

NEVADA DEPARTMENT OF EDUCATION
NEVADA EDUCATOR CODE OF ETHICS FOR EDUCATORS ADVISORY
GROUP
APRIL 13, 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:

Robert Cowles
Jason Dietrich
Amanda McWilliams
Caramia Phillips
Dan Wold

In Carson City:

Dr. Diane Barone
Susan Kaiser
Rachel Croft
Dr. Jeffrey Paul
Casey Stiteler

COMMISSION MEMBERS NOT PRESENT:

Samantha Bivins
Lou Markouzis
Sean Moyle

DEPARTMENT STAFF PRESENT:

In Las Vegas:

Michael Arakawa, Office of Educator Licensure
Brandon Kirchner, Office of Educator Licensure

In Carson City:

None

LEGAL STAFF PRESENT:

Greg Ott, Senior Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Ms. Ramona Esparza, President of the Commission for Professional Standards
Dr. Theodore Small, Vice President of the Clark County Education
Association

Carson City:

Dr. Jose Delfin, Associate Superintendent of the Carson City School District
Dr. Dotty Merrill, Executive Director of Nevada Association of School Boards

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

Co-Chair Phillips called the meeting to order at 9:05 AM.

Roll call attendance was taken as reflected above. It was determined a quorum was met.

The Pledge of Allegiance was led by Mr. Wold.

Agenda Item #2: Public Comment #1

No public comment in Las Vegas.

No public comment in Carson City.

Agenda Item #3: Approval of Flexible Agenda

Vice Chair Kaiser moved to adopt a flexible agenda, Ms. McWilliams seconded the motion. The motion unanimously passed.

Agenda Item #4: Approval of February 27, 2018 Minutes

Ms. McWilliams moved to amend February 27, 2018 minutes and approve them. Mr. Cowles seconded the motion. The motion passed unanimously.

Agenda Item #5: Community Stakeholder Testimony

Introductions from each invited stakeholder interested in work of the Advisory Group started in Carson City.

Dr. Barone introduced herself and stated the University of Nevada Reno (UNR) supports the formation of a code of ethics for educators in Nevada. Dr. Barone stated UNR already requires some of their education programs to include ethics and conduct in their curriculum, however, when a code of ethics for educators in Nevada is finally created, UNR plans to implement said code in the appropriate fields of study. Mr. Arakawa asked Dr. Barone how the study of ethics is currently implemented at UNR for potential educators. Dr. Barone answered by elaborating with examples of specific courses which contain ethics content for educators.

Dr. Delfin introduced himself and thanked the group for inviting him to the meeting. Mr. Delfin said his district is very much interested in a code of ethics and fully supports its formation. Mr. Arakawa asked Dr. Delfin how a code of ethics for educators would impact his district. Dr. Delfin stated training would have to be implemented should a code of ethics be adopted, and suggested working on collaborating with other districts to determine how best to implement such training.

Dr. Merrill introduced herself and thanked the group for inviting her to the meeting. She stated NASB is interested to know the expectations for the code of ethics training, as her group will be responsible for administering the training to teachers in Nevada. Mr. Arakawa asked Dr. Merrill if at any time she has suggestions to make in regards to the implementation of training on the code of ethics, to please do so. Dr. Merrill responded by stating her group would first like to see the timeline for the adoption of a code of ethics as well as the training intentions, before her group can make any suggestions on how code of ethics training should be implemented amongst educators.

Vice Chair Kaiser supported Dr. Merrill's interest in training implementation. Vice Chair Kaiser also expressed concern in how the code of ethics training will be implemented, as unlike conduct, ethics is not black and white. Dr. Merrill responded by stating many teachers are not even aware of the formation of the AB 124 group or its work. This, Dr. Merrill declared, highlights the lack of communication in education, which is important when trying to implement effective training. Mr. Cowles advocated the code ethics training be in person, as opposed to online training which often allows educators to complete the training without having to actually learn or engage. Dr. Merrill echoed the same concerns from Mr. Cowles, and detailed how members of her group are also concerned with the lack of interaction in online training.

Co-Chair Croft questioned whether or not an outside group would provide the training. Mr. Arakawa responded by stating AB 124 dictates each district must provide training for the code of ethics, but does not specify what type of training is to be implemented.

In response to online training concerns, Dr. Delfin stated he believed combining online and in-person training would help combat issues that online training exclusively would bring about. Dr. Delfin also noted financial concerns, as well as developing the training into one cohesive model, as issues which the group may be faced with when discussing training on a code of ethics.

