

**NEVADA DEPARTMENT OF EDUCATION
NEVADA EDUCATOR CODE OF ETHICS FOR EDUCATORS ADVISORY
GROUP
DECEMBER 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

(Video Conferenced)

Draft Minutes of the Meeting

COMMISSION MEMBERS PRESENT:

In Las Vegas:

Dan Wold
Robert Cowles
Samantha Bivins
Lou Markouzis
Amanda McWilliams

In Carson City:

Rachel Croft
Diane Barone
Susan Kaiser
Sean Moyle
Casey Stiteler

COMMISSION MEMBERS NOT PRESENT:

Jason Dietrich
Caramia Phillips
Jeffery Paul

DEPARTMENT STAFF PRESENT:

In Las Vegas:

Michael Arakawa, Office of Educator Licensure
Paul Partida, Office of Educator Licensure

In Carson City:

None

LEGAL STAFF PRESENT:

Greg Ott, Senior Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Christina Hall, RCC
Lisa McAllister, RCC

Kristin Barnson, CCSD
Theo Small, CCEA
Brenda Pearson, CCEA
Matt Borek, UNLV

Carson City:

No audience members in attendance.

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

Chair Croft called the meeting to order at 1:05 p.m. Roll call determined that quorum was met. Pledge of Allegiance was led by Mr. Markouzis.

Agenda Item #2: Public Comment #1

No public comment in Las Vegas or Carson City.

Agenda Item #3: Approval of Flexible Agenda

Motion: Mr. Wold moved for approval of a flexible agenda. Ms. Kaiser seconded the motion. **Motion carried unanimously.**

Agenda Item #4: Approval of October 12, 2018 Meeting Minutes

Motion: Mr. Wold moved to approve the October 12, 2019 meeting minutes. Ms. McWilliams seconded the motion. **Motion carried unanimously.**

Agenda Item #5: Advisory Group December Progress Report

Mike Arakawa stated that the language of AB124 mandated that the advisory group put forward two progress reports to the Governor's office, the Commission on Professional Standards in Education, the State Board of Education, and the Legislative Counsel Bureau. The reports are due in July and the December. Because of the scant activity between July and December, he took the liberty of submitting the July report with a synopsis of what occurred during the meetings. This is included in the materials for today's meeting. The changes were fairly minimal and he would be happy to answer any questions. Ms. Croft thanked Mr. Arakawa for his efforts.

Ms. Kaiser asked about who would be taking the exam for educator ethics. Mike replied that the exam would be taken by anyone who may be determined by regulation as of a certain date to have to take it. Typically what happens is that anyone who holds a license prior to that would be exempted and grandfathered in. Ms. Kaiser asked if someone had already taken the test in the process of obtaining their degree would have to re-take it. Mike replied that there would be an out-clause in the regulation to exempt people from having to retake it. The Commission on Professional Standards in Education has asked if there could be such a test adopted as part of preservice requirements. Ms. Kaiser asked about Section 3 regarding the annual testing requirement. Mike stated that it is actually training and not testing that would be done annually, but this has yet to be decided and that is part of today's discussion.

Agenda Item #6: Discussion of Training Models

Mike Arakawa ran through some highlights from Dr. Hutchings' presentation to refresh the memories of the members.

Chair Croft started the discussion on the training models by asking about the professional education model, and stated that during the previous presentation someone had stated they attended training in North Dakota. She would like to know more about that. Mike Arakawa replied that he thought it was someone from Washoe County who went, he would look into it further.

Ms. Kaiser asked about how training for educator ethics compares to training for other professionals who follow a code of ethics and how that information is refreshed with the members. Mike replied that he would like to get Mr. Stiteler's thoughts on this as an attorney.

Mr. Stiteler stated that, coming out of law school, anyone admitted to the Bar needs to take a multiple choice exam. Every state that he is aware of requires people to pass this exam and continuing legal education credits are required every year which includes legal ethics and substance abuse trainings. Depending on whom the provider is, the subject matter may vary and they are not going to cover every aspect of legal ethics, but the ongoing training isn't for the entire curriculum but rather a portion every year for the entirety of someone's career.

Ms. Kaiser asked Mr. Stiteler a follow-up question about requirements that legal ethics training must be 1 ½ hours. Mr. Stiteler replied that she was correct and that the State Bar must approve the provider to do this training.

Chair Croft asked the group about the ETS vendor model and for anyone to give their thoughts on it.

