

MINUTES – Board Meeting

Thursday, April 13, 2023

Teams Meeting

The Education Standards and Practices Board (ESPB) meeting was called to order at 8:01am by Board Chair Brenda Tufte. Board members present by video conference were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Patti Stedman, and Brenda Tufte. Cory Steiner joined the meeting at 8:21am.

Board members Amber Fridley, Ben Johnson, Joshua Standing Elk, and Superintendent Kirsten Baesler were absent.

Also present were ESPB Executive Director Rebecca Pitkin, Mari Riehl, and Amy Bigelow from ESPB, Allyson Hicks and Mark Openshaw from Office of the Attorney General, Michelle Griffin from UND, Jen Wallender from Western Governors University, and other online guests.

Additions/Changes to the Agenda – Additions to the agenda include a letter from Rebecca Boltz, cases for Katherine Collins and McKell Teske, and a disability waiver request for Mary Elizabeth Hay. New information that has been provided to the board include a letter from the auditors and a letter in support of the school psychology scope of practice. Siri Coleman made a motion to approve the agenda as amended. Motion seconded by Patti Stedman. All voted in favor, none opposed. Motion carried.

Motion to Ratify March Licensure List – Kathy Lentz made motion to ratify the March 2023 licensure list. Motion seconded by Sonya Hansana. All voted in favor, none opposed. Motion carried.

CASES

Feltman, Dawn – Ms. Feltman's file was reviewed after a Request for Inquiry was received from a parent, stating they believed Ms. Feltman had violated the Educator's Code of Ethics Principle I, numbers 3 and 4. After reviewing the documents provided in the Request for Inquiry, Patti Stedman commented that this seems like a school board issue. Andrea Fox made a motion to table the case and ask the assistant principal referenced in the materials for a clarifying statement about the incident and investigative process.

Board attorney Allyson Hicks let the Board know that Fargo Public Schools general counsel was present at the meeting and if the Board wanted to ask her for information, that would be possible with Chair Brenda Tufte's permission.

Andrea Fox rescinded her motion and Brenda allowed Fargo Public Schools attorney Tara Brandner to speak.

Ms. Brandner stated a complaint was received from a parent. An investigation was completed at the district level involving witnesses to the incident and Ms. Feltman. Fargo Public Schools works to be sure discipline is appropriate for the situation that has occurred. The parent was not satisfied with the outcome at the district level. Ms. Feltman has received ongoing instructional coaching, reviewed the district Patriotic Exercise Policy, and has participated in a restorative conference with the student. A copy of the complaint and ongoing training documents have been recorded in her file

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with the district.

After learning about the steps the district has taken, Kathy Lentz made a motion to dismiss the case. Motion seconded by Patti Stedman. Kathy said it seems like the district has investigated and has handled the situation appropriately. Board members who voted in favor were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Patti Stedman, and Brenda Tufte. None opposed. Motion carried.

Gepitulan, Genevieve – Ms. Gepitulan's case was reviewed due to the possibility that she had been teaching without a valid license. Her first 40-day provisional license issued October 18, 2022. A response letter was received from both Ms. Gepitulan and her administrator stating that a licensed substitute teacher was present in her classroom with her until she had a valid license. Patti Stedman made a motion to dismiss the case. Motion seconded by Andrea Fox. Both stated that since it's documented by both the teacher and administrator that a licensed sub was in the classroom, the Board needs to trust that Ms. Gepitulan was not teaching without a license. Board members who voted in favor were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Patti Stedman, and Brenda Tufte. None opposed. Motion carried.

Messner, Amanda – Ms. Messner's case was reviewed after a Request for Inquiry was received from parents regarding Code of Ethics Violations of Principle I, numbers 3, 4, and 6.

Before discussion on this case began, Board attorney Allyson Hicks stated there are a lot of factual allegations in the materials and a lot of information submitted are people's notes regarding the events. She cautioned the Board that some of the information provided doesn't relate to Ms. Messner, but more relates to her husband, and this should not be considered.

