

**NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
JUNE 20, 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:

President Esparza
Commissioner Zeh
Commissioner Davis

In Carson City:

Commissioner McGregor
Commissioner Gullivan-Wallace
Commissioner Drum

COMMISSION MEMBERS NOT PRESENT:

Commissioner Carvalho
Commissioner Maruyama
Vice President Pendleton
Commissioner Burnham

DEPARTMENT STAFF PRESENT:

In Las Vegas:

Jason Dietrich, Office of Educator Licensure
Paul Partida, Office of Educator Licensure

In Carson City:

LEGAL STAFF PRESENT

In Carson City:

Chief Deputy Attorney General Greg Ott

In Las Vegas:

Deputy Attorney General David Gardner

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Michael Arakawa, Office of Educator Licensure
Robert Askey, Touro University, Nevada
Monte Bay, National University

Jacob Davis, Clark County School District
Matt Borek, University of Nevada Las Vegas
Patricia Cooper, Sierra Nevada College
Doris Watson, University of Nevada Las Vegas
Melanie Murray, Nevada State College
Ed Ronca, University of Nevada Las Vegas
Clair Hart, Clark County School District
Jessica Bouchte, Clark County School District Human Resources
Dan Wold, Eureka County School District
Chris Day, Nevada State Education Association
Zane Gray, Sierra Nevada College

Carson City:

Carol Gebhardt, Washoe County School District
Anna Savala, Washoe County School District

Elko:

Tom Reagan, Great Basin College

Princeton, New Jersey:

Dr. Troy Hutchings

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

President Esparza called the meeting to order at 9:03 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 Davis.

Agenda Item #2 – Public Comment #1

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

Agenda Item #3 – Approval of Flexible Agenda

Motion: Commissioner Zeh moved to approve the flexible agenda. Commissioner Davis seconded the motion. **Motion carried unanimously.**

Agenda Item #4 – Approval of Minutes for May 16, 2018 Meeting

Motion: Commissioner McGregor moved to approve the May 16, 2018 minutes with revisions. Commissioner Drum seconded the motion. **Motion carried unanimously.**

Agenda Item #5 – Nevada Department of Education Updates, presented by Jason Dietrich.

Jason Dietrich presented Nevada Department of Education Updates stating he wanted to notify the Commission that on June 26, 2018, there are 24 Commission Regulations being heard to be codified at the Legislative Commission. He will be present at that meeting and extended an invitation to any on the Commission to attend if they wished to do so. The NDE is looking to hire a new person this week. The next few months will continue to have workshops and hearings to finalize during this light period. He has had districts reaching out regarding Senate Bill 20 of the 2017 Legislative Session regarding the Nevada Constitution and Nevada Law subject training. The Commission will have a workgroup which will look at the testing which the Commission must approve. He and Mike Arakawa traveled to Minneapolis to attend the NASDTEC National Conference, and he was elected to the position of the Western Regional Director and placed on the Board of Directors. Nevada is now at the table nationally and is sitting at a place where it will allow Nevada unparalleled access to other state leaders.

Agenda Item #6 – Proposed Meeting Schedule for the Commission to meet, presented by Jason Dietrich.

President Esparza stated that she had a conflict with July 18, 2018 as she will be unavailable. Commissioner Gallivan-Wallace stated the December meeting is always difficult due to exams. Commissioner McGregor agreed with Commissioner Gallivan-Wallace. Jason stated that the dates in July and August are carry-over for the rest of the workshops and hearings that need to be worked through. The four dates in 2018 are during the “dark period” and the Commission could cancel the December 19, 2018 date without any issues.

Motion: Commissioner Zeh moved to approve the Commission meeting dates and remove the December 19, 2018 meeting date. Commissioner Davis seconded the motion. **Motion carried unanimously.**

Agenda Item #7 – Progress Report on Assembly Bill 124 Educator Code of Ethics Advisory Group, presented by Mike Arakawa, NDE and Superintendent Dan Wold, Eureka County School District.

Jason Dietrich stated that the progress report for the code of ethics would be presented by Mike Arakawa and Dan Wold.

