

MINUTES – Board Meeting
Thursday, January 12, 2023
Teams Meeting

The Education Standards and Practices Board (ESPB) meeting was called to order at 8:03am by Chair Brenda Tufte. Board members present by video conference were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Joshua Standing Elk, Patti Stedman, Cory Steiner, and Brenda Tufte.

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

Also present were ESPB Executive Director Rebecca Pitkin, Mari Riehl, and Amy Bigelow from ESPB, Allyson Hicks from Office of the Attorney General, Crystal Rocketship from Wilmac Special Education, Pam Johnson from Mayville State University, Michelle Griffin from UND, Amy Flicek from NDUnited, and other online guests.

Additions/Changes to the Agenda – Additions to the agenda include cases for Kevin Bennefeld, Jacqueline Cox, Descartes Docabo, Karley Thorson and administrative cases for Tanya Wrigley-Lingle and Ben Allmaras. Kathy Lentz moved to accept the additions to the agenda. Motion seconded by Sonya Hansana. All voted in favor. None opposed. Motion carried.

Becky will be leaving to attend the DPI budget bill hearing at 8:20 this morning.

Director's Report – Session has begun, and Becky has testified SB 2070, the permit bill. Becky will be asking for Board availability for a special meeting to be held next week to discuss bills related to ESPB. Today, Board members will see some cases related to teaching without a valid license. There are multiple explanations for why this happens, so keep that in mind as you review these cases. Becky thanked Andrea Fox for her contribution on the article written and printed in *Educator's Edge* about the Model Code of Ethics for Educators.

License and financial report have nothing out of the ordinary for December. Next month you will see an increase in office supply expenditures for ergonomic desks that were purchased for office staff.

Moving forward, Becky asked the Board to be mindful of the non-negotiables the Board has established:

- Do what is best for students.
- No decisions will be made solely based on money.
- ESPB will seriously consider suggestions and input from experts and stakeholders, and
- Commitment to keeping excellence in the profession.

Hunt Institute work is moving along, and no decisions have been made. North Dakota's initiative will be presented next summer in North Carolina. A section will be added to the licensure application asking if applicants can demonstrate and have completed competencies in reading.

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Motion to Ratify December Licensure List – Patti Stedman made motion to ratify the December 2022 licensure list. Motion seconded by Cory Steiner. All voted in favor, none opposed. Motion carried.

PAAC Minutes – PAAC met December 8 and received update on visits. VCSU, UND visits went very well this fall. In February, American Board program approval update will be done. Third party experts have reviewed program. At this time there are a number of unmet areas and PAAC is unsure of what that will mean moving forward. PAAC has held discussion about the apprenticeship model, The Hunt Institute, and the reading requirement. For accreditation, North Dakota uses CAEP standards. Universities in North Dakota that go through state-approval use the CAEP standards as well. The program approval manual was updated to reflect that after a state visit, it is permissible that the findings are reviewed by a neutral third party.

NDSU received advanced program approval. NHSC will have an interim visit in Spring 2024. Requirements have been communicated to them and extensions will not be granted.

Kathy Lentz made a motion to accept the PAAC report. Seconded by Siri Coleman. All voted in favor. None opposed. Motion carried.

Disability Waiver Request – A disability waiver request has been submitted from Wendy Smith, asking for the Core math test to be waived. Cory Steiner made a motion to approve disability waiver request. Motion seconded by Patti Stedman. Board members who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Joshua Standing Elk, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Joshua Standing Elk left the meeting at 8:31am.

CASES

Ofalsa, Ryan – Mr. Ofalsa's file was reviewed for teaching without a valid license in Maddock. It was noted that this is the third individual from this school district whose file has been reviewed by the Board in the past few months for teaching without a valid license. Siri Coleman made a motion to fine Mr. Ofalsa \$100 and to send a Request for Inquiry to his administrator. Motion seconded by Sonya Hansana. Board members who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Semillano, Marvin – Mr. Semillano's file was reviewed for teaching without a valid license in Williston. Mr. Semillano does state in his response letter that he did have a licensed substitute with him in the classroom while he was teaching. Cory Steiner made motion to table the case and to send a Request for Inquiry to Mr. Semillano's administrator for additional information. Motion seconded by Patti Stedman. Board

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

Shriver, Shayna – A Request for Inquiry was received regarding Ms. Shriver from Wilmac Special Education Unit due to breach of contract and not abiding by Agreement for Services. Ms. Shriver held a contract with Wilmac, but also accepted Agreement for Services with Williston Basin School District 7. Attorney Allyson Hicks reminded the board they could dismiss, issue letter of reprimand, or take action against Ms. Shriver's license which could include probation, suspension, a fine, require re-education, or revocation.

