

MINUTES – Board Meeting
Thursday, February 9, 2023
Teams Meeting

The Education Standards and Practices Board (ESPB) meeting was called to order at 8:00am by Chair Brenda Tufte. Board members present by video conference were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, Joshua Standing Elk, Patti Stedman, and Brenda Tufte.

Board members Ben Johnson, Cory Steiner, and Superintendent Kirsten Baesler were absent.

Also present were ESPB Executive Director Rebecca Pitkin and Amy Bigelow from ESPB, Allyson Hicks and Mark Openshaw from Office of the Attorney General, Amy Flicek from NDUnited, Pam Johnson from Mayville State, Michelle Griffin from UND, Karley Thorson, Erin Jacobson from Teacher Support System, and other online guests.

Additions/Changes to the Agenda – Additions to the agenda include a disability waiver request for Calli Brackenbury, and a request for license extension for Laura Robertson, administrative board cases for Steven Guglich, Linda Lawrence, and Robert Smith, and additional information from Karley Thorson’s attorney. Board retreat hotel information has also been provided. Patti Stedman made a motion to approve the additions to the agenda. Motion seconded by Joshua Standing Elk. All voted in favor, none opposed. Motion carried.

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

CASES

Geiser, Shania – Ms. Geiser’s file is being reviewed due to teaching without a valid license. After review of Ms. Geiser’s response, Andrea Fox made a motion to issue a fine of \$100, to send a letter to Ms. Geiser about the importance of having a valid license, and to send a Request for Inquiry to her administrator. Motion seconded by Patti Stedman. Board members stated this is consistent with past cases and fits situation. Patti asked if this needs to go to the school board, if additional notifications need to be in place, or if a few cases a month is not enough to change our process. That may be a topic for future Board discussion. Board members who voted in favor of the motion were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, Joshua Standing Elk, Patti Stedman, and Brenda Tufte. None opposed. Motion carried.

Bennefeld, Kevin – Mr. Bennefeld’s file was a case in January, though the Request for Inquiry received was incomplete. A motion was made and carried to request additional information from the school district regarding their investigation. Becky has reached out to district for additional information, and they’ve said the investigation is ongoing. Mr. Bennefeld has notified the Board that he would like to surrender his license. Becky has let him know about this option and steps that would occur. This would be a settlement agreement, he would need to send back all proof of licensure, and it would be entered into NASDTEC clearinghouse. A decision does not need to be made today, as investigation is ongoing – the case can be tabled or continued until investigation is completed.

If investigation is concluded and Mr. Bennefeld still voluntarily surrenders license, that's how it would be entered into the Clearinghouse.

Sonya Hansana made motion to table Mr. Bennefeld's case until the investigation is completed. Seconded by Patti Stedman. Sonya and Patti agreed that all information needs to be gathered before a decision can be made. Kathy Lentz asked who is completing the investigation – social services, police, internally with district, ect. That is not known at this time. Board members who voted in favor were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, Joshua Standing Elk, Patti Stedman, and Brenda Tufte. None opposed. Motion carried.

Naugle, John – Mr. Naugle's file was reviewed after he self-disclosed background offenses on his application for licensure. Andrea Fox made a motion to approve Mr. Naugle's application for licensure. Motion seconded by Patti Stedman. Andrea stated it's been more than 5 years since Mr. Naugle's offenses occurred and they were misdemeanor charges. In his letter of explanation, he's taken responsibility for the charges. Board members who voted in favor were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, Joshua Standing Elk, Patti Stedman, and Brenda Tufte. None opposed. Motion carried.

Joshua Standing Elk left the meeting at 8:30am.

Thorson, Karley – Ms. Thorson's file was reviewed at the January meeting. The Board voted to suspend Ms. Thorson's license until the February meeting and to issue a Request for Inquiry. Ms. Thorson did not sign the settlement agreement to suspend her license. At the January meeting, the Board voted to allow Andrea Fox to participate in the case and allowed Patti Stedman to recurse herself. Attorney Allyson Hicks reminded the Board that vote carries through until the case is resolved.

