



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

**TO:** The Honorable the Members of the Board of Regents  
**FROM:** Anthony Lofrumento  
**SUBJECT:** Summary of the March 2011 Meeting  
**DATE:** March 24, 2011  
**AUTHORIZATION(S):**

### **Executive Summary**

#### **Issue for Decision**

Review of the Summary of the March 2011 Meeting of the Board of Regents.

#### **Proposed Handling**

Approval of the Summary of March 2011 meeting.

#### **Procedural History**

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

#### **Recommendation**

Approval of the Summary of the March 2011 meeting.

#### **Timetable for Implementation**

Effective April 5, 2011.

**VOTED**, that the Summary of the March 2011 Meeting of the Board of Regents of The University of the State of New York be approved.



***SUMMARY OF THE MARCH 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 7 and 8, 2011***

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

## ***THE BOARD OF REGENTS***

The Board of Regents of The University of the State of New York held public sessions on Monday, March 7 at 4:40 p.m. pursuant to a call to duty sent to each Regent.

### **MEETING OF THE FULL BOARD, Monday, March 7 at 4:40 p.m.**

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

Robert M. Bennett, Chancellor Emeritus  
James C. Dawson  
Anthony S. Bottar  
Geraldine D. Chapey  
Harry Phillips, 3<sup>rd</sup>  
James R. Tallon, Jr.  
Roger Tilles  
Karen Brooks Hopkins  
Charles R. Bendit  
Betty A. Rosa  
Lester W. Young, Jr.  
Christine D. Cea  
Wade S. Norwood

Also present were the Commissioner of Education, David M. Steiner, Senior Deputy Commissioner for P-12 Education, John King, Acting Counsel and Deputy Commissioner for Legal Affairs, Erin O'Grady-Parent, and the Secretary, Board of Regents, Anthony Lofrumento. Chancellor Merryl H. Tisch and Vice Chancellor Milton L. Cofield were absent and excused.

Chancellor Emeritus Robert M. Bennett called the meeting to order at 4:40 p.m.

### **ACTION ITEMS**

#### **Charter Applications for March 2011**

##### **BR (A) 1**

**MOVED**, that the Regents approve each application in accordance with the recommendations contained in the respective summaries.

#### **Summary of the February 2011 Meeting of the Board of Regents**

##### **BR (A) 2**

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

**Proposed Amendment of section 3.2 of the Rules of the Board of Regents,  
relating to the Committee on Audits/ Budget and Finance  
BR (A) 4**

**MOVED**, that subdivisions (a) and (d) of section 3.2 of the Rules of the Board of Regents be amended, as submitted, effective March 30, 2011, and it is further

**MOVED**, that subdivisions (a) and (d) of section 3.2 of the Rules of the Board of Regents be amended, as submitted, effective March 22, 2011, as an emergency rule upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that the emergency rule adopted at the December 2010 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule.

**Technical Amendments to Parts 275 and 276 of the Regulations of the  
Commissioner, Relating to Appeals to the Commissioner Under Education Law  
§§310 and 2853  
BR (A) 5**

**MOVED**, that subdivision (b) of section 275.3, subdivisions (a) and (b) of section 275.8, the opening paragraph of subdivision (a) of section 275.9, subdivision (a) of section 275.11, subdivision (a) of section 275.13, subdivision (a) of section 275.14, and subdivision (a) of section 276.4 of the Regulations of the Commissioner of Education, be amended, and that subdivision (d) of section 276.1, subdivision (g) of section 276.2, subdivision (c) of section 276.5, subdivision (f) of section 276.8 and section 276.11 of the Regulations of the Commissioner of Education, be added, as submitted, effective March 30, 2011, and it is further

**MOVED**, that subdivision (b) of section 275.3, subdivisions (a) and (b) of section 275.8, the opening paragraph of subdivision (a) of section 275.9, subdivision (a) of section 275.11, subdivision (a) of section 275.13, subdivision (a) of section 275.14, and subdivision (a) of section 276.4 of the Regulations of the Commissioner of Education, be amended, and that subdivision (d) of section 276.1, subdivision (g) of section 276.2, subdivision (c) of section 276.5, subdivision (f) of section 276.8 and section 276.11 of the Regulations of the Commissioner of Education, be added, as submitted, effective March 22, 2011, as an emergency action upon a finding of the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that the emergency rule adopted at the December 2010 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule, and thereby avoid disruption to the process for expedited appeals relating to New York City charter school location/co-location appeals and building usage plans brought pursuant to Education Law §§310 and 2853(3)(a-5), and decisions rendered therein.