Mike Arakawa presented on the Progress Report for the Educator Code of Ethics Advisory Group, which was created with the passage of Assembly Bill 124 in the 2017 Legislative Session. He detailed the membership of the Advisory Group. The Group is tasked with doing a number of things, including to study codes of ethics and best practices that have been established for educators in other states and to make recommendations to the Commission for the adoption of a code of ethics in the State of Nevada which addresses certain specific areas. They are directed to help develop strategies to implement a code of ethics, which may include the adoption of regulations by the State Board of Education or the Commission, or potentially recommending legislative changes. They will review courses offered by the Nevada System of Higher Education (NSHE) and make any recommendations deemed necessary around the realm of ethics as future teachers go through their prep programs. The group will also look at various training models as there are district trainings mandated by the bill, and what sort of costs are associated with the trainings. Lastly, the group is mandated to give two progress reports on or before July 1, 2018 and December 1, 2018 to the Commission as well as other enumerated bodies. This is the first of the two reports. The first meeting in January 2018 had Dr. Troy Hutchings discuss professional ethics and present the Model Code of Ethics for Educators to the group. Dr. Hutchings is present via video conference and will be addressing the Commission shortly. The Group recommends that the Commission adopt the Model Code of Ethics for Educators for use in Nevada along with any future revisions that may occur. The Model Code addresses the five specific areas mandated in statute; he will leave the specifics to Dr. Hutchings to discuss. The group’s authority will expire by statute on June 30, 2019. Until that time, it is the group’s intent to continue working to develop the training requirements as outlined in Assembly Bill 124 and to review the coursework created by NSHE. The group has determined that ethics and conduct are separate but related, and would also like work to develop recommendations for a code of conduct. This body has also brought up questions about ethics assessments for educators; this is something the Advisory Group will explore in future meetings.

Dan Wold, Superintendent of Eureka County School District stated that advisory group leaned more towards guiding principles rather than a list of do’s and don’ts, teachers who are disciplined are usually a group of good people that made a wrong turn. He worked with the Nevada Association of School Superintendents (NASS) and the Nevada Association of School Administrators (NASA) and gained their full support for adoption of the Model Code of Ethics for Educators. The superintendents and school boards are all in support of this step.

Mike stated they would be happy to entertain any questions.

Jason Dietrich stated as a point of clarification that there are multiple agenda items on ethics; he would like to remind the Commission to focus on what is on the agenda and not proposed language coming forward for workshop.

President Esparza asked about the materials for the Model Code for Educator Ethics and if that was something they would have discussion about later or it was a resource. Mike replied that Dr. Hutchings would discuss this in the next agenda item.

Commissioner Zeh asked if there was any discussion for the codes of ethics around school counselors, school nurses, and school psychologists. Mike stated that there was not, but it was an interesting question and invited Commissioner Zeh to attend the next meeting for the Advisory Group to bring it up. Commissioner Zeh stated that she wants to make sure that they work with the other positions.

President Esparza stated that she was at a previous meeting for the Advisory Group and is very excited about what is going to be shared with the Commission. She would like there to be discussion in the future about messaging to make sure people understand what the new requirements are and what they mean.

Agenda Item #8 – Educator Ethics Presentation, presented by Dr. Troy Hutchings via video conference from Princeton, New Jersey.

Mike Arakawa introduced Dr. Troy Hutchings to the Commission and read his qualifications into the record.

Dr. Hutchings stated that he would like to reference the question that Commissioner Zeh asked about school counselors, and said that the task force which wrote the Model Code of Ethics for Educators studied that code of ethics as well. Everything that is in their textbooks works nicely together with the Model Code. We do not want to be in conflict with codes of other organizations.

Dr. Troy Hutchings presented on the Model Code of Educator Ethics. He gave a PowerPoint presentation and video clip, which is available upon request from the NDE, and then stated he was open to any questions from the Commission.

