

Arkansas Department of Education
Professional Licensure Standards Board (PLSB)
Friday, March 4, 2016
8:00 a.m.

A meeting of the Professional Licensure Standards Board was held in the PLSB board room at #1 Capitol Mall, Little Rock, AR, on March 4, 2016. Members of the Board present were Dr. Zaidy MohdZain, Acting Chair; voting members: Dr. Shelly Albritton, Dr. Susanne Bailey, Dr. Brad Baine, Ms. Lisa Baker, Ms. Brenda Brown, Dr. Mary Gunter, Dr. Judy Harrison, Ms. Lillian Hemphill, Dr. Greg Murry, and Ms. Cindy Romeo. Non-voting member: Darrick Williams. Members absent: Ms. Kathy Howell, Mr. Todd Sellers, Ms. Ivy Pfeffer, and Ms. Tonya Williams . ADE staff members in attendance were Cheryl Reinhart, Eric James, Jean Robertson, Michael Rowland, Brenda Robinson, and Joan Luneau.

The board consisted of eleven (11) voting members and one (1) non-voting members, representing a quorum.

1. Call to Order – The meeting was called to order by Ms. Howell, Chair.

2. Kathy Pruner, ETS

Introduced the ASL Proficiency Interview. This is going to replace the test that ETS was using before. Working with Gallaudet University out of Washington, D.C. We will be facilitating delivery of their proficiency interview called the ASL PI or proficiency interview. It is a 20-25 minute interview, conducted remotely via a video phone. There will be a special registration page on the Arkansas Praxis page. Candidate will complete the registration form, send it to ETS, and will receive communications from Gallaudet to arrange the interview. Cost is \$146.00, only cost that could be added to it would be a \$20.00 proctor fee. Gallaudet uses a scale score of 0 to 5 with pluses in between. ETS decided to use the 3+, which is what the American Sign Language Teachers Association uses for their certification for provisional certification. 3+ will be equivalent to a 170. ETS is basically facilitating the Gallaudet University product and the scores can be accessed through ADE.

There is a new computer science test that was launched in June. There was a problem with the fourth domain, “Specialized Topics”, had discrete math, robotics and digital linguistics. We’re in conversations with Texas right now to just license the first three domains of the test and add extra questions and eliminate the fourth domain so we can use it nationally. The current test that you are using will probably be used until fall, 2017.

Have had some questions from ADE about the ISLLC standards were revised and are now called the Professional Standards for Educational Leaders. They were released last week. There are now ten standards and we are beginning the analysis now and will be determining whether those tests will be regenerated. That is a process that takes time and we will let the ADE know so they can share the information.

Cut score for ASL is 170, which equals proficient, effective immediately. This would be a currently licensed teacher, adding to an existing license as an endorsement. Motion made by Lisa Baker to adopt the ASL PI; seconded by Dr. Gunter. Can be used as a foreign language. Motion passed 11/0.

Dr. MohdZain asked how many other states are doing the same as Arkansas.

Response: 3, I think Arkansas will be 4. West Virginia, Vermont, Connecticut but we think it will grow.

The reason the ADE adopted this last year was that Act 328 of 2013, that allows school districts to use this as a foreign language credit. American Sign Language K-12 will be the name of the license.

3. Approval of the September 4, 2015, meeting minutes. Motion made by Brenda Brown to accept the minutes with the necessary corrections; Todd Sellers seconded. Motion approved 11/0.

4. Educator TPA

Joan Luneau stated we have given a couple of reports on our pilot that started in March, 2014, and will finish that up in May, 2016. The pilot provided the funding for schools to pay for the students to submit the Ed TPAs for national scoring. They bought vouchers; they won't all be used up by May but the funding will be used up by May so some of them will finish out in the summer and next fall. We'd like to recommend that we use a national scored Ed TPA in lieu of the PLT. You can read my information; some of it is taken directly from the document from Ed TPA. There are three (3) versions of the test, depending on the content area. Most of them have fifteen (15) rubric fields. Languages have thirteen (13) rubric fields. The elementary education has eighteen (18) rubric fields.