**Motion by:** Regent Harry Phillips 3<sup>rd</sup>  
**Seconded by:** Regent James C. Dawson  
**Action:** Motion carried unanimously

## **PROGRAM AREA CONSENT ITEMS**

### **Adult Career and Continuing Education Services**

#### **Proposed Amendment of section 3.2 of the Rules of the Board of Regents, relating to the ACCES Committee BR (CA) 1**

**MOVED**, that subdivision (a) and paragraph (6) of subdivision (d) of section 3.2 of the Rules of the Board of Regents be amended, as submitted, effective March 30, 2011, and it is further

**MOVED**, that subdivision (a) and paragraph (6) of subdivision (d) of section 3.2 of the Rules of the Board of Regents be amended, as submitted, effective March 22, 2011, as an emergency rule upon a finding of the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that the emergency rule adopted at the December 2010 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule.

### **Higher Education**

#### **Adoption of Proposed Regulations Relating to the Program Registration Requirements for Teacher Education Programs and the Restructuring of Adolescence Level Teacher Certification for Students with Disabilities BR (CA) 2**

**MOVED**, that subdivisions (b) and (c) of section 52.21 of the Regulations of the Commissioner of Education are amended; subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is amended; subdivision (a) is amended and subdivision (c) is added to section 80-4.2 of the Regulations of the Commissioner of Education; that subdivisions (a), (b), (c), (d) and (e) are amended and that a new subdivision (n) be added to section 80-4.3 of the Regulations of the Commissioner of Education, as submitted, effective March 11, 2011 as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to ensure that the emergency rule remains continuously in effect until it can be permanently adopted.

**MOVED**, that subdivisions (b) and (c) of section 52.21 of the Regulations of the Commissioner of Education are amended; subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is amended; subdivision (a) is amended and subdivision (c) is added to section 80-4.2 of the Regulations of the Commissioner of Education; that subdivisions (a), (b), (c), (d) and (e) are amended and that a new subdivision (n) be added to section 80-4.3 of the Regulations of the Commissioner of Education, as submitted, effective March 30, 2011.

**Amendment of Section 100.2(o) of the Regulations of the Commissioner of  
Education Relating to the Annual Professional Performance Review for Teachers  
in the Classroom Teaching Service  
BR (CA) 3**

**MOVED**, that subdivision (o) of Section 100.2 of the Regulations of the Commissioner of Education be repealed and a new subdivision (o) shall be added to section 100.2 of the Regulations of the Commissioner of Education, as submitted, effective March 11, 2011 as an emergency action upon a finding by the Board of Regents that such action is necessary to ensure that the emergency rule remains continuously in effect until it can be adopted and made effective as a permanent rule.

**Concordia College: Master plan amendment to authorize the College to offer a  
Master of Science in Education (M.S.in Ed.) degree program in Childhood Special  
Education  
BR (CA) 4**

**MOVED**, that the Board of Regents approve a master plan amendment to authorize Concordia College to offer a Master of Science in Education (M.S. in Ed.) degree program in Childhood Special Education as its first master's program. This amendment will be effective until March 31, 2012, unless the Department registers the program prior to that date, in which case master plan amendment shall be without term.

**Hilbert College: Master Plan Amendment to authorize Hilbert College to offer the  
Master of Science (M.S.) in Criminal Justice and the Master of Public  
Administration (M.P.A.) in Public Administration degree programs  
BR (CA) 5**

**MOVED**, that the Board of Regents authorize Hilbert College to offer the Master of Science (M.S.) in Criminal Justice Administration and Master of Public Administration (M.P.A.) in Public Administration degree programs. The amendment will be effective until March 31, 2012, unless the Department registers the program prior to that date, in which case master plan amendment shall be without term.

**Master Plan Amendment: Medaille College - Bachelor of Professional Studies  
(B.P.S.), Health Information Administration  
BR CA (6)**

**MOVED**, that the Board of Regents approve a master plan amendment for Medaille College (Amherst campus) to authorize the College to offer its first baccalaureate program in the disciplinary area of the health professions (B.P.S. in Health Information Administration). The amendment will be effective until March 31, 2012, unless the Department registers the program prior to that date, in which case master plan amendment will be without term.

**Proposed Amendment of Section 52.21 of the Regulations of the Commissioner  
Relating to the Graduate Level Clinically Rich Principal Preparation Pilot  
Programs  
BR CA (7)**

**MOVED**, that subclause (3) of clause (d) of subparagraph (v) of paragraph (7) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education is amended, effective March 11, 2011, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that the proposed amendment, with the technical amendment, remains continuously in effect until it can be adopted as a permanent rule.

