 9:00 a.m. pursuant to a call to duty sent to each Regent.

MEETING OF THE FULL BOARD, Monday, March 11th at 9:00 a.m.

Board Members in Attendance:

Betty A. Rosa, *Chancellor*
T. Andrew Brown, *Vice Chancellor*
Roger Tilles
Christine D. Cea
Wade S. Norwood
Kathleen M. Cashin
James E. Cottrell
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. Regents Lester W. Young, Jr. and Josephine Victoria Finn were absent and excused.

Regent Roger Tilles provided words of reflection to open the meeting.

Chancellor Rosa acknowledged the re-elections of Regent Christine D. Cea, Wade S. Norwood, James E. Cottrell and Josephine Victoria Finn to the Board of Regents.

Chancellor Rosa introduced the *Focus of Our Work Video*: South Bronx Charter School for International Cultures and the Arts - Evelyn Hey, Principal

ACTION ITEM

Executive Session Motion

MOVED, that the Board of Regents convene in executive session on Monday, March 11th at 3:15 p.m. to discuss litigation matters.

Motion by: Vice Chancellor T. Andrew Brown

Seconded by: Regent Catherine Collins
Action: Motion carried unanimously.

Election of Chancellor and Vice Chancellor

The Board met in public session to elect its Chancellor and Vice Chancellor for the period April 1, 2019 through March 31, 2022. The elections followed procedures adopted by the Board in June 2016. Regent Roger Tilles presided over the elections. Counsel and Deputy Commissioner for Legal Affairs, Alison B. Bianchi served as Teller.

MOVED, the nomination of Betty A. Rosa for the office of Chancellor.

Motion by: Regent Beverly L. Ouderkirk
Seconded by: Regent Nan Eileen Mead

MOVED, that nominations for Chancellor be closed.

Motion by: Vice Chancellor T. Andrew Brown
Seconded by: Regent Luis O. Reyes
Action: Motion carried unanimously

Pursuant to the State's Freedom of Information Law ("FOIL"), the State Education Department is required to create and maintain a record of the final vote of each participating Regent (Public Officers Law §§87[3][a], 89[3][a]). To be in compliance with FOIL, the Counsel and Deputy Commissioner for Legal Affairs, Alison B. Bianchi polled the Board Members who participated in the election of the Chancellor on March 11, 2019 and the results follow: Chancellor Rosa – affirmative, Vice Chancellor Brown – affirmative, Regent Tilles – affirmative, Regent Cea – affirmative, Regent Norwood – affirmative, Regent Cashin – affirmative, Regent Cottrell – affirmative, Regent Chin – affirmative, Regent Ouderkirk – affirmative, Regent Collins – affirmative, Regent Johnson – affirmative, Regent Mead – affirmative, Regent Hakanson – affirmative, Regent Reyes – affirmative, Regent Mittler – affirmative. The vote was therefore 15 yes, with 2 absences.

Regent Roger Tilles announced that Chancellor Betty A. Rosa was reelected Chancellor, the term of office to be April 1, 2019 through March 31, 2022.

Chancellor Rosa provided comments after her reelection as Chancellor of the Board of Regents.

MOVED, the nomination of T. Andrew Brown for the office of Vice Chancellor.

Motion by: Regent Elizabeth S. Hakanson
Seconded by: Regent Judith Johnson

MOVED, that nominations for Vice Chancellor be closed.

Motion by: Regent Susan W. Mittler
Seconded by: Regent Christine D. Cea
Action: Motion carried unanimously

Pursuant to the State’s Freedom of Information Law (“FOIL”), the State Education Department is required to create and maintain a record of the final vote of each participating Regent (Public Officers Law §§87[3][a], 89[3][a]). To be in compliance with FOIL, the Counsel and Deputy Commissioner for Legal Affairs, Alison B. Bianchi polled the Board Members who participated in the election of the Vice Chancellor on March 11, 2019 and the results follow: Chancellor Rosa – affirmative, Vice Chancellor Brown – affirmative, Regent Tilles – affirmative, Regent Cea – affirmative, Regent Norwood – affirmative, Regent Cashin – affirmative, Regent Cottrell – affirmative, Regent Chin – affirmative, Regent Ouderkirk – affirmative, Regent Collins – affirmative, Regent Johnson – affirmative, Regent Mead – affirmative, Regent Hakanson – affirmative, Regent Reyes – affirmative, Regent Mittler – affirmative. The vote was therefore 15 yes, with 2 absences.

Regent Roger Tilles announced that Vice Chancellor T. Andrew Brown was reelected Vice Chancellor, the term of office to be April 1, 2019 through March 31, 2022.

Vice Chancellor Brown provided comments after his reelection as Vice Chancellor of the Board of Regents.

DISCUSSION ITEM

Special Education

Commissioner Elia, Angélica Infante-Green, Kevin Smith, Chris Suriano and Lissette Colon-Collins provided an overview of New York State’s performance in serving students with disabilities and discussed initiatives intended to improve outcomes. (Attachments I and II).

Chancellor Betty A. Rosa adjourned the meeting.

MEETING OF THE FULL BOARD, Monday, March 11th at 4:50 pm

Board Members in Attendance:

Betty A. Rosa, *Chancellor*
T. Andrew Brown, *Vice Chancellor*
Roger Tilles
Christine D. Cea
Wade S. Norwood
Kathleen M. Cashin
James E. Cottrell
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. Regents Lester W. Young, Jr. and Josephine Victoria Finn were absent and excused.

Vice Chancellor T. Andrew Brown provided thoughts for a moment of reflection.

ACTION ITEMS

**Charter Applications
BR (A) 1**

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

**Summary of the February 2019 Meeting of the Board of Regents
BR (A) 2**

MOVED, that the Summary of the February 2019 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 Christine D. Cea
Action: Motion carried unanimously.

PROGRAM AREA CONSENT ITEMS

Higher Education

Conferral of Degrees: Dowling College and Globe Institute of Technology BR (CA) 1

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

Dowling College

The following student has completed the requirements for the respective award as indicated:

Master of Science (M.S.)

Brighton, Jenna Marie

Globe Institute of Technology

The following student has completed the requirements for an *Associate in Applied Science (A.A.S.)* degree program:

Siddiqui, Hasan Mohammad Shaqib

P-12 Education

Revision to a Charter Authorized by the Board of Regents BR (CA) 2

MOVED, 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 amend 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 amend the charter will 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 Charter High School of Law and Social Justice and amends the provisional charter accordingly.

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) 3**

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

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

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

**New York University – Master Plan Amendment for M.D.
Program in Medicine at its Long Island School of Medicine
BR (CA) 5**

MOVED, that the Board of Regents approve an amendment to the master plan of New York University to authorize the University to offer the M.D. program in Medicine at NYULISOM. This amendment will be effective until March 2020, 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 Judith Chin
Seconded by: Regent Christine D. Cea
Action: Motion carried. Regent Roger Tilles recused himself from the vote on BR (A) 5 (New York University – Master Plan Amendment for M.D. Program in Medicine at its Long Island School of Medicine).