Ms. Shriver did resign from Wilmac, it was accepted, with liquidated damages assessed. Board members asked if liquidated damages were paid, and that information has not been provided. The Request for Inquiry also states they believe Ms. Shriver has violated Code of Ethics Principle II, sections 6 and 12. They also cited section 10, which is breach of contract. Allyson told the Board they will need to consider those items, as well as the possible breach of contract.

Cory Steiner made a motion to request additional information on whether the breach was cured through payment of liquidated damages. Seconded by Patti Stedman. Kathy Lentz asked if the Board is also considering if she fulfilled her duties while she was still under contract. Allyson said the Board can consider those things, if they choose.

Cory Steiner amended his motion to also include request for applicant to answer questions Allyson will prepare to address allegations in complaint. Patti Steiner continued to second the motion. Board members who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Andrea Fox requested that between now and the next meeting, information on what the gratuity portion of the Code of Ethics would mean and/or how it would be different from having a 2nd job be gathered and presented to the Board.

Lein, Allison – Ms. Lein's file was reviewed for teaching without a valid license. Responses were received from both Ms. Lien and her administrator providing information about licensed teachers who were with Ms. Lein while she was teaching. Andrea Fox made motion to dismiss the case. Motion seconded by Patti Stedman. Board members who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Hankey, Peggy – Ms. Hankey's file was reviewed after she self-disclosed background offenses on her application for a re-entry license. Her most recent offense was in January 2022. Andrea Fox moved to approve Ms. Hankey's application with a requirement that she self-disclose any new offenses and that ESPB check NDCourts for

any subsequent offenses upon renewal. Motion seconded by Kathy Lentz. Board members who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Ploium, Corey – Mr. Ploium's file was reviewed after he self-disclosed a background offense on his application for renewal of his 5-year license. He was found guilty of failure to disclose conflict of interest by a school board member or other school officer. He was charged with other offenses and found not guilty. Mr. Ploium has paid the balance of fines and fees to the courts.

Kathy Lentz moved to approve Mr. Ploium's application for licensure. She does not feel like there's a crime against a child or anything that would threaten the welfare of a child. Motion seconded by Patti Stedman. In further discussion, Andrea Fox asked if Mr. Ploium's license has been disciplined previously. It had been and went to Administrative Law Judge. The ALJ recommendation was that license should be issued and board accepted ALJ recommendation at that time. Attorney Allyson Hicks cautioned the Board about using that information, as it was a different case and was dismissed, meaning it is considered not happening. Sonya Hansana asked if the Board could issue a 2-year renewal instead of a 5-year renewal.

Kathy Lentz amended her motion to include an obligation for Mr. Ploium to self-report any future offenses. Patti Stedman continued to second the amended motion. Board members who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Bennefeld, Kevin – A Request for Inquiry against Mr. Bennefeld was received from Warwick Public School, stating a report alleging misconduct between Mr. Bennefeld and a student had been filed. Mr. Bennefeld was placed on administrative leave, and later resigned. Board members noted that request seems very incomplete, and that information is missing.

Sonya Hansana moved to dismiss the case, since Mr. Bennefeld's response indicated that he's moved out of state and has left education. Brenda Tufte and Andrea Fox would like to see additional information from the district about their investigation. Becky has requested additional information and it has not been received. The motion received no second and failed.

Andrea Fox made motion to request additional information from Warwick Public Schools, specifically from the superintendent Angela Brandt. Motion seconded by Siri Coleman. There are currently no criminal charges filed against Mr. Bennefeld. Board members who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Docabo, Descartes – A Request for Inquiry was received from Wilmac Special

Education Unit due to inappropriate communication with a student. Mr. Docabo has not responded to the Request for Inquiry and all mail has returned. Applicant held an H-1B Visa and it's believed he's left the country, but there's no evidence of that. Attorney Allyson Hicks recommended the Board issue an administrative complaint to revoke Mr. Docabo's license and state that if he doesn't respond to the complaint within 21 days, ask for a default judgement. In the complaint, the board will need to delineate violations within administrative code so they can be included with the complaint. With a default judgement, if no response is received, the body that files administrative complaint is granted requests outlined in complaint.