Additional information has been received from both Ms. Thorson and her attorney. Allyson said this seems like a very complicated family case. It was presented to Cass County State's Attorney for criminal charges and they declined to pursue charges that would bring this under NDCC 15.1-13-26. She also reminded the Board that they need to determine whether or not they feels there is a violation of Century Code or Educator's Code of Ethics – the situation, allegations, and whether or not this person is safe to teach. The burden of proof is not as high as Cass County State's Attorney. For them to issue charges in the case, they must have reasonable cause.

Sonya Hansana thanked Allyson for breaking the situation down, as there are a lot of family dynamics and Allyson's explanation helped remind Board members that they need to look at the teaching side of things. Allyson stated Ms. Thorson's employing school district is aware of the situation and they are standing behind their teacher and feel she is safe to teach.

After much discussion, Siri Coleman made a motion to dismiss. She's not sure there is enough information to go on to initiate disciplinary action, and she feels more confident in this knowing the district is aware. Motion seconded by Kathy Lentz. Kathy stated she agrees with Siri and there doesn't seem to be enough information for the Board to act regarding the teaching side of things.

Board members asked if the Board would be protected going forward if charges would be pursued. Allyson said what gives the Board coverage is mandated reporting requirements. If something would come to light in an investigation or Cass County would press charges, it would be required to be reported with a Request for Inquiry filed. This does not mean additional information would not be considered at a later point in time. The Board is protected by having a thorough conversation of the laws, rules, and facts surrounding the case, just as they have done in January and today.

Sonya Hansana asked how this came to ESPB. Minnesota social services notified ESPB. Also, given past history, West Fargo Public School District has been very proactive in reporting things if they're aware of it.

Board members who voted in favor of dismissing the case were Siri Coleman, Andrea fox, Amber Fridley, Sonya Hansana, Kathy Lentz, and Brenda Tufte. None opposed. Motion carried.

Sheridan, Danielle – Ms. Sheridan's file was reviewed by the Board after it was discovered that she had background offenses that she didn't originally disclose on her application for renewal but did disclose when asked. Her most recent offenses were from June 2022 and September 2022.

Amber Fridley disclosed that she works in the same district as Ms. Sheridan and has been made aware of situation. She works with Ms. Sheridan, so she would like to recuse herself from discussion and voting. In order for safe harbor provisions to apply, Amber will need to default to remainder of the Board to determine if there is an appearance of bias to a reasonable person and if she should she recuse herself.

Sonya Hansana made a motion for Amber Fridley to recuse herself from this case. Motion seconded by Andrea Fox. Andrea stated that if Amber feels she knows information that will influence her decision, it seems necessary for Amber to be recused. Board members who voted in favor of Amber Fridley being recused from participation in this case were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Patti Stedman, and Brenda Tufte. None opposed. Motion carried.

Siri Coleman stated that she feels pulled a couple different ways – the instances in question weren't involving students, but could it be a repeating pattern that would affect her profession? Patti Stedman was concerned that Ms. Sheridan didn't disclose the offenses on her application. Sonya Hansana agreed, and pointed out that all of Ms.

Sheridan's letters of explanation were similar. That is concerning because it seemed a pattern was developing.

Attorney Allyson Hicks said not disclosing offenses on an application is actually a violation of disciplinary code and could cause a license to be revoked.

Patti Stedman made a motion to grant Ms. Sheridan's application for an interim substitute license with the stipulation to self-report any subsequent offenses before her next license renewal. Motion seconded by Sonya Hansana. Patti said it's a concern that the offenses weren't disclosed and were so close together. Patti also asked if any evaluations have been completed. Based on the information provided, it looks like an evaluation and anger management have been required by and accepted by the courts. Board members were also concerned that in her letters that she states that these were isolated incidents, but there seems to be a pattern.

