

Minutes of the Meeting

STATE OF NEVADA
DEPARTMENT OF EDUCATION

COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

June 13, 2012

Call to Order; Roll Call; Pledge of Allegiance

President Thoreson called the meeting of the Commission on Professional Standards in Education to order at 9:15 A.M. via video conference in the Board Conference Room of the Nevada Department of Education Offices in Carson City and Las Vegas, Nevada.

Roll call showed the following Commissioners present:

COMMISSIONERS PRESENT IN CARSON CITY:

Brianne Thoreson, President
Mary Keith, Commissioner
Dr. Cheryl Lau, Commissioner

COMMISSIONERS PRESENT IN LAS VEGAS:

Dr. Nancy Sileo, Vice President
Elissa Couch, Commissioner
Bonnie Townsend, Commissioner

COMMISSIONERS ABSENT:

Brian Boothe, Commissioner - excused
Wendy Zastawniak, Commissioner – excused

STAFF PRESENT:

Christina Harper, Commission Administrative Assistant – Carson City
Rorie Fitzpatrick, Deputy Superintendent – Carson City
Jeanette Calkins, Teacher Licensure – Las Vegas

LEGAL COUNSEL:

Carrie Parker, Deputy Attorney General – Carson City

AUDIENCE IN ATTENDANCE IN CARSON CITY:

Terry Owens, Educational Testing Service
Melissa Burnham, University of Nevada, Reno – COE
Nancy Horrath, University of Nevada, Reno – COE
Lauren Jackson, Washoe County School District
Wade Beavess, Intern, Attorney General's Office
Thomas Reagan, GBC

Kimberly Smerkers-Bass, University of Phoenix

AUDIENCE IN ATTENDANCE IN LAS VEGAS:

Esther Kassouf, University of Phoenix
Dena Durish, Clark County School District
Jerry Deluca, Educational Testing Service
Les McCallum, Pearson
Cyndi Giorgis, University of Nevada, Las Vegas
Francey Dennis, University of Phoenix
Francine Mayfield, Sierra Nevada College

It was determined that a quorum of the Commission was present. Commissioner Couch led the pledge of allegiance.

Approval of Agenda

President Thoreson recommended tabling Item 8, the public hearing for R115-11-Alternative Route to Licensure, until the next meeting pending notification to comply with legislative intent with regard to alternative route to licensure.

MOTION: Vice President Sileo moved to approve tabling Item 8, R115-11, based upon President Thoreson direction and information received on legislative intent, seconded by Commissioner Lau. The motion passed unanimously.

MOTION: Commissioner Lau moved to approve the amended agenda with the tabling of Item 8, seconded by Vice President Sileo. The motion passed unanimously.

Public Comments

Dr. Jerry Barbee announced that he retired from the Nevada Department of Education effective June 8, 2012. Dr. Barbee thanked the Commission and Dr. Keith Rheault for the wonderful working relationship to help further education for students in Nevada.

President Thoreson thanked Dr. Barbee for all of his insight and work with the Commission.

Approval of Minutes: a) May 2, 2012

MOTION: Commissioner Lau moved to approve the May 2, 2012 minutes as submitted, seconded by Commissioner Keith. The motion passed unanimously.

Fiscal Report – Review of Current Budget Account Balance

Christina Harper, Commission Secretary, reviewed the budget status report dated May 25, 2012 for Fiscal Year 2012 with revenue received to date of \$1,476,333; expenditures to date of \$1,048,806.89; and an available balance of \$427,526.11. The

Commission's expenditures to date total \$6,474.22 with funds available of \$1,552.78 for the remainder of the fiscal year.

Update of Nevada Department of Education Activities

Rorie Fitzpatrick, Deputy Superintendent for Public Instruction, on behalf of Superintendent James Guthrie, provided the following updates:

- The Teachers and Leaders Council continues to meet at least monthly and has created an initial set of recommendations that was presented to the State Board of Education at their June 1, 2012 meeting. There are still a number of issues that have yet to be decided as a Council; however the basic frameworks for the evaluation of teachers and administrators have been established. Ms. Fitzpatrick stated that all of the documents that the Council has utilized to formulate its recommendations are available on the Department of Education's website. There is also a link on the Governor's website to keep the public and stakeholders apprised of the work of the Council.