Cory Steiner made a motion to issue an administrative complaint stating that Mr. Docabo is in violation of NDCC 15.1-13-25, and Code of Ethics Principle I, number 6. Motion seconded by Andrea Fox. Board members who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Cox, Jacqueline – At the November 2022 meeting, the Board voted to revoke Ms. Cox's license. A settlement agreement was issued, but her attorney has asked for an amendment to the agreement that Ms. Cox voluntarily surrender her license. A copy of the proposed settlement agreement provided to Board. The proposed agreement accomplishes the same thing the Board originally intended. Sonya Hansana made a motion to approve the proposed settlement agreement for Ms. Cox. Motion seconded by Kathy Lentz. Board members who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Thorson, Karley – Ms. Thorson currently holds a North Dakota Educator's Professional License and information was received from Minnesota Social Services social services regarding an investigation that occurred. Ms. Thorson is currently employed with West Fargo Public Schools.

Attorney Allyson Hicks asked if any person on the board needed to disclose a possible conflict of interest or appearance of bias to a reasonable person. Andrea Fox is employed with West Fargo Schools and stated she has no knowledge of the case or teacher and believes she can be impartial. Patti Stedman is a West Fargo School Board member and stated the same. Andrea and Patti request the Board act as the neutral reviewer to determine if they can participate in the case.

Sonya Hansana made a motion to allow Andrea Fox to participate in the case, as she stated she does not have prior knowledge of the events or the individual. Motion seconded by Siri Coleman. Board members who voted yes were Siri Coleman, Sonya Hansana, Kathy Lentz, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Kathy Lentz made a motion to allow Patti Stedman to participate in the case, as she

stated she does not have prior knowledge of the events or the individual. Motion seconded by Siri Coleman. In further discussion, Cory Steiner expressed concern that if this does go to West Fargo School Board, he doesn't want this to cause Patti Stedman problems with her district. Kathy Lentz pointed out this would be a disclosed conflict with her school Board at that time. After further discussion, Patti Stedman asked to recuse herself from this case now and in the future. Due to this, no vote was taken.

An investigation completed by Mahnommen County, MN and Becky did not feel comfortable sending a Request for Inquiry to Ms. Thorson without backing of the Board. No criminal charges currently against Ms. Thorson and no services required. Ms. Thorson does have 15 days to appeal findings of report to a MN court.

Cory Steiner asked if this is at the level that Ms. Thorson should not be with kids at this time. Kathy Lentz asked if a temporary suspension could be issued. It could and would need to be done through a settlement agreement. Typically, a license is suspended if there is a criminal case, and the Board is waiting for the outcome to be determined. At this time, there is no criminal case and it's unknown if there will be.

Sonya Hansana asked if a settlement agreement could be issued to suspend Ms. Thorson's license until outcome of things in Minnesota. Allyson said this could be issued, but Ms. Thorson would have to agree to the settlement agreement. If she doesn't agree to the settlement agreement, her license would not be suspended.

Andrea Fox believes based on the information received, the Board has reasonable cause to take action. Andrea moved to issue a settlement agreement to suspend Ms. Thorson's license until the February meeting and issue a Request for Inquiry for violation of NDCC 15.1-13-25(1c). Motion seconded by Cory Steiner. Allyson reminded Board that Ms. Thorson needs to agree to suspension for it to take place. If all information is received prior to the February meeting, the Board could hold a special meeting if there is enough cause. Board members who voted in favor of the motion were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

The meeting was recessed at 10:15am and resumed at 10:26am.

Administrative Cases – Reviewed by the Administrative Subcommittee of the Education Standards and Practices Board. Committee meeting was led by Cory Steiner and commenced at 10:26am. Administrative Subcommittee members present were Sonya Hansana, Kathy Lentz, Patti Stedman, and Cory Steiner.

Allmaras, Ben – At the December 2022 meeting, the Board voted to send a Request for Inquiry to Mr. Allmaras for placing unlicensed teachers in classrooms. It has become a pattern for this district. Patti Stedman asked if anything more than a letter of reprimand can be done, as Mr. Allmaras continues to have unlicensed teachers in

classrooms. She also wondered if a letter or could be sent to the Maddock School Board.

Kathy Lentz made a motion to fine Mr. Allmaras \$500 (\$250 for each incident of placing unlicensed teachers in a classroom), with a letter to Mr. Allmaras and a copy sent to his school board. Motion seconded by Sonya Hansana. Administrative Subcommittee members who voted yes were Sonya Hansana, Kathy Lentz, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Gruenberg, John – A Request for Inquiry was received from the business manager at Mr. Gruenberg's former school district. She marked on the form that she was filing on behalf of herself and not the school district. A Board member later pointed out that none of the names listed as people who can substantiate the situation outlined in the Request for Inquiry have signatures attached. Administrative Subcommittee members stated it seems like the incidents outlined in the complaint are questions of school board decisions and should have been dealt with internally.