Andrea Fox said she is struggling with this case for the same reasons everyone has stated. She doesn't know that these behaviors effect Ms. Sheridan's classroom. Allyson reminded the Board they could take disciplinary actions like a letter of reprimand, requiring coursework, or other things that would not take away her license or ability to teach. Andrea asked Patti if she would be open to friendly amendment of the addition of a letter of reprimand. Patti agreed to this. Sonya continued to second. The letter of reprimand is being issued due to a violation of NDCC 15.1-13-25(1)(a).

Becky asked if it would be helpful to send a copy to the district. Allyson cautioned the Board about doing that and interfering with an employment contract.

Board members who voted in favor of issuing Ms. Sheridan a letter of reprimand and requirement that she self-report any subsequent offenses before her next renewal were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Patti Stedman, and Brenda Tufte. None opposed. Motion carried.

Owens, Owen – A Request for Inquiry was received from Nesson School District (Ray, ND) for breach of contract. Their school board did not accept his resignation, after Mr. Owens resigned effective immediately. The district states they do not have a science teacher and are using substitutes until they are able to find someone. Mr. Owens resigned due to health issues and has not taken another teaching job. He has moved to South Dakota to be closer to his healthcare providers. Attorney Allyson Hicks pointed out that the Nesson School Board minutes statement that says that when his breach is reported to ESPB, that his license would be revoked for a year is incorrect. That's not the school district's decision, it is the Board's.

In the past, the Board has suspended until the end of the school year so a teacher cannot sign a contract with another district. That doesn't seem to be the case with this person, as he's moved out of state. Allyson said that with a suspension it's automatically

reactivated after a certain date. If a license is revoked, the person would need to reapply. Administrative rules state a person can reapply after two years.

Brenda Tufte said it looks like Mr. Owens had a valid reason to resign, but this one feels different because the resignation was not accepted and breach has not been cured. Sonya Hansana stated that because he moved out of state, suspending his license doesn't seem to make sense as it sounds like he doesn't intend to take another contracted position. It also appears from the materials provided to the Board that there are some personality conflicts and conflicts within the district, but Mr. Owens health was being effected.

Andrea Fox likes the idea of a suspension, and that a revocation seems very severe. Kathy Lentz pointed out that with the last few cases like this, the Board hasn't suspended but has issued a letter of reprimand. She asked if that could be an option. Andrea pointed out that the difference is that Mr. Owens resigned immediately, where others in the past have given notice.

Patti Stedman said she doesn't feel a letter of reprimand would carry any weight. A suspension would.

Andrea Fox made a motion to suspend Mr. Owens's license for the remainder of the school year or until the breach is cured. Motion seconded by Patti Stedman. Andrea feels that by Mr. Owens resigning immediately, it's impacted students as they no longer have a science teacher. Kathy Lentz asked how he can cure the breach if the district won't release him from his contract. Allyson said that's the district's responsibility to determine. Board members who voted in favor of suspending the license until the end of the school year or the breach is cured were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, Patti Stedman, and Brenda Tufte. None opposed. Motion carried.

The regular board meeting recessed at 9:07am.

Administrative Cases – Reviewed by the Administrative Subcommittee of the Education Standards and Practices Board. Committee meeting was led by Patti Stedman and commenced at 9:07am. Administrative Subcommittee members present were Amber Fridley, Sonya Hansana, Kathy Lentz, and Patti Stedman. Cory Steiner and Ben Johnson were absent.

Additions/Changes to the Administrative Subcommittee Agenda – Additions to the agenda include administrative subcommittee cases for Steven Guglich, Linda Lawrence, and Robert Smith.

Guglich, Steven – A response to Request for Inquiry from January 2023 and

information has been provided showing a substitute was with Mr. Semanillo while he was teaching. Kathy Lentz motioned to dismiss. Motion seconded by Amber Fridley. Administrative Subcommittee members who voted in favor were Amber Fridley, Sonya Hansana, Kathy Lentz, and Patti Stedman. None opposed. Motion carried.