Mr. Dietrich mentioned to the group that researching the methodology utilized to implement training on a code of ethics for educators, as well as making recommendations around that training, are both under the purview of this group. Mr. Wold recommended including educators within the discussion of training and the formation of a code of ethics, as doing so is far more beneficial to the Advisory Group's work than if they were not included. Co-Chair Croft interjected to ask Mr. Dietrich if it is in the purview of this group to recommend types of training or if the responsibility lies with each district.

Mr. Dietrich answered by stating he believes recommending training methods is under the group's purview, but it is not a requirement. Mr. Dietrich goes on to say, as one of the members of the Commission for Professional Standards (COPS), the Commission would be more than happy to accept comprehensive models for training methodologies for the code of ethics for educators. Mr. Arakawa reiterated the group is not required to recommend training methodologies, but neither is it prohibited from recommending them either. Mr. Ott affirmed it is within the group's purview to recommend training methodologies.

Mr. Stiteler mentioned in regards to studying law, each state requires law students to take at least one class dedicated to ethics. Mr. Stiteler explained that Nevada requires a course in ethics as well as a whole section on the LSAT dedicated to ethics in law. Mr. Stiteler said ethical gray areas in law are just as numerous as in education. The gray areas, Mr. Stiteler continued, often motivate attorneys to meet and discuss these dilemmas and how they should be addressed to prevent unethical outcomes.

In response to Mr. Stiteler's comments, Ms. McWilliams recommended the code of ethics training be formulated and distributed by attorneys. Ms. McWilliams also went on to suggest staff development days be utilized to hold the code of ethics training.

Dr. Barone stated the training on the code of ethics will have to be implemented at two levels for educators: at the pre-service preparation level, and also at the in-service level. Educators in a preparation program will have to fulfill their obligations through coursework, while the district will require educators to fulfill obligations through professional development. Dr. Merrill recommended the group also consider location and district size when recommending any training.

Vice Chair Kaiser agreed with Mr. Dietrich's recommendation to the group to suggest methodologies to implement training on the code of ethics for educators. Vice Chair Kaiser went onto detail about how the group recommending training for the code of ethics might curtail any negative or ineffective training strategies that could be suggested by groups outside of education.

Co-Chair Phillips recommended the group include a means to inform students of the code of ethics as well. Co-Chair Phillips stated she believes students being made aware of the provisions of any adopted code of ethics will be beneficial not just to students, but to educators, and the community as a whole. Mr. Arakawa thanked Dr. Merrill for her time and opened to the floor to Theo Small.

Mr. Small introduced himself to the group and thanked the group for the invitation. He told the group he was on the Model Code of Ethics for Educators Advisory Board at the national level, which spawned the work of the current group. Mr. Small echoed concerns voiced by the Commission on Professional Standards in Education (COPS) about the added work load that will be brought on by a code of ethics for educators. Dr. Small reinforced COPS' concerns by reminding the Advisory Group that their recommendations would not only encompass training for the code of ethics for educators; it would entail implementing the code of ethics in an educator's everyday life.

Mr. Small recommended the group adopt the MCEE as is. The MCEE was co-written by members of a number of nationwide education groups with the intention of potentially revising the document at a later date as changes to the nationwide ethics landscape occur. Since the next revision date is approaching, Mr. Small advocates the AB 124 group expedite adopting the MCEE in such a way that any future changes would also be adopted. Mr. Small reminded the group that any code of ethics they may recommend adopting will incorporate every educator, not just teachers, and they should keep that fact in mind. Mr. Small recommended utilizing Toy Hutchings' expertise when discussing training models at a future meeting, and went on to support Co-Chair Phillips' thoughts about educating students on the code of ethics, for some may one day want to become educators themselves. Stakeholders and parents should also be informed of the code of ethics for educators. Mr. Small ended by reminding the group to be sure to keep ethics and conduct separate, and thanked the group for their time.

Dr. Watson introduced herself and thanked the group for the invitation. She stated that ethics for educators is not a stand-alone course at UNLV, but is interwoven into the curriculum of much of the coursework within the educator preparation program. Dr. Watson concluded that UNLV would fully support the adoption of a code of ethics for educators, but asked for the group to please be mindful of how adoption of such a code might require updates to the university's programs and coursework.

Mr. Dietrich inquired whether Dr. Watson could estimate the timeline required for the Nevada System of Higher Education (NSHE) to incorporate a code of educator ethics into its coursework, since UNLV is an NSHE institution. Dr. Watson responded by stating that she could not speak for other NSHE institutes, but that given UNLV's processes for course development, it would take at least one full semester to make the necessary coursework changes.