**Proposed Amendment of Section 52.21 of the Regulations of the Commissioner  
Relating to the Graduate Level Clinically Rich Teacher Preparation Pilot Programs  
BR (CA) 8**

**MOVED**, that clause (d) of subparagraph (iv) of paragraph (5) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education be amended, effective March 11, 2011, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to timely implement the provisions of the proposed amendment to provide program providers with notice of the degree requirements before the 2011-2012 school year.

**Proposed Amendment to Sections 80-1.6 of the Commissioner's Regulations  
relating to Time Extensions to Initial or Provisional Teacher Certification for  
Individuals Awaiting Permanent Residence  
BR (CA) 9**

**MOVED**, that Section 80-1.6 of the Regulations of the Commissioner of Education be amended, as submitted, effective March 30, 2011.

**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) 10**

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

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

**MOVED**, that the Regents approve the proposed permission to operate, effective March 8, 2011, which authorizes Gannon University's Villa Maria School of Nursing to use three clinical agencies in New York for clinical education of students enrolled in its Family Nurse Practitioner program leading to the Master of Science in Nursing degree.

**Regents Permission to Operate in New York State: Thomas Jefferson University  
BR (CA) 12**

**MOVED**, that the Regents approve the proposed permission to operate, effective March 8, 2011, which authorizes Thomas Jefferson University to use four clinical agencies in New York for clinical education of students enrolled in its Adult Oncology Nurse Practitioner program leading to the Master of Science in Nursing degree.

**Regents Permission to Operate in New York State: University of Pennsylvania  
BR (CA) 13**

**MOVED**, that the Regents approve the proposed permission to operate, effective March 8, 2011, which authorizes the University of Pennsylvania to use one clinical agency in New York for clinical education of students enrolled in its Family Health Nurse Practitioner program leading to the Master of Science in Nursing degree.

**Regents Permission to Operate in New York State: Vermont Technical College  
BR (CA) 14**



**MOVED**, that that the Regents approve the proposed permission to operate, effective March 8, 2011, which authorizes Vermont Technical College to use two clinical agencies in New York for clinical education of students enrolled in its Nursing program leading to the Associate in Science degree.

**Report of the Committee on the Professions Regarding Licensing Petitions  
BR (CA) 15**

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

**P-12 Education**

**Proposed Amendment to sections 200.1 and 200.4 Relating to Students with  
Disabilities  
BR (CA) 16**

**MOVED**, that sections 200.1 and 200.4 of the Commissioner's Regulations be amended, as submitted, effective March 30, 2011.

**Proposed Amendment of Section 155.22 of the Regulations of the Commissioner  
Relating to Qualified School Construction Bonds and Qualified Zone Academy  
Bonds  
BR (CA) 17**

**MOVED**, that section 155.22 of the Regulations of the Commissioner of Education be amended, as submitted, effective March 30, 2011, and it is further

**MOVED**, that section 155.22 of the Regulations of the Commissioner of Education be amended as submitted, effective March 23, 2011, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that the emergency rule adopted at the January 2011 Regents meeting remains continuously in effect until the effective date of its adoption as a permanent rule.

**Motion by:** Regent Harry Phillips 3<sup>rd</sup>  
**Seconded by:** Regent Christine D. Cea  
**Action:** Motion carried unanimously

**The Roosevelt Union Free School District and State Oversight Authority  
BR (A) 6**

**MOVED**, that the Board of Regents endorse the Commissioner's continued oversight of the District until at least June 30, 2012 through the following actions:

- Periodic visitation of the District and continued monitoring of the board of education by the Commissioner and/or his designee(s) with quarterly reports to the Board of Regents;
- Extension of the Superintendent's contract for an additional year in accordance with the terms and conditions therein and relevant provisions of law;
- Monitoring the implementation of Education Law §3012-c (Teacher and Principal evaluation system) and provision of technical assistance as needed;
- Provision of technical assistance in the completion of and, if approved, implementation of a School Improvement Grant at the high school.
- Provision of technical assistance in the collection and reporting of district and school level data.
- Continue the fiscal oversight authority, including the appointment of a fiscal administrator, until June 30, 2012 with an option for a one year extension. The fiscal administrator will continue to provide progress reports to the Department on a quarterly basis.

Prior to June 30, 2012, the Commissioner will re-evaluate the District's fiscal and academic progress and make an assessment whether to recommend to the Board of Regents that his oversight should be further extended for an additional year, until June 30, 2013.

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

**PRESENTATIONS**

**Budget/Legislative Update  
Oral**

Chief Operating Officer Val Grey presented an overview of the Executive Budget Proposal to the Board.

## **ACTION ITEM**

### **State Education Department February 2011 Fiscal Report BR (A) 3**

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

**Motion by:** Regent James C. Dawson  
**Seconded by:** Regent Anthony S. Bottar  
**Action:** Motion carried unanimously

## **STANDING COMMITTEE REPORTS**

### **P-12 Education**

Your P-12 Education Committee held its scheduled meeting on March 7, 2011. All members were present except for Vice Chancellor Cofield and Regents Dawson and Brooks Hopkins, who were excused.

