

MINUTES – Board Meeting
Thursday, December 6, 2018

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, Andrea Fox, Kim Belgarde, Bob Toso, Carly Retterath, Brenda Tufte, Dinah Goldenberg, Kathy Lentz, Jessica Rush. Superintendent Kirsten Baesler joined at 9:43am. Ben Johnson joined at 11:03am.

Also present were Amy Folkestad and Becky Pitkin from ESPB, Gail Schauer from DPI, Gisele Thorson from NDUnited, Erin Jacobson and Marijke Leibel from Teacher Support System, and John Hagemann from the Fargo Forum.

Introductions were held.

Additions/Changes to the Agenda – Items to be added to the agenda include discussion regarding the legislative open house, response received from Robert Thom that was requested for renewal of his Driver Education endorsement, and a new board case for Kit Bonds. All voted in favor of accepting the agenda as amended. None opposed. Motion carried.

November Minutes, License, and Financial Report –

The November 2018 financial report showed \$51,501.82 in total income received, \$64,053.22 in total expenses, with a net income of minus \$12,551.40. The November 2018 licensure report showed 735 total licenses issued.

43% of income and 42% of expenditures 5 months into the year.

Mike McNeff raised the question asking if additional staff should be hired to help with accreditation. Becky will schedule a meeting for the end of January, so the budget and policy committee can look into this possibility. Mike McNeff made a motion to bring the recommendations from the policy committee back to the Board. Seconded by Brenda Tufte. 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.

Dinah Goldenberg made a motion to accept the November minutes, license, and financial report. Motion seconded by Andrea Fox. All voted in favor of accepting the November minutes, license, and financial report. None opposed. Motion carried.

Executive Director Formative Assessment – All responses to the Executive Director Formative Assessment were very positive. Dinah Goldenberg made a motion to accept the ED evaluation as submitted. Seconded by Jessica Rush. 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.

Alternate Access Committee – The Alternate Access Committee has not met since the last Board meeting. The committee has been talking about situation where some educators are unable pass the Praxis II in their content area. The committee has

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discussed a three year option that would include attempts to pass the test each year. If they have not successfully completed the test by the third year, they have the option of going through an observation process with a content expert. After evidence of a positive observation by a content expert, passing of the pedagogy test, and request from a Superintendent, they could secure an Initial license. This option would only apply to graduates from North Dakota universities.

Becky will add Board's comments and suggestions to the proposal and bring back for further review.

Director's Report – Board retreat dates will be August 7-8, 2019. Information regarding Teachers Fund for Retirement inquired about at the November Board meeting has been provided to the Board.

Teacher Support System – Due to record enrollment numbers (375) of first-year teachers, enrollment has been closed for the year. TSS has maximized dollars from 2017 legislative session and do not want the quality of the program to go down as quantity goes up. TSS is keeping requests from administrators of first-year teachers that are being January so they can hopefully be mentored next year.

The last two days of Coaches Academy will be January 24 and 25. TSS Coordinator Erin Jacobson has invited Board members to attend Learning Symposium to offer feedback to a small group of instructional coaches.

Program Approval Advisory Committee (PAAC) – Jessica Rush reported on behalf of the PAAC. Trinity Bible College (TBC) has been seeking approval to continue with the process to become accredited again. Today, PAAC determined they would give approval for them to continue into Spring 2019 with some additional information.

At the November PAAC meeting, PAAC voted to add a continuing accreditation decision for universities that have failed to meet 2 or more standards. PAAC approved UND Master of Science in Curriculum and Instruction, Minot State University's Master of Science in Special Education, gave continued guidance to TBC, and made the motion to accept the recommendation of the site visit team and to approve Turtle Mountain Community College's education programs for another 7 years.

Bob Toso made a motion to approve the PAAC recommendations from the November 2018 meeting. Motion seconded by Brenda Tufte. 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.

Robert Thom Response – At the November meeting, the board voted to request an updated response from Mr. Thom, asking why he did not previously disclose his violations on his 2017 renewal application. His response has been received.

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Mike McNeff made motion to grant Mr. Thom's driver education endorsement, seconded by Bob Toso. Board members who voted yes were Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, Bob Toso, and Brenda Tufte. Kim Belgarde voted no. Motion carried.

Board Education: Attorney General's Office: Board attorney Allyson Hicks reviewed how Board funds can be expended. ESPB could hold a legislative open house, but cannot use agency funds to purchase food or beverages.