Patti Stedman asked if the incident from 2018 where Ms. Messner sent an inappropriate photo to a student should be considered. That information was not reported to the Board at the time it occurred. Allyson said it's up to the Board to weigh the information and determine what is factual and if they believe a violation was committed. When the photo was sent in 2018, investigations were completed by Williston Public Schools and law enforcement. The Williams County State's Attorney did not pursue charges and documentation of that has been provided to the Board. A letter of reprimand was issued by Williston High School and placed in her personnel file with the district. Ms. Messner continued to teach for Williston Public Schools until her resignation in April 2020. She was rehired for the 2021-2022 school year.

Kathy Lentz stated the information submitted was a lot to read through and it seems like the complainants are upset with the rehire of Ms. Messner in the district. She also stated that this feels like a district issue and not an ESPB issue. Cory Steiner said he agrees, but also takes issue with the photo being sent at all, even if it was accidental.

He said incidents like this are exactly the reason why school districts have policies that do not allow teachers and students to text. Williston Basin School District has now changed their policy and communication takes place within an approved district app for communication.

Various Board members pointed out that it feels like parents are using old information because they are unhappy with a rehire and current athletic coaching, and are now trying to use this against her.

After much discussion, Patti Stedman made a motion to dismiss the case. Motion seconded by Siri Coleman. Patti said she truly understands parents' concerns but feels like it was handled appropriately in 2018 and investigations were completed. After the photo was accidentally sent, Ms. Messner immediately reached out to the student and parent. Siri agreed that the situation was unfortunate and encouraged Williston Basin Schools to monitor and work to make sure communications with students are appropriate.

Andrea Fox added that the questions parents were asking about if students and athletes are being kept safe were good. The district appears to have taken steps to ensure student safety and Andrea also noted that parents aren't always privy to that information. Cory Steiner continued to express concern for the sending of the inappropriate photo and said this case is tricky for him. It seems that the district has done their due diligence. Sonya Hansana agreed and said she hopes the district took the old information into consideration before Ms. Messner was rehired.

Board members who voted yes to dismiss the case were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Patti Stedman, and Brenda Tufte. Cory Steiner voted no. Motion carried.

Meier, Mitch – Mr. Meier's file was reviewed after a Request for Inquiry was filed by Dickinson Public Schools in violation of the Educator's Code of Ethics Principles 3 and 6, due to alleged inappropriate interactions with a student. Attorney Allyson Hicks reminded the Board to look at the facts as it relates to those Administrative Rules.

Mr. Meier was placed on administrative leave after the district received a report of inappropriate behavior toward a student. After the investigation was completed, Mr. Meier resigned his teaching position. A letter of reprimand was written for his district personnel file. In his letter of explanation submitted in response to the Request for Inquiry, he states that he does not wish to teach in the future.

Patti Stedman pointed out that the conversation in regard to the "cookie pizza" isn't necessarily inappropriate but does sound like grooming. Andrea Fox asked if Mr. Meier would be required to complete NASDTEC Ethics training, if that would show on Clearinghouse. Yes, any formal sanction from the Board would show in the

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Clearinghouse.

Cory Steiner made motion to suspend Mr. Meier's license until he's completed the NASDTEC Model Code of Ethics course at his own expense, with the final essay to come back to the Board. After course completion, his file can be reconsidered by the Board. Motion seconded by Andrea Fox. She agreed this is a great next step to help Mr. Meier learn about appropriate responses to students and what steps to take should a situation arise in the future.

Board members who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Kathy left the meeting at 8:43am.

Goertzen, Christine – Before discussion began, Sonya Hansana disclosed that she knows Ms. Goertzen personally, as they are from the same community. Sonya stated she has no knowledge of this particular circumstance. She would like the Board to act as neutral reviewer to determine if her disclosed conflict of interest would appear as a reasonable bias to an outside individual. Sonya stated she does feel like she can be unbiased because she does not know Ms. Goertzen as a teaching professional, has no personal or pecuniary interest, and has no knowledge of the events in the complaint.

