

MINUTES – Board Meeting

Thursday, April 11, 2019

Van Gogh/Remington Room, Radisson Hotel, Bismarck

The Education Standards and Practices Board (ESPB) meeting was called to order at 9:00am by Chair Carly Retterath. Board members present were Mike McNeff, Brenda Tufte, Jessica Rush, Carly Retterath, Bob Toso. Kim Belgarde, Dinah Goldenberg, Kathy Lentz, and Andrea Fox were present by conference call. Ben Johnson joined the meeting at 9:45am.

Also present were ESPB Executive Director Rebecca Pitkin, Mari Riehl, and Amy Folkestad from ESPB, Gail Schauer from DPI, Patty Barrette, and Amy Flicek from NDUnited. Allyson Hicks from Attorney General's office joined at 11am. Blair Emerson from Bismarck Tribune joined at 11:15am.

Introductions were held.

Additions/Changes to the Agenda – Carly noted that items to be added to the agenda include transferring of funds from financial accounts, approval of April 4th special meeting minutes, and an added board case for Alicia (Gerving) Hollingsworth. Brenda Tufte made a motion to accept the agenda with additions as noted. Motion seconded by Bob Toso. All Board members voted in favor, none opposed. Motion carried.

March Minutes, License, and Financial Report – The March 2019 financial report showed \$55,447.73 in total income received, \$71,430.18 in total expenses, with a net income of minus \$14,982.45. The March 2019 licensure report showed 747 total licenses issued. Bob Toso made a motion to accept the March minutes, license, and financial report. Motion seconded by Jessica Rush. All voted in favor of accepting the March minutes, license, and financial report. None opposed. Motion carried.

Becky noted that we will be looking at some upcoming programming due to new legislative bills. It was also expected there would have been a dip in revenue due to interim substitute licenses being issued for 2 years, but that has not happened.

Currently at 74% of revenue and 73% of expenses for the budget year.

April 4, 2019 Special Meeting Minutes – Bob Toso made a motion to accept the April 4th special meeting minutes. Motion seconded by Mike McNeff. All voted in favor, none opposed. Motion carried.

Executive Director Evaluation – Carly Retterath sent evaluation information to Board members and office staff, then compiled results. She has reviewed the evaluation with Becky. Dinah Goldenberg commented that she believes Becky is doing a great job and that is reflected in evaluation. She would recommend that Mike McNeff's comments about being more prepared for the next legislative session are added as a future agenda item so the Board can discuss.

Carly would like to see a re-visit of the Board mission, as it would be helpful as issues come up.

Bob Toso commended Becky on keeping the Board up to date with legislative issues and thanked her for her work.

Board members who voted in favor of accepting the Executive Director Evaluation as written were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff,

Carly Retterath, Jessica Rush, Bob Toso, and Brenda Tufte. None opposed.

Transferring of Funds – Credit union we use has changed policy on how much is insured in accounts, which was identified during the most recent audit. ESPB currently has a savings account at Gate City Bank that was set aside to use for any possible litigation. Becky has visited with the bank about moving all accounts to Gate City Bank and has scheduled a meeting with Brenda Tufte made a motion to move accounts to Gate City Bank. Motion seconded by Bob Toso. Board members who voted yes were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, Bob Toso, and Brenda Tufte. None opposed. Motion carried.

Policy – Policy/Budget Committee met on March 6th for an update on the budget status and review of anticipated expenditures for the next fiscal year.

The committee will draft a policy on what background offenses are ok for Becky to approve without Board review. They will also look at out-of-fields and determine if those should be reviewed by the Board after the teachers are back in compliance.

Administrative Rules – It is anticipated that many of our administrative rules will need to be rewritten over the summer. Board attorney Allyson Hicks has suggested a completes rules re-write, but this most likely won't happen. A new section that needs to be included is language that would allow someone with a documented disability to be exempt from testing if they are unable to meet the requirements of the Praxis I, Praxis II, or Praxis II PLT. This was originally introduced in SB 2199, but the bill was killed because this can be written into rule.

Becky would like to have Board give approval to move forward with a rewrite of administrative rules and for her to meet with Allyson to have a draft of rules written by May, so they can be implemented. She also reviewed the testing "Safe Guard" proposal from Alternate Access Subcommittee. Mike McNeff questioned if Becky is looking at merging language in what was SB 2199 into this statement. It would be listed as one of the options of obtaining a full license if tests cannot be passed.

Bob Toso made a motion to give Becky approval to move forward with a rewrite of administrative rules. Motion seconded by Jessica Rush. Board members who voted yes were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Ben Johnson, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, Bob Toso, and Brenda Tufte. None opposed, motion carried. Mike McNeff was absent for the vote.