#### **ACTION ITEMS**

##### **Charter School Actions**

Your Committee recommends that the Board of Regents approves the charter revisions for the True North Rochester Preparatory Charter School and the True North Troy Preparatory Charter School as proposed by the Trustees of the State University of New York and the provisional charters are amended accordingly. [P-12 (A) 1]

##### **Regulations**

Your Committee recommends that section 100.17 of the Regulations of the Commissioner of Education relating to the implementation of the Distinguished Educator Program to assist low-performing districts and schools, be added and that paragraph (1) of subdivision (c) of section 100.16 be amended, as submitted, effective March 30, 2011. [P-12 (A) 2]

#### **MOTION FOR ACTION BY FULL BOARD**

Madam Chancellor and Colleagues: Your P-12 Education Committee recommends, and I move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on March 7, 2011, copies of which have been distributed to each Regent.

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

Introduction of Gladys Cruz and Jeff Baker – Senior Deputy Commissioner King introduced Gladys Cruz, Director of Curriculum Services and Jeff Baker, Data Director. Gladys Cruz most recently served as an Assistant Superintendent at Questar III and brings to the Department more than 27 years experience in education, having worked in schools and universities in both New York and Puerto Rico. Jeff Baker comes to the Department from the Northeastern Regional Information Center (NERIC) in Albany, where he was Managing Coordinator of the Data Warehouse and Testing departments.

Regents Reform Agenda Progress by RTTT Assurance Area – The Committee was updated on the accomplishments and work currently underway for the four assurance areas: Standards and Assessments, Data Systems, Great Teachers and Leaders, and School Turnaround. The presentation also focused on Network Teams and the RTTT Performance Management Office.

Joint Regents Report on Accountability – The Committee was updated on the Office of Accountability and the Office of Innovative School Models efforts to support schools and districts. Discussion focused on accountability implications of raising the ELA and mathematics achievement standards for Grades 3-8. It is projected that the increased rigor of New York State's revised proficiency standards will cause a decline in the percentage of schools and districts that staff project will make AYP. Staff is currently developing plans for how to address the anticipated large increase in the number of schools that will be identified for improvement next year. The Committee also discussed the launch of the State School Turnaround Office, PLA school visits, School Improvement Grants, and the implementation of New York's Differentiated Accountability Program including information on School Quality Reviews and Joint Intervention Team reviews. [P-12 (D) 1]

Public School and District Accountability – The Committee discussed proposed amendments to Commissioner's regulations to conform to New York State's approved amended accountability plan. This will allow New York to smoothly transition to the higher achievement standards for grades 3-8 in ELA and mathematics. [P-12 (D) 2]

Consent Agenda Items – Senior Deputy Commissioner King presented two items scheduled for approval on the full Board consent agenda:

Proposed amendment of sections 200.1 and 200.4 of the Regulations of the Commissioner of Education to change the term "mental retardation" to "intellectual disability".

Proposed amendment of section 155.22 of the Commissioner's Regulations, relating to Qualified School Construction Bonds and Qualified Zone Academy Bonds.

## **Joint P-12 Education/State Aid**

Your P-12 Education Committee and Subcommittee on State Aid held a joint meeting on March 7, 2011. All members were present, except for Vice Chancellor Cofield and Regent Brooks Hopkins, who were excused.

### **ACTION ITEMS**

**Mandate Relief and Flexibility** – Your Committee recommends that the Board of Regents approves the mandate relief and flexibility recommendations previously proposed by the Board of Regents, as described in Appendix A-1 of the report.

Additional draft mandate relief and flexibility options relating to school operations and special education can be found in Appendix A-2 and Appendix B-2, respectively. These options will be discussed in further detail at the April meeting. [P-12/SA (A) 1]

### **MOTION FOR ACTION BY FULL BOARD**

Madam Chancellor and Colleagues: Your P-12 Education Committee and State Aid Subcommittee recommend, and we move, that the Board of Regents act affirmatively upon the recommendation in the written report of the Committees' deliberations at their meeting on March 7, 2011, copies of which have been distributed to each Regent.

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

**Tuition Rate Setting Methodology for Special Education Providers** – The Committee began discussions relating to rate setting methodologies. Due to time constraints, this conversation will continue at the April meeting.

## **Higher Education**

Your Higher Education Committee held its scheduled meeting on March 7, 2011. All members were present except Vice Chancellor Cofield.

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

**Draft Bulletin of the Statewide Plan for Higher Education, 2012-2020.** Your committee discussed and reviewed the draft bulletin and reviewed comments submitted by institutions of higher education.

