

**NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
JANUARY 17, 2018**

Meeting Locations:

Office	Address	City	Meeting Room
Department of Education	9890 S. Maryland Pkwy	Las Vegas	Board Room (2 nd Floor)
Department of Education	700 E. Fifth St	Carson City	Board Room

SUMMARY MINUTES OF THE REGULAR MEETING

(Video Conferenced)

COMMISSION MEMBERS PRESENT:

In Las Vegas:

Commissioner Maruyama
President Esparza
Commissioner Carvalho
Commissioner Zeh

In Carson City:

Commissioner McGregor
Commissioner Gallivan-Wallace
Commissioner Burnham
Commissioner Drum

COMMISSION MEMBERS NOT PRESENT:

Vice President Pendleton
Commissioner Davis

DEPARTMENT STAFF PRESENT:

In Las Vegas:

Michael Arakawa, Office of Educator Licensure
Paul Partida, Office of Educator Licensure
Matt Borek, Educator Effectiveness and Family Engagement

In Carson City:

Jason Dietrich, Office of Educator Licensure

LEGAL STAFF PRESENT

In Carson City:

Greg Ott

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Andre Yates, Clark County School District Human Resources
Robert Askey, Touro University
Zane Gray, Sierra Nevada College
Monte Bay, National University

Jessica Bouchte, Clark County School District Human Resources
Judith Pinkerton, Nevada Music Therapy Task Force
Chris Daly, Nevada State Education Association
Ed Ronca, University of Nevada Las Vegas
Michael Robison, University of Phoenix
Rubin Murillo, Nevada State Education Association
Bill Garis, Clark County Association of School Administrators
Brenda Pearson, Clark County Education Association

Carson City:

Jose Delfin, Carson City School District
Kate Schum, Washoe County School District
Tara Madden-Dent, NDE Office for Safe and Respectful Learning Environment

Elko:

Brian Zeiszler, Great Basin College

Agenda Item #1 – Call to Order; Roll Call; Pledge of Allegiance

President Esparza called the meeting to order at 9:02 a.m.
Roll call attendance was taken as reflected above. It was determined a quorum was met.
The Pledge of Allegiance was led by Commissioner Gallivan-Wallace.

Agenda Item #2 – Public Comment #1

No Public Comment from Las Vegas, Carson City, or Elko

Agenda Item #3 – Approval of Flexible Agenda

Motion: Commissioner Burnham moved to approve the flexible agenda. Commissioner Drum seconded the motion. **Motion carried unanimously.**

Agenda Item #4 – Approval of Minutes for December 20, 2017 Meeting

Motion: Commissioner McGregor moved to approve the December 20, 2017 minutes with revisions. Commissioner Zeh seconded the motion. **Motion carried unanimously.**

Agenda Item #5 – Nevada Department of Education updates, presented by Jason Dietrich and Mike Arakawa.

Jason Dietrich stated that he would like to focus the updates on the licensing system, which is going live in the back office on Monday, January 22, 2018 with public go-live anticipated for mid-February.

Mike Arakawa stated that he would be facilitating an advisory group meeting on January 24, 2018 focused on Educator Ethics which will involve a Code of Ethics for all educators within the state of Nevada. He further stated that he will bring back information to the Commission regarding the advisory group's ongoing work.

Agenda Item #6 – Public Hearing and Possible Adoption of Proposed Amendments to: R047-17; NAC Chapter 391.XXX relating to education; prescribing the requirements for the issuance of an endorsement to serve as music therapist; and providing other matters properly relating thereto., presented by Mike Arakawa.

Mike Arakawa presented the public hearing for R047-17, which would be a new regulation establishing an endorsement to serve as a Music Therapist. This would allow someone who holds a license issued from a Board in this state and permit them to come into the classroom with a license from the NDE to serve as a music therapist within a school.

President Esparza asked if there were questions or concerns about this regulation.