STANDING COMMITTEE REPORTS

P-12 EDUCATION

Your P-12 Education Committee held its scheduled meeting on March 11, 2019. All members were present, except for Regent Young and Regent Finn, who were excused.

ACTION ITEMS

Renewal Recommendations for Charter Schools Authorized by the Board of Regents [P-12 (A) 1]

VOTED: That the Board of Regents finds that, the American Dream 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 American Dream 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, 2024. The motion passed. Regents Collins and Mittler abstained.

VOTED: That the Board of Regents finds that, the Launch Expeditionary Learning 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 Launch Expeditionary Learning 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, 2022. The motion passed. Regents Collins and Mittler abstained.

VOTED: That the Board of Regents finds that, the Mott Hall 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 Mott Hall 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, 2022. The motion passed. Regents Collins and Mittler abstained.

Renewal Recommendations for Charter Schools Authorized by the New York City Department of Education [P-12 (A) 2]

VOTED: That the Board of Regents finds that, the New York City Charter High School for Architecture, Engineering and Construction Industries (AECI) : (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 New York City Charter High School for Architecture, Engineering and Construction Industries (AECI) and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2024. The motion passed. Regents Collins, Reyes, and Mittler abstained.

VOTED: That the Board of Regents finds that, the Future Leaders Institute Charter School (FLI) : (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 Future Leaders Institute Charter School (FLI) and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2022. The motion passed. Regents Collins and Mittler abstained.

VOTED: That the Board of Regents finds that, the Bronx Lighthouse Charter School (Bronx Lighthouse): (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the Bronx Lighthouse Charter School (Bronx Lighthouse) and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including June 30, 2022. The motion passed. Regents Collins and Mittler abstained.

Regulations of the Commissioner of Education Relating to Students with Disabilities [P-12 (A) 4]

VOTED: Your Committee recommends that subdivision (oo) of section 100.2, subdivision (ppp) of section 200.1 and subdivision (n) of section 200.15 be added to the Commissioner's regulations and that subdivision (b) of section 200.2, subparagraph (vi) of paragraph (2) of subdivision (c) of section 200.2, subdivision (e) of section 200.3, subparagraph (i) of paragraph (3) of subdivision (e) of section 200.4, subdivision (i) of

section 200.4, paragraph (6) of subdivision (a) of section 200.5, subparagraph (iii) of paragraph (1) of subdivision (b) of section 200.4, subparagraph (i) of paragraph (3) of subdivision (j) of section 200.5, paragraph (1) of subdivision (f) of section 200.15, subdivision (g) of section 200.15, paragraph 1 of subdivision (c) of section 200.16, and paragraph (1) of subdivision (b) of section 201.11 of the Regulations of the Commissioner of Education be amended, as submitted, effective March 27, 2019.

VOTED: That the P-12 Education Committee rescinds the vote taken (above) to recommend the regulations referenced in item P-12 (A) 4 to the Full Board of Regents for permanent adoption at the March 2019 meeting.

Implementation of the State's Approved Every Student Succeeds Act (ESSA) Plan [P-12 (A) 5]

The Proposed Emergency Adoption of Amendments to Sections 100.2(ff), 100.2(m), 100.18, 100.19, and Part 120 of the Commissioner's Regulations and the Addition of a New Section 100.21 of the Commissioner's Regulations Relating to the Implementation of the State's Approved Every Student Succeeds Act (ESSA) Plan was tabled until the April 2019 Board of Regents meeting.

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 March 11, 2019, copies of which have been distributed to each Regent.

Consent Agenda

The Board of Regents will take action on the following consent agenda item at their March 11, 2019 meeting.

- BOR Authorized Revision to the Charter High School for Law and Social Justice (Bronx).

P-12 EDUCATION/CUTURAL EDUCATION JOINT MEETING

Your P-12 Education and Cultural Education Committees held their scheduled meeting on March 11, 2019. All members were present, except for Regent Young and Regent Finn, who were excused.

MATTERS NOT REQUIRING BOARD ACTION

Update on the Implementation of the New York State Arts Learning Standards, the Work of the Blue-Ribbon Commission for the Arts and the Individual Arts

Assessment Pathway (IAAP) [P-12/CE (D) 1] – the Committee was provided with an update on rollout of the P-12 Learning Standards for the Arts and the development of the Individual Arts Assessment Pathway (IAAP).

PROFESSIONAL PRACTICE

Your Professional Practice Committee held its scheduled meeting on March 11, 2019. All members were present except Regent Josephine Victoria Finn. Chancellor Betty A. Rosa 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 2 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 35 consent order applications and 4 surrender applications be granted.

These recommendations are made following the review of 41 cases involving ten licensed practical nurses, nine registered professional nurses, two licensed practical nurses who are also registered professional nurses, two pharmacists, one certified dietitian/nutritionist, one certified public accountant, one chiropractor, one dental hygienist, one dentist, one licensed clinical social worker, one licensed master social worker, one registered professional nurse who is also a nurse practitioner (Adult Health), one registered professional nurse who is also a nurse practitioner (Family Health), one respiratory therapist, one speech-language pathologist, one veterinarian, one veterinary medicine professional corporation, and one wholesaler of drugs.

Restorations

Your Committee recommends the following:

That the application of Romilla M. Anwar for the restoration of her license to practice as a Physician in New York State be approved. [PPC EXS (A) 4]

That the application of Mark Greenbaum for the restoration of her license to practice as a Physician in New York State be denied. [PPC EXS (A) 5]

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 March 11, 2019, 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
- Master Plan Amendment - New York University for M.D. Program in Medicine at its Long Island School of Medicine

Proposed Amendment to §64.7 of the Commissioner's Regulations Relating to the Execution by Registered Professional Nurses of Non-patient Specific Orders to Administer Immunizations - PPC (A) 1

Discussion on a proposed amendment to §64.7 of the Commissioner's regulations relating to the execution by registered professional nurses of non-patient specific orders to administer vaccinations. The proposed amendment, among other things, conforms the Commissioner's regulations to current United States Centers for Disease Control immunization standards in order to enhance the protection of the public health by expanding access to needed vaccines for infants, children and adults.

MOVED, that the Committee Reports be approved.

Motion by: Regent Judith Johnson
Seconded by: Vice Chancellor T. Andrew Brown
Action: Motion carried unanimously.

State Education Department February 2019 Fiscal Report BR (A) 3

MOVED, that the Board accepts the February 2019 State Education Department Fiscal Report as presented.

Motion by: Regent Roger Tilles
Seconded by: Regent Catherine Collins
Action: Motion carried unanimously.

