

## **MINUTES – Board Meeting**

**Thursday, May 13, 2021**

Teams Meeting

The Education Standards and Practices Board (ESPB) meeting was called to order at 8:00am by Chair Carly Retterath. Board members present by video conference were Andrea Fox, Ben Johnson, Kathy Lentz, Carly Retterath, Jessica Rush, Patti Stedman, and Superintendent Kirsten Baesler.

Board members Brenda Tufte, Joshua Standing Elk, Bob Toso were absent.

Also present were ESPB Executive Director Rebecca Pitkin, Assistant Director Mari Riehl, and Amy Bigelow from ESPB, Tracy Becker from CTE as tech support, Allyson Hicks from Attorney General's Office, and additional guests.

**Additions/Changes to the Agenda** – Items to be added to the agenda include a disability waiver request for Seina Freidig, cases for Jasmine Massingill and John Raaen, a request for waiver of re-education credits from Joel Zenker, testing request from Jami Gutknecht, and the updated 2021-2022 budget. All voted in favor of accepting the agenda as amended, none opposed. Motion carried.

**Motion to Ratify May Licensure List** – Ben Johnson made motion to ratify the May 2021 licensure list. Seconded by Patti Stedman. All voted in favor, none opposed. Motion carried.

### **CASES**

**Berg, Sarah** – Ms. Berg's file was reviewed by the Board for teaching without a valid license. Patti Stedman made a motion to send a letter to Ms. Berg with a reminder that she must have a license to teach. Motion seconded by Andrea Fox. Board members who voted in favor were Andrea Fox, Ben Johnson, Kathy Lentz, Carly Retterath, Jessica Rush, and Patti Stedman. None opposed. Motion carried.

**Harrison, Alice** – ESPB received a copy of DPI's desk audit report of the MIS03 and it indicated that Ms. Harrison has been teaching all of the 2020-2021 school year on a substitute license. There have been a number of attempts to reach Ms. Harrison, but a response to the request for information has not been received. Becky has also attempted to contact the school administrator, with no response.

Ben Johnson made a motion to revoke Ms. Harrison's interim substitute license and to issue a fine of \$100. He would like Becky to contact Ms. Harrison and indicate this to her. Motion seconded by Kathy Lentz. Board members who voted yes were Andrea Fox, Ben Johnson, Kathy Lentz, Carly Retterath, Jessica Rush, and Patti Stedman. None opposed. Motion carried.

**Hanse, James** – A special meeting was held on April 26, 2021, temporarily suspending Mr. Hanse's license. Previously the case was discussed in context of criminal charges that under NDCC 15.1-13-26 would automatically cause his license to be revoked. If the charges are dismissed or a person is acquitted, the Board can still evaluate under NDCC 15.1-13-25 or Educator's Code of Ethics.

Now that the charges have been dismissed, Board attorney Allyson Hicks recommended the Board give Mr. Hanse the opportunity to respond to the allegations in

the Request for Inquiry. His license expires August 8<sup>th</sup> and the Board meets August 10<sup>th</sup>. Could be addressed in a special meeting or the Board could motion to extend his license 2 days until meeting can be held and a decision can be made.

Ben Johnson made a motion to direct Becky to ask for further clarification regarding the allegations and that Mr. Hanse's license be extended until the next meeting on August 10<sup>th</sup>. At that time the Board will look to take action toward his license. Motion seconded by Andrea Fox. Board members who voted in favor were Andrea Fox, Ben Johnson, Kathy Lentz, Carly Retterath, Jessica Rush, and Patti Stedman. None opposed. Motion carried.

**Borgen Hermstad, Jodie** – Ms. Borgen Hermstad's license was previously revoked, and the settlement agreement stated she couldn't apply for a new license for 5 years. The 5 year time period has passed and she would like to apply for a license again. Attorney Allyson Hicks reminded the Board to consider if there was harm to students and if she has been rehabilitated (NDCC 12.1-33-02.1). The Board needs to discuss why the decision they come to was reached.

Ben Johnson pointed out that in the past, the Board has considered if treatment was successfully completed. He would be open to granting a license with follow-up within the next year.

Ben Johnson made a motion to grant 2-year sub license, for Ms. Hermstad self-disclose any new offenses, and to require a new background check in 2 years to renew. He also requested evidence that she's in good standing. Motion seconded by Patti Stedman. Board members who voted yes were Andrea Fox, Ben Johnson, Kathy Lentz, Carly Retterath, Jessica Rush, and Patti Stedman. None opposed, motion carried.

**Raaen, John** – A Request for Inquiry was received from Fargo Public Schools after they completed their own investigation. Mr. Raaen has since resigned from his position. Allyson reminded the Board that they can ask him to voluntarily surrender his license, to be responsive to some concerns of the Board.

Patti Stedman made a motion to ask Mr. Raaen to voluntarily relinquish his license. Motion seconded by Jessica Rush. Allyson reminded the Board that if they ask him to surrender license, it is still considered disciplinary action since it's in response to a settlement