Commissioner Zeh asked about school experience as being part of the requirements for this regulation. Mike Arakawa replied that as written it does not require school experience, if the Commission wished to amend it, now is the time. Jason Dietrich gave clarification to the Commission in regards to Music Therapy; they do not teach content or education in any way, it is solely about music in a therapy realm, this was clarified in the workshop. We had testimony from Judith Pinkerton and Senator Mo Denis on this previously.

Commissioner Drum stated that she showed this to her district's music coordinator and she said it falls in line with what they were hoping would happen for their schools. She felt it was written well.

Mike stated that with regard to the similar regulation regarding school mental health workers, the school experience required by that regulation is non-instructional; it deals with mental health in the school setting.

Commissioner Zeh stated she looks at music therapy as a form of mental health.

Judith Pinkerton stated that music therapy is not instructional, it is supporting therapeutic goals. They have significant training, internships and practicums to be able to serve individuals in school settings since it is not instructional.

Commissioner Zeh asked if it should have the same qualifications as School Mental Health endorsement. Judith Pinkerton stated she is not familiar with what is required for School Mental Health Workers and cannot comment to compare. The music therapy community is very happy with how this is written; there are thousands of music therapists who work across the country and they are all very happy with this regulation as proposed.

President Esparza stated that on page 6 of the regulation that there is a reference to a certification exam. She asked if there was anything in that which would give exposure or experience to that education realm. Judith Pinkerton stated that was possible, but she would have to investigate it.

Mike stated that the language regarding an exam was added by LCB at the time the language was drafted and is part of a different regulation; it does not have anything to do with a music therapist license.

Commissioner Zeh stated she is in support of the music therapy piece of this, but would like to see school experience added in.

Commissioner Carvalho asked about what school experience Commissioner Zeh would like to see.

Jason Dietrich stated that what they are looking at is a transferable license issued from Health and Human Services. We are not necessarily setting the criteria for their core license, which is done by their licensing body; the general context behind the work is different. This simply allows those individuals to come into the schools to practice music therapy with a license from the Department. The School Mental Health professionals will be doing different work in a different setting. That would be a different strand of conversation.

Judith Pinkerton stated that during training they are required to be in educational settings. That is part of their practicum and academic experience.

President Esparza asked Judith if she could provide more context with an example. Judith replied that a student with an IEP is recommended for an assessment and that is when the determination is made whether a student needs music therapy or not. There is an assessment that happens first, there are groups,

such as in special education. We have a music therapist in Reno who has been doing this work for over 25 years and cannot currently refer to herself as a music therapist since her license has yet to be recognized.

Commissioner Zeh stated that she feels much more comfortable after hearing that there is training and education that happens during certification.

Judith Pinkerton thanked the Commission and NDE.

Motion: Commissioner Carvalho moved to adopt the regulation as written for R047-17. Commissioner Zeh seconded the motion. **Motion carried unanimously.**

Agenda Item #7 – Public Hearing and Possible Adoption of Proposed Amendments to: R048-17; NAC Chapter 391.036 relating to Tests of competency required for initial license; exemptions; failure to comply; times for administration of tests, presented by Jason Dietrich.

Jason Dietrich presented the public hearing for R048-17 in relation to NAC 391.036. The changes are clean-up language as covered in public workshop. The NDE is requiring with an initial license that applicants do take their competency based exams to add endorsements during that initial process. We did also clean-up around the timeframe for allowing tests to be valid. This is for an individual that is applying for a license over 5 years ago; the new competency exam would need to be taken. There is a 1-year retesting exemption if the license lapses; if allowed to lapse, it is deemed an initial license again, not renewing. This allows that individual who allowed their license to lapse not to have to take that testing if they allowed it to lapse during the school year for example. The really substantive change had to do with these two parts.

President Esparza stated that it looks like clean-up and asked if there were questions or discussion from the Commission to be hand.