**Amendments to the Regulations of the Commissioner of Education Proposed by the Inter-Agency Task Force on the Tuition Assistant Program (TAP).** Your committee discussed and reviewed proposed changes to the regulations. These changes will be further discussed and acted upon at the April 2011 meeting.

## **Adult Career and Continuing Education Services (ACCES)**

Your ACCES Committee held its scheduled meeting on March 7, 2011. All members were present, with the exception of Chancellor Emeritus Bennett, who was excused. Additional members of the Board attending were: Chancellor Tisch, Regent Phillips, Regent Tallon and Regent Dawson.

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

The Committee was informed about Section 100.8 of the Regulations of the Commissioner of Education allowing school districts to award local high school equivalency diplomas based upon experimental programs approved by the Commissioner. The Board of Regents amended Section 100.8 of the Regulations of the Commissioner of Education in January 2008 to extend the authority of school boards to issue local high school equivalency diplomas based upon experimental programs from January 31, 2008 to June 30, 2011. The proposed amendment would extend, through June 30, 2012, the existing regulation. The extension will allow the continuance in New York State of the National External Diploma Program (NEDP), which is a complete assessment program that allows adults over age 21 to demonstrate and document the outcomes and transferable skills for which a high school diploma is awarded. This one year extension is recommended to ensure that all current NEDP students in the approximately 20 program sites across the state are provided with an opportunity to complete their programs and earn a local high school equivalency diploma. The Committee agreed to present this as an emergency action at the May, 2011 meeting. (ACCES (D) 1)

The Committee was informed on the status of Bureau of Proprietary School Supervision (BPSS). BPSS is responsible for overseeing New York State's 497 licensed non-degree granting proprietary schools attended by an estimated 200,000 students annually. BPSS' oversight focuses on prevention and protection – licensing up front and protection of students' financial interest in the event of substandard conditions or school closure subsequent to license approval. To increase effectiveness and leverage resources, BPSS has established relationships with several professional partners. BPSS is successfully changing its focus from regulation to technical assistance. The results can be seen in the decrease in schools closing, from 26 in 2006 to 13 in 2010 and the decline in the number of students accessing the Tuition Reimbursement Account (TRA), from 93 in 2006 to 16 in 2010. Most recently, SED submitted a BPSS proposal to the Legislature that will enhance oversight capacity and better protect students.

### **Cultural Education**

Regent Roger Tilles, Chair of the Cultural Education Committee, submitted the following written report.

Your Committee on Cultural Education Committee had its scheduled meeting on March 7, 2011.

In attendance were committee members: Regents Tilles, Bendit, Rosa, Dawson, Brooks-Hopkins

Absent: none

In addition to CE Committee Members, in attendance were: Commissioner Steiner

#### ITEMS FOR DISCUSSION

Regent Tilles welcomed everyone and opened the meeting

#### CE (D) 2 – Summer Reading at New York Libraries: Engaging At-Risk Students

Deputy Commissioner Jeffrey Cannell provided a broad overview regarding the OCE's outreach and assistance to public library systems, public libraries and education leadership. In effort to advance the Department's reform agenda and close the achievement gap, libraries emphasize the importance of summer reading programs, target high-need districts and actively engage at-risk students in summer reading programs. Cannell described the video program where students will make a video on the benefits of summer reading. Staff will review the videos and select the best one. Cannell also described outreach efforts to the BOCES District Superintendents to help them know better how to take advantage of the summer reading program. Staff distributed a Fact Sheet and briefing paper to provide additional information. Regent Tilles suggested that staff reach out to and engage the statewide Parent Teachers Association and local PTA as potentially valuable partners.

#### CE (D) 1 – New York State Historical Records Advisory Board Strategic Plan

Geoffrey Williams, Co-Chair of the New York State Historical Records Advisory Board (SHRAB) provided an update on the activities of the board. SHRAB is a 13-member citizen board appointed by the Commissioner of Education. Mr. Williams updated the committee current activities of SHRAB, highlighting the most recent project to provide an online assessment tool to help repositories of historical records evaluate themselves. He also reported on the organization's current strategic priorities that focused on:

- Managing archival electronic records;
- Emergency planning/preparedness for historical records repositories;
- Ensuring the retention of archival records of the governor and legislature;
- Providing education and training in archival practice; and
- Increasing support for historical records repositories statewide.

#### Remarks from the Chair:

Regent Tilles reported on a meeting he will attend next week along with the Chancellor and Senior Deputy King to discuss strategies for improving arts education in New York State schools. He also reported on a future meeting in New York City with at least one museum to identify opportunities for the museum to partner with a school to

support school turn-around. Finally, Regent Tilles reported on a workshop scheduled for April 15 at Hofstra University that involves teachers of art, teacher educators and arts institutions on Long Island to ensure that all of these communities have a shared vision and direction for improving arts education.