We have programs at Williams Baptist (already submitting for scoring) and Henderson State (have started submitting for scoring). Our APPLE program will submit 150 for scoring in the spring semester. Price for Ed TPA is \$300.00; the PLT is \$147.00. Want to open up some flexibility down the road with these programs – those that want to use Ed TPA can use it; those that want to move to PPAT could use that. UCA is in the exploratory phase to use the Ed TPA and UA Fort Smith is going to use it regardless, but they are doing local scoring. The cut score we went with is 1 SEM below the national recommended. We did that so that when we have some data for our state after the spring semester, if we need to adjust up we can.

Ed TPA is still based on the framework of PPAT. There is a little difference in the language but it still has the same tasks so that it's similar.

Motion that candidates be allowed to use the Ed TPA in lieu of the PLT with this recommended cut score and with the program made by Dr. Harrison; seconded by Lillian Hemphill. Motion carried 11/0.

5. Code of Ethics

Cheryl Reinhart presented the proposed rule changes. The Board has asked the Ethics Subcommittee to review and make recommendations, prior to returning it to the Board for review. Everything that is not highlighted in yellow is what the Ethics Subcommittee has reviewed and agreed on. The staff did take one more look at it, so some of what you see highlighted in yellow are staff recommendations. These changes represent the big, overall picture that we're looking at incorporating the Model Code of Ethics and in doing so, we are distinguishing between a Code of Ethics and a Code of Conduct. The eight (8) standards as we are representing them here are standards of professional ethical conduct. The difference between the conduct and the ethics – the conduct is what can reap the consequences of violation of those standards. The Model Code of Ethics is incorporated as guidelines. In these rules, we do adopt the Model Code of Ethics and then use their discussions as guidelines for our standards of conduct. We will be focusing some training for school districts and teachers to help with understanding and using the Model Code of Ethics for decision making.

Dr. Harrison complimented Cheryl and the Subcommittee on adoption of the Model Code of Ethics. I think it is a great thing and even for colleges, we have dispositions that we assess prior to getting a license or graduating or so on. When we try to write rubrics about this, the Model Code of Ethics is performances that we would expect from any professional educator.

Kathy Howell stated that the NASDTEC website states that unless the Model Code is going to supplant the standards, it doesn't belong in the regulation.

Cheryl stated she had a conversation with Phil Rogers at NASDTEC and what he told me and what some of the others who worked on the Model Code of Ethics told me are really different than the statement on the NASDTEC website. I questioned it and they also copyrighted it so I asked them can we use it or are we restricted to use it as a whole. His response was "No, not really. We did copyright it just because we didn't want somebody going out there and using it for profit or not being used for its intended purpose". They do want states to adopt it in whole, in part, modify it however they want to. They were fine with us incorporating it into our regulations. We incorporated them as guidelines, not the regulation.

Dr. Harrison asked if anyone used the Model Code of Ethics, would it be a copyright infringement.

Cheryl believes anyone would be free to use the Model Code of Ethics. They want the states and Education Preparation programs to use it.

Kathy Howell asked what states have already adopted the Model Code of Ethics.

Cheryl does not believe any other state has done so yet, formally as we are talking about. Although Georgia has, Georgia may have. I don't know. Their ProEthica Assessment is

very closely aligned to the Model Code of Ethics; I would consider it as using the Model Code of Ethics.

Ms. Brown said she believes Arkansas has come closed to adopting than any other state to adopting the standards and I think if we are going to use the Model Code of Ethics, I think we should put it out for public comment before we put it in the regulations.

Cheryl said it would go out for public comment.

Ms. Brown – can it be put out before anything has been changed? I think there is a lot of discrepancies between the Arkansas Code and the Model Code. I don't think we should intertwine both of them, I think we should do one or the other.

Cheryl – the Model Code of Ethics is not designed to be an enforcement model. It's not designed to be a code of conduct. It is designed for establishing professional norms, not for use as something we would use to sanction someone, as we use our standards. That's not the intended purpose. These will go out for public comment and we will have comments on the Model Code of Ethics as they are incorporated in this set of rules.

Ivy asked Cheryl to explain to an educator - how would you explain to them the reason why it would be good for Arkansas to adopt the Model Code of Ethics?