Chancellor Rosa 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)
The Bronx Museum of the Arts	CE	Bronx (Bronx)	Extend provisional charter for five years.
Dorsky Gallery Curatorial Programs	CE	Queens (Long Island City)	Extend provisional charter for five years.
Hopewell Depot Museum	CE	Dutchess (Hopewell Junction)	Merge with "Hopewell Depot Restoration Corporation" with Hopewell Depot Museum as the surviving corporation.
The Kuyahoorra Valley Historical Society	CE	Herkimer (Middleville)	Amend charter to change the corporate address to 7435 Main Street, Newport, NY 13416 and the mailing address to PO Box 445, Newport, NY 13416.
NYC Barber Shop Museum	CE	New York (New York)	Grant provisional charter for five years.
Brooklyn Independent	P12	Kings (Brooklyn)	Grant provisional charter for three years.
Elucubrate	P12	Broome (Vestal)	Dissolve Regents certificate of incorporation.
HLS Creative Academy	P12	Westchester (Hastings-on-Hudson)	Grant provisional charter for three years.
John A. Coleman School	P12	Westchester (Yonkers)	Amend charter to update IRS dissolution language and extend provisional charter for three years.
New York University	OP	New York (New York)	Amend charter to add authority to offer a M.D. program at its Long Island School of Medicine (Nassau County).
Bramson ORT College	ACCES	New York (New York)	Amend charter to restate the purposes and to change the corporate name to "Bramson ORT Technical Institute".

Appendix II

REGENTS ACTIONS IN 41 PROFESSIONAL DISCIPLINE CASES AND 2 RESTORATION PETITIONS

March 11, 2019

The Board of Regents announced disciplinary actions resulting in the surrender of 4 licenses and 37 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 2 restoration petitions.

I. SURRENDERS

Nursing

Rhana Leann Balousek a/k/a Rhana Leeann Geiger; Registered Professional Nurse; Mesa, AZ 85201-6270; Lic. No. 517885; Cal. No. 31010; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Aggravated Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs, in Arizona, a class 6 felony and which, if committed in this state, would constitute Operating a Motor Vehicle While Under the Influence of Alcohol or Drugs, a misdemeanor.

Debra Jean Maxwell; Registered Professional Nurse; Olivet, MI 49076-9720; Lic. No. 673147; Cal. No. 31083; Application to surrender license granted. Summary: Licensee admitted to the charge of having been found guilty of professional misconduct in Michigan, which if committed in New York State would constitute practicing the profession of nursing with gross negligence.

Marie Bayrotie Pierre; Licensed Practical Nurse; Las Vegas, NV 89148-5116; Lic. No. 229655; Cal. No. 31108; Application to surrender license granted. Summary: Licensee admitted to the charge of having been found guilty of professional misconduct in Nevada which if committed in New York State would constitute failing to maintain accurate patient records.

Pharmacy

David G. Rabbani; Pharmacist; Fort Lauderdale, FL 33312; Lic. No. 046591; Cal. No. 30883; Application to surrender license granted. Summary: Licensee admitted to the charge of having been convicted of Introduction and Delivery into Interstate Commerce of Prescription Drugs which were Misbranded and Dispensed without a Valid Prescription, a misdemeanor.

II. OTHER REGENTS DISCIPLINARY ACTIONS

Chiropractic

Robert Scott Small; Chiropractor; Orient, NY 11957; Lic. No. 011146; Cal. No. 30865; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Dentistry

Richard Robert Charlap, Jr.; Dentist; Lackawana, NY 14218; Lic. No. 046452; Cal. No. 30609; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$1,000 fine.

Angel Cipriano; Dental Hygienist; Sayville, NY 11782-1805; Lic. No. 021907; Cal. No. 30807; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Dietetics and Nutrition

Thomas Charles Petrie; Dietitian-Nutritionist; Stillwater, NY 12170; Cert. No. 003560; Cal. No. 30791; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, 2 years probation to commence upon return to practice, \$500 fine.

Nursing

Tammy Michelle Thayer a/k/a Tammy Michelle Shreve; Registered Professional Nurse, Nurse Practitioner (Adult Health); Ashville, NY 14710; Lic. No. 476752, Cert. No. 303679; Cal. Nos. 28565, 28566; Found guilty of professional misconduct; Penalty: 2 years suspension, execution of suspension stayed, 2 years probation.

Anne Marie Kuerzdorfer a/k/a Anne M. Barker a/k/a Anne M. Kurzdorfer; Licensed Practical Nurse, Registered Professional Nurse; Cheektowaga, NY 14225; Lic. Nos. 191685, 450363; Cal. Nos. 29576, 29577; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 3 months and until fit to practice, 2 years probation to commence upon return to practice, \$500 fine.

Beverly Paula Slater; Licensed Practical Nurse, Registered Professional Nurse; Brooklyn, NY 11225-2709; Lic. Nos. 103630, 271779; Cal. Nos. 30271, 30275; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for not less than 6 months and until fit to practice, 2 years probation to commence upon return to practice.

Julie A. Miller; Licensed Practical Nurse; Niagara Falls, NY 14305; Lic. No. 299797; Cal. No. 30288; Application for consent order granted; Penalty agreed upon: Indefinite actual

suspension until fit to practice, 2 years probation to commence upon return to practice, \$500 fine.

Tracy A. Pollack; Licensed Practical Nurse; Byron, NY 14422; Lic. No. 291198; Cal. No. 30416; Application for consent order granted; Penalty agreed upon: 3 months actual suspension, 21 months stayed suspension, 2 years probation to commence upon return to practice.

Arnold Senador Sta Rosa a/k/a Joseph Arnold Senador Sta Rosa; Registered Professional Nurse, Nurse Practitioner (Family Health); Miami, FL 33186-6068; Lic. No. 652384, Cert. No. 337266; Cal. Nos. 30512, 30513; Application for consent order granted; Penalty agreed upon: 6 months actual suspension, 18 months stayed suspension, 2 years probation to commence upon return to practice in the State of New York, \$1,500 fine.

Juria Spencer Trabulsi; Registered Professional Nurse; Ithaca, NY 14850; Lic. No. 585663; Cal. No. 30589; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for no less than 6 months and until fit to practice, 2 years probation to commence upon return to practice, \$500 fine .

Kimberly A. Holmes a/k/a Kimberly A. Layton; Licensed Practical Nurse; Stuart, FL 34997; Lic. No. 262492; Cal. No. 30700; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for not less than 2 months and until successfully participate in course of therapy and treatment and until fit to practice, 2 years probation to commence upon return to practice in the State of New York, \$250 fine.

Tasha Rose Borys; Registered Professional Nurse; Berne, NY 12023; Lic. No. 626391; Cal. No. 30739; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Jodia Peta-Gay Miles-Williams; Licensed Practical Nurse; Watervliet, NY 12189; Lic. No. 327486; Cal. No. 30743; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Brigid Marie Bennett; Licensed Practical Nurse; Ballston Spa, NY 12020-2112; Lic. No. 313003; Cal. 30744; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Ronnette Kim Renford; Licensed Practical Nurse; Buffalo, NY 14208; Lic. No. 268477; Cal. No. 30757; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension for not less than 3 months and until successfully participate in course of therapy and treatment and until fit to practice, 2 years probation to commence upon return to practice, \$250 fine.