### **Professional Practice**

Your Professional Practice Committee held its scheduled meeting on March 7, 2011. All Committee members were present, except Vice-Chancellor Milton L. Cofield, who was excused.

#### **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 20 consent order applications and 3 surrender applications be granted.

These recommendations are made following the review of 27 cases involving seven licensed practical nurses, three licensed practical nurses who are also registered professional nurses, three professional engineers, two architects, two pharmacists, one certified public accountant, one clinical laboratory technician, one dentist, one pharmacy professional corporation, one registered professional nurse, one veterinarian, and one veterinary professional corporation.

##### **Restoration Cases**

Your Committee recommends that the execution of the Order of Surrender of the licenses of Samuel Monroe to practice as a licensed practical nurse and as a registered professional nurse in New York State be stayed; that he be placed on probation under specified terms and conditions for a period ending three years from his successful completion of a refresher course and/or training in nursing, approved in advance by the State Education Department; and that, upon satisfactory completion of the probationary period, his license be fully restored.

#### **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 7, 2011, 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 – The Deputy Commissioner reported on the following issues:

- Development of briefing book for transition following retirement of Deputy Commissioner.
- Move to 1411 Broadway Update – proceeded smoothly; moved the weekend of February 25<sup>th</sup>.
- Legislation
  - Update on CPA Mobility Bill
  - Update on Collaborative Drug Therapy Management Bill
- Overview of PPC Consent Agenda items scheduled for action by the Full Board, including but not limited to:
  - Board Appointments
  - Licensing Petitions and Conferral of Degrees
  - Permission to Operate
    - Gannon University
    - Thomas Jefferson University
    - University of Pennsylvania
    - Vermont Technical College

Proposed Amendment to the Rules of the Board of Regents and Regulations of the Commissioner of Education Relating to the Approval of Dual Campus International Medical Schools Seeking to Place Their Students in Long-Term Clinical Clerkships in New York State – The Committee discussed a proposed emergency action to establish a committee to review and establish standards and procedures for the approval of applications for the placement of students from dual-campus international medical schools into long-term clinical clerkships in New York State. The proposal will be resubmitted for consideration after certain changes have been made to proposed amendments.

Proposed Rules Regarding Prescriptions – A conceptual discussion of upcoming proposed Regents' Rules in pharmacy relating to (1) the repackaging of drugs in customized patient medication packages and (2) the inclusion of the prescriber's National Practitioner Identifier on prescription forms.

### **Audits/Budget and Finance**

The Regents Committee on Audits/Budget and Finance met as scheduled on February 7, 2011. Vice Chair Bendit, Regents Brooks-Hopkins, Phillips, Tallon, and Young were in attendance.

Chair's Remarks: Regent Chapey welcomed everyone. I reminded all, that as of March 30, 2011 the Committee will formally be established as a full committee of the Board of Regents. This will bring together budget issues as well as issues identified through the many audits we review. Accountability is enhanced by the work of the Committee.

## ITEMS FOR DISCUSSION

### February 2011 Fiscal Report

Your Committee reviewed the fiscal report. Our Chief Operating Officer briefed the Committee members on the fiscal report. Concerns remain in the areas of Assessment Costs, Teacher Tenure hearings, Summer School of the Arts and GED. There was a slight change in the fiscal report related to the GED program.

### Completed Audits

The Committee was presented with 20 audits this month. The audits included 3 audits issued by the Office of Audit Services (OAS), 15 audits issued by the Office of the State Comptroller (OSC), 1 by the United States Department of Education and 1 by the New York City Comptroller. The members were briefed on the audits of Developmental Disabilities Institute, as well as the Kiryas Joel, Wyandanch and Beekmantown Union Free School Districts. The audits identified the need for recovery of funds and improved accounting and budgeting practices. OAS will continue to monitor trends requiring the attention of the Committee.

<b>Motion by:</b>	Regent Roger Tilles
<b>Seconded by:</b>	Regent Geraldine D. Chapey
<b>Action:</b>	Motion carried unanimously

### Recognition

Chancellor Emeritus Bennett shared appreciation for the service and accomplishments of Regent Karen Brooks Hopkins upon her last meeting as a Board Member.

Commissioner Steiner shared appreciation for the service and accomplishments upon the retirement of both Frank Muñoz, Deputy Commissioner for The Professions, and Joseph Frey, Deputy Commissioner of Higher Education .