Commissioner Burnham asked about the mid-point score ranges in the language regarding passage of the GRE. Jason stated that testing models are updated quite often, it was determined to allow for it to be more open-ended and more flexibility around the score as the passing scores are at the mid-point or higher, but the scores themselves change quite often. This change allows for the Commission to have flexibility not to have to change the regulation every time ETS' GRE scoring criteria changes.

Motion: Commissioner Drum moved to adopt the regulation and amendments as written for R048-17. Commissioner McGregor seconded the motion. **Motion carried unanimously.**

Agenda Item #8 – Public Hearing and Possible Adoption of Proposed Amendments to: R049-17; NAC Chapter 391.057 relating to Conditional licensure: Qualifications; authorized employment; term of validity; automatic revocation, presented by Jason Dietrich.

Mike Arakawa presented the public hearing for R049-17; the NDE is codifying processes into regulation for holders of an ARL license. They must have completed at least 2 full school years in a classroom and received an effective or highly effective evaluation for each of those 2 years; they may at that point convert their license to a standard license. If a person separates from an ARL program, they may come back to the NDE upon acceptance with a new program to reinstate their ARL license through that new ARL provider.

President Esparza opened the floor for questions or need for clarification.

President Esparza stated on page 3 that she was curious about the context of the evaluation rating during each school year. Mike replied that as a matter of practice, that it used to be 3 evaluations and this would move it to 2 evaluations, this would codify the practice and place it into regulation where it is possible to complete the ARL program in 2 years and a third evaluation would not be needed.

Commissioner Drum asked for clarification on conditional and provisional licenses. Jason stated that conditional licenses are only in the ARL field. Provisional licenses can be granted for a new licensee or current license adding on an endorsement. When the governor passed the emergency regulation to allow the NDE to issue provisional licenses, it allowed us to grant them if someone is no more than 6 credits deficient in the area, if deficient in student teaching, or deficient in competency testing.

Motion: Commissioner Zeh moved to adopt the regulation and amendments as written for R049-17. Commissioner Maruyama seconded the motion. **Motion carried unanimously.**

Agenda Item #9 – Public Hearing and Possible Adoption of Proposed Amendments to: R052-17; NAC Chapter 391.171 relating to Conditional endorsement as professional administrator of school; qualifications; authorized employment; term of validity; automatic revocation; requirements to apply for unconditional endorsement, presented by Mike Arakawa.

Mike Arakawa presented R052-17 amending chapter 391.171. He stated that the NDE has taken the language and opened up pathways for an ARL license for administrators. The first option is for someone who does not have a master's degree, but has been accepted by an ARL program provider which can confer a master's degree. The focus here is on rural counties at the request of the Commission. The second option is for those who already have a master's degree entering in any qualified ARL program provider for administrators. The experience requirements were changed from 3 years to 5 years and the same language from the previous agenda item in the ARL field was added.

President Esparza opened the floor for comment.

Commissioner Burnham asked about if anyone with a master's degree from any county could enter into the ARL program. She further stated that she didn't remember that from the workshop. Mike deferred to Jason Dietrich on the matter.

Jason stated that the intent was implied and that the NDE can work with LCB to clean up the language to give more clarification.

Motion: Commissioner Carvalho moved to adopt the regulation and amendments with clarifying language to R052-17. Commissioner Burnham seconded the motion. **Motion carried unanimously.**

Agenda Item #10 – Public Hearing and Possible Adoption of Proposed Amendments to: R053-17; NAC Chapter 391.332 relating to Qualifications to serve as substitute teacher; endorsement as substitute teacher; period for which substitute teacher may be hired; provisional nonrenewable special license; renewal, presented by Jason Dietrich.

Mike Arakawa presented R053-17 amending chapter 391.332. He stated that it was language clean-up and the substantive changes were removing requirements for substitute teaching licenses to complete the 6 credits for licensure renewal and the Praxis core testing.

President Esparza opened the floor for comments.

President Esparza asked about page 10 and the endorsement language clarification. Mike replied that this was a case of the LCB drafter mixing and matching language.