Patrice Lauren Martin a/k/a Patrice Martin; Registered Professional Nurse; Huntington Station, NY 11746; Lic. No. 475149; Cal. No. 30793; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension of at least 3 months and until

successful participation in a course of therapy and treatment and until fit to practice, 2 years probation to commence upon return to practice.

Susan K. Robbins; Registered Professional Nurse; North Bennington, VT 05257-0187; Lic. No. 343881; Cal. No. 30796; 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, \$500 fine.

Michael Pableta Hinds; Licensed Practical Nurse; Mount Vernon, NY 10550; Lic. No. 319951; Cal. No. 30811; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$250 fine.

Karen Leila Fleig; Registered Professional Nurse; Allenwood, PA 17810; Lic. No. 686610; Cal. No. 30826; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, 2 years probation to commence upon return to practice in the State of New York.

Rachel M. Stearns; Registered Professional Nurse; Fairport, NY 14450; Lic. No. 564940; Cal. No. 30829; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation.

Leanora E. Mosher; Licensed Practical Nurse; Oriskany, NY 13424; Lic. No. 304003; Cal. No. 30831; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Karen J. Schonleber; Registered Professional Nurse; Holley, NY 14470-1447; Lic. No. 573364; Cal. No. 30834; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Lenora M. Venezia; Licensed Practical Nurse; East Meadow, NY 11554; Lic. No. 231554; Cal. No. 30843; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Pharmacy

Albany Medical Center Warehouse; Wholesaler; Menands, NY 12204-2638; Reg. No. 032225; Cal. No. 30780; Application for consent order granted; Penalty agreed upon: Censure and reprimand, \$4,000 fine.

Patrick Ross McQuade; Pharmacist; North Tonawanda, NY 14120; Lic. No. 056845; Cal. No. 30882; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension of at least 1 year and until fit to practice, 2 years probation to commence upon return to practice, \$500 fine.

Public Accountancy

Edward R. Engels; Certified Public Accountant; Pelham, NY 10803; Lic. No. 045577; Cal. No. 30690; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.

Respiratory Therapy

Will S. Frazier, Jr.; Respiratory Therapist; Bronx, NY 10452; Lic. No. 007738; Cal. No. 30827; Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$1,000 fine.

Social Work

Frank Anthony Amoruso; Licensed Clinical Social Worker; Poughquag, NY 12570-4901; Lic. No. 073691; Cal. No. 29333; Application for consent order granted; Penalty agreed upon: 2 months actual suspension, 22 months stayed suspension, 2 years probation.

Joseph D. Mattes; Licensed Master Social Worker; Palmyra, NY 14522; Lic. No. 086565; Cal. No. 30429; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension of at least 6 months and until fit to practice, 3 years probation to commence upon return to practice.

Speech-Language Pathology and Audiology

Michael Jerome Lazik; Speech-Language Pathologist; Batavia, NY 14020; Lic. No. 004703; Cal. No. 30772; Application for consent order granted; Penalty agreed upon: Indefinite actual suspension until fit to practice, 2 years probation to commence upon return to practice.

Veterinary Medicine

Janet Ficarra; Veterinarian; New York, NY 10001; Lic. No. 005116; Cal. No. 30702; Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation, \$1,000 fine.

Janet Ficarra DVM P.C. d/b/a Downtown Veterinary Clinic; New York, NY 10001; Cal. No. 30768; Application for consent order granted; Penalty agreed upon: \$1,500 fine.

III. RESTORATIONS

The Board of Regents voted on March 11, 2019 to stay the execution of the order of surrender of the physician license of Romilla Anwar, Chatham, NJ, to place her on probation for 3 years under specified terms and conditions, and upon successful

completion of probation, to fully restore her license. Dr. Anwar's license was surrendered April 12, 2010.

The Board of Regents voted on March 11, 2019 to deny the application for restoration of the physician license of Mark Greenbaum, New Rochelle, NY. Dr. Greenbaum's license was surrendered October 26, 2005.

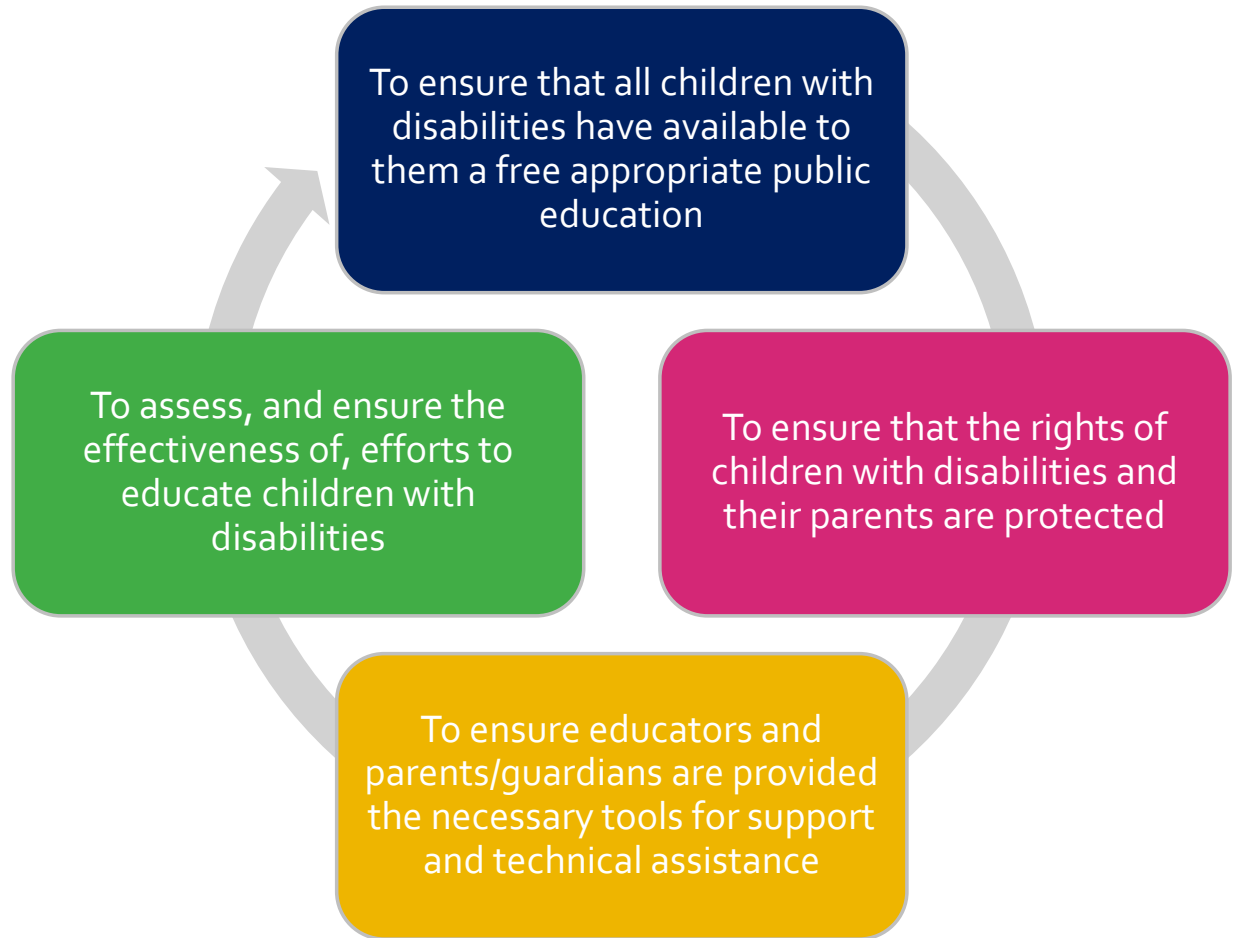
ATTACHMENT I



Improving Special Education Outcomes in New York State

A Report to the Board of Regents
March 11, 2019

Purposes of the Individuals with Disabilities Education Act (IDEA)