Lawrence, Linda – At the September 2022 meeting, the Administrative Subcommittee passed a motion to file a Request for Inquiry on Linda Lawrence for having Ms. Tamera Alkire teaching without a valid license from May 2022 until October 2022. After many months, a response has been received. Sonya Hansana made a motion to dismiss. Motion seconded by Kathy Lentz.

After further discussion, Kathy started to question if Ms. Lawrence as the administrator should be fined. Allyson Hicks reminded the Board that they need to be consistent and asked what is different about this case than others in the past – there need to be extenuating circumstances. The Board can change their mind, but they need to state why this case is different from all the ones before. Patti Stedman said she likes Kathy's idea of a discussion, but there needs to be some accountability at district level. Sonya Hansana amended her motion to fine Ms. Lawrence \$250. Kathy continued to second. Administrative Subcommittee members who voted in favor were Amber Fridley, Sonya Hansana, Kathy Lentz, and Patti Stedman. None opposed. Motion carried.

Tanya Wrigley-Lingle & Rupak Gandhi – At the January meeting, Ms. Wrigley-Lingle was fined \$250 for employing a teacher without a valid license. Correspondence was received from Fargo Public Schools asking that if disciplinary action is taken, the fine should be imposed upon Superintendent Dr. Gandhi and not Ms. Wrigley-Lingle.

Allyson reminded the Board that they did struggle in discussion about who is ultimately responsible for making sure teachers are licensed. Based on the information Fargo Public Schools has provided, it's the responsibility of the human resources department, which is why they've asked that the fine be imposed not on the principal but upon higher administrators.

If Board chooses to take action, Allyson recommends that they rescind the former action, then make new motion. Kathy Lentz said she appreciates that Dr. Gandhi is taking responsibility for the situation. Kathy Lentz made motion to rescind January motion to fine Ms. Wrigley-Lingle \$250. Motion seconded by Sonya Hansana. Administrative Subcommittee members who voted in favor were Amber Fridley, Sonya Hansana, Kathy Lentz, and Patti Stedman. None opposed. Motion carried.

Sonya Hansana then made a motion to fine administration (Dr. Gandhi) \$250. Motion seconded by Kathy Lentz. Administrative Subcommittee members who voted in favor were Amber Fridley, Sonya Hansana, Kathy Lentz, and Patti Stedman. None opposed. Motion carried.

Smith, Robert – Information regarding Mr. Smith being placed on administrative leave and subsequently resigning has been highly publicized. This is being brought to the Administrative Subcommittee to see what they would like to do.

Sonya Hansana made a motion to issue a Request for Inquiry to Mr. Smith. Seconded by Kathy Lentz. Administrative Subcommittee members who voted in favor were Amber Fridley, Sonya Hansana, Kathy Lentz, and Patti Stedman. None opposed. Motion carried.

The Administrative Subcommittee meeting ended at 9:29am and the regular ESPB meeting resumed.

January Minutes, Special Meeting Minutes, License and Financial Reports –

The January 2023 financial report showed \$91,144.14 in total income received, \$83,724.71 in total expenses, with a net income of \$7,419.43. The January 2023 licensure report documented 1,211 items issued. This number includes background checks, endorsements, late fees, and application fees.

Becky testified in opposition to the 20-year life license bill, at the Board's request. She did not testify about loss of revenue, though it would be significant. Becky will be bringing some options to the budget committee for them to consider. The 20-year life license bill will cross over to the Senate, as it passed in the House.

Andrea Fox moved to accept the January minutes, special meeting minutes, license, and financial reports. Motion seconded by Siri Coleman. All voted in favor, none opposed. Motion carried.

Director's Report – Brenda, Andrea, and Ben's terms on the Board end in June 2023. Becky has been in contact with the Governor's Office about appointing new Board members. That being said, the budget committee will need a new member, so please let Becky know if you would like to join.

Hunt Institute work continues. A plan is being developed to submit to them by April. A list of hotels in Valley City has been provided. Board members should book their rooms for the August retreat.