Allyson said it's up to subcommittee to determine if they want to investigate some allegations further. Cory Steiner asked if additional information could be requested by the Board, though the Board isn't the entity submitting it. The complaint section regarding evaluations isn't addressed by Mr. Gruenberg in his letter of explanation. Subcommittee could ask him to address this if they would like.

After further discussion, Kathy Lentz made a motion to dismiss. Motion seconded by Patti Stedman. Seems if the district had issues, the district would have filed the complaint, not the business manager on behalf of herself. Administrative Subcommittee members who voted yes were Sonya Hansana, Kathy Lentz, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Wrigley-Lingle, Tanya – At the December 2022 meeting, the Board voted to send a Request for Inquiry to Ms. Wrigley-Lingle for having an unlicensed teacher in the classroom. A response was received from Ms. Wrigley-Lingle as well as Fargo Public Schools General Counsel about the case and how their processes are being updated to avoid a situation like this going forward. Committee members stated a violation still occurred. Sonya Hansana made a motion to fine Ms. Wrigley-Lingle \$250. Motion seconded by Patti Stedman. Administrative Subcommittee members who voted yes were Sonya Hansana, Kathy Lentz, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Andrea Fox left the meeting at 10:44am.

The Administrative Subcommittee meeting ended at 10:52am and the regular ESPB meeting resumed.

Allyson Hicks left the meeting at 10:52am.

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

The December 2022 financial report showed \$78, 969.08 in total income received, \$71,572.67 in total expenses, with a net income of \$7,396.41. The December 2022 licensure report documented 823 items issued. This number includes background checks, endorsements, late fees, and application fees.

Cory Steiner moved to accept the December minutes, special meeting minutes, and December license and financial reports. Motion seconded by Sonya Hansana. All voted in favor, none opposed. Motion carried.

Licensure Report – ESPB Assistant Director Mari Riehl presented types of licenses and endorsement to the Board. For each type she showed the number that were issued for the 21-22 fiscal year, and the percentage issued year to date for 22-23 in comparison to 21-22.

Stakeholder Engagement/Collaboration – Becky provided a report of ESPB stakeholder involvement and evidence for 2022. This is required as part of her evaluation that will be completed later this Spring.

Board Member Reports

NDACTE –

- ND Colleges of Teacher Prep met on December 9th.
- Teacher prep programs are discussing how Science of Reading is embedded into program coursework and the importance of a strategic plan with benchmarks along the way will be important for success. The need to identify what success looks like for higher ed and K12 is the focus as well as continuing to be proactive vs reactive was discussed and so NDACTE have more representation at the table in preparation for this?
- One of the Teacher Shortage Work Groups has been working on bill writing to help address the shortage. They found out that there are other bills with similar information. So, we are looking at collaborating or if collaboration isn't an option, they may merge the best pieces of both bills into one. Our proposal would look at putting the money in the hands of school districts, trying to entice teachers to fill those difficult positions. We have k12 educators, administrators, and higher education involved to offer thoughts.
- NDACTE has finished collecting data from our teacher education students and graduates in the field. All of the aggregate information is complete, and we are working on putting together a state summary, strengths and opportunities for improvement. A longitudinal look to see patterns and trends will also be in the future work. Overall candidates and employers are happy.

Association of Non-Public Schools – The requested Attorney General opinion regarding Teacher Support System grants and non-public schools being able to receive those grants has been received. Siri is preparing to communicate that to stakeholders.

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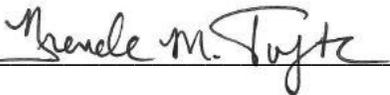
Association of School Administrators – Administrators are currently involved in legislative session. A bill that's been introduced that's facing contention would eliminate superintendents for districts with less than 495 students. ND School Boards Association and ND Council of Education Leaders have spoken out against this bill.

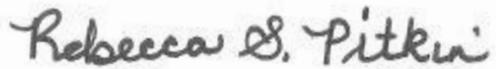
School Boards Association – Nothing additional to report.

NDUnited – Not present.

DPI – Superintendent Baesler just finished the budget presentation for K-12. She feels it went well and was very encouraged. She felt there was a lot of gratitude for what is being done in the education system, continued support for education systems in place, and preparing students for the workforce. DPI budget includes doubling of Teacher Support System mentoring program and no negative feedback was received about that proposal. Appropriations committee has been divided into divisions and that meeting will be held January 24th.

The meeting was adjourned at 11:22am.


Chair


Secretary/Executive Director