After Dr. Watson responded to Mr. Dietrich's questions, Mr. Arakawa asked Dr. Barone for an estimated timeframe to implement new coursework at UNR. Dr. Barone replied that UNR already has a course dedicated to ethics for educators within their educator preparation program. The university would simply need to make any required changes based upon specific content within any adopted code. As the group had no more questions for Dr. Watson, Mr. Arakawa thanked Dr. Watson for her time.

Mr. Wold added his support for Co-Chair Phillips' and Mr. Small's desire to inform students of the code of ethics for educators. Mr. Wold stated students should be made aware of their rights and when such rights are violated, how to respond. Mr. Dietrich added onto Mr. Wold's recommendation by stating CCSD has previously issued three short videos intended for students and their families which briefly cover ethics and conduct. Mr. Dietrich went on to suggest working in conjunction with CCSD to produce training material that could be made readily available to students and parents not only in Clark County, but in all districts across Nevada. As there were no more questions or testimony by the group or any of the invited stakeholders, Co-Chair Croft dismissed the group for a five minute recess.

Agenda Item #6: Code of Ethics Discussion and Possible Recommendation for Adoption

Co-Chair Phillips introduced the agenda item and opened the floor to Mr. Arakawa. Mr. Arakawa briefly explained to the group what recommending adopting either the MCEE or the Texas Code of Ethics for Educators would mean in the long run. Mr. Arakawa then opened the floor to the group for discussion.

Ms. McWilliams brought to the attention of the group some terms in the MCEE she believed either needed to be added, redefined, or further elaborated. Ms. McWilliams specifically identified a need to address social media and to expanding the definition of a “student” as opposed to a “former student.” Ms. McWilliams requested that the group re-examine the definition of harassment as well.

Mr. Arakawa addressed Ms. McWilliams concerns about the exclusion of social media in the MCEE by citing Principle 5 of the MCEE, which addresses the responsible and ethical use of technology by educators. Mr. Arakawa also noted that statutory definitions of “student” and other relevant terms already exist.

Mr. Dietrich asked Mr. Ott whether or not the definitions addressed by Ms. McWilliams would be subject to statutes already in place. Mr. Ott answered by advising the group if they were to add or change definitions in the code of ethics for educators, they must be very specific and very detailed, and that any definitions added or changed in this manner would only pertain to the Advisory Group’s work output. Mr. Ott stated that any specific definitions adopted by the Advisory Group would not affect existing statutory definitions, and could very well cause some confusion amongst educators.

Ms. McWilliams responded to clarify her point of not wanting to change the MCEE, but to add to the already existing definitions to combat possible confusion. Ms. McWilliams went on to list examples of situations involving ethics which highlight the need for more specific definitions than what is listed in the MCEE. Mr. Dietrich interjected by asking Mr. Ott whether or not statutes are not already in place to address specific situations which might not be included in the definitions within the MCEE. Mr. Ott answered by citing NRS 201.540 as example of a definition in Nevada’s statutes which is more detailed than definitions listed in the MCEE.

In response to Mr. Ott, Mr. Cowles questioned whether educators could be prosecuted for engaging in a relationship with a former student. Mr. Ott stated that there is no precedent for criminal prosecution of educators who engage in a relationship with a former student, but that he believes it is within the purview of this group to make recommendations to amend statute and regulation to include such a provision if they so choose. Mr. Dietrich reminded the group that the deadline to submit statutory amendments and bill draft requests for the 2019 Legislative Session is approaching. If the group would like to recommend changes to any Nevada Revised Statutes in respect to ethics, they should do so soon. Mr. Stiteler added that the MCEE and Nevada Statutes revolving around educators and students seem to complement one another; they are both specific and broad in the appropriate areas.

Mr. Dietrich asked the group if inviting Mr. Small back to the stand to speak as one of the drafters of the MCEE would be beneficial to the group’s work; the members agreed that it would. Mr. Small detailed the various educational agencies and organizations from around the nation which helped contribute to the creation of the MCEE. He explained how the work group examined many existing codes of professional ethics from around the world to draft the language contained in the MCEE. Mr. Small also mentioned that the various groups who created the MCEE created the National Council for the Advancement of Educator Ethics (NCAEE), which he highly recommends the group consider referencing as a source for their work.

Mr. Dietrich asked Mr. Small if work would continue on the MCEE once it has been approved at the state and national levels. Dr. Small responded by stating that the NCAEE would continue to work on the MCEE and would make and consider recommendations for revisions as well as exploring how best to implement the MCEE in educational settings. Mr. Dietrich thanked Mr. Small for his explanation.