President Esparza thanked Dr. Hutchings for his very thorough and wonderful presentation. She stated that it resonated with the Commission members. She pointed out the grey area graphic in his presentation and stated he was spot-on about the best teachers operating closest to the red line. She asked what models he had for rolling that messaging out from his experience in other states, as she would like to have that provided. She would like to see his data results and what implementation has been done and the outcome of the results. Dr. Hutchings replied he would be happy to provide that data to the Commission. There are 16 states taking action on the model code of ethics, there are only two states which have adopted it so far, Hawaii is currently rolling theirs out over a 1-year period. They have involved stakeholders in the entire process. He has had the good fortune to travel to Hawaii many times to work with the stakeholders in this area. The second state to adopt the Model Code was North Dakota, which did it in April 2018. He gave a word of caution, when rolling out the model code of ethics to the stakeholders, the lexicon is critical to avoid confusion when putting out the messaging.

President Esparza opened the floor for Commissioner comments and discussion.

Commissioner Drum asked about the MCEE and two of the principles, 1(a)(1) and 1(b)(5). Dr. Hutchings replied that the phrase used is “unethical conduct.” He was not the architect of the code, but he was there as an advisor. What he has come to realize in his work is that anytime we use a powerful word like ethics as an adjective, it changes the meaning of the noun, such as ethical or unethical conduct. It changes the meaning of the word. You will see this phrase in several areas in the code. The Model Code task force continues to meet under the new name of the National Council for the Advancement of Educator Ethics. At their last meeting, he brought this up and they all agreed. In the third year of the model code (2018),

they will be adding revisions to it. In terms of the second principle, he would revise it to say, “Cooperating fully during conduct investigations and proceedings.” Any document needs fluidity and this is something that has been given notice to the national task force as well. These are the kinds of comments we take to heart. On the NASDTEC website, which hosts this document, there is also a place where people can give comments and critiques for future recommendations and revisions to the code of ethics.

President Esparza thanked Dr. Hutchings for his presentation.

Agenda Item #9 – Workshop to Solicit Comments for Proposed Amendments to the Following Regulations: NAC 391.XXX Educator Ethics, presented by Jason Dietrich.

Jason Dietrich presented the Workshop for NAC 391.XXX on the Model Code of Ethics for Educators which is being brought forward to the Commission as a regulation for possible adoption.

Mike Arakawa stated that there is a lot of confusion between codes of ethics and codes of conduct, a lot of times these terms are used interchangeably. As far as a pure code of ethics for educators is concerned, this is the only one the Advisory Group found that is what it says it is and does not confuse ethics with conduct. Dr. Hutchings was involved in the creation of the Model Code. The NASDTEC website hosts the model code, they do not own it, and they are simply volunteering to host the space for it to reside online. A concern was brought up during one of the Advisory Group meetings about the Model Code being subject to arbitrary change by NASDTEC, but it was explained that was not the case as NASDTEC does not control the document. The 2015 edition of the MCEE is not perfect and there is room for improvement which is about to happen with the 3rd-year revision being planned very soon. There are two options for adoption of this regulation, the first is to adopt the Model Code in its current state and then re-adopt any time there is a revision made to that code, or the other option is to adopt it along with all future amendments so that there is no need for more hearings which happen every time there is an amendment. The NDE Staff will always review and vet any changes that happen and make recommendations to the Commission as needed. He read the proposed language for the regulation into the record and stated it would still need to be drafted by LCB to make sure it was in compliance with Nevada statutes. The code would not replace or supplant district codes of conduct.

Dan Wold stated that early on in the Advisory Group comments were brought up about heinous behaviors which have made the media and all of these things are already covered in statute and within district codes of conduct. Nevada was heavily represented during the creation of the Model Code.

Mike stated that AB 124 does require training on ethics, but it does not specify the form or frequency for that training. The consensus was that annual training of some sort was reasonable. Dan stated that he reached out to various school staff members and administrators and they all came out with the same message that they did not want an online format for the initial training. The other messages they received included autonomy for the training at each of the districts and they wanted it to be interactive. He reached out to staff at meetings to find out what type of training would be most effective. What he gathered was that giving districts autonomy on how they wish to conduct training would be best.

