

NEW HAMPSHIRE DEPARTMENT OF EDUCATION  
DIVISION OF PROGRAM SUPPORT  
101 Pleasant Street, Concord, NH 03301

**PROFESSIONAL STANDARDS BOARD**

**February 1, 2017**

**Room 15**

**12pm to 3pm**

**Meeting Minutes**

**Regular Meeting:**

**Present:** Lisa Witte, Page Tompkins, Dianna Terrell, Cynthia Lucero, Katrina Hall, Joanne Misra, Anne Wallace, Nancy Morse, Kirk Beitler, Christine Boston, David Webster, Michele Mitnitsky, Gerard Buteau, Irv Richardson, Ray McNulty, Kim Yarlott, Erin Grogan

**Absent:** Dennis Perreault, Joanne Goelzer

**Department Staff:** William Ross, David Benedetto, Mary Lane, Barbara Hopkins, Diana Fenton, Amanda Phelps

**Meeting called to order at 12:25 p.m.**

**I. Update on Rulemaking – Diana Fenton**

a. Attorney Fenton provided the board with a copy of Governor Sununu's letter to all department commissioners and agency heads explaining the moratorium on rulemaking. Attorney Fenton explained that the intent of the Governor's request was to put a temporary pause on rulemaking, recognizing that JLCAR does a good job, but there needs to be some time to take a wider view and see how all the rules interact with each other. Attorney Fenton explained that some departments are seeing it as a request and are continuing on with rulemaking, but that the Department of Education is recognizing the moratorium. She added that in a meeting where the Governor was present, it was explained that the Governor's office does not intend to interfere with the rulemaking process. Rules in the final proposal stage are moving forward as planned. The Governor's office will work with agencies if rules are set to expire as well. Attorney Fenton suggested that this is a great time to get ahead of the rulemaking process. The moratorium ends on March 31<sup>st</sup>. Attorney Fenton listed the rules in process and explained as follows:

- Specialist in the Assessment of Intellectual Functioning (SAIF) Ed 507.19 and Ed 614.08, Adopted 1/12/2017, effective 1/26/2017. Certification letter to be signed at BOE meeting on February 9, 2017
- Reading and Writing Specialist Ed 507.12 and 614.02, Paraeducator Ed 504.05 and Ed 504.06, School Social Worker Ed 507.14 and Ed 612.32, and Dance Education Teacher Ed 507.49 and Ed 614.09 have all been submitted for final proposal on the February 17, 2017 JLCAR agenda.
- World (formerly Modern) Language Teacher Ed 507.37 and 612.14 final proposal submitted to Board of Education for February 9, 2017 meeting.
- Speech-Language Specialist 507.23 and 614.09 initial proposal approved by Board of Education, but rule is tabled to respect governor's moratorium request.
- School Nurse certification rules under development has been tabled until after the moratorium

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**II. Ethics Task Force – Diana Fenton (Moved up on agenda to accommodate attendee schedules)**

- a. Attorney Fenton explained that there are two separate pieces to the Ethics process happening at the same time. The first track is to try to get the BOE to have legislative authority to regulate in the area of ethics. HB 210 relative to a code of ethics for certified educational personnel was introduced on January 4, 2017 and referred to House Ed. It is scheduled for executive session on February 14, 2017 at 10:30 a.m. in room 207 of the LOB. At the same time the Commissioner’s Task Force on Ethics has been meeting to draft a code of ethics. The intent is that if the legislation passes, the task force will be ready to present to the Board of Education for approval. Representative Ladd has asked to look at a draft of the code of ethics to be sure that it fits with the legislation that has been drafted. Nancy Morse asked if there is a feeling as to if the new commissioner will endorse this task force. Attorney Fenton answered that she is not sure, but plans to meet with the new commissioner when he is confirmed to bring him on board with the process. Dianna Terrell stated that the ethics discussion would be revisited later when the PSB discusses the draft of the Statement of Purpose.