ACTION: President Thorson requested that Ms. Fitzpatrick e-mail Commissioners the link to the Council's website and the June 1st power point presentation to the State Board of Education

The final recommendations will be presented to the Nevada State Board of Education at the December 2012 Board meeting accompanied by a workshop. From these recommendations, the State Board is to develop regulations; the Board can accept all of the Council's recommendations, accept parts of the recommendations, or disregard all of the recommendations in the effort to create new regulations.

ACTION: Following discussion, the Commission requested that they be added to the Council's notification/update e-mail list.

- Ms. Fitzpatrick advised, with regard to the ESA Waiver, that the Department recently re-submitted a revised version of the elementary and secondary education act waiver application; this waiver grants relief to the State and school districts from some of the criteria that exist under the No Child Left Behind Act. There are three principles to the waiver: Principal 3 deals with all around educator effectiveness and evaluating teachers and administrators and supporting their improvement. The Council has been working on the educator effectiveness recommendations with tentative approval of regulations in the Spring of 2013. Principal 1 deals with college and career readiness standards and assessments; and Principal 2 deals with school performance and school accountability. It is possible that the waiver could be approved for Principles 1 and 2 and conditional approval of Principle 3 until the regulations are approved and the U.S. Department of Education has reviewed and approved this portion of the waiver.

Upon questioning by President Thoreson, Ms. Fitzpatrick reviewed the hope of the waiver to include school accountability and if a school fails to meet “adequate yearly progress” provides a more focused support based on the data and root cause analysis is undertaken to determine why a school is having trouble. It also moves the State to a place where we will not be required to look at school performance uniquely under which a certain percentage of students passage of the proficiency mark for the given assessment at a given grade, so in addition to the achievement data we will be able to look at growth in student achievement and determine whether or not students are improving, which is a critically important issue.

Public Hearing and Possible Adoption to Consider Comments for LCB File No. R127-11; NAC 391.045-Application for License or Endorsement: Required Documentation; Fee; Applicability of Academic Credits; NAC 391.056-Provisional Nonrenewable Licensure; Qualifications; Validity; Addition of Endorsement; Inapplicability to Certain Person; and NAC 391.0565-Provisional Nonrenewable Licensure: Removal of Provisions

President Thoreson opened the public hearing at 9:39 A.M. There were fifteen individuals in attendance. There were no public comments. President Thoreson closed the public hearing at 9:45 A.M.

Commissioner Couch thanked the Task Force for all of their hard work on the recommendations for the proposed regulations.

Commissioner Keith questioned why an application is not reviewed prior to the licensure application fee being paid, to ensure that the applicant meets all of the requirements or at the least allow a time period for the applicant to be able to submit the missing documentation. Commissioner Keith questioned if there is the ability to have an application reviewed and evaluated prior to paying the licensure application fee.

Jeanette Caulkins responded that the licensure application fee is charged to the applicant when the application is evaluated for initial licensure; the applicant is also notified at that time of any missing documents so that those documents can be submitted along with the initial application.

President Thoreson ceased the discussion on this part of the regulation, explaining that this is not the issue of the public hearing and proposed amended regulation; this issue can be addressed at a future meeting by requesting a report on this issue under future agenda items.

MOTION: Commissioner Couch moved to adopt R127-11 as presented, seconded by Commissioner Lau. The motion passed unanimously.

Public Hearing and Possible Adoption to Consider Comments for LCB File No. R115-11; NAC 391.057 - Conditional Licensure: Categories, Qualifications; Validity; Permission by the Department for School District, Charter School, or Private School to Hire Licensee; Requirements of Licensee following Issuance; NAC