Jason Dietrich stated that as a seated member for the NDE on the Advisory Group, the reason that they are bringing this recommendation forward to the Commission is that the Advisory Group felt that they could not move forward with the rest of their charge if they did not have a clear code of ethics to work off of. If it is a matter of adopting the MCEE as written, it gives them a starting point. If it is not a matter of adopting the MCEE and writing a different code for Nevada, the group felt that they were not qualified to do so. That would require multiple work groups and stakeholders starting at square one and that is where the entire focus would be. The Advisory Group felt that the adoption of the MCEE as written was a great fit, it met all the core standards and requirements contained within AB 124. If it is adopted today, it places the onus on the Advisory Group to be able to work toward a statewide adoptable code of conduct and facilitate those initial conversations for rollout, as well as look at training methods and methodologies;

there is a lot of work to be done. If the Commission does adopt it, they can hit the ground running, if the Commission does not, then they must start from scratch and develop a new code of ethics for Nevada.

President Esparza opened the floor for Commissioner comments.

Commissioner Zeh stated that she would like to add language to the end of regulation specifically stating that this was not a code of conduct. Mike replied that to amend the language it would be to the effect of “not a set of actionable conduct absolutes.” Jason stated that language would be revised at the LCB drafting phase and this language was merely to capture the intent. At a public hearing, if this is moved forward, the Commission would also be able to amend, remove, or add language to the regulation.

President Esparza stated that she has had countless conversations as a site administrator about people’s beliefs and backgrounds and all individuals do not have the same judgement. It is a conversation that we need to get into.

Mike stated that any motion would need to include the language change proposed by Commissioner Zeh.

Motion: Commissioner Zeh moved to move NAC 391.XXX forward to public hearing with language revisions. Commissioner Gallivan-Wallace seconded the motion. **Motion carried unanimously.**

President Esparza called a recess at 10:54 am.

President Esparza called the meeting back to order at 11:10 am.

Agenda Item #10 – Workshop to Solicit Comments for Proposed Amendments to the Following Regulations: NAC 391.305 Endorsement to serve as school nurse, presented by Jason Dietrich.

Jason Dietrich presented the Workshop language on NAC 391.305 for an endorsement to serve as a school nurse. He stated that the regulation included archaic language and needed to be updated to be applicable for the whole state. The proposed language is updated to include other certified medical professionals able to meet the requirements and serve as a school nurse. This opens pathways and removes barriers, especially in the rural districts.

President Esparza opened the floor to Commissioner comments.

Commissioner Zeh stated that she wanted to double-check that the level of competency was equal to a nurse or higher. Jason replied that according to the licensing bodies that would be the case.

President Esparza stated that CCSD is also seeing a shortage of school nurses and is happy to see this being proposed.

Motion: Commissioner Davis moved to move NAC 391.305 as written forward to public hearing. Commissioner Drum seconded the motion. **Motion carried unanimously.**

Agenda Item #11 – Workshop to Solicit Comments for Proposed Amendments to the Following Regulations: NAC 391.XXX Endorsement in Cultural Competency, presented by Jason Dietrich.

Jason Dietrich presented the Workshop language on NAC 391.XXX for an endorsement in Cultural Competency. This body has recently passed through the Multi-cultural education course which was required by AB 234 of the 2015 Legislative Session. This language fulfills the requirements for AB 196 of the 2017 Legislative Session for Cultural Competency. The same workgroup which met for the AB 234 multi-cultural education coursework worked on this endorsement. This would count towards one of the courses required in the multi-cultural education coursework.

President Esparza opened the floor for Commissioner comments.