**III. Update on Subcommittees – (Moved up on agenda to accommodate attendee schedules)**

- a. Barbara Hopkins reported on the subcommittee for Chemistry, Physics, Life Sciences, Earth and Space Sciences, Science Teacher general requirements, and Middle level Science 5-8. Ms. Hopkins explained that the subcommittee held its first meeting on Monday, January 30 with about 75 participants. The participants were separated into 7 groups to work on elementary, middle, physical, chemistry, physics, life and earth and space sciences. She explained that the 7 groups had representation from all regions of the state with varying experience. Ms. Hopkins highlighted some of the issues encountered by each group as follows:
- Elementary Science – K-6 and K-8, do we need to retain both credentials? Concern of having to have area of specialization with K-8 but that is not necessarily where they might be teaching. Therefore a social studies specialty could be teaching science. Also, suggested we should start with K-6 science specialist and over time this might gradually shift with mathematics towards a K-6 STEM Specialist. There are concerns that some districts would not be able to fund a separate specialist for these areas especially where funding is an issue.
  - Physical Science – There was a debate over the merging of chemistry and physics with physical science; needs more discussion; concern there is/will be difficulty finding teachers with the certifications to fill positions; also concerns of watering down knowledge skills in order to merge. There is no evidence that the difficulty filling positions is due to certification requirements.
  - Life Science – discussed need for "statistics and college level calculus" where it could be statistics or calculus? More work is needed in this group.
  - Shortage Areas – subcommittee discussed that physics teacher positions have been difficult to fill. Discussed the issue being credentialing or something else.

Ms. Hopkins explained that her goal is to gather all the information from each group and type a report to be sent out by 2/14 to all groups. Discussions will continue until 2/21 when each team leader will use the track changes template to communicate their recommendations. Next meeting is scheduled for 2/28 for leadership of each group to meet and complete drafted documents to be sent out via survey for larger feedback from educators. By March 12, all field areas will receive feedback comments from the field to

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prepare for a finalization of recommendations of the entire committee on March 14. Ms. Hopkins summarized that it was an extremely productive day.

Kirk Beitler asked about the elementary group wondering if elementary teachers were involved in the process. His concern was that elementary teachers already have a lot on their plates and wondered if this was going to add more to their frustrations. Ms. Hopkins explained that elementary teachers made up that entire group. Nicole Heimark stated that there were about 15 to 16 elementary teachers in that group tasked with how they package science for elementary education. The group were huge advocates for science and agreed that it currently is not getting the time and focus it deserves in the elementary grades.

The committee began to discuss the purpose of the rules in general. Ray McNulty questioned if the science standards work is additive to everything that is already happening. He raised concern that the rules seem to be just layering on top of each other. He suggested that in regards to rules for teacher certifications, maybe less is more. Mr. McNulty stated that it seems they are caught in a never-ending loop of adding more and more. He added that the rulemaking pause might be good because it will make PSB consider that less is more. Ms. Hopkins stated that these are new standards to replace the old and suggested that the subcommittee will be careful to articulate well and make it meaningful.

Bill Ross from DOE stated that the rules are not designed to create student learning outcomes but are certification guidelines. Ms. Hopkins added that the intent is to write them for beginning teachers.

Page Tompkins stated that the rules need to take into account labor markets and not be a barrier to entry but be careful and realistic. He stated that we need to make sure we are not making rules based on what we wish the perfect teacher would have but what all teachers must have.

Michele Mitnitsky stated that it seems educators are struggling with the physical science certification because they feel it qualifies them to teach physics. She suggested there needs to be discussion on a larger license where there is room to move around in the field of science.

Kim Yarlott asked in light of the new political landscape, how do we make public schools more competitive? If the certification process is too rigid and rigorous, new educators might just say forget it because they can teach at charter schools without certifications.

- b.** David Benedetto reported on the subcommittee for Computer Science. He explained that the new Bureau of Labor Statistics (BLS) jobs report highlights computing and engineering occupations. He stated that the majority of jobs are in computing and engineering and that these fields are also growing the fastest. He pointed out the following:
- 45% of STEM jobs are in computing and 19% are in engineering.
  - 7 of the 10 largest STEM occupations are computer related.
  - There has been 10.5% growth in STEM occupations, compared with 5.2% in non-STEM, with the highest gains in computing and engineering.