Commissioner Burnham asked if this effectively meant someone could be a substitute for life with no testing requirements and no renewal credits requirements. Mike stated that, in theory, she was correct. Commissioner Burnham stated that they still had an issue with emergency substitute teachers.

President Esparza stated that Commissioner Burnham brought up a very valid point, but for high needs areas such as special education and mathematics, her goal as a High School principal is to find those

individuals who can teach in those high needs areas. It is not ideal that these are the circumstances we are put in, but we can at least put an individual in the classroom to teach that content.

Commissioner Burnham asked if long term substitutes were evaluated. President Esparza stated, as a site administrator, that they are provided the same professional development and are given feedback as standard educators; they are not given evaluations since they are not hired as a licensed teacher. She currently has a shortage at her site for special education and mathematics.

Commissioner Maruyama stated that this is a touchy issue having substitute staff teaching our special education students. From what he has seen in the school district, the category of special education is overwhelming for a lot of people. A good job is done with recruiting. There are always opportunities for professional development for the long-term substitutes to be able to get better in the areas that they are teaching. It is very hard because there are shortages everywhere and they are doing the best they can. There are people who step up to the plate.

Commissioner Burnham is truly not comfortable removing what little training requirements and testing requirements there are for substitutes, especially given that some of them will be in classroom for an extended period of time teaching some of our most vulnerable students. Until they have a good handle on getting good teachers in the classrooms, she cannot support this.

Jason Dietrich stated that the extra piece of context is the removal of the Praxis Core academic skills for reading, writing, and mathematics. The renewal credit piece is that substitutes can take almost anything since they do not have a degree in most cases and they do not teach a specific license content area. The bar is a minimum of 60 credits in anything. There are not a lot of requirements to become a substitute or renew that license. This was brought forward to the Commission based on discussion with the districts as they are having great difficulty maintaining their substitute candidate pools since a lot of substitutes cannot pass the Praxis Core requirement. This goes to the conversation with the emergency substitute license. He understands Commissioner Burnham's point, but wanted to give further clarification as to what the proposed changes are.

Commissioner Carvalho stated that she is in support of the changes, but is sad to see how it is hard to find substitute teachers.

Motion: Commissioner Carvalho moved to adopt the regulation and amendments as written for R053-17. Commissioner Maruyama seconded the motion. **Commissioners Esparza, Zeh, Carvalho, and Maruyama voted in favor and Commissioners Burnham, Drum, McGregor, and Gallivan-Wallace voted against. Motion failed to carry.**

President Esparza called a recess at 10:10 am.

President Esparza called the meeting back to order at 10:21 am.

Agenda Item #11 – Public Hearing and Possible Adoption of Proposed Amendments to: R078-17; NAC Chapter 391.XXX relating to License to serve as School Mental Health Worker, presented by Mike Arakawa.

Mike Arakawa presented the regulation for R078-17 which would create a new license to serve as a School Mental Health Worker.

President Esparza opened the floor for discussion.

Commissioner Zeh stated that from what she remembers of the last discussion during workshop this will open avenues for rural school districts to have qualified individuals serve as school mental health workers. She stated that she was in favor of this regulation.

Commissioner Burnham thanked Commissioner Zeh for the review and reasons for this regulation.

President Esparza stated that she wanted to add to the conversation and that the NDE has been progressive and innovative in getting social workers into schools. She is in support of this; it makes a difference in all schools.

Commissioner Zeh stated to clarify that they will be using community mental health professionals who have experience in schools. She supports this as finding school social workers and school counselors are hard to find.

Motion: Commissioner McGregor moved to adopt the regulation and amendments as written for R078-17. Commissioner Drum seconded the motion. **Motion carried unanimously.**

Agenda Item #12 – Public Hearing and Possible Adoption of Proposed Amendments to: R080-17; NAC Chapter 391.170 relating to Endorsement as professional administrator of school or program, presented by Jason Dietrich.