Co-Chair Phillips raised the question to the group of whether cyber bullying will be defined by statute or as outlined in the MCEE. Mr. Arakawa asked Mr. Ott to confirm that statutes are already in place to define cyber bullying, and Mr. Ott replied that NRS 388.122 and 388.123 do so. The group had no further discussion about the MCEE.

Mr. Wold spoke on behalf of the Nevada Association of School Superintendents in favor of adopting the Texas Code of Ethics for Educators. He emphasized the importance of concentrating on the code of ethics when making suggestions for future codes of conduct and training. Mr. Arakawa voiced concerns the Texas code centers more on conduct rather than ethics and details enforceable standards, which is contradictory to the group's understanding of what a code of ethics should do. Mr. Cowles asked Mr. Wold if he meant for the Texas code to be a source for development of a code of conduct for educators in Nevada, rather than a code of ethics. Mr. Wold replied that he was indeed referring to a code of conduct, and thanked Mr. Cowles for clarifying his earlier remark.

Vice Chair Kaiser expressed concern the group maybe veering off task by addressing conduct, as AB 124 specifies the group solely address the code of ethics for educators. Mr. Arakawa reminded the group that while AB 124 does not address educator conduct, it does not preclude discussion of a code of conduct of educators either. Ms. McWilliams reminded the group of its previous decision to discuss conduct, time permitting, and make recommendations for adoption of a code of conduct for educators. Mr. Dietrich agreed with Ms. McWilliams, and reiterated the benefits to addressing both a code of ethics and a code of conduct. Mr. Stiteler reminded the group that if it were to recommend utilizing the Texas Code of Ethics for Educators as the basis of an educator code of conduct, the group would also have to address how to implement such a code in Nevada.

Mr. Arakawa responded by noting that the group is only tasked with making recommendations, and whether or not it wants to recommend adoption of a code of conduct is up to the members. Vice Chair Kaiser advised the group to consider Mr. Small's recommendation to keep the code of conduct and code of ethics separate when making recommendations. Mr. Cowles reiterated his previous statement agreeing with Mr. Small.

Dr. Barone asked whether a code of conduct was already in place in the current education structure. Mr. Arakawa advised that to his understanding, each school district in Nevada has its own code of conduct for employment purposes. Mr. Arakawa clarified that any code of conduct the group might recommend would take effect at the state level, for purposes of disciplinary action carried out by the Nevada Department of Education against an educator's license. Co-Chair Croft questioned whether there was a need to recommend the Texas Code of Ethics as Nevada's code of conduct, as the majority of what is covered in the Texas Code is already in NRS in one form or another. Mr. Arakawa answered that if a statewide code of conduct were to be adopted in Nevada, this would create one cohesive and easily accessible document for educators to refer to, and it could also address non-criminal conduct which is not currently covered within statute. Mr. Dietrich added onto Mr. Arakawa's remark by stating that many of the current definitions within statute are broad; if the group were to specify what constitutes unprofessional conduct, it would be not only beneficial to educators, but to the public as a whole.

Vice Chair Kaiser voiced her belief the MCEE is already clear on the expectations on ethical standards amongst educators, and does not need any more specifics or elaboration. Mr. Cowles reiterated to the group the need to keep conduct and ethics separate from one another. Mr. Stiteler responded to Vice Chair Kaiser's and Mr. Cowles concerns by stating he believed the group is trying to address three categories: the MCEE which explains to educators ethical expectations and how to address ethical situations; a code of conduct where a violation of the code would result in discipline at the licensure level; and state statute, violations of which would warrant criminal proceedings. Mr. Stiteler suggested that the group recommend adopting the MCEE to address ethical concerns in the education community, and then make separate recommendations for a code of conduct.

Dr. Barone spoke in support of Mr. Stiteler's observations, and expressed concern the group may be straying away from AB 124's stated purpose, as well as creating a situation where educators may feel the group is trying to punish them rather than guide them to making ethical decisions. Mr. Cowles reminded the group of Mr. Small's observation that the drafters of AB 124 appeared to be originally looking toward a code of conduct, but found a code of ethics would first need to be established to inform that code of conduct. Mr. Cowles asked if it was appropriate to ask Mr. Small to testify before the group again; Co-Chair Phillips requested Mr. Small to do so.

Mr. Small reaffirmed the accuracy of Mr. Cowles' and Mr. Stiteler's observations, and also expressed concern should the Advisory Group adopt only the Texas Code of Ethics for Educators. Mr. Small felt that the Texas Code of Ethics focuses primarily on enforcement, which is already covered to some extent by existing provisions of NRS. He recommended the group re-examine the Texas code as it combines ethics and conduct, which is something Mr. Small recommends the group avoid. Co-Chair Phillips interjected to suggest the group adopt MCEE rather than the Texas code, which she felt focused too narrowly on conduct.