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Mr. Benedetto explained that despite these facts, computer science isn't widely available in K-12. He cited an example that only 167 students in NH took AP computer science exam in 2016 which represents only 3% of STEM exams and 1% of all AP exams taken. He said that it is the subcommittee's belief that the reason for the low numbers is because students don't have earlier exposure to computer science, and there needs to be a clear pathway. Mr. Benedetto explained that the PSB computer science subcommittee is drafting standards for two new certifications: K-8 and 6-12 computer science educator. The subcommittee is basing their standards on the most recent national standards (ISTE and CSTA) and the K12 CS Framework. He added that the subcommittee expects to have a draft for full PSB review within approximately 2 months.

David Webster asked to add to the discussion on rules and the rulemaking process, stating that he agrees that less is more. He explained that he teaches science in Lincoln, NH in a K-12 school with 350 students in the whole school. He added that he and one other teacher teach the entire high school science program. Mr. Webster explained that it is his wish that the rules are written so that teachers can be hired in schools like his.

Barbara Hopkins and David Benedetto left the meeting at 1:30 p.m.

**IV. Approval of Minutes from December 7, 2016**

- a. Chair Dianna Terrell directed the PSB to pause in the subcommittee discussion to go back to previous agenda items.
- b. Erin Grogan asked that the minutes be amended to reflect her as being absent from the December 7, 2016 meeting.
- c. Chair Dianna Terrell called for a motion to approve the minutes with the amendment.
- d. Cynthia Lucero moved to approve the minutes which was seconded by David Webster.
- e. The minutes were passed with a unanimous vote. Ray McNulty, Gerard Buteau, Irving Richardson, Erin Grogan and Kim Yarlott abstained from the vote as they were absent from the meeting

**V. Update on Council for Teacher Education – Nicole Heimarck**

- a. Ms. Heimarck explained the Board of Education action to place a short moratorium on program approvals in light of holes and oversights in the Ed 600 rules. The CTE agreed that there has been no rhyme or reason as to how accreditation visits were scheduled. The CTE came up with a new schedule which would spread the visits out more in order for them to be conducted more effectively and thoroughly. She distributed the new timeline for visits to the committee. She added that the visits will resume in 2017-2018 and the CTE will conduct a full review of Ed 600 rules.
- b. Ms. Heimarck reported on her NTEP conference in Portland Oregon. She explained that there was a major "aha" moment among the participants regarding the rulemaking process for certification areas. Specifically that the licensing segmentation varies which could impact the labor market.
- c. Ms. Heimarck stated that there will be a work session at the DOE regarding the P-20 Summit. A small group, role alike and role mixed, to discuss what data school districts need to know, what data higher education need to know about candidates in the field.

Discussion continued regarding the licensing segmentation. Ms. Heimarck stated that in NH there is a K-6 and K-8 license and wondered if it is necessary to have both. Mr. Ross stated that there are districts who want K-8 to be

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able to move teachers around to fit the needs and demands of the district. Mr. Beitler stated that Gilford is experiencing declining enrollment and needs the ability to move staff to different areas. Ms. Mitnitsky stated that flexibility is nice to have, but pointed out that it can be hard on the educator who moves from 2<sup>nd</sup> grade one year to 5<sup>th</sup> grade the next. She added that middle school should be subject area specific but with broader licenses.

Katrina Hall left the meeting at 2 p.m.

Mr. Tompkins stated that the discussion is necessary to point out the reality of the challenges facing small schools. He added that the PSB cannot figure out all the problems that face every teacher or every district, but that the PSB can be focused on writing rules that don't make situations worse. He stated that rules should be written so as to allow districts to invent new approaches to their unique situations.

Nancy Morse asked the group what NH is doing to implement full-day kindergarten and pre-school. Ms. Heimark stated that one of the Governor's priorities is to explore full-day kindergarten. Lisa Witte said that SB 191 regarding the definition of average daily membership in attendance is being discussed in committee on February 7 at 9:30 in room 103. The bill is sponsored, in addition to others, by Senator Watters. The bill has an effect on how funding is calculated based on Kindergarten students being counted as full-day attendance.