Disciplining for Breach of Contract – Allyson also reviewed the Board's role in reviewing breach of contract cases. If an educator leaves a school district before the end of their contract it doesn't legally mean they've breached their contract. Both the school district and teacher must hold up their end of the contract.

If an educator gives a reason why they've left their contract, that reason has to be considered and determine if it was justified. Allyson also cautioned the Board about getting involved in private contract negotiation, specifically, enforcing paying liquidated damages. The Board has the option of offering a settlement agreement for their decision.

Child Abuse and Neglect Index – The Department of Human Services (DHS) is required to keep a list of any person that Social Services or Child and Protective Services has determined has "services required". This includes, but is not limited to, physical, mental, sexual, or medical abuse, neglect, and/or environment issues (living environment not kept appropriately). A team meets to determine if services are required. If not, the case dies. If there are services required, there are no requirements that parent/guardians have to follow up with those services. There is no tracking to this. If services are required, the person's name is kept on list for 10 years. This list from DHS is very protected and confidential.

Historically, it has been on the ESPB fingerprint verification form that a person signs to give permission to check the child abuse and neglect index. There is no rule or law that prohibits a person whose name shows on this list from being issued a teaching license.

ESPB could work with DHS set up abbreviated process to compare our teacher's names to names on the list to determine if there is a match, then request the information if there is a match. A meeting has been requested with DHS, attorneys, and Becky to determine how this could work.

Dinah Goldenberg believes ESPB does need to start that process to determine if someone is on that list, and if they are, what steps should be taken.

Carly Retterath asked that Allyson and Becky come back with additional information such as timeline, cost, ect. Board can then vote on what they would like to do at the

January meeting.

CASES

Holman, Gina – Board reviewed the case in November after a Request for Inquiry was received from Standing Rock Community School due to breach of contract. Board Attorney Allyson had some concerns about the discussion from last month, so was added to the agenda again to be visited again. Allyson reiterated that suspension is not the only option – board can also issue letters of warning or reprimand.

Dinah Goldenberg made a motion to dismiss the case and include a letter of reprimand. Seconded by Brenda Tufte. Motion was later withdrawn.

Mike McNeff then made a motion to offer Ms. Holman a settlement agreement that she settle with her school district within 60 days. If she has not settled matters with her district within 60 days, then her license will be suspended for the remainder of her contract.

Board members who voted yes were Kim Belgarde, Andrea Fox, Kathy Lentz, Mike McNeff, Carly Retterath, Ben Johnson, Bob Toso, and Brenda Tufte. None opposed, motion carried. Dinah Goldenberg was absent for the vote.

Bartz, David – Mr. Bartz's file was reviewed by the Board due to a Request for Inquiry that was received. Mike McNeff made a motion to dismiss the case. Motion seconded by Kathy Lentz.

Board members who voted yes were Kim Belgarde, Andrea Fox, Kathy Lentz, Mike McNeff, Carly Retterath, Ben Johnson, Bob Toso, and Brenda Tufte. None opposed, motion carried. Dinah Goldenberg was absent for the vote.

Hintz, Tania – License was suspended in November 2016. Ms. Hintz is asking for reinstatement of her license. Settlement agreement stated that license would be suspended until all terms of probation and treatment required by the courts have been completed. Becky has requested additional documentation from Ms. Hintz and it has not yet been received. Mike McNeff made a motion to have Becky contact Ms. Hintz to instruct her to apply for license and provide the requested documents, and then Board will consider the reinstatement of her license. Motion seconded by Kim Belgarde. Board members who voted yes were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Ben Johnson, Bob Toso, and Brenda Tufte. None opposed, motion carried.

Metz, Mark – Mr. Metz's file was reviewed by the Board at their November meeting due to a Request for Inquiry that was filed by Edmore Public School due to breach of contract. At that time, Board members voted to table the case until a copy of Edmore Public School's district policy was received. The policy was received and provided to the Board. Kim Belgarde made a motion to dismiss the case. Motion seconded by Andrea Fox. Board members who voted in favor were Kim Belgarde, Andrea Fox, Dinah

Goldenberg, Ben Johnson, and Mike McNeff. Board members who voted no were Kathy Lentz, Carly Retterath, Bob Toso, and Brenda Tufte. Motion carried.