Critical Shortage Areas – ESPB Assistant Director Mari Riehl has worked to look at Alternate Access Licenses to examine numbers for critical shortage areas. DPI analyzed MIS03 data to determine their list of shortage areas. For the 2018-2019 school year, all areas were determined as critical shortage area except for physical education. A handful of physical education applicants were brought before the board for alternate access license consideration, which were subsequently

granted.

Brenda Tufte made a motion to designate all content areas as shortage areas for the 2019-2020 school year. Motion seconded by Mike McNeff. Board members who voted in favor were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Ben Johnson, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, Bob Toso, Brenda Tufte. None opposed. Motion carried.

Director's Report – Estimated programming costs for NDTech will be around \$7,200 if the teaching permit bill would pass. In the past, programming has cost more than the initial estimate.

Becky attended a NASDTEC Central Region meeting by conference call on March 27th. NASDTEC has updated the Clearinghouse to make it easier to access information. This is the site that is used by states to enter individuals who have had a license suspended or revoked.

ETS has updated the math section of Core Academic Skills test and will have a standards setting study on May 16th at NDSU.

Becky will work with the policy committee draft language regarding National Board and if achieving National Board certification and be used in place of re-education credits. Once this policy is drafted, it will be brought to the Board for a first reading.

Also included in Director's Report is a request from Nathan Schell, who is currently completing coursework for the driver education endorsement. He has self-disclosed a DUI offense from 2009 and has asked if this will impact his eligibility to obtain a driver education endorsement. Mike McNeff made a motion to allow Mr. Schell to go forward with driver education coursework and endorsement. Motion seconded by Bob Toso. Board members who voted yes were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Ben Johnson, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, Bob Toso, and Brenda Tufte. None opposed. Motion carried.

Board retreat and meeting has been scheduled for August 7-8 in Jamestown. Bob Toso has offered to be our host and will work to secure a meeting space and hotel location.

Legislative Update –

HB 2187 would allow individuals with an existing bachelor's degree to complete the American Board testing to become eligible for a license. American Board is not directly named in the bill, but instead includes a description of the company. Currently no other vendor that can fit this criteria. Before crossover, Becky worked with legislators to add some state requirements to the bill, in addition to passing the American Board tests – American Board clinical experience, Teacher Support System mentoring, mental health competency, cultural diversity/Native American studies, diverse learners.

Dinah Goldenberg asked if it would be appropriate to form a legislative management subcommittee of the Board so they can work to do some of the legwork for the

legislative session. The idea of hiring a lobbyist for next session was also brought up. This will be further discussed at the retreat in August.

HB 1531 addresses shortage areas and the hiring of a person to teach on a permit for one year at a time for up to three years. Language was added to the bill that individuals with a permit can only teach part-time and an exception added to exclude special education from being a permitted area. An option of documenting 5 years of work experience to qualify for the permit was also added. Originally, the requirement was 2000 hours.

Both bills have a mandated status report to legislative management regarding the number of licenses/permits issued under each section, the effectiveness of program, quality of instruction provided, if the program is accomplishing the desired objective. The bills have effective dates through July 31, 2023.

Becky asked the Board if they would consider a permit endorsement for individuals who are already licensed as teachers but have expertise in an area they are not licensed to teach. Also, would the Board consider allowing teachers to teach out-of-field for a certain percentage of time? These options will be explored in the future.

Board Education – Allyson Hicks reviewed NDCC 15.1-13-25(g) and what “breach” of contract means.

NDCC 15.1-13-25(g) “the individual has breached a contract with a school district or nonpublic school” Allyson reviewed the definition of breach and what different options the board has if a teacher chooses to break a contract. She reiterated that the board does not have statutory authority to impose a civil penalty such as a fee to either party. This advising information will continue to be included with board materials for future reference.

CASES

Schmidt, Kelsie – Ms. Schmidt’s file is being reviewed by the Board after a motion passed at the February 2019 meeting to initiate a Request for Inquiry against Ms. Schmidt’s license, due to offenses she’s been charged with that have been in the news. Before discussion began, attorney Allyson Hicks pointed out that Ms. Schmidt’s case would not fall under 15.1-13-26 that would necessitate automatic revocation. If action is taken against her license, it would need to fall under the Request for Inquiry process. Ms. Schmidt’s court case has been scheduled for jury trial on June 6, 2019. Ben Johnson made a motion to continue the ESPB case until Ms. Schmidt’s court case has been resolved, either by plea agreement or jury trial. Motion seconded by Mike McNeff. Board members who voted in favor were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Ben Johnson, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, Bob Toso, and Brenda Tufte. None opposed. Motion carried.

DeCoteau, Terry – Mike McNeff moved to dismiss the Request for Inquiry against Mr.