Ms. McWilliams moved to recommend to COPS the adoption of the Model Code of Ethics for Educators. Mr. Cowles seconded the motion. A group vote was not held, but Mr. Arakawa intervened to advocate that the group make recommendations for the code of ethics and code of conduct at the same time, stating that the decision to do so or not would be left up to the group. Mr. Dietrich noted that COPS president Ramona Esparza was present in the audience, and asked on the behalf of the group if she would testify before the members.

President Esparza recommended keeping the code of ethics and code of conduct completely separate. She went on to thank the group for its time and effort, and said the members of COPS would be very appreciative if the group were to address both conduct and ethics for educators. Mr. Dietrich asked President Esparza whether she felt making suggestions for implementation of training on the code of ethics would be within the group's purview. President Esparza encouraged the group to make suggestions for implementing training for the code of ethics for educators in Nevada.

Co-Chair Phillips called for a vote on the pending motion to recommend adoption of the MCEE in Nevada, and the motion passed unanimously.

Agenda Item #7: Future Work Timeline Discussion

Mr. Arakawa reminded the group members that they must submit two reports on the group's activities to the governor's office and various other state entities, one by July 1, 2018 and one by December 1, 2018. Mr. Arakawa volunteered to draft the first report and submit it to the group for approval. Mr. Arakawa then asked the group if it would like to explore creating timelines for some of the work the group wished to accomplish during the remainder of its tenure.

Mr. Stiteler commented that one focus of the group is to suggest recommendations for education and training. Mr. Stiteler recommended assigning implementation of the code of ethics for educators and code of conduct for educators as tasks; each one to be fulfilled at a specific date. Mr. Arakawa reminded the group its term expires in June of 2019 and should plan their work accordingly. Vice Chair Kaiser volunteered her support of Mr. Stiteler's recommendation as well as suggested the group continue to utilize Dr. Hutchings as a source for the group's future work.

Mr. Dietrich suggested that as the group starts to address training on the code of ethics for educators, it should try to reach out to stakeholders who will be affected by these requirements. Mr. Dietrich asked on behalf of the group for Mr. Arakawa to reach out to the Georgia Department of Education as they may possess some relevant information to the group's work. Mr. Arakawa assured the group he will do so, and will also ask Dr. Hutchings to attend future meetings as may be necessary.

Agenda Item #8: Future Meeting Dates

Mr. Arakawa stated according to the online poll given to the group, the next group meetings will be on May 22, 2018 starting at 1 p.m. and July 22, 2018 starting at 9 a.m. Mr. Dietrich reminded the group, a video link to participate via video is available to individuals that are unable to physically attend meetings.

Agenda Item #9: Future Agenda Items

Mr. Cowles recommended setting dates for future agenda items to examine training models and to look at development of a code of conduct. Mr. Dietrich pointed out that AB 124 provides for reimbursement to group members for travel and per diem expenses, and also permits the acceptance of gifts to help fund the work of the Advisory Group. Mr. Dietrich stated that group members' travel expenses will be paid by the Department of Education's Office of Educator Licensure; he added that he and Mr. Arakawa are more than willing to reach out to partners in the education community to solicit contributions to help bring stakeholders to future meetings. In response to requests for clarification, Mr. Dietrich stated that the reference to "gifts" in AB refers to funding from private sources, which may be allocated for travel and other costs associated with future AB 124 meetings. Ms. McWilliams moved to have Mr. Dietrich and Mr. Arakawa to reach out to their partner agencies in education to explore such funding. Co-Chair Croft seconded the motion. The motioned carried unanimously.

Mr. Arakawa asked Mr. Ott if the group was out of order, since the motion that was voted on was not on the agenda. Mr. Ott reaffirmed that since the item had not been agendized, it could not be voted on. Mr. Dietrich suggested the item be added to future agenda items to be discussed at another time. Co-Chair Croft queried Mr. Arakawa if it would be appropriate to agendize a rough draft of group's upcoming progress report to submit to the governor's office and other state agencies at a later date than the one in place now. Mr. Arakawa said it is possible but expressed concerned about the timeline and felt it would better serve the group to review the draft of the report at the earliest opportunity. Co-Chair Croft responded by agreeing with Mr. Arakawa, who assured her the draft of the report would be made available for review at the next meeting.

Agenda Item #10: Public Comment #2

No public comment in Carson City.

No public comment in Las Vegas.

Agenda Item #11: Adjournment

Co-Chair Phillips adjourned the meeting at 11:50 AM.