

MINUTES – Special Meeting

Tuesday, July 27, 2023

Teams Meeting

The Education Standards and Practices Board (ESPB) meeting was called to order at 8:00am by Patti Stedman. Board members present by video conference were Jenny Bladow, Siri Coleman, Amber Fridley, Deb Follman, Sonya Hansana, Evan Kritzberger, Kathy Lentz, Angela Nagel, Patti Stedman, and Superintendent Kirsten Baesler. Cory Steiner was absent.

Siri Coleman left the meeting at 8:36am. Kathy Lentz left at 8:45am. Deb Follman left at 9:06am.

Also present were ESPB Executive Director Rebecca Pitkin, Assistant Director Mari Riehl, and Amy Bigelow from ESPB, Allyson Hicks and Mark Openshaw from Office of Attorney General, Meghan Salyers from University of Mary, Robin Huebner from The Forum, Pam Johnson from Mayville State University, and other online guests.

Sonya Hansana made a motion to approve the agenda as written, seconded by Siri Coleman. All voted in favor, none opposed. Motion carried.

Discussion Items

The purpose of the meeting is for the Board to review some options for licensure, in response to the teacher shortage. This summer the office has received higher than normal requests for licensure, due to the number of unfilled teaching positions. The law is provided to individuals. As the Board holds their discussion today, Becky asked them to remember the non-negotiables that have been established as some possible solutions to this year's shortage are explored:

- We do what's best for children.
- We do not make decisions based on money.
- We work with our stakeholders.

Currently written in law is when someone completes their teacher education sequence they must student teach. The office has received questions if those student teachers can be the teacher of record. At this time, no, they cannot. The information that's been provided to the Board for review would propose a new section of rule that would allow for a student teacher authorization. Section of law that requires student teaching would not be removed. The student teacher authorization would allow individuals holding this license to be listed as the teacher of record for a semester, instead of having a minimum of 10-week student teaching internship.

To be eligible for the pre-service teacher authorization the individual would need to submit documentation of completion of the following:

- Teacher education coursework
- Evidence of a positive evaluation from a field experience
- Letter of recommendation from the university or college
- Letter of request from a district indicating they were not able to find a regularly licensed individual, and evidence of an onsite collaborating teacher.

Board attorney Allyson Hicks said emergency rule making is a different process from the normal route to administrative rule. Typically, rules are drafted, published, and

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reviewed by Legislative Council. Drafting emergency rule is done to address “imminent peril” that threatens public welfare. Data has been included in the request to indicate the shortage. Allyson reminded the Board they have two things to discuss – does the Board think an emergency exists that rules need to be in place before school year starts whether or not a shortage exists, and does the Board like the rules. Ultimately, it’s the Governor Burgum’s decision and it’s up to him to approve or deny the request for emergency rules if the Board votes to move forward. If the Board doesn’t like the rules and decides to move through the normal process, it would be March or April before the rules would be effective.

Superintendent Baesler asked Becky if this is a recommendation to the Board. Becky said staff has been asked numerous times over the course of the summer months if having a student teacher as the teacher of record is an option, and so that’s why it’s being presented to the Board. Superintendent Baesler also asked if the Board feels they need to take this action. Becky has been participating in NASDTEC discussions with other states and other states are exploring these options as well. Superintendent Baesler said as an ex-officio member, she can’t vote, but she wants to express that she wants to support what the staff recommends. She does have concerns that as stakeholder groups talk about teacher retention, one of the biggest determining factors to retention is an individual’s first experience as a classroom teacher. As ND continues to work toward the apprenticeship program, and first and second year mentoring program, this seems like it may be a short term fix for this fall. She is concerned ND could lose this whole group of teachers if they don’t get the support they need. She’s concerned if it doesn’t go through the full administrative rules process it won’t be vetted appropriately.

Patti Stedman asked the number of students that may be approved under this option. Becky asked Board member Dr. Jenny Bladow from University of North Dakota to answer. UND has 50 student teachers for fall – Jenny feels there may be two or three ready for a challenge like this. She feels it won’t be an issue to get all of the documentation submitted, as they already know who will be ready and who won’t. Patti also asked how EPB knows if there’s an emergency in a district or if it’s a small percentage of schools this would apply to. A survey was not sent to every district to ask this information, but the calls have been coming in all summer asking the questions. Data was gathered from a handful of school and education job posting websites regarding their current open positions.