Disability waiver for Calli Brackenbury – Patti Stedman made a motion to approve Ms. Brackenbury's request for a disability waiver. Motion seconded by Sonya Hansana. Patti said information was complete and documentation clearly showed Ms. Brackenbury's disability area. All voted in favor, none opposed. Motion carried.

Request from Laura Robertson – Ms. Robertson needs two additional credits to renew her probationary license. Becky said she could see extending license for a short period of time, but not two additional years.

Andrea Fox made a motion to extend Ms. Robertson's license expiration date for one

month to allow her the time to complete the two credits she needs, with a letter to Ms. Robertson's district to let them know about extension and consequences if credit is not completed. Motion seconded by Siri Coleman. Siri stated she would like to see some commitment, as an extension to obtain credits has been granted previously (probationary license issued in 2021). Board members who voted in favor were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, Patti Stedman, and Brenda Tufte. None opposed. Motion carried.

Request from Emilie Howe (included in Director's Report) – Ms. Howe has requested an extension of her license expiration date until the end of the school year due to health issues. She states she doesn't intend to teach after this school year.

Andrea Fox moved to grant a license expiration date extension until June 30, 2023, the end of the school year. Motion seconded by Amber Fridley. Andrea expressed gratitude to Ms. Howe for making sure her students are taken care of. Board has the option to extend license expiration dates due to extenuating circumstances and this seems to fit that situation. Sonya Hansana suggested that a notification be sent to Ms. Howe's district letting them know about the extension as a courtesy. Board members who voted in favor were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, Patti Stedman, and Brenda Tufte. None opposed. Motion carried.

Teacher Support System (TSS) – The December 1, 2022 Attorney General's Opinion that all public and non-public school teachers are eligible to participate in mentoring program will be announced and enrollment will be opened for 23-24 school year. Senate Bill 2250 has proposed mentoring for 2nd, 3rd, and 4th years. Testimony on this bill has been provided to Board. Senate Bill 2013 is the DPI budget bill. TSS was also included in Governor's budget. Additional funding proposed would allow enrollment to stay open for all first-year and second-year teachers (enrollment would not need to be closed as it has in past years.)

Patti Stedman commented that she's visited with some first-year teachers and they had nothing but good things to say about the mentoring program. She also asked Erin to report the number of teachers not served by TSS, so that visual is available to legislators and other stakeholders.

Legislative Update – Becky reviewed legislative bills and their current status. There is a national movement to create "super boards" that include medical, education, massage, plumbing, ect. Various bills have proposed to put professional boards under ITD, OMB, and Department of Labor. Most have failed and the hearing on the last one is tomorrow. Key bills ESPB is watching include mandated reporter training, requirements for reading, TSS funding under DPI appropriation, and the flipped special education model.

Board Member Reports

NDACTE – The North Dakota Association of Colleges of Teacher Education is voting on February 9th to ask ESPB to approve permission to pilot a multiple pathway system that would allow teaching candidates different options for demonstrating competency for teacher licensure (similar to the Montana model). The model is comprehensive and systematic and has been developed after extensive collaboration and analysis of candidates' data. If approved to move forward on February 10th, by NDACTE, it would come before ESPB at our March 2023 meeting.

Association of Non-Public Schools – Siri Coleman was able to sit in with a meeting of non-public school administrators. Most conversations were based on legislative bills and how it would effect their schools. They have weekly meetings.

Association of School Administrators – Not present.

School Boards Association – NDSBA's meeting last week focused on legislation and what they can do to support education. It is also negotiations season and they've had a refresher training.

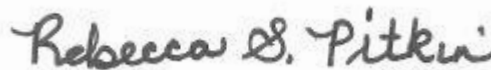
NDUnited – NDUnited was the sponsor of the 20-year life license bill.

DPI – Not present.

The meeting was adjourned at 10:23am.



Vice-Chair



Secretary/Executive Director