391.058 – Conditional Licensure: Application to Department for Permission of School District, Charter School or Private School to Hire Licensee; Duties of Employing School District, Charter School or Private School; Requirements of Licensee Following Issuance; Cooperation with Commission and Department; NAC 391.042 – Initial License Requiring Student Teaching Experience; Conditions for Substitution of Teaching Experience; NAC 391.171- Conditional Endorsement as Professional Administrator of School; Authorized Employment; Validity; NAC 391.470 – Qualifications for Issuance of Renewable Teaching License to Persons Who Complete Nontraditional Training Program; and Delete NAC 391.172- Employment of Person Who Hold Conditional Endorsement as Professional Administrator of a School; Approval by Department Required; Duties of Employing School District, Charter School or Private School; Requirements of Licensee Following Employment; NAC 391.173 – Qualifications for Issuance of Unconditional Endorsement as Professional Administrator of School to Person Who Holds Conditional Endorsement; and NAC 391.475 – Qualifications for Issuance of Conditional Special Qualifications License to Persons Who Complete Nontraditional Training Program; Validity; Duties of Employing School District, Charter School or Private School; Application for Renewable Special Qualifications License; Circumstances Under Which License Deemed Immediately Revoked

This item was tabled until the August Commission meeting to allow time to review the legislative intent of the proposed amendments.

A break was granted at 9:48 A.M.
The meeting reconvened at 9:53 A.M.

Educational Testing Service

Jerry DeLuca, Educational Testing Service (ETS), on behalf of James Kenyon presented Mr. Kenyon's power point presentation.

Discussion Regarding the No-Fault Period and Possible Elimination of the No-Fault Period Policy

In speaking with ETS and reviewing the "No Fault" process that has existed in Nevada, it is recommended to cease assigning a "No Fault" period. ETS provides data for all test takers along with the Multi State Standard Setting Study (MSSSS) for analysis and decision making. The "No Fault" or "No minimum score" is an internal policy, not regulatory.

Information as to Tests Being Added As a Computer-Delivered Version

ETS has added a number of new exams and increased the number of computer delivered exams. ETS currently has 32 computerized exams, 46 exams computerized by the Fall of 2012, and by the end of 2013 will have 64 exams computerized.

Mr. DeLuca stated that it is important to note that when a new computer exam is offered, the paper exam will continue to be offered; to offer a choice to candidates. As

new exams are developed they will probably be offered in computer format only. There will ALWAYS be accommodations on paper for individuals that need to take the exams on paper and ETS will continue to offer two modes of delivery for paper exams.

The following exams will be available on the computer in September 2012: #5235-Biology Content Knowledge and #5245-Chemistry Content Knowledge.

The following exams will be available on the computer in December 2012: #5101-Business Education; #5121-Family and Consumer Sciences; and #5941-World and U.S. History.

The following exams will be available on the computer in February 2013: #5113-Music Content Knowledge and #5421-School Counselor.

The Commission was informed that the following exams will be discontinued after July 23, 2012: #0043-English Language, Literature and Composition: Pedagogy; #0065-Mathematics Pedagogy; #0234-Life Science Pedagogy; and #0483-Physical Science Pedagogy and candidates applying for these licensed areas will take the Principles of Learning and Teaching Exam #0624.

Approval of the Following Tests to be Replaced

New Test #0114 – Music: Content and Instruction to Replace #0111- Music: Concepts and Processes and #0113-Music: Content Knowledge

Mr. DeLuca stated that Exam #0114 will be replacing Exams #0111 and #0113, with the two exams becoming one exam. Exam #1004 is significant different and will need a new cut score set.

The Commission reviewed the information provided to set a cut score.

MOTION: Following a review of the information, Vice President Sileo moved to adopt Exam #0114 with a Multi State Standard Setting Score of 162, seconded by Commissioner Townsend. The motion passed unanimously.

New Tests #0421 – Professional School Counselor (paper) And #5421 – Professional School Counselor (computer) to Replace #0420 – School Guidance Counselor

Mr. DeLuca stated that Exam #0421 will be available in November of 2012 and is significantly different than Exam #0420.

The Commission reviewed the information provided to set a cut score.

MOTION: Vice President Sileo moved to adopt Exam #0421 with a Multi State Standard Setting Score of 156, seconded by Commissioner Couch. The motion passed unanimously.