Cheryl stated it is a national representation or expression of the Code of Ethics for the entire profession. Not just one state's interpretation or one state's set of standards; every state has a different set of standards for which there can be a licensure action. A Code of Conduct is a minimum, baseline set of standards that if an educator falls below that, he or she is going to reap some consequence, whereas the Model Code of Ethics represents how educators view their profession; how other professionals should behave in their relationships with students, the community, etc. It's more of a profession-wide representation; the standards in Arkansas under which an educator is sanctioned.

Ivy – in an everyday purpose for an educator, what would change if the Model Code of Ethics is adopted?

Cheryl – as far as their license is concerned, nothing would change.

Ivy – could our Code of Conduct potentially change to reflect this Model Code of Ethics or would we see that staying the same?

Cheryl – I think our standards are in line and I don't see that would necessarily change but there is one staff recommendation for a change. There's really not a change for the Model Code of Ethics, there is a little bit of variance on a couple of them but that wasn't necessarily for the Model Code of Ethics. The Model Code of Ethics is to develop a profession-wide view of what everyone thinks should be the standards for teachers and educators.

Dr. Harrison – I shared this with my department heads. Responsibility to the profession, for professional competence, to students, the community, responsible and ethical use of technology – I can't find a thing, it's the standard to strive for, a standard we expect of all professionals in education. They were delighted to see it; this is something I would strive for every day as a professional.

Cheryl – that is the way I see the Model Code of Ethics. It is more aspirational and that is what we would hope educators in the profession would want to view themselves. Up to this point, this profession has never had a national Model Code of Ethics. Every other profession does. The eight (8) standards are our baseline minimum conduct and the Code of Ethics is what you would expect people to be way above and beyond. The enforcement method is the Code of Conduct.

The basic changes are procedural. We addressed the hearing panel, some of the time issues, subpoenas, documents, evidentiary hearings, etc. We are also sending documents through a secure file link, we don't mail or e-mail documents that are sensitive to our educators or their attorneys. We also have a new form that will require notarization. The rules also include a filing limitation of two (2) years. We are also recommending new fees for licensure because the law provides this body has the authority to set those fees. In the past we've had a license fee so if the license wasn't issued, the auditors told us to refund the money. The rule change would make this an application fee which is generally not refundable.

We've added fees for some things we've never changed for before and the basic fee is \$75.00. These are the recommendations of the Budget Subcommittee.

As we've discussed before, the fine structure will change. We cannot go above \$100.00 and the Budget Subcommittee recommended that \$100.00 for all fines. We would have to change the law in order to go above \$100.00.

The staff is recommending and the Budget Subcommittee has not seen this part. We have the private letter of caution that does not go to the State Board. The written warning does go to the State Board and does not have a fine. The written reprimand, probation, suspension, and revocation does go to the State Board. There is a lot of confusion in having that many sanctions going to the Board. The written warning could be private; written reprimand, probation, suspension – all of which have fines - go to the Board.

Kathy Howell wants us to make sure we give this due diligence. Some of the things in this version are things that were in the original document that went out for public comment. References to personnel policies and the importance of following those policies caused an uproar because the personnel policies vary by school district. I would like to take out reference to personnel policies.

Brenda Brown states there are reference to personnel policies in Standards 1, 2, and 4.

Todd Sellers feels strongly that it needs to be in the rule. The state guides us on this and I think that most of us follow those guidelines.

After much discussion, motion was made by Dr. Harrison that we move forward with the Rules Governing the Professional Ethical Conduct for Arkansas Educators.

Cheryl made the suggestion that we're not ready to adopt the entire set of rules yet, but are you trying to make a motion to go ahead with incorporating the Model Code of Ethics.

Dr. Harrison, "yes". Let's not be in limbo, if there is some action to be taken to get it to move forward for comment, that's what I want to do.

Kathy Howell asked if Dr. Harrison is ready to adopt this whole thing as it is to go on.

Ivy Pfeffer suggested that it would be more proactive in the beginning for the board members to take the rules to their constituents. Cheryl can draft a consistent wording for all the members so everyone hears the same message.

Cheryl asked if she can prepare the document and a summary that the members can use.

Dr. Harrison will make sure the rule is added to the Dean's January meeting.

Motion made by Ms. Brown to strike the written warning and use the private letter of caution in all places; seconded by Dr. Albritton. Motion passed 11/0.

Motion made by Ms. Hemphill to use "shall recuse" and define the relationship; seconded by Dr. Harrison. Motion passed 11/0.