**VI. Update on Subcommittees (continued from Section III)**

- a. Lisa Witte stated that the English Language Arts subcommittee will be having its first meeting later that afternoon. Copies of the Ed 500 and Ed 600 rules were issued to the subcommittee. She stated that Ms. Terrell provided her with some framework for questions.
- b. Dianna Terrell stated that the Social Studies subcommittee held its first meeting on a snow day, so participation was mostly electronic with only a few members attending in person. She stated that they will be working on what needs to stay, what needs to go and what needs to be added or revised. Questioning what new teachers in social studies need to know in what subject areas. She stated that she has added the conceptual framing in the shared drive. Wondered if a survey should be sent out to social studies teachers, and if so, what questions should be asked.

**VII. Department Messages and Legislative Updates – Bill Ross, DOE**

- a. Mr. Ross stated that the department messages had all been addressed.
- b. Mr. Ross explained that about three and a half weeks ago he was invited to SB 190 subcommittee meeting. The bill establishes the credentialing of a master teacher in school counseling. It is being done in law rather than rule. The reason for this is that when the PSB revised the school counselor competencies the entire section on career counseling was removed. The competencies only reflect mental health counseling. He explained that the technical education centers are distressed with the removal of career guidance because now there is no one who is tasked with that. Senator Ladd proposed a bill, but after consulting with Mr. Ross he has decided not to move forward. Mr. Ross wanted the committee to be aware that there might be a request by Senator Ladd to add career counseling back into the rule.  
Dianna Terrell stated that she believed the removal was deliberate by the PSB subcommittee. Mr. Ross reminded the committee that the school counselor subcommittee was comprised of people outside of PSB and that the outcome was representative of the people who made up the subcommittee. He stated that no one from the career counseling field was represented on the committee. Ms. Terrell asked Ms.

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Heimarck to locate the minutes from those meetings and suggested that the subcommittee be asked about why that was removed.

**VIII. Update on Commissioner's Task Force on Ethics – Kim Yarlott and Dianna Terrell**

- a. Ms. Terrell pointed the committee to the draft statement of purpose handed out to each member at the beginning of the meeting. She asked that the committee take some time to read it and then she would open the floor to discussion. Ms. Yarlott explained that the committee met and made some edits and refinements based on the audience for the code. She stated that this statement of purpose should be read through the lens of educators, school boards, administrators, the State Board of Education and higher education. Ms. Yarlott addressed the fact that some task force members questioned the use of the word “values” but also pointed out that the code of ethics will be used to establish guidance, not a code of conduct. She stated that code of conduct is up to each school. Ms. Terrell added that the statement of purpose was created with three key principles: minimalist language, a statement to frame the document as guidance and not a mandate, and that those districts can use this in any way that they want. She added that the PSB can voice their opinions on the document, but that they cannot stop or change the document. She said she would bring feedback to the task force. She also pointed out that the document states that it is not for distribution and asked that the PSB members respect that in light of the incoming commissioner not being brought into the discussion yet.

Christine Boston stated that she appreciates the spirit with which it is intended, has no problem with the work, but is concerned with how it will be interpreted and used once it is published. She asked where the boundaries are for teacher privacy. Ms. Terrell stated that the boundaries are clearer in the actual text of the code of ethics. Upon further questioning by Ms. Boston, Ms. Terrell stated that her examples are constitutional violations.

Ms. Morse asked how the language could use the word “violation” if it is just guidance. She also questioned the use of the word “values” and asked which set of values and how do districts decide this. Ms. Terrell stated that “violation” was also raised by others, but that the statement is intended to reflect that this is guidance and not code. She added that it is not designed to be a basis for discipline but can be used that way if they wish. Ms. Heimarck added that the task force was fearful of being disingenuous if the statement did not offer the idea that a district could use this as code.

Mr. McNulty stated that a code of ethics is necessary to establish a profession as a profession. He explained that there are laws that protect teachers and students, but that teachers are in a profession where there should be a standard of ethics across the board.

Ms. Boston explained that she is 100% behind the need but concerned with any word that can be interpreted or misinterpreted. She asked if this was going forward. Ms. Terrell explained that there is nothing to vote on and as the task force continues there will be more discussion.

**IX. Motion to Adjourn**

- a. Chair Terrell called for a motion to adjourn.
- b. Ms. Lucero moved to adjourn. The motion was seconded by Ms. Grogan.
- c. The committee voted unanimously to adjourn at 3:00 p.m.