Sonya Hansana asked for clarification on the rules – right now it’s written that someone who holds the pre-service teacher authorization could be teacher of record for one semester. What happens after that? Also, how is the student teacher paid and a contract issued? Becky said at the end of the semester the individual would complete pre-service teaching and graduate, and would then be eligible to obtain their initial license. Administrative rule does currently allow for student teacher to be paid a stipend. ESPB doesn’t advise on contracts, so that portion would be up to the school district.

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Kathy Lentz commented that she's had a number of student teachers over the years. Many have been excellent and many have not. Even the great ones have struggled with classroom management, and she's concerned this could drive people out of the profession. She's wondering if more oversight can be added to support classroom management. Becky said yes, things can be added to the proposed emergency rule and that's the decision of the Board. Allyson Hicks also clarified that the collaboration language that's included in the proposed rule came from other professions, such as the medical profession. In their oversight, a certain number of charts have to be reviewed per week. The Board could choose to add a requirement that things like lesson plans have to be reviewed by collaborating teachers, ect. The Board has the option to add, change language in rule, scrap it entirely, or other things.

Amber Fridley asked if there's an additional component on the university side for oversight, as teachers in the field are already busy so additional oversight by a teacher would be difficult. Patti Stedman said she feels it's important that language in rule is very clear about what oversight is required.

Evan Kritzberger believes another thing to point out is that when he student taught, it was an option for him to earn his university studies degree so he could get an alternative access license, then complete his student teaching under that alternative access license. He wanted to point out this is already happening, just in different ways. He asked if the Board wants it just happening, or to have more oversight by having individuals who are ready being selected by the universities?

Patti Stedman wondered if things like this are already happening by substitute teachers in districts as well. It most likely is, but no feedback is being provided. She also asked if this has been vetted through any districts to gain feedback? Becky said it's not been through the regular administrative rules comment process, but she's received feedback from many stakeholder groups. Feedback has been mixed, as to be expected.

Jenny Bladow also spoke to timing – student teachers have already been placed for Fall 2023. In September or October student teachers will start to be placed for Spring 2024. As the Board talks about the possibility of waiting to have this proposal go through the regular rules process, if it doesn't go into effect until March or April, that won't help districts for Spring 2024.

Patti Stedman said after much discussion, she does agree with Superintendent Baesler's comments about teacher retention.

Dr. Deb Follman said she has mixed feelings about all of this as a principal. She wonders, based on the information Jenny provided, how many positions this would fill. If the Board would move forward with emergency rule making, would the rule be forever, or is there something that could be done to clean it up after a year? Allyson said no rule is forever and a sunset clause could be added. Pros would be if the program is working

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well, the Board would have to pay for the administrative rules process to pull the sunset clause. If no sunset clause is included and the Board doesn't like the program and it's not working, the rule could be repealed, but would have to pay for rules process to remove it. Also, if it's not working well in a district, the administrator would have the option to pull a person and say it's not working.

Superintendent Baesler wanted to clarify with Allyson about fees for administrative rule and if that's charged with emergency rule making. Allyson said emergency rule is issued for 180 days and then if the Board want to keep it the regular rule making steps need to be completed to make it permanent and administrative rule cost would still be incurred. Becky did remind the Board that we don't make decisions based on money and we are always in rule making process.

Sonya Hansana asked if emergency rule is implemented, would there be some tracking to see if it's actually making a difference – how many will take advantage and how many positions is it filling? Yes, we could collect that. Superintendent Baseler asked if this could also be included in Teacher Support System data that's tracked to see how many individuals who may have had the pre-service teacher authorization are still in the profession after a certain number of years. Yes, that could be done.

Becky also reminded the Board that if they decide to make a motion to approve, this is just a recommendation to Governor Burgum and he could choose not to approve. Patti Stedman asked Board members if they feel like there should be a sunset clause and if so, when that should end. Deb Follman said she feels that when the Board opens this door, there will be more that will do it and more data could be gathered in two years. This is new to the education field and we need to be open to changes and hope for the best.