To assess, and ensure the effectiveness of, efforts to educate children with disabilities

State Performance Plan (SPP)

- Required for each State
- Evaluates efforts to implement IDEA and describes how the State will make improvements
- Includes baseline data, measurable and rigorous targets, and improvement activities for the 17 indicators
- Reported to the USDE and published for the public

Annual Performance Report (APR)

- Annual report of the State's performance in the SPP targets
- Includes data, explanation of progress or slippage, and discussion of improvement activities
- Reported to the USDE and published for the public

Identifications of New York State and School Districts

- The State and school districts may be identified as Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention in implementing the requirements of IDEA.

New York is identified under IDEA as a State in Need of Assistance

Differentiated Monitoring and Support (DMS) is required for the following areas:

Longstanding Noncompliance

Timely Initial Individual Evaluations

Timeliness of Due Process Hearings

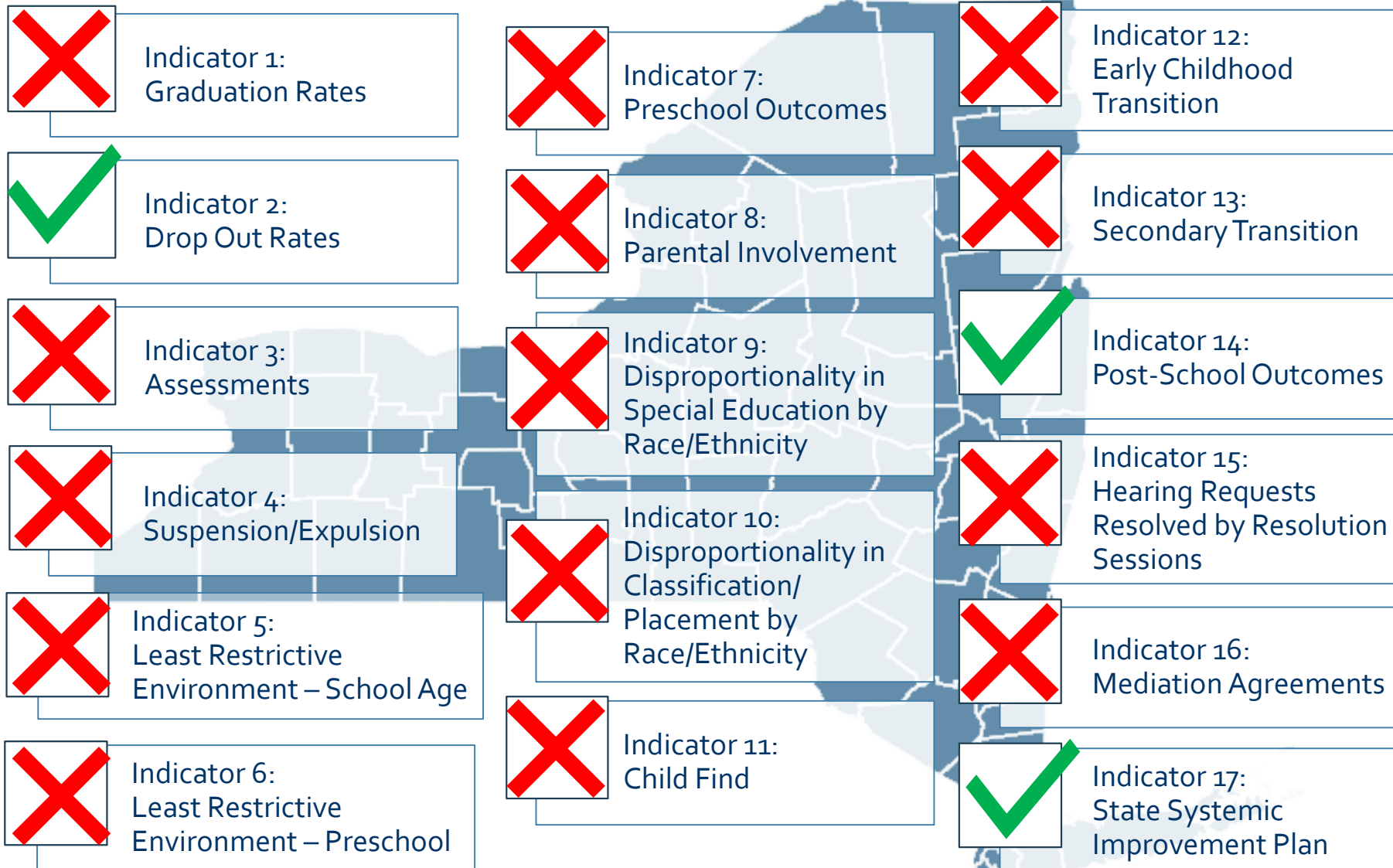
Graduation Rate

Dropout Rate

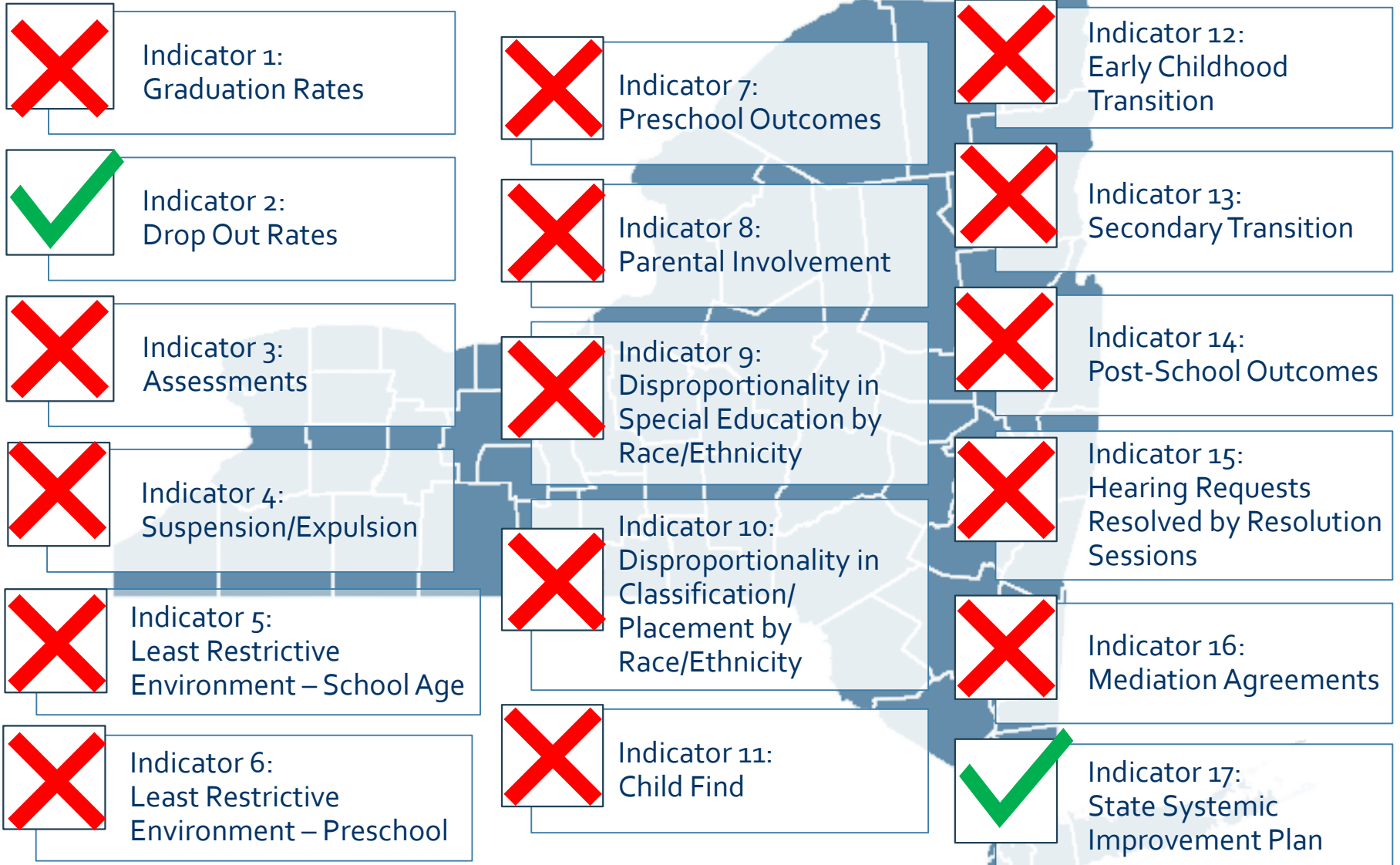
Participation in State Assessments

Based on data reported in the federal fiscal year (FFY) 2016 SPP/APR

New York State 2016-17 Performance in Meeting SPP Targets



New York State 2017-18 Preliminary* Performance in Meeting SPP Targets