Patti Stedman made a motion to allow Sonya to participate in discussion and voting on the case regarding Christine Goertzen. Motion seconded by Cory Steiner. Patti said she believes since Sonya has no knowledge of Ms. Goertzen as a teaching professional, no knowledge of the events, has no personal or pecuniary interest, that she can be unbiased. Board members who voted yes were Siri Coleman, Andrea Fox, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Ms. Goertzen's file was reviewed by the Board after a Request for Inquiry was filed by a parent. The complaint states the parent believes Ms. Goertzen was in violation of Code of Ethics Principle I sections 2, 3, 5, and 8, FERPA, Title IX, and various sections of the Model Code of Ethics for Educators. Ms. Goertzen is a licensed teacher and school psychology intern.

Allyson Hicks recommended that the Board look at Principal 1 #7 regarding confidentiality. Ms. Goertzen is a mandated reporter. There is only a finite number of things in the Request for Inquiry that the Board can act upon so they should focus on those things. Allyson also advised the Board to determine if the disclosure of information was to the detriment of the student, and was authorized by the parent. Ms. Goertzen's response indicates that she felt she had the appropriate authorization to do this.

Board members had many questions about the information submitted and had much discussion. Patti Stedman asked if the district should be doing an investigation to

answer these very questions. No information submitted showing that an investigation was completed at the district level. It is unknown if the district has policy on this. None of that information provided.

Patti also stated this wasn't addressed at the district level first and should have been before it came to ESPB. Cory Steiner said because Harvey is part of a special education unit and not one specific district, it feels like things were lost in the process. He also questioned the Request for Inquiry and lack of witness signatures. Allyson reminded the Board that a Request for Inquiry form could come with no signatures, and it still needs to be addressed and cannot be dismissed on procedural grounds.

There is no information from the school principal showing steps that were taken on their end. Brenda Tufte and Andrea Fox both stated they would like to receive additional information from the principal. Brenda would also like social services information. Patti had serious concerns about the disclosure of information to another parent, as it relates to their child and if they are in danger. If the child is not in danger, is that an overstep?

Andrea Fox made a motion to table the case and request more information from both the Harvey school district and the special education unit. Motion seconded by Patti Stedman. Andrea feels the Board doesn't have all information needed to make an informed decision and they need to examine if this was overstep. She wants to hear from the administrator that assisted with case, and bring the special education unit in to see what procedures were followed, with importance of keeping student's information confidential. Board members who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Collins, Katherine – Ms. Collins's file was reviewed after it was identified that she's been teaching all school year in the same classroom while holding an interim substitute license with a 30-day restriction. Board members had discussion about if it's the teacher's responsibility to be sure they have the appropriate license for what they are teaching or the administrators.

Andrea Fox made a motion to fine Ms. Collins \$250 with a letter of reprimand about holding a valid license, and a Request for Inquiry sent to Keith Harris, Assistant Superintendent at Dickinson Public Schools. Motion seconded by Patti Stedman. Andrea felt that's a long time to have a teacher who is not fully qualified in a classroom. Patti said she feels it's the teacher's responsibility to hold a proper license.

Much further discussion by the Board. Board members asked if an alternative access license was a possibility, if all that Ms. Collins has left is student teaching to complete her teacher education degree. Andrea asked if suspending Ms. Collins's interim substitute license would force the district into action. Becky didn't know and feels like this would be an ethical dilemma as one of the Board's non-negotiables is doing what's

best for students. Andrea feels a message needs to be sent that this isn't ok, but as Siri Coleman stated, it would mean pulling the teacher who's been with students in the classroom all year for the last month of school and she isn't sure that's the best thing for students.

Brenda Tufte had concern that even if Ms. Collins was fined, that she would continue teaching. Allyson Hicks said the disciplinary action sends the message that Ms. Collins continuing to teach on an interim substitute license with 30-day restriction is not ok, and the Request for Inquiry to the administrator will further address that.