Jason Dietrich presented the regulation for R080-17 for NAC 391.170. This regulation would put into effect a stand-alone license for a school administrator, prior verifiable 5-years of teaching experience is required however. This opens the pathway to allow individuals from other jurisdictions to reciprocate into Nevada as a school administrator, giving a larger candidate pool for qualified administrators throughout the state.

President Esparza stated that there were some concerns and pointed to page 3. The 3 years' experience versus the 5 years' experience. Jason stated that the bar for experience was raised by the Commission at the time of workshop from 3 years to 5 years of verifiable teaching experience.

Motion: Commissioner Zeh moved to adopt the regulation and amendments as written for R080-17. Commissioner Carvalho seconded the motion. **Motion carried unanimously.**

Agenda Item #13 – Public Hearing and Possible Adoption of Proposed Amendments to: R081-17; NAC Chapter 391.098 relating to Endorsements, presented by Mike Arakawa.

Mike Arakawa presented the regulation for R081-17 for NAC 391.098. The NDE is proposing to repeal this regulation due to school districts not needing it any longer and it being obsolete.

President Esparza opened the floor to discussion.

Commissioner Burnham stated that there are a few schools in Washoe County that teach in two languages and she wondered if they use the bilingual endorsement at the elementary level. Mike Arakawa replied that the endorsement would be grandfathered in and there is also a K-12 bilingual endorsement available. Jason Dietrich stated that it is not needed as elementary teachers do not need any endorsements to teach in any areas, they can teach in all areas.

Commissioner Burnham stated that if the Commission gets rid of it if it would be a way for 6th grade teachers to be okay as elementary school teachers. Jason Dietrich replied that this relates to the splitting the licenses to K-5 elementary school, 6-8 middle school, and 9-12 high school. It is not the intent of the NDE to make it harder for the districts. There is no benefit to the educator for obtaining a math endorsement on an elementary license. There are very few elementary endorsements as it is because they are not required. As to the 6th grade conversation, that will be handled later on.

Motion: Commissioner Burnham moved to repeal the regulation for R081-17. Commissioner McGregor seconded the motion. **Motion carried unanimously.**

Agenda Item #14 – Public Hearing and Possible Adoption of Proposed Amendments to: R102-17; NAC Chapter 391.030 relating to Qualification to become licensed employee of school district: Courses or examination in certain subjects required; exemption. And NAC Chapter 391.036 relating to Tests of competency required for initial license; exemptions; failure to comply; times for administration of tests, presented by Jason Dietrich.

Jason Dietrich presented the regulation for R102-17 for NAC 391.030 and NAC 391.036. He stated that he would point out pages 18 and 19. This is where the substantive changes are. NAC 391.030 is being repealed pursuant to Senate Bill 20 which passed in the 2017 Legislative Session.

President Esparza opened up the floor for discussion. There was no discussion.

Commissioner Carvalho moved to repeal the regulation for R102-17. Commissioner Gallivan-Wallace seconded the motion. **Commissioner Burnham was not present for the vote. Motion carried unanimously.**

Agenda Item #15 – Public Hearing and Possible Adoption of Proposed Amendments to: R103-17; NAC Chapter 391.060 relating to Expiration of licenses and endorsements, presented by Mike Arakawa.

Mike Arakawa presented the regulation for R103-17 for NAC 391.060. The license length of validity for someone holding a National Board Certification is called out as 10 years in regulation. Recently the National Board changed their length of validity to 5 years and the NDE is proposing language to keep licenses in line with this change.

President Esparza opened the floor to discussion. There was no discussion.

Commissioner Drum moved to adopt the regulation and amendments as written for R103-17. Commissioner Maruyama seconded the motion. **Motion carried unanimously.**

Agenda Item #16 – Public Hearing and Possible Adoption of Proposed Amendments to: R104-17; NAC Chapter 391.160 relating to Types of endorsements issued by Department, presented by Mike Arakawa.