*Data is within the federal Office of Special Education Program's clarification period and not final until June 2019

New York State Target Areas for Special Education

Performance
Outcomes

Disproportionality

The Special Education target areas align to the multiple measures of success to advance equity through the Every Student Succeeds Act (ESSA)

Least Restrictive
Environment

Transition
Planning and
Services

School Age Outcome Indicators

- Graduation and Drop-Out Rates
- Participation and Proficiency in State assessments
- Post-school employment or enrollment in postsecondary school

Preschool Outcome Indicators

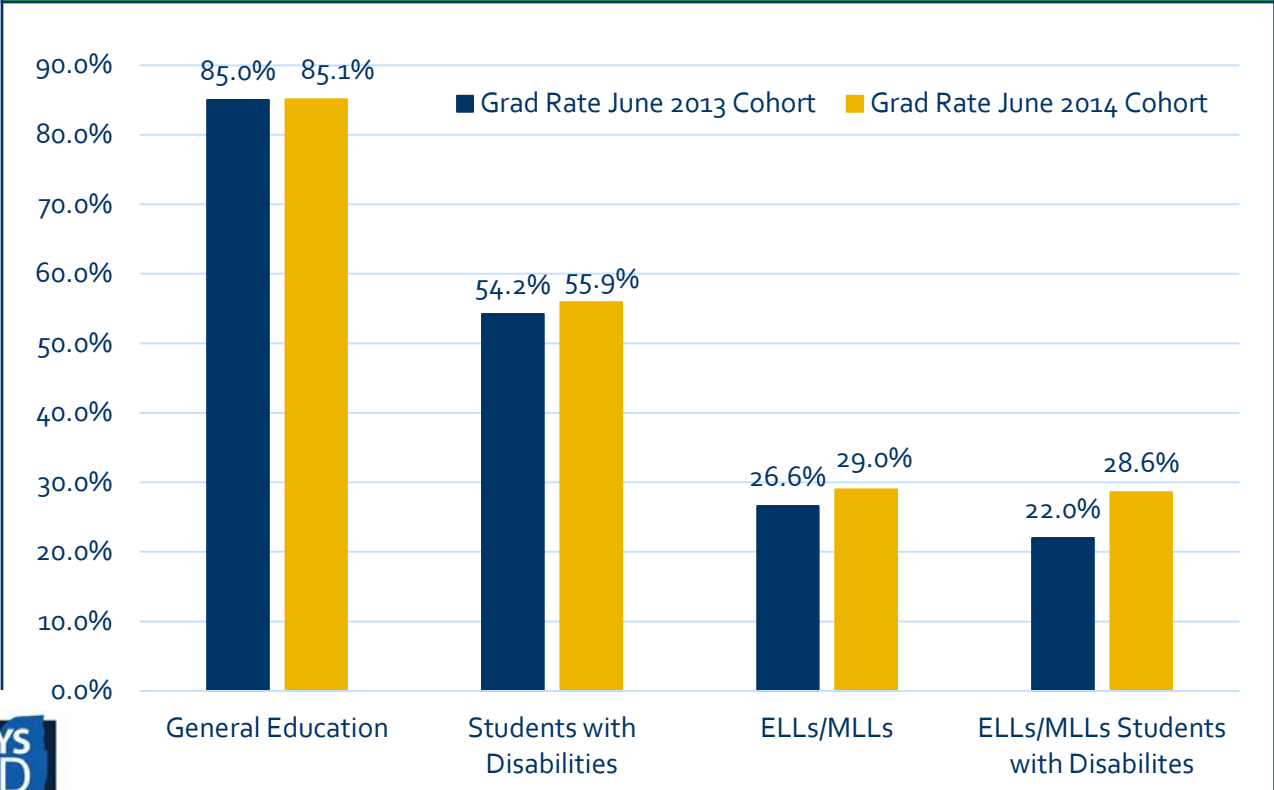
- Positive social-emotional skills
- Acquisition and use of knowledge and skills
- Use of appropriate behaviors to meet their need

Performance Outcomes

NYSED Collaborative Approaches to Comprehensive Improvements

- ESSA Strategies to Advance Equity
- Board of Regents Early Childhood Workgroup’s Blue Ribbon Committee recommendations to ensure that all children in New York State have an even start
- My Brother’s Keeper New York State initiatives to improve outcomes for boys and young men of color
- Office of Bilingual Education and World Languages and Office of Special Education efforts to support students who are English Language Learners/Multilingual Learners and who also have an Individualized Education Program (IEP).