Board members who voted in favor of the motion were Siri Coleman, Andrea Fox, Sonya Hansana, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Teske, McKell – Ms. Teske's file was reviewed after it was identified that she's been teaching all school year in the same classroom while holding an interim substitute license with a 30-day restriction. This case is very similar to the last one. Ms. Teske is listed on the school website as a classroom teacher but is not on the MIS03. She has applied for an alternative access license.

Andrea Fox made a motion to fine Ms. Teske \$250, to issue a letter of reprimand, and to send a Request for Inquiry to Keith Harris, Assistant Superintendent at Dickinson Public Schools. Andrea would also like to see a letter sent to the school board, since this is the second instance of this happening in the district. Motion seconded by Sonya Hansana. Andrea felt this case was similar to the previous one and it's important that the teacher, administrator, and school board all understand what's needed to employ a full-time teacher. Patti Stedman had concern that the administrator would submit the same letters already received in response to the Request for Inquiry sent to him. When Becky sends the Request for Inquiry, she will encourage additional information be submitted.

Board members who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

The regular board meeting recessed at 9:46am and Administrative Subcommittee meeting was called to order at 9:52am after a break.

Administrative Cases – Reviewed by the Administrative Subcommittee of the Education Standards and Practices Board. Committee meeting was led by Cory Steiner and commenced at 9:52am. Administrative Subcommittee members present were Sonya Hansana, Patti Stedman, and Cory Steiner. Administrative Subcommittee members Amber Fridley, Ben Johnson, and Kathy Lentz were absent.

Franklin, Bradley – At the February 2023 meeting, the Board voted to send a Request

for Inquiry to Mr. Franklin for having an unlicensed teacher, Shania Geiser, in the classroom. Patti Stedman asked if this has always been the process and if it's working and needs to be evaluated. Allyson Hicks reminded the Administrative Subcommittee that as Boards change and perspectives change, outcomes can change. The Board would need to continue to look at all cases like this with the same lens, be consistent, and have a good reason to change their processes. Ultimately this would be a policy shift. Patti doesn't believe this change can be made today by this group and is a discussion for the retreat. Cory Steiner agreed with that and what's been done in the past has been fair.

A response letter was received on Mr. Franklin's behalf from Tara Brandner, Fargo Public Schools General Counsel. The response letter addresses the question if the administrator "knowingly" employed a teacher without a license. In a large school district, it would not necessarily be the school building administrator that would know if a person holds a valid license. Allyson also reminded the Board that the last time the issue of employing a teacher without a valid license arose with Fargo Public Schools, Superintendent Dr. Gandhi requested he be assessed the fine, as Human Resources is part of his portfolio. Allyson suggested that if the subcommittee wants to table this and ask for information from Fargo Public Schools about who these should be addressed to, that is an option. She cautioned the Board that based on discussion today, if action is taken based on past precedent and not because it's actually warranted, they could have reason to appeal the decision. The Board needs to look at the facts about the violation.

Patti Stedman made motion to table this case until the next meeting, to allow additional time to seek more information from Fargo Public Schools about whose responsibility it is to be sure someone has a valid license. Motion seconded by Sonya Hansana. Administrative Subcommittee members who voted yes were Sonya Hansana, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Smith, Robert – At the February 2023 meeting, the Administrative Subcommittee voted to issue Mr. Smith a Request for Inquiry due to his highly publicized administrative leave and resignation from Williston Basin School District. Among the allegations in the investigation done by the school district was that Mr. Smith failed to report an alleged child abuse incident to social services, as well as violated internal district policies.

Patti Stedman wondered what normally happens if someone doesn't report something they should as a mandated reporter. Allyson said under Century Code, failure to report child abuse or neglect could be a class B misdemeanor, however, it's not the Board's job to decide that. Board needs to look at the allegations and if there is a violation of our laws or rules. Cory Steiner said he feels like the subcommittee doesn't have enough information to determine that. There has been nothing submitted regarding the investigation completed by the school district.