New Tests ##0435 – General Science: Content Knowledge And #5435 – General Science: Content Knowledge to Replace: #0431 – General Science: Content Knowledge, Part 1

Mr. De Luca stated that for General Science Exam #0435 is replacing Exam #0431. Exam #0435 is not significantly different, as the content is similar but covered more in depth and the one hour exam will now be a two hour exam. ETS has created a concordance table; Exam #0431 required a cut score of 150 and an equivalent score on Exam #0435 would be 152.

Upon advice of Deputy Attorney General Carrie Parker, the Commission determined and unanimously agreed that there is no need to adopt a new score as the exam and cut score of 152 are equivalent to the old exam and old cut score.

Adopt the Following Tests with Current Cut Scores

#5665 – Chinese (Mandarin): World Language

The Commission was informed that the New World Language exam for Mandarin (Chinese) was created by ETS and this exam will be available October 2012. There was not a recommended score from ETS, as this score has not yet been released.

#0051 - Technology Education

Exam #0051 for Technology Education will be replacing Exam #0050. Exam #0051 is significantly different and the Department recommends adopting the Multi State Standard Setting Study Score of 159 with a passage rate of 87%.

MOTION: Following a review of the information, Vice President Sileo moved to adopt Exam #0051 with a Multi State Standards Setting Study Score of 159, seconded by Commissioner Lau. The motion passed unanimously.

#0095/ #5095 – Physical Education: Content and Design

Exam #0095 for P.E. Content and Design will be replacing Exam #0091 and #0092. Currently PE teachers are required to take 0091 and 0092; exam #0095 combines #0091 with #0092. The rationale for this is to eliminate two exams for one exam #0095. Exam #0095 is significantly different. The sample size in Nevada was 17 individuals and the data for all test takers of 1,053. The mean score was 167, with a passage rate of 57% and the Multi State Standard Setting Study score of 169 with a passage rate of 52%.

The Commission discussed that historically the medium score has been adopted as the cut score and recommended that the Commission review the pass rate of Nevada exam takers in one year to determine if the cut score adopted is acceptable.

MOTION: Following a review and discussion of the information, Vice President Sileo moved to adopt Exam #0095/5095 with a cut score of 169 for a period of a minimum of

one year which will give the Commission and the Nevada Department of Education time to evaluate how Nevada examinees perform on the assessment with consideration of the fact that the current national pass rate appears to be 52%, seconded by Commissioner Lau. The motion passed unanimously.

#0135 – Art: Content and Design

Exam #0135 – Content and Analysis will be replacing Exam #0133 – Content Knowledge and #0131 Art Making. Exam #0135 combines Exams #0131 with #0133. The rationale is to only require one exam #0135 instead of two exams. The data is for all test takers of 468. The mean score was 166, with a passage rate of 54% and the Multi State Standard Setting Study score of 161 with a passage rate of 71%.

MOTION: Following a review of the information, Commissioner Lau moved to adopt Exam #0135 with the Multi State Standards Setting Score of 161 with the provision that the Commission review within a one year the cut score to determine if the cut score needs to be adjusted, seconded by Vice President Sileo. The motion passed unanimously.

#0622/#5622–Principles of Learning and Teaching: Grades K-6

The Commission reviewed information that exam #0622/5622 – PLT K-6 is replacing exam #0522. Exam #0622 is significantly different. The mean score was 172 with a passage rate of 60% and the Multi State Standard Setting Score of 160 had a passage rate of 89%. The Department of Education recommends a cut score of 160.

MOTION: Following a review of the information, Vice President Sileo moved to adopt Exam #0622/5622 with the Multi State Standards Setting Score of 160, seconded by Commissioner Keith. The motion passed unanimously.

#0624/#5624–Principles of Learning and Teaching: Grades 7-12

The Commission reviewed information that exam #0624/5624 – PLT 7-12 is replacing exam #0524. Exam #0624 is significantly different. The mean score was 170 with a passage rate of 57% and the Multi State Standard Setting Score of 157 had a passage rate of 86%. The Department of Education recommends a cut score of 157.

MOTION: Following a review of the information, Commissioner Keith moved to adopt Exam #0624/5624 with the Multi State Standards Setting Score of 157, seconded by Commissioner Lau. The motion passed unanimously.