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

<b>Name of Institution</b>	<b>Program Area</b>	<b>County of Location</b>	<b>Description of Charter Action(s)</b>
Bundy Museum of History and Art	CE	Broome	Grant provisional charter for five years.
Fort Hunter Free Library	CE	Montgomery	Amend absolute charter to change IRS language.
Friends of the Dunkirk Free Library	CE	Chautauqua	Grant certificate of incorporation.
New York Mills Public Library	CE	Oneida	Amend absolute charter to: <ul style="list-style-type: none"> <li>• specify the number of trustees to be not less than five nor more than fifteen;</li> <li>• add IRS tax language;</li> <li>• designate Commissioner as agent for service;</li> <li>• designate the service area as coterminous with the Village of New York Mills.</li> </ul>
RCS Community Library	CE	Albany	Amend absolute charter to change the trustee term length from five years to three years.
The Ridge Historical Society	CE	Westchester	Grant dissolution of provisional charter.
The Roeliff Jansen Historical Society	CE	Columbia	Grant absolute charter.
Abraham Joshua Heschel School	P-12	New York	Amend absolute charter to add IRS language.
Academy of the Holy Names of New York	P-12	Albany	Amend absolute charter to: <ul style="list-style-type: none"> <li>• change corporate name to “Academy of the Holy Names”;</li> <li>• delete reference to the corporation’s location being in the town of Bethlehem;</li> <li>• change the membership of the corporation.</li> </ul>
The International School of Brooklyn	P-12	Kings	Amend provisional charter to change corporate address to 477 Court Street, Brooklyn, New York 11231.
Mountain Road School	P-12	Columbia	Amend provisional charter to add grades six through eight and extend for five years.
Next Chapter Academy	P-12	Bronx	Grant provisional charter for three years.

<b>Name of Institution</b>	<b>Program Area</b>	<b>County of Location</b>	<b>Description of Charter Action(s)</b>
RiverRun Community Montessori	P-12	Schenectady	Extend provisional charter for three years.
The STAR Program	P-12	New York	Consent to filing of certificate of assumed name "The Manhattan STAR Academy".
Concordia College	HE	Westchester	Amend charter to authorize institution to operate postsecondary degree programs registered by the Department and confer degrees approved and authorized by the Regents in connection with such program, including the Master of Science in Education (M.S.E.D.) degree.
Hilbert College	HE	Erie	Amend charter to authorize institution to operate postsecondary degree programs registered by the Department and confer degrees approved and authorized by the Regents in connection with such program, including the Master of Science (M.S.) and the Master of Public Administration (M.P.A.) degrees.

**Appendix II**  
**REGENTS ACTIONS IN 27 PROFESSIONAL DISCIPLINE CASES**  
**AND 1 RESTORATION PETITION**

**March 7 - 8, 2011**

The Board of Regents announced disciplinary actions resulting in the revocation of 1 license, surrender of 3 licenses, and 23 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. REVOCATION AND SURRENDERS**

**Dentistry**

William M. Grier a/k/a William Grier; Dentist; East Windsor, NJ 08520; Lic. No. 039170; Cal. No. 25330; Found guilty of professional misconduct; Penalty: Revocation.

**Nursing**

Rhonda Tindal a/k/a Rhonda Fumia; Licensed Practical Nurse; Bedford Hills, NY 10507-2400; Lic. No. 241235; Cal. No. 25335; Application to surrender license granted. Summary: Licensee admitted to charges of having been convicted of Assault in the 1st Degree and Criminal Contempt in 2009.

Carl R. Alberti; Registered Professional Nurse; East Setauket, NY 11733-1024; Lic. No. 317018; Cal. No. 25484; Application to surrender license granted. Summary: Licensee admitted to the charge of having been found guilty of professional misconduct in the State of Arizona, based on the surrender of his North Carolina license on a charge of inappropriately massaging a patient's genital and breast areas.

**Pharmacy**

Steven Stewart Brown; Pharmacist; New York, NY 10021; Lic. No. 031185; Cal. No. 25465; Application to surrender license granted. Summary: Licensee admitted to charges of having been convicted of Criminal Possession of a Drug in the 7th Degree and of having taken controlled substances from his employer for personal use.

**II. OTHER REGENTS DISCIPLINARY ACTIONS**

**Architecture**

John Nicholas Backos; Upper Saddle River, NJ 07458; Lic. No. 027556; Cal. No. 25365; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$5,000 fine.

Godswill Chima Ogbonnaya; Queens Village, NY 11429; Lic. No. 030205; Cal. No. 25436; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 5 years probation, \$5,000 fine.

### **Clinical Laboratory Technology**

Jeure Collado; Clinical Laboratory Technician; South Richmond Hill, NY 11419; Cert. No. 002387; Cal. No. 25424; Application for consent order granted; Penalty agreed upon: Annulment of certificate.