Patti Stedman made a motion to dismiss. Seconded by Sonya Hansana. Patti said that

based on the information received, she believes Mr. Smith did everything required. Sonya agrees, and the fact that the documentation was completed and the right steps were followed supports the dismissal. Administrative Subcommittee members who voted yes were Sonya Hansana, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Sveet, Taryn – Ms. Sveet’s file is being reviewed by the Administrative Subcommittee for employing an individual who is not qualified for their position. It appeared on the DPI Desk Monitoring Letter for the 2021-2022 school year that this individual was not qualified. ESPB reached out to provide options for the individual to become qualified after that was received, but the district continued to employ the teacher in that position for the 2022-2023 school year without proper qualifications. Ms. Sveet would be in violation of NDCC 15.1-13-25(1)(i) “The individual is an administrator in a school district or a nonpublic school and knowingly permitted another individual to teach in violation of chapter 15.1-18.” In Ms. Sveet’s response letter she states that the teacher feels updating her license is unnecessary and she will resign from the teaching position.

Attorney Allyson Hicks said the Board is not limited to disciplinary actions that can be taken. Options could include a monetary fine, letter of reprimand, probation, suspension, or revocation. The Board can require additional education, ect. Allyson advised against sending letter to school board because it could be perceived as interfering with an employment contract.

Patti Stedman made a motion to place Ms. Sveet on probation for one school year (23-24) and to fine her \$250. Seconded by Sonya Hansana. Patti said the administrator had opportunity to not rehire the teacher for the 22-23 school year, but chose not to take those steps. Administrative Subcommittee members who voted yes were Sonya Hansana, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Froseth, Fayaleen – Ms. Froseth’s file is being reviewed by the Administrative Subcommittee because she is an administrator and was working without a valid license. In North Dakota, in order to hold a valid administrative credential, an individual must also hold a valid teaching license. In Ms. Froseth’s response, she stated she didn’t realize she needed to keep up her teaching license in order to have a valid administrative credential. Patti Stedman made motion to send Ms. Froseth a letter about the importance of having a valid license and to fine her \$100. Motion seconded by Patti Stedman. Patti doesn’t believe this was intentional. Administrative Subcommittee members who voted yes were Sonya Hansana, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

The Administrative Subcommittee meeting ended at 10:40am and the regular ESPB meeting resumed. Board members present were Siri Coleman, Sonya Hansana, Patti Stedman, Cory Steiner, and Brenda Tuffe.

Andrea Fox left the meeting at 10:40am.

March Minutes, License and Financial Reports –

The March 2023 financial report showed \$83,200.57 in total income received, \$77,308.48 in total expenses, with a net income of 5,892.09. The March 2023 licensure report documented 921 items issued. This number includes background checks, endorsements, late fees, and application fees.

Cory Steiner moved to accept the March minutes, license, and financial reports. Motion seconded by Siri Coleman. All voted in favor, none opposed. Motion carried.

ED Evaluation – Brenda Tufte reviewed the responses received on the Executive Director evaluation and thanked Becky for her service to ESPB.

License Fees – Last month Becky had brought information to the Board about proposed increases in fees, due to increased legal and technology costs. Cases the Board is receiving are requiring daily communication with attorneys. Technology fees are significantly increasing as well. Becky had recommended a \$5 maintenance fee increase, but Board members asked if \$10 would be more appropriate. Research has been completed about what other states charge and ND is below that other states with independent licensing boards charge. The Budget Subcommittee will look at the proposed 2023-2024 budget. Becky is asking for approval of an increase of \$10 for the maintenance fee and to use \$10,000 from savings toward website upgrades.