Mr. DeLuca stated that the last No-Fault exam will be held on July 21, 2012.

ACTION: The Commission discussed the issue of discontinuing the No-Fault testing period and agreed to leave this as a Department policy and the Commission can decide on an exam by exam basis to either adopt a cut score for the exam or allow for a one-year No-Fault period.

Approval of the Following Replacement Tests

New Tests #0621/5621- Principles of Learning and Teaching: Early Childhood; or #6022/5622 – Principles of Learning and Teaching: Grades K-6; or #0623/5623 – Principles of Learning And Teaching: Grades 5-9; or #0624/5624 – Principles of Learning and Teaching: Grades 7-12 to Replace: #0043 – English Language, Literature and Composition: Pedagogy; #0065 – Mathematics: Pedagogy; #0234 – Life Science: Pedagogy; and #0483 – Physical Science: Pedagogy

The Commission discussed tabling this item until the next meeting as there was no information provided by Mr. Kenyon in the power point.

It was discussed that some of the above referenced exams have already been discussed and voted on.

MOTION: Following an explanation and discussion, Vice President Sileo moved table discussion on items relating to ETS exam #0621/5621 – Principles of Teaching and Learning Early Childhood and ETS exam #0623/5623 – Principles of Teaching and Learning: Grades 5-9, seconded by Commissioner Lau.

President Thoreson reiterated that the above exams are replacement exams for pedagogy exams that are being eliminated and with the Commission's prior approval of exam #0622 and #0624 and will replace the pedagogy exams. Exam #0621 and #0623 already exist and will be replacing pedagogy exams. There are not new exams but are replacing old pedagogy exams.

President Thoreson recommended that the Commission leave the prior motion wherein exam #0622 and #0624 were approved to replace pedagogy and not address #0621 and #0623 as the State of Nevada does not use those exams.

Vice President Sileo withdrew her motion and Commissioner Lau withdrew her second of the motion.

Upon questioning by President Thoreson, Deputy Attorney General Parker stated that the Commission has made and taken action on all of the necessary motions with regard to this section.

Review of the Following Regulations for Possible Amendments:

- **NAC 391.010 – Definitions**
- **NAC 391.013 – Determination of “Full State Certification” for purposes of federal No Child Left Behind Act**
- **NAC 391.015 – Location of state offices; Acquisition of forms for licensure**
- **NAC 391.020 – Validity of license not Retroactively affected by amendment of Regulations**
- **NAC 391.022 – Assignment of unique Identification number to each license**

- **NAC 391.025 – Responsibility for licensure; Endorsement; substitution of certain requirements for experience**
- **NAC 391.028 – Licensure of person who teaches Program of education transmitted from another State through electronic medium**
- **NAC 391.030 – Qualification to become licensed Employee of school district; courses or examination In certain subjects required; exemption**

Ms. Caulkins stated that the Teacher Licensure Office has reviewed the above referenced regulations and there is no suggested or recommended amendments and no comments on the above referenced regulations.

The Commission reviewed the above referenced regulations and determined that there were no amendments to be proposed. No action was taken as all of the above referenced regulations look good as presented with no further amendments, research, or discussion.

ACTION: The Commission will review the next batch/section of regulations at the August meeting.

Discussion of Executive Order 2012-11 Providing Reciprocity for Military Spouses Seeking Licensure In This State and How Teacher Licensing Reciprocity Works in Nevada

Ms. Caulkins stated that reciprocity in the State of Nevada for teacher licensure is addressed in Nevada Administrative Code (NAC) 391.054 which allows for reciprocity for licensure of person licensed or certified in another state; issuance of provisional license under certain circumstances and this would include military spouses coming from another state with a teaching license. But NAC 391.056 requires that the Department issue a license without provisions and states that the Superintendent of Public Instruction may not issue a provisional nonrenewable license pursuant to paragraph (a), (c), or (d) of subsection 1 on or after July 1, 2010, to a person who is applying for: (a) an elementary license pursuant to NAC 391.095; (b) A special teaching license in music, art or special education; or (c) A secondary license with an endorsement in one or more of the following major or minor areas: art, biological science, chemistry, English, French, general science, history, mathematics, music, physical science, reading, social studies, Spanish and speech and drama. In the core subject areas, the candidate must have all testing completed prior to being issued a license.