Jenny Bladow is still hearing from schools asking if they have student teachers they can use to fill positions for the upcoming school year. They don't want to pull student teachers from their placements for the Fall. She isn't sure if other universities are receiving the same questions. Patti Stedman is still wondering how many positions this would truly fill for fall.

Sonya Hansana said she feels like all of these points are really good and is wondering if anyone has a feel for what Governor Burgum may do. Governor Burgum's Education Policy Advisor has been provided the information the Board is considering, but the decision is ultimately his.

Kathy Lentz did ask if more time is needed to make a decision and if it could be postponed until the Board meeting next week. Patti Stedman said she feels if it's postponed a week it very well could not happen for this fall. Allyson did convey the timeliness to the governor's office, so they are aware. Deb Follman believes the governor is hearing about the need for teachers from stakeholders as well. Patti said

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she does feel comfortable moving forward at this time. Evan Kritzberger felt the Board also needs to keep in mind there are multiple checks in places – ESPB, teacher ed programs, and administrators.

The Emergency Request – Attorney Allyson Hicks recommended that if the Board feels the teacher shortage is an emergency such that imminent peril exists that threatens the public welfare of the education system for the 2023-2024 school year, they need to make a motion stating such.

Evan Krizberger made a motion to move forward with the emergency request such that imminent peril exists that threatens the public welfare of the education system for the 2023-2024 school year. Motion seconded by Amber Fridley. Board members who voted yes were Jenny Bladow, Amber Fridley, Deb Follman, Sonya Hansana, Evan Kritzberger, Angela Nagel, and Patti Stedman. None opposed. Motion carried.

The Language of the Rule – Much Board discussion on the proposed rule has already occurred. Patti Stedman asked if a sunset clause should be added. Sonya Hansana made a motion to approve the emergency rules as written, with addition of sunset clause at the end of 2024-2025 school year (6/30/2025). Motion seconded by Deb Follman. Board members who voted yes were Jenny Bladow, Amber Fridley, Deb Follman, Sonya Hansana, Evan Kritzberger, Angela Nagel, and Patti Stedman. None opposed. Motion carried.

The Policy for Substitute Licenses as noted by the “diagram” – ESPB Assistant Director Mari Riehl reviewed the chart that’s presented regarding interim substitute licenses. This is nothing different from what’s already in place and will just help explain the restrictions on the interim substitute license better.

She asked the Board if it would be helpful to collect more accurate data about school districts that need to start a school year without a regular classroom teacher? Can districts find those Level I or Level II subs that are allowed to substitute teach for more than 30 consecutive days to begin the school year? If they would be able to indicate an exception on MIS03/annual compliance report that a substitute is in the classroom, would it be helpful to note? Mari has visited with DPI and they are willing to entertain this idea of adding a new personnel type as long-term substitute on the MIS03 with the option to indicate an exception. Level I or II interim substitute license holders could be used at most for a semester. Patti Stedman commented there doesn’t seem to be a downside to this.

Currently in rule, it does address the 30-day restriction for those with less than a bachelor’s degree. There is no maximum amount of time outlined in rule for those who have a bachelor’s degree and do not have the 30-day restriction on their interim substitute license. Policy would need to be developed to basically explain the Board’s interpretation of this. It would say that if someone has a bachelor’s degree or above, the

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longest they could substitute teach while holding an interim substitute license would be a semester. Sonya Hansana agreed that she doesn't see this as a bad thing, would be a step in the right direction, and would allow more time for districts to find a qualified teacher. Patti asked if there is urgency on this, as she would like to have a conversation with her school's HR department to get their input.

Evan Kritzberger clarified if this proposal would just be to gather additional data. Mari said yes, it would include that, as well as include policy about maximum amount of time a person with a Level I or Level II interim substitute could be in a classroom.

Attorney Allyson Hicks wanted to explain a couple things – the Board is offering guidance. The rule is still the rule and the rule is silent at this time. ESPB cannot penalize someone for violating policy, but still bound by language in the rule. If this policy is written, it would eventually need to be included with administrative rule.

Patti Stedman would like to take some time for more clarification. Evan Kritzberger said he feels this is good guidance, and would help administrators make more informed decisions. Patti also said she would like to have input from administrators on the Board, and they are not present at this time. This item will be continued at the Board meeting next week.

The meeting was adjourned at 9:20am.

Chair

Secretary/Executive Director