Commissioner Zeh wanted clarification on Section 2(b) in the language. Jason replied that the specific endorsement referenced there was for a second tier or higher level for a specialist if someone wishes to take additional courses to obtain a higher level of endorsement. This body could clarify the language or change the intent if they wished since that section is a little ambiguous as written. Commissioner Zeh stated that she wants clarification on how a “teacher leader” was defined. Jason replied that a “teacher leader” could be someone being mentored by an administrator to become an administrator. Mike Arakawa stated that his understanding of the “teacher leader” was that it was someone who is a mentor or facilitator. Jason stated the intent was that it was meant for someone who was on the career path to become an administrator. Jason asked President Esparza how she would define that term as an administrator in a high school. President Esparza replied that it could be defined as an instructional coach, a facilitator, a mentor, or a project facilitator. She understands the point that Commissioner Zeh made about defining it better, she suggested perhaps taking the “leader” part out and making it a voluntary endorsement. Commissioner Zeh stated that she wants to make sure the qualifications are well defined for this position and how it would be approved or denied by the NDE. Jason replied that the intent was not to limit it to be specific to administrators, but open it up to those in that career path. Mike replied that they could define the terms at the end of the regulation language. Jason stated the verification would need to be made somehow to Commissioner Zeh’s point, perhaps looking at assignment data; it may be difficult for the NDE to verify. Commissioner Zeh asked if the intent was to have some experience and working towards a leadership role, perhaps having a verifiable amount of experience such as 3 years. Mike stated they could have language saying any licensed person having 3 years or more of experience could apply for this endorsement.

President Esparza asked the Commission if they had any more input on the language.

Dr. Claire Hart from Clark County School District’s Equity and Diversity Education Department, who was part of the workgroup, stated that the intent was not to limit anyone when they originally put it together. They did not expect anyone who was not a teacher leader to be interested or wish to take additional work and want this endorsement. Jason asked if it would meet the intent of the workgroup to open the endorsement to any educator. Dr. Hart replied that they did not want to limit it, but they do want to allow for people who are interested and want to do the work, people who are leader teachers, to bring it back to the classroom. President Esparza stated that the Commission could revise the language to include the 3 years of experience as a minimum such as with School Administrators who are required to have a minimum of 3 years. Jason gave specific language to be added to the motion.

Motion: Commissioner Zeh moved to move NAC 391.XXX forward with language revisions to public hearing. Commissioner Davis seconded the motion. **Motion carried unanimously.**

Agenda Item #12 – Workshop to Solicit Comments for Proposed Amendments to the Following Regulations: NAC 391.XXX Endorsement to teach Navajo Language and Government, presented by Jason Dietrich.

Jason Dietrich presented the Workshop language on NAC 391.XXX for an endorsement to teach Navajo Language and Government. He stated that the Office of Curriculum and Office of Diversity from CCSD contacted the NDE about this to allow for certain scholarships to be awarded to students within the school district. There is currently a regulation on the books for an endorsement to teach Great Basin Languages, but this does not include the Navajo government or language. There are individuals in the system who could be obtaining scholarships to further their education, but they need this type of education. This is more of a pathway affecting the kids that allows an individual to teach Navajo Language and Government. The NDE felt this was a necessary regulation to add, it is written very similarly to the Great Basin language regulation. He read the regulation language into the record.

President Esparza opened the floor for Commissioner comments. There were no comments.

Motion: Commissioner McGregor moved to move NAC 391.XXX forward as written to public hearing. Commissioner Davis seconded the motion. **Motion carried unanimously.**

Agenda Item #13 – Workshop to Solicit Comments for Proposed Amendments to the Following Regulations: R031-18 for NAC 391.010, NAC 391.461, NAC 391.557, NAC 391.558, and NAC 391.560 Revisions related to Educator Preparation, presented by Jason Dietrich.

This item was removed from the Agenda.

Agenda Item #14 – Future Agenda Items

Jason Dietrich stated that more workshops and hearings would be on the agenda for the next meeting. In the future, the NDE would like Commissioner participation on the regulations which may need some amendments for the elementary areas.

Agenda Item #15 – Commissioners' Comments

President Esparza stated that she would not be present for the July 18, 2018 meeting. Commissioner Drum wanted clarification on NAC 391.065 for renewal of licenses. Jason replied that language is still with LCB to finish a few small revisions.

Agenda Item #16 – Chief Deputy Attorney General/Deputy Attorney General Comments

No comments.

Agenda Item #17 – Public Comment #2

No public comment in Carson City, Elko, or Las Vegas.

Agenda Item #18 – Adjournment

The meeting adjourned at 11:44 am.