Graduation Rate of General Education Students, Students with Disabilities, ELLs/MLLs, and ELLs/MLLs Students with Disabilities June 2013 Cohort vs. June 2014 Cohort



Source: NYS Office of Information Reporting (IRS) 2019

Disproportionality is the disproportionate representation of racial and ethnic groups in special education.

Address Equity and Access through Systemic Actions

Identify the Root of the Problem

- Lack of effective pre-referral instruction and intervention services?
- Bias in the assessment process?
- Educator inexperience?

School-wide Approaches and Pre-referral Interventions

- Are there equitable opportunities for all students to receive supportive interventions that enable them to be successful in the general education environment?

Evaluation and Monitoring

- Are policies implemented in a consistent manner for all students and that students of different racial or ethnic groups are not treated differently in any schools of the district?

instruction and configuration of classrooms and activities include both students with and without disabilities



students with disabilities are held to high expectations for achievement



special education and general education teachers intentionally plan teaching lessons to promote the participation and progress of students with disabilities in learning and social activities



individualized accommodations, supports and specially-designed instruction are provided to students with disabilities to participate and progress in regular education classes and activities



evidence-based services and supports are used to foster the cognitive, communication, physical, behavioral and social-emotional development of students with disabilities

Least Restrictive Environment (LRE)

New York State ranks 44th in the Nation for LRE

58.5% of school-age students with disabilities are served inside a general education class 80% or more of the day

43.6% of preschool students with disabilities attend, and receive the majority of their special education and related services in, an early childhood program with typically developing peers

Pre-Employment Transition Services (Pre-ETS)

8% unemployment rate for persons with disabilities in 2018 (more than twice the rate of people without disabilities)

32% of working-age people with disabilities were employed compared to 72.7% of people without disabilities

Job exploration counseling

Work-based learning experiences

Counseling on postsecondary options

Workplace readiness training

Instruction in self-advocacy, which may include peer mentoring

Who Can Receive Pre-ETS?

A student with a disability age 14 – 21 who is enrolled in a:

- Secondary education program;
- Non-traditional or alternative secondary education program, including home schooling;
- Other recognized educational programs, such as those offered through the juvenile justice system; or
- Postsecondary education program.

A student can be eligible or potentially eligible for VR services to receive Pre-ETS

2018-19 New York State School District IDEA Annual Determinations (44 Districts)

Needs Assistance

Performance: based on the Every Student Succeeds Act (ESSA) accountability status determinations for the performance of students with disabilities

Compliance: District has findings of noncompliance that remain uncorrected between 12 and 24 months

27 Districts Needs Assistance

Needs Intervention

Performance: based on the ESSA accountability status determinations for the performance of students with disabilities

Compliance: District has findings of noncompliance that remain uncorrected for more than 24 months

District has been identified as a Needs Assistance or Needs Intervention district under IDEA for more than five consecutive years

17 Districts Needs Intervention

Differentiated Monitoring and Supports

NYSED will implement coordinated interventions and supports in the 44 districts identified as not meeting the requirements of IDEA.

At a minimum, the following will occur in these districts:

11 Districts

- Identified for compliance only will have compliance assurance plans, professional development plans, and technical assistance supports

30 Districts

- Identified for performance only will have embedded professional development plans

3 Districts

- Identified for performance and compliance will have compliance assurance plans and embedded professional development plans

Blueprint for Improved Results for Students with Disabilities

Guidelines developed in consultation with the Commissioner's Advisory Panel for Special Education and presented to the Board of Regents in October of 2015

- Students engage in **self-advocacy** and are involved in determining their own educational goals and plan.
- Parents, and other family members, are **engaged as meaningful partners** in the special education process and the education of their child.
- Teachers design, provide, and assess the effectiveness of **specially designed instruction** to provide students with disabilities with access to participate and progress in the general education curriculum.
- Teachers provide **research-based instructional teaching and learning strategies** and supports for students with disabilities.
- Schools provide **multi-tiered systems of behavioral and academic support**.
- Schools provide **high quality inclusive programs and activities**.
- Schools provide appropriate instruction for students with disabilities in **career development and opportunities to participate in work-based learning**.

The role of the Blueprint in the work moving forward was included in the June 2017 presentation to the BOR. An update to the Blueprint is currently under development to incorporate principles of the culturally responsive and sustaining education framework.

State Systemic Improvement Plan (SSIP) Required by USDE



Multi-year, achievable plan that is designed to increase the capacity of school districts to implement, scale up, and sustain evidence-based practices

NYSED's SSIP
Progress is reported annually to USDE and the public

Progress Evaluated through a State Identified Measurable Result (SiMR) grades 3-5 ELA State Assessment

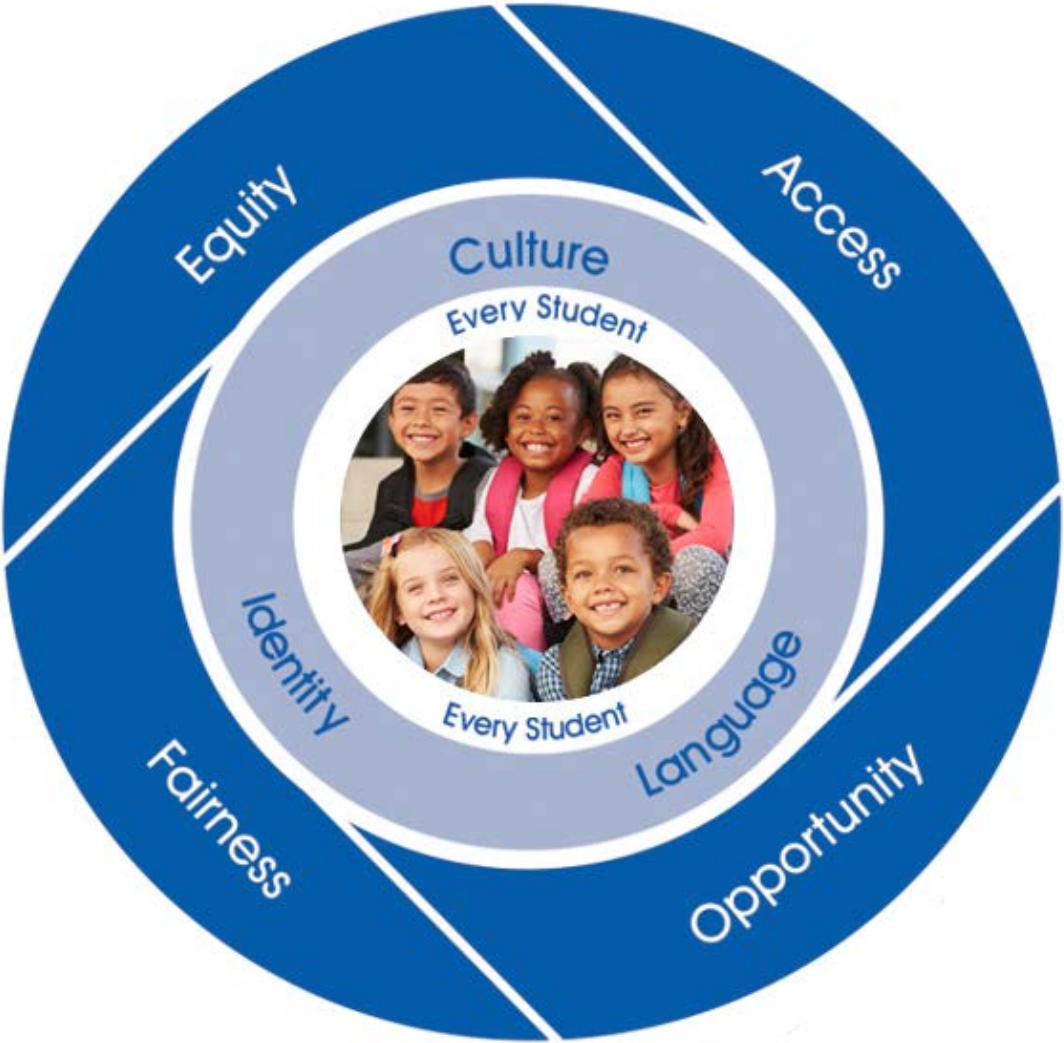
Improving literacy outcomes for students classified as students with learning disabilities