Mike stated that he reached out to ETS to give all group members access to ProEthica training. He received notification this morning that access has been granted for all members and they should all receive the notifications of this.

Ms. Kaiser stated that there were seven modules and a three year plan. She wanted more explanation on how this worked. Mike replied that there are actually two variations of ProEthica training. The first is a one year, one-time model which is \$50 per license. The second has multiple modules looking at different aspects of educator ethics which become more complex and more nuanced the further one gets through the program. This model would be between \$40 and \$70 per seat depending on the number of participants.

Mr. Wold asked what trainings would look like beyond year 3 when the regulation calls out continued yearly training. He wanted to know the logistics of how this would work out, especially with new teachers joining yearly and how it would work out in the long term. He wanted to know how the logistics would play out.

Mike stated that a suggestion for the group would be that the first three years be used to tailor future trainings for school districts and find out what they would be able to implement beyond that point, while using ProEthica or a similar product to conduct training during that initial three year time period.

Mr. Cowles stated that according to page 7 of AB 124 it talks about how the school trustees would need to provide this training, but not that teachers must take the training on an annual basis. Going to the ProEthica system, he doesn't like the idea of having the online training, though he does understand this meets the needs and they could pass off the cost to the teachers. Teachers will not like having to pay for something else which is required and that they have to do yearly on top of everything else that they must do. Mike replied that due to the law being the way it is written, this is a requirement for all educators. This group is here to provide guidance on how to make recommendations on the way this training is offered and perhaps how to recommend who pays for it. Mr. Cowles stated that he would like the state to foot the tab and direct the school districts to give time during the school year to take the tests.

Ms. Barone asked what happens if someone takes the test and fails. Mike stated that this isn't a test, this is training. What the group needs to focus on is the training materials.

Mr. Moyle asked about Pool Pact and he wasn't sure of the cost to the district. They do not need to pay for any mandated training. He would like to know if this is a way to offset the cost of this. Mr. Wold

replied that he works on Pool Pact quite often; the districts each pay a fee based on enrollment and number of staff to Pool Pact to provide the services. He asked how many licensed teachers there were in the State of Nevada. Mike replied that statewide employed in 2017-2018 it was approximately 29,000. Mr. Wold stated that would be about \$1.5 million.

Chair Croft stated that the ProEthica training was much more interactive than normal online training, it was very different. Ms. McWilliams commented on the budget of \$50 per person and asked if that could be negotiated due to how many teachers would have to pay for this. As a parent, she would feel more comfortable with the State absorbing these costs. With regards to interactive training, we don't want training where people turn on a monitor and pretend that they listened to the information but in reality did not. Ms. Kaiser stated that she would like to reinforce Mr. Cowles comments about costs being passed onto the educators being a hardship. She also believes that having training which is cohesive and in a group where people could gain a better understanding beyond simple textbook types of trainings. Chair Croft stated that having those discussions within the district is the best way, but she also appreciated Mr. Arakawa's point in regards to online training being a good first step. Mr. Stiteler brought up the legal standpoint in determining cost effectiveness is litigation costs, which typically range between \$300-\$700 per hour to hire litigation attorneys. The districts and state could look at this from that standpoint, showing that taking this training reduces the costs of litigation when people have the proper training. In the legal community, there are free options available and paid options available for trainings.

Mr. Cowles stated that no matter which type of system they recommend, it occurred to him that the way that CCSD currently does their ELL training, Rancho High School would have half the group doing the training in the morning and half in the afternoon. As they have progressed forward, they have moved to smaller department-level groups. The content is still online, but they participate as part of a small group and are able to get a lot more out of the trainings due to the discussion. It is not nearly as interactive as ProEthica looks. The whole point is to get teachers to talk to other teachers when they find themselves in that grey ethical dilemma. The idea is to have those conversations about uncomfortable topics with people we trust rather than hide or pretend that it is not happening.

Mike stated that Mr. Cowles brought up a good point, and that was something that was in Dr. Hutchings' presentation which invites discussion and that there are no right or wrong answers.

Mr. Wold stated that he likes the 3-year plan and then allowing districts to figure out what is working best for them thereafter on an ongoing basis.

Mike replied that another option is to have the State talk to ETS about state-specific trainings like they did in Georgia rather than have the districts pay for it. That could be a possibility.

Ms. Barone stated that there would be incredible variability across the districts in the state if the trainings were left up to them. Mike replied that Ms. Barone made a valid point and asked what the districts gained by creating trainings to their perceived needs. Mr. Wold replied that ethical dilemmas could be different from district to district. Mr. Markouzis stated that he could see this absolutely being needed and giving districts autonomy to customize their trainings.