DeCoteau, filed by Dr. Lana DeCoteau. Jessica Rush seconded the motion. Mike noted the concerns outlined in the Request for Inquiry should be handled at local level. Board members who voted in favor were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Ben Johnson, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, Bob Toso, and Brenda Tufte. None opposed. Motion carried.

Dahl, Bryton – At the April 2018 meeting, the Board voted to initiate a Request for Inquiry against Mr. Dahl's license after a letter was received from Williston Public School district stating they would no longer hire Mr. Dahl as a substitute teacher because he had been arrested and charged with corruption of minor. His case has been completed through the judicial system and he has been convicted. Since his charges fall under NDCC 12.1-20-05, NDCC 15.1-13-26 states "...board shall immediately revoke the teaching license of an individual who has been found guilty of a crime against a child or a sexual offense." Brenda Tufte made a motion to revoke Mr. Dahl's interim substitute license. Seconded by Mike McNeff. Board members who voted yes were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Ben Johnson, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, Bob Toso, and Brenda Tufte. None opposed. Motion carried.

Red Bear, Matthew – Mr. Red Bear's file was reviewed by the Board because of background offenses he self-disclosed on his application for an interim substitute license. Bob Toso made a motion to deny an interim substitute license to Matthew Red Bear at this time, and that he can reapply after October 15, 2019, 1 year after his last offense. At this time, the Board will consider his application if he has had no subsequent offenses. Motion seconded by Brenda Tufte. Board members who voted yes were Kim Belgarde, Andrea Fox, Kathy Lentz, Jessica Rush, Bob Toso, and Brenda Tufte. Those voting no were Ben Johnson, Mike McNeff, and Carly Retterath. Dinah Goldenberg abstained from voting. Motion carried.

Hollingsworth (Gerving), Alicia – Before discussion began, Ben Johnson disclosed that Ms. Hollingsworth is an employee in his school district. Brenda Tufte disclosed that Ms. Hollingsworth is one of her former students. At the March 2019 meeting, the board moved to continue the case until after Ms. Hollingsworth's court case had been resolved. Information has been received showing she has received an order from the courts deferring imposition of sentence, which means if Ms. Hollingsworth completes all conditions within a designated amount of time, her plea of guilty will be withdrawn, the case will be dismissed, and the file is sealed.

Mike McNeff made a motion to suspend Ms. Hollingsworth's license with the option for it to be reinstated after April 2, 2021 with documentation of successful completion of court ordered requirements for her deferred imposition of sentence. April 2, 2021 is the date set by the court for completion of all requirements. Motion seconded by Jessica Rush. Board member who voted in favor were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Ben Johnson, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, Bob Toso, and

Brenda Tufte. None opposed. Motion carried.

Board Member Reports

NDACTE –

- Praxis Core Math Revision and Setting Scores-May 16th in Fargo 8-4 pm on NDSU campus Each institution will submit one name to Dr. Pitkin from each institution to support standard setting for the state. Education Testing Service (ETS) representatives will attend to facilitate the process.
- Workgroups on standards review for Elementary Education, Computer Science and Science will begin after legislative session. Feedback from ESPB board members and teachers is welcome.
- Using Proficiency Scales in the Classroom and Standards-Based Grading-Erin Lacina, Director of Professional Learning & Operations for the Northeast Education Services Cooperative. Erin presented on the professional curriculum and resources being prepared to support work with proficiency scales in the classroom and standards-based grading. The work of the ND Regional Education Associations is being shared with NDACTE to support opportunities for pre-service educator workshops and PD events for educators and EPP professors.
- Concerns were voiced of the lack of consistency of administrative leadership at CAEP and the effect this may have on accreditation visits and fluency of processes. Some standards like 4.1 and 4.2 are still challenges and some CAEP responses are inconsistent. There was agreement of the quality and rigor of the process ND has with in-state program accreditation. Members attending the AACTE session held this spring in Louisville mentioned that other states have been looking at AAQEP or moving to state approval processes

Association of Non-Public Schools – Nothing to report.

School Administrators – Nothing to report.

School Boards Association – Nothing to report.

NDUnited – Becky met with Patty Barrette about what NDUnited is currently doing. Ethics training course name being changed from Educator Ethics to Elevating the Profession. Gearing up for 2019 Professional Growth Institute, which will be held in Bismarck June 10-12, 2019.

DPI – Superintendent Baesler has launched a new Family Engagement Cabinet. DPI has developed two new subcommittees for ESSA - a school culture committee and elementary and middle school choice ready committee. A survey has been sent to new teachers teaching years 1, 2, 3 to gather feedback and information to be used regarding retention and the loan forgiveness program.

Meeting was adjourned at 12:04pm.