### **Engineering and Land Surveying**

Dong Soo Whang; Professional Engineer; College Point, NY 11356; Lic. No. 063625; Cal. No. 25263; Application for consent order granted; Penalty agreed upon: 6 month actual suspension, 18 month stayed suspension, 2 years probation to commence subsequent to service of 6 month actual suspension, \$7,500 fine payable within 1 year but to commence payment within 30 days.

Richard Delisle McKeon, Jr.; Professional Engineer; Greenville, NY 12083-3415; Lic. No. 066115; Cal. No. 25420; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation, \$1,000 fine.

Lawson Moriah Christian; Professional Engineer; Hempstead, NY 11550; Lic. No. 072488; Cal. No. 25422; Application for consent order granted; Penalty agreed upon: 1 year actual suspension, 1 year stayed suspension, 2 years probation, \$5,000 fine.

### **Nursing**

Kim Lee Purdum; Licensed Practical Nurse; Selden, NY 11784; Lic. No. 272585; Cal. No. 25154; Found guilty of professional misconduct; Penalty: 2 year suspension, probation 4 years to run concurrently.

Bharat Ramsamujh; Licensed Practical Nurse, Registered Professional Nurse; Jamaica, NY 11432; Lic. Nos. 287432, 597033; Cal. Nos. 25232, 25234; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$1,000 fine.

Nichole Karintha Newport; Licensed Practical Nurse; Rochester, NY 14619; Lic. No. 286521; Cal. No. 25248; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$500 fine.

Luce Loiseau; Licensed Practical Nurse, Registered Professional Nurse; Westbury, NY 11590; Lic. Nos. 249211, 545642; Cal. Nos. 25273, 25274; Application

for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$2,000 fine.

Melanie F. LaJuett; Licensed Practical Nurse, Registered Professional Nurse; Brockport, NY 14420; Lic. Nos. 273811, 586636; Cal. Nos. 25324, 25325; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Natasha A. Samuels; Licensed Practical Nurse; Bronx, NY 10469-2402; Lic. No. 275009; Cal. No. 25373; Found guilty of professional misconduct; Penalty: 2 year suspension.

Suzanne Marie Taggart; Licensed Practical Nurse; Fairport, NY 14450; Lic. No. 219251; Cal. No. 25394; Application for consent order granted; Penalty agreed upon: 2 year stayed suspension, 2 years probation, \$500 fine.

Marshalyn Colleen Hill; Licensed Practical Nurse; Laurelton, NY 11413; Lic. No. 297000; Cal. No. 25405; Application for consent order granted; Penalty agreed upon: 3 month actual suspension, 21 month stayed suspension, 2 years probation.

Christina M. Smith; Licensed Practical Nurse; Gowanda, NY 14070-1401; Lic. No. 256736; Cal. No. 25434; Application for consent order granted; Penalty agreed upon: 1 year actual suspension, 1 year stayed suspension, 2 years probation, \$500 fine.

## **Pharmacy**

Sharad Moghabhai Desai; Pharmacist; Commack, NY 11725; Lic. No. 031417; Cal. No. 25363; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$5,000 fine.

Fordham Plaza Pharmacy, Inc. d/b/a Plaza Pharmacy; Pharmacy; 2515 Webster Avenue, Bronx, NY 10458; Reg. No. 021315; Cal. No. 25364; Application for consent order granted; Penalty agreed upon: Censure and Reprimand, \$5,000 fine payable within 30 days.

## **Public Accountancy**

James Peter Napolitano; Certified Public Accountant; Huntington Station, NY 11746; Lic. No. 068222; Cal. No. 25107; Found guilty of professional misconduct; Penalty: 2 year suspension.

## **Veterinary Medicine**

Igor Romanovich Brodetskiy; Veterinarian; Brooklyn, NY 11235; Lic. No. 008411; Cal. No. 25496; Application for consent order granted; Penalty agreed upon: 1 year stayed suspension, 1 year probation, \$2,500 fine.

Animals Doctor Brodetskiy, P.C.; 2222 Avenue X, Brooklyn, NY 11229; Cal. No. 25497; Application for consent order granted; Penalty agreed upon: \$2,500 fine payable within 30 days.

### **III. RESTORATION**

The Board of Regents voted on March 8, 2011 to stay the surrender of the licensed practical nurse and registered professional nurse licenses of Samuel Monroe, Staten Island, NY 10314; to place him on probation, under specified terms and conditions, for a period ending three years from his successful completion of a refresher course and/or training in nursing, approved in advance by the State Education Department; and, upon satisfactory completion of the probationary period, to fully restore his licenses. Mr. Monroe's licenses were originally surrendered January 12, 2004.