Mike Arakawa presented the regulation for R104-17 for NAC 391.160. He stated this is more language clean-up for an obsolete endorsement, removed an administrative assistant, added a dean which was not on the list, removed a reference to a life diploma, and the removed the language in NAC 391.175 due to its repeal.

President Esparza opened the floor to discussion.

President Esparza stated that she wanted to make sure that the administrative assistant position was obsolete in the north as well. Commissioner Drum stated that position was changed to Dean and seeing the language in the regulation has been changed to that, it will align.

Commissioner Zeh moved to adopt the regulation and amendments as written for R104-17. Commissioner Carvalho seconded the motion. **Motion carried unanimously.**

Agenda Item #17 – Public Hearing and Possible Adoption of Proposed Amendments to: R107-17; NAC Chapter 391.0573 relating to Conditional licensure: Requirements to apply for initial license to teach secondary education or to teach pupils in prekindergarten through grade 12 in specific area, presented by Mike Arakawa.

Mike Arakawa presented the regulation for 107-17 for NAC 391.0573. He stated that many regulations are being touched in this, but it is clean-up and removing obsolete language. Language is being replaced for kindergarten, outdated special education programs are being removed, and the same changes appear throughout all the regulations to align with statute and other regulations.

President Esparza opened the floor to discussion. There was no discussion.

Commissioner McGregor moved to adopt the regulation and amendments as written for R107-17. Commissioner Burnham seconded the motion. **Motion carried unanimously.**

Agenda Item #18 – Future Agenda Items

Jason Dietrich stated that the NDE could draft language and revisit the item in Agenda number 10 to differentiate qualifications for substitutes versus long-term substitutes. Current qualifications for substitutes could become the qualifications for long-term substitutes and the proposed changes in the agenda item would be for the shorter term substitutes. Commissioner McGregor stated that she would like to see that, they want to have the most qualified people in the classrooms. There is a difference between a day sub and a long-term sub. Commissioner Burnham stated she was in agreement as well and would be in favor of raising the qualifications a bit more for the longer term substitutes. Commissioner Gallivan-Wallace stated that she also agreed and would help put forward better regulations. Commissioner Carvalho stated she would also like to see that and asked if there was a way to pull a report on how many long-term substitutes there are currently serving in the state. Jason replied that the NDE could contact the districts and get those numbers. President Esparza stated that she was happy to hear that the Commission would revisit this in a new form.

Jason stated that the next meeting would be mostly public hearings again.

Agenda Item #19 – Commissioners' Comments

President Esparza asked if it would be possible for everyone to meet in one room with the north traveling to the south or the south traveling to the north.

Jason stated that the Commission on Professional Standards does have a small travel budget. They could draft a work program and request additional funds from the licensure budget to have Commissioners travel perhaps once per year to meet up in person.

The Commissioners agreed that they would like to have the northern members to travel to Las Vegas.

President Esparza stated that she would like the NDE to put together that proposal.

Agenda Item #20 – Deputy Attorney General Comments

No comments.

Agenda Item #21 – Public Comment #2

No public comment in Carson City or Elko.

Las Vegas public comment:

Ruben Murillo from the NSEA stated that he was glad that item number 10 failed. He is a special education teacher and if someone who is not qualified comes into the classroom that puts the children in danger. It is a greater conversation and he would be happy to see the language for long-term substitutes versus short-term substitute licenses. He believes that there should be alternative ways for substitutes to become licensed through coursework and classroom management experience. There need to be systems in place to help substitutes learn how to work with the students. He would rather have someone with minimal qualifications with a bridge to move into being able to be a long-term substitute or standard teacher. There need to be conversations with teachers in the classrooms and administrators.

The second thing he wanted to speak to was the 2019 Legislative Session, he hopes that he could find some way to find an additional stream of funding instead of purely being on the backs of teachers based on licensure.

Agenda Item #22 – Adjournment
The meeting adjourned at 11:14 am.