Moser, Shannon – Ms. Moser’s teaching license expired in July 2018 and she did not renew it. The Board is allowed to take action on a license that is no longer active, if the act that caused the review occurred when the license was valid. Ben Johnson made a motion to revoke Ms. Moser’s license. Motion seconded by Kim Belgarde. Board members who voted yes were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Ben Johnson, Kathy Lentz, Mike McNeff, Carly Retterath, Bob Toso, and Brenda Tufte. None opposed, motion carried. License revoked in accordance with NDCC 15.1-13-26 (1).

Bonds, Kit – The next item on the agenda is the file for Kit Bonds. This item must be discussed in executive session. Legal authority for closing this portion of the meeting is NDCC 15.1-13-14. The topic or purpose of this executive session is criminal history record check. Executive session began at 12:29pm. Dinah Goldenberg made a motion to close executive session. Seconded by Kim Belgarde. All board members voted in favor, none opposed. Executive session was adjourned at 12:43pm.

Dinah Goldenberg made a motion to table until board attorney can review the case in detail and provide additional documentation. Motion seconded by Bob Toso. No board members voted yes. Board members who voted no were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Ben Johnson, Kathy Lentz, Mike McNeff, Carly Retterath, Bob Toso, and Brenda Tufte. Motion failed.

Ben Johnson made a motion to deny Mr. Bonds’s application for a license. Motion seconded by Dinah Goldenberg. Board members who voted yes were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Ben Johnson, Kathy Lentz, Mike McNeff, Carly Retterath, Bob Toso, and Brenda Tufte. Motion carried.

Pierson, Wade – The next item on the agenda is the file for Wade Pierson. This item must be discussed in executive session. Legal authority for closing this portion of the meeting is NDCC 44-04-19.2. The topic or purpose of this executive session discussion of confidential agency records. Brenda Tufte made a motion that the Board move into executive session, with a second by Kim Belgarde. Executive session began at 12:53pm. Kim Belgarde made a motion to close executive session. Seconded by Brenda Tufte All board members voted in favor, none opposed. Executive session was adjourned at 1:10pm.

Kim Belgarde made a motion to table the case. Motion seconded by Andrea Fox. Board members who voted yes were Kim Belgarde and Andrea Fox. Board members who voted no were Dinah Goldenberg, Ben Johnson, Kathy Lentz, Mike McNeff, Carly Retterath, Bob Toso, and Brenda Tufte. Motion failed.

Mike McNeff then made a motion to initiate a Board complaint and file a Request for Inquiry. 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, Bob Toso, and Brenda Tufte. None opposed. Motion carried.

Board member reports

NDACTE –

- Supporting Rural student teachers and teachers committee is proposing dual credit for high school internships and courses for high school students interested in teaching. Jaylia Prussing reported Bismarck district is going to be offering and Intro to Education course that high school students may take.
- Some NDACE members will be attending a conference on Monday, Dec. 17th that focuses on Safe and Healthy Behaviors.
- Our December meeting will be at U Mary on December 7th. Levi Bachmeier from the Governor's Office will be there and each institution will talk about some of the innovations within their education programs.

Mike McNeff asked if there has been any progress on universities accepting undergraduate majors without requiring additional content coursework when someone is pursuing licensure. There is an understanding that universities can just simply accept an undergraduate major, but it is the decision of each individual university if they will do that. He would like to see this addressed again at NDACTE and a comparison of in-state universities.

Association of Non-Public Schools – Nothing to report.

School Administrators – Getting ready for legislative session. Governor's budget looks promising at this point.

School Boards Association – Nothing to report

NDUnited – Becky met with Patty Barrette to learn where Model Code of Ethics for Educators will be presented. None scheduled for spring at this time. A training was done in Bismarck. ESPB has been getting some calls about sharing Model Code of Ethics for Educators.

DPI – Schools on Continuous Improvement plans can submit their plans online through AdvancEd. Student Engagement surveys will be opened up in January.

Strategic Planning Committee has been looking at how can new teachers be supported and retained in rural areas. Brought up possibility of eMentoring and DPI supporting that.

Teacher shortage data is coming out. Districts are wondering how shortage areas and critical need areas are determined – DPI and ESPB work together on this by looking at irregular licenses and MIS03 reports.

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Teacher Effectiveness – looking at data to determine how many ineffective teachers there are in the state. They also look at things such as high poverty versus lower poverty.

Keeping an eye on legislative bills and tracking them. No DPI bills are being submitted at this time, other than their section of appropriations. Legislative bill is pre-filed for credential for computer and cyber sciences, with an appropriation attached.

Meeting was adjourned at 1:15pm.

Chair

Secretary/Executive Director