Sonya Hansana made a motion to approve \$10 increase in fees and to move \$10,000 from savings to use toward website fees. Motion seconded by Cory Steiner. Board members who voted yes were Siri Coleman, Sonya Hansana, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Approval of Administrative Rules – In order for ND Medicaid funding to be received for school psychology services, a school psychology scope of practices is needed. This request has come from a stakeholder group. Administrative rules have been drafted to now also include the school psychology scope of practice. Sonya Hansana made a motion to add school psychology scope of practice to ESPB administrative rule. Motion seconded by Cory Steiner. Board members who voted yes were Siri Coleman, Sonya Hansana, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Disability Waiver – Disability waiver requests have been submitted from Tara Binstock and Mary Elizabeth Hay. Cory Steiner made a motion to approve the disability waiver requests from Ms. Binstock and Ms. Hay. Seconded by Siri Coleman. All voted in favor, none opposed. Motion carried.

Administrative Rules Process – The administrative rules process is very intense. In

entirety, it takes 3 to 6 months and requires public posting and testifying before an administrative rules committee. An overview of this process has been provided to the Board.

Director's Report –Becky continues to work on are The Hunt Institute on The Science of Reading and. Statute for higher education applies to all teacher education candidates, grades K-12. Multiple requests have been submitted to legislators to amend bills so the requirement only applies to K-3 to be aligned with The Hunt Institute. These amendments have been in and out of bills all session. The state plan needs to be submitted to The Hunt Institute April 28th. Another major thing we've been working on is the apprenticeship model in ND. This work is ongoing.

Becky reminded Board members that Teacher Support System is still seeking Board members to be a part of their "critical friends" group to provide feedback on the TSS program and look at data from another perspective. Please contact Erin or Marijke for additional information.

Becky has provided the Board with a letter received from Rebecca Boltz asking for the Board to consider her situation in her quest to become a teacher and looking at administrative rules change for others in the future. Brenda Tufte stated that due to multiple pathways available, she does not see it necessary to change administrative rules.

Many legislative bills ESPB has been tracking have gone to the Governor's desk for signature including the extended permit bill, flipped model for special education, updated youth mental health requirement, protected photos of minors, and mandated reporter training. House Bill 1329 that would have changed the number of years required to obtain a life license from 30 to 20 failed.

Teacher Support System – In her Board report, Erin wants Board members to see communication with legislators. TSS has been able to testify to both the House and Senate. They are working to continue both the first and second years of mentoring. At this time, Erin feels they will be funded for first year and they're asking anyone to reach out to their legislators to encourage funding for a second year of mentoring.

Professional Development offered by TSS has been completed for the year. Surveys were sent after PD was completed and 90% of respondents feel the professional development is relevant to them and they're able to put it into practice.

Board Member Reports

NDACTE – NDACTE worked together through work groups with all colleges and universities of teacher preparation to develop a multiple pathway model with alternatives to the Praxis Exam. Each university has designated qualified courses or assessments

that demonstrate the equivalent competency, and we are keeping detailed records and frequent state-wide data analysis to assess the impact, both positive and negative on education students.

NDACTE continues to closely follow education bills and testify when appropriate.

NDACTE has their upcoming state conference at Mayville State University with presentations by teaching candidates and professors.

Association of Non-Public Schools – Watching legislative bills. The school voucher bill, HB 1532, has passed and moved to the Senate.

Association of School Administrators – Just like other groups, they continue to work through legislative session. They are watching the school funding bill, but still know so much could change in the coming weeks. There are always a lot of changes in CTE funding, so that is being followed as well. Significant cuts have been made to transportation budgets in the past, so administrators are hoping outcomes. Cory believes that the school voucher bill is coming, and public and non-public schools need to work together – 48 states have this now so it's just a matter of time in ND.

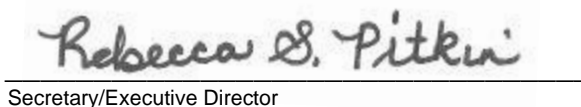
School Boards Association – Just like all groups, knee deep in legislative bills.

NDUnited – Not present.

DPI – Not present.

The meeting was adjourned at 11:15am.


Chair


Secretary/Executive Director