President Thoreson brought to the attention the language at the end of the Executive Order indicating that a response from every Board/Commission is required by June 30, 2012.

Ms. Fitzpatrick responded and suggested that staff develop language to address the issue of the licensing of military spouses. Ms. Fitzpatrick also recommended that the Commission send a letter to Governor Sandoval indicating that the Commission is aware of the Executive Order 2012-11 and moving to review possible regulation changes; but no statutory changes are required at this time.

MOTION: Vice President Sileo requested that staff draft and send a letter to Governor Sandoval from the Commission indicating that the Commission is aware of the Executive Order and working toward possible regulation amendments, seconded by Commissioner Lau. President Thoreson will work with staff in the development of this letter. The motion passed unanimously.

Discussion of Plans for the 2013 Nevada Legislative Session to Include Appointing Individuals to be Representative of the Commission During the Session and Develop a Written Plan with Commission Positions

President Thoreson stated that in the packet is information regarding the Commission, to include the Mission Statement, Facts About the Commission, Commission Authority and Responsibilities and the 2012 Action Plan.

President Thoreson mentioned Superintendent Guthrie's intent to eliminate the Commission on Professional Standards in Education.

ACTION: President Thoreson requested that staff first, at the August meeting, bring forward potential legislative items that should be discussed and prepared for, at a Commission level, to determine if the Commission needs to take a stance and prepare a written response; secondly staff and either the President or Vice President work on a draft of Commission's authority and responsibilities to ensure that document is prepared and ready as the Commission moves forward for the 2013 Legislative Session. President Thoreson would like the document to outline the Commission's responsibilities, how seriously the Commission takes those responsibilities, and what the Commission has accomplished.

MOTION: Commissioner Lau moved, as for plans for the 2013 legislative session and developing a written plan, for staff to develop a list of potential legislative items to be discussed and develop a paper which outlines the Commission's authority, responsibilities and list accomplishments for review at the August meeting, seconded by Commissioner Keith. The motion passed unanimously.

Future Agenda Items

The following items were noted to be on the August 15, 2012 agenda:

- Department of Education Update;
- Public hearing for R115-11 – Alternative Route to Licensure Regulations to further discuss the legislative intent for these amendments;
- Begin work on the Commission's Annual Report to the State Board and Legislature;
- Review and Discussion of 2014 Legislation Session Items; and
- Review of NAC 391 in sections.

Commissioner Comments

Vice President Sileo announced that she is resigning from the Commission effective today, as she has accepted a job and moving out of state. Vice President Sileo thanked past President Terry Owens and Dr. Jerry Barbee for all of their support. Vice President Sileo expressed her appreciation for all of the support during her tenure on the Commission. Vice President Sileo commended her fellow Commissioners for the conscientious and professional behavior in terms of teacher licensure and credentialing in the State of Nevada and for keeping in mind the intent of the Commission on Professional Standards in Education which is to ensure, not just adequate but, highly qualified teacher standards for the education professionals who work with students and children of the State of Nevada.

All of the Commissioners wished Vice President Sileo the best of luck in her new endeavors; thanked her for all of her support and guidance as the Vice President, and emphasized that she will be missed.

Commissioner Keith requested a presentation, at the August meeting, on the history of licensure fees and why an individual would be required to pay an additional application fee if their application is denied.

Commissioner Keith stated that she enjoyed serving on the ETS Multi State Standard Setting Score panel and while they cannot change the exam questions, but could comment on the exam questions.

Commissioner Couch announced that she will be attending the American School Counselor Association National Conference as the President of the Nevada School Counselors Association and will be representing Nevada on a national level.

Deputy Attorney General Comments

Deputy Attorney General Parker introduced Wade Beavess, a law student, interning with the Nevada Attorney General's Office for the summer.

Public Comments

There were no public comments.

Adjournment of Commission Meeting

President Thoreson adjourned the meeting at 11:35 A.M.