Language "the educator maintains professional and ethical behavior along with competence regarding his or her.." agreed. (No motion made.)

Discussion on whether two (2) years is enough time for sexual misconduct ethics allegations.

6. PLSB Budget

Legislature can appropriate an amount of money but that does not mean the money is available. Can we remove or reduce the \$275,000 for capital improvements? Does it need action or a motion that we support that?

Ivy Pfeffer and Cheryl agreed that it does not need an action or motion.

The board needs to start no later than March and have your draft legislation ready for the June meeting.

Will be added to the March agenda.

7. Strategic Planning

Most of the board members attended the meeting. Keep in mind we are going to be setting up some meetings and working through some of these strategies.

Ms. Hemphill asked for a clarification on the number of committee members.

Cheryl advised that the committee should meet and develop a baseline and bring back to the full board in March.

Ms. Hemphill asked if some of the meetings could be held on Saturday.

Cheryl advised that decision should be made by the committee. If staff is involved, it might be a consideration.

8. Discussion of Professional Standards for Educational Leaders

Ivy presented information (packet contains information) that this is going to replace the ISLLC Standards. The standards have been expanded from six (6) ISLLC standards to ten (10) standards. The new standards will place a heavy emphasis on meaningful partnerships, engagement with families and the community. By the time we have the Dean's meeting in June she will have the presentation to share. These standards have just been released and each state will have to adopt. At the March meeting we would want to look at these standards and decide if the board wants to recommend adoption to the State Board. It will require some program changes.

9. Equitable Access to Excellent Educators

Ivy Pfeffer provided documents regarding the program. Three strategies have been implemented - building teacher leadership capacity, designing our critical shortage predictor model, and using existing resources like Bloomberg to further an educator's professional practice. A written narrative on these strategies was provided. The second form is a draft memorandum of understanding between the ADE and the University of Arkansas at Monticello. This was shared with the State Board last month. This is just the idea of a non-traditional/traditional approach to getting the para-professionals licensed. They would be able to complete an online program that would be a bachelor's degree in education in elementary, mid-level or secondary; just not a licensure degree. We will provide them with a provisional license for the first year while they complete a residency.

10. Educator Preparation Program Approvals

Right now there are thirty-four (34) currently in progress at various stages. LOIs for new programs were due on December 1, and we have eight (8) new programs they have submitted. One was our MAT SPED and we told that group they could submit by February because they are in a reorganization of their programs. That will be a conditional program but we have had one SPED resource which is a brand new endorsement. The K-6, 7, 12 resource license is available and that endorsement can be submitted. We had one new 3-4 endorsement submitted. Also, another dyslexia program, one new non-traditional program that we are just

starting to look at; a new life science program, and just a couple of others. The big one is a full computer science teaching program. That is eight (8) panels we have to put together.

11. Educator Preparation Program Audits

Waiting on federal regulations. Reauthorizations and the replacement of No Child Left Behind is holding these up. I just read that the regulations should be final by Tuesday, December 8. The audit process will start with the fall, 2016, and will be every seven (7) years to follow the accreditation visit. Harding will be our first audit.

12. PLSB Director's Report

We have the rules that are up for finalization is TESS, LEADS, and background checks. The rules are going through the legislative process right now. The evidentiary hearing panel has met and I think it was a good meeting. They are going to work out just fine; I think that was a good change.

13. PLSB Chief Investigator's Report

Wayne Ruthven - I will quickly go over the highlights. For this school year, 2015-2016, total allegation forms received is sixty-five (65); in those 65 allegation forms there were seventy-four (74) separate allegations and 321 separate allegations. Additional information was included in the handout.

This will be my last meeting with you. My last day with the ADE is next Friday and I want to tell you how much pleasure it's been for me to work with you, collectively and individually with some of you.

14. Other Business

Cheryl - three of our members - Dr. Baine, Ms. Howell, and Dr. Bailey will be meeting with the State Board next Thursday night. Going to explain the process, go through a typical case, and give the Board a chance to ask questions face to face and establish a better working relationship.

10. Other Business

There being no further business, motion to adjourn was made by Dr. Sellers; seconded by Dr. Albritton.

Next meeting date: Friday, March 4, 2015; time 8:00 a.m. - 1:00 p.m.