Office of
Special
Education
Internal
Restructuring:
Merging
Efforts and
Aligning
Priorities



so that every child receives what he/she needs to be successful

Working to improve special education outcomes in New York State...



Thank
You



ATTACHMENT II

A Report to the Board of Regents – Presentation Summary
March 11, 2019

Title: Improving Special Education Outcomes in New York State (NYS)

Section I

To review the purposes of the Individuals with Disabilities Education Act (IDEA) and NYS's current status in implementing the requirements of IDEA, including an overview of the performance in meeting the indicator targets in the State Performance Plan/Annual Performance Report.

Purposes of IDEA

- To ensure that all children with disabilities have available to them a free appropriate public education
- To ensure that the rights of children with disabilities and their parents are protected
- To ensure educators and parents/guardians are provided the necessary tools for support and technical assistance
- To assess, and ensure the effectiveness of, efforts to educate children with disabilities

To Assess and Ensure the Effectiveness of, Efforts to Educate Children with Disabilities

- State Performance Plan (SPP)
 - Required for each State
 - Evaluates efforts to implement IDEA and describes how the State will make improvements
 - Includes baseline data, measurable and rigorous targets, and improvement activities for the 17 indicators
 - Reported to the United States Department of Education (USDE) and published for the public
- Annual Performance Report (APR) with Performance and Compliance Indicators
 - Annual report of the State's performance in the SPP targets
 - Includes data, explanation of progress or slippage, and discussion of improvement activities
 - Reported to the USDE and published for the public
- Identifications of NYS and School Districts
 - The State and School Districts may be identified as Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention in implementing the requirements of IDEA.

A Report to the Board of Regents – Presentation Summary March 11, 2019

NYS is Identified Under IDEA as a State in Need of Assistance

- Differentiated Monitoring and Support (DMS) is required for the following areas based on data reported to the USDE Office of Special Education Programs (OSEP) in the federal fiscal year 2016 SPP/APR:
 - Longstanding noncompliance
 - Timely initial individual evaluations
 - Timeliness of due process hearings
 - Graduation rate
 - Dropout rate
 - Participation in State assessments

NYS 2016-17 Performance in Meeting SPP Targets

- The data for each indicator is submitted to OSEP annually in the Department's SPP/APR.
 - We did not meet State targets on 14 of the 17 indicators during this SPP/APR cycle.

NYS 2017-18 Preliminary Performance in Meeting SPP Targets

- The current SPP/APR submission is within the USDE clarification period and will be final in June 2019.
- During the clarification period, OSEP provides feedback and questions to the Department pertaining to the SPP/APR submission
- The Department is required to respond, clarify and amend the SPP/APR, as appropriate.
 - We did not meet State targets on 15 of the 17 indicators during this SPP/APR cycle.

Section II

To review key initiatives to support systemic improvements in districts and improved special education outcomes across NYS.

Blueprint for Improved Results for Students with Disabilities

- Guidelines developed in consultation with the Commissioner's Advisory Panel for Special Education and presented to the Board of Regents in October 2015.
- The Blueprint has been at the center of the efforts to improve special education outcomes and was an important component of the June 2017 presentation to the Board of Regents.
- The Blueprint is comprised of the following principles and provides a framework of expectations to lay the foundation for improvement.
 - Student self-advocacy

A Report to the Board of Regents – Presentation Summary March 11, 2019

- Parent and family engagement as meaningful partners
- Specially designed instruction
- Research-based instructional and learning strategies
- Multi-tiered systems of support (academic and behavioral)
- High quality inclusive programs and settings
- Career development and opportunities to participate in work-based learning

NYS Target Areas for Special Education

- The following special education target areas align to the multiple measures of success to advance equity through ESSA:
 - Performance Outcomes
 - Disproportionality
 - Least Restrictive Environment
 - Transition Planning and Services

2018-19 NYS School District IDEA Annual Determinations (44 Districts)

- A total of 44 districts are identified
 - 27 districts are Needs Assistance for performance and/or compliance
 - 17 districts are Needs Intervention for performance and/or compliance

Differentiated Monitoring and Supports

- NYSED will implement coordinated interventions and supports in the 44 districts identified as not meeting the requirements of IDEA.
- At a minimum, the following will occur in these districts:
 - 11 districts identified for compliance only will have compliance assurance plans, professional development plans and technical assistance supports
 - 30 districts identified for performance only will have embedded professional development plans
 - 3 districts identified for performance and compliance will have compliance assurance plans and embedded professional development plans

Section III

To highlight some of the organizational shifts and work moving forward to build district and State capacity to support improved special education outcomes.

State Systemic Improvement Plan (SSIP) Required by USDE

- Multi-year, achievable plan that is designed to increase the capacity of school districts to implement, scale up, and sustain evidence-based practices
 - NYSED's SSIP progress is reported annually to USDE and the public

A Report to the Board of Regents – Presentation Summary March 11, 2019

- Progress evaluated through a State Identified Measurable Result (SiMR) grades 3-5 ELA State Assessment
- Improving literacy outcomes for students classified as students with learning disabilities

Office of Special Education Restructuring: Merging Efforts and Aligning Priorities

- Reorganized Units within the Office of Special Education under a single set of priorities aligned to the SPP outcome data.
- Alignment between monitoring systems, professional development systems, and program implementation to operationalize the Blueprint for Improved Results for Students with Disabilities.

Working to Improve Special Education Outcomes in NYS

- Working to support districts and programs in building capacity to meet the purposes and requirements of IDEA and implement systems that yield high quality:
 - instructional delivery;
 - interventions that are matched to student need;
 - data-driven decision-making;
 - continuous examination and improvement process; and
 - supporting culturally responsive and sustaining practices

Thank you