Chair Croft asked Mike what decisions needed to be made today. Mike replied that no decisions needed to be made today, this was simply discussion and the group could do more research and ask for more information on whatever they would like. There is another option available that smaller districts may pool resources together as he has heard is happening in the case of Senate Bill 20.

Ms. Barone asked if the group would have to establish the criteria or if the districts would decide this. Mike replied that he believed that there should be some continuity of basic concepts and outcomes, but this group could make recommendations to the Commission on what should be required.

Chair Croft stated that if all the districts were basing their training around the Model Code of Ethics for Educators, that would create continuity. Ms. Kaiser stated that she seemed to remember a reference to how ProEthica training aligned with curriculum from UNR and that was something which was going to be looked at in the future. Mr. Moyle would like to hear about what other states have done who have similar demographics before making a recommendation. Mike replied that he would be happy to reach out to a few other states. Ms. Barone stated she would like Mike to speak to ETS, get ideas from other states, and speak to ProEthica about their 3-year model, asking about what is included and the costs associated with it. She also wants to know about teacher preparation programs and letting the universities know what they need to do. Mike replied that the law only covers the in-service aspects, but the Commission brought up questions around a test for ethics or ethics coursework, which he is pretty sure most of the higher education schools are doing in their programs.

Mr. Wold reminded the advisory group that they needed to keep in mind that they need to make their final decisions by June 30, 2019. Mike replied that the group could meet more often than quarterly if they wished to be able to get more work done before the group was finished.

Ms. Kaiser stated that she found the reference to higher education, it is item number 2 on page 5 of the Advisory Group's December progress report, and it is included in the fiscal year 2019 work plan.

Mr. Wold stated that his staff has a January 25th in-service day and they could invite ProEthica to do a small pilot training. Chair Croft really liked the idea of the pilot program; she would also like a survey at the end to get their thoughts and feelings about it. Mike stated he would reach out to ProEthica to see if they would be able to attend.

Mike stated that the group seemed to have reached a point where they are not ready to make any recommendations and he needed to do further research at the request of the group.

Mr. Moyle stated he would like to see about getting Pool Pact involved. Mike asked if Mr. Moyle would reach out to Pool Pact. Mr. Moyle agreed to do this.

Ms. Kaiser stated that she was not familiar with Pool Pact and would like to see more about it. She wants to see the ProEthica modules. Mike replied that if she didn't have something from ETS in her email by the end of the week to reach out to him. Mr. Wold stated he was not surprised that most people hadn't heard of Pool Pact, it represents the 15 rural districts, but the rural districts only make up 8% of the total teachers and students in the state of Nevada.

Mike asked Mr. Stiteler about ongoing training providers for attorneys being at the state level or if they were all for-profit companies. Mr. Stiteler replied that there tends to be quite a few third party providers giving continuing legal education training. One of the things they provide is approved trainings in multiple states; there are also much smaller, local level for-profit providers who have received approval from the state bar which do in-person training for credits.

Mike stated that they have good ideas for next steps, he does not know if further discussion is needed at this time. Chair Croft asked if there were any other comments, there were no other comments.

Agenda Item#7: Future Agenda Items

Mike stated that future agenda items would include NEA and the work they have done with North Dakota.

Agenda Item #8: Future Meeting Dates

Mike stated that he would put out times in the early part of February via email to decide on the next possible advisory group meeting date.

Agenda Item #9: Public Comment #2

No public comment in Carson City.

Public Comment Las Vegas:

Theo Small gave public comment about bringing RPDP into the conversation to help support the work. He would encourage reaching out to NSHE, RPDP's, and the districts. He likes the pilot program group that Mr. Wold discussed, maybe look at multiple pilots to bring the ethical code to educators. He would like the group to remember that the code was written for everyone who interfaces with children, not just teachers. He will be happy to report back information from the National Council for Advancement of Educator Ethics giving a nationwide snapshot. In his district, the first year as a new educator does onboarding hours; perhaps this can be part of it. Model code in the preservice and recertification of educators to balance all of this we need to think about the unintended consequences and to keep attracting educators from out of state to come to Nevada, perhaps incentivize it somehow. If there is anything the group needs from them, please feel free to reach out.

Agenda Item #10: Adjournment

The meeting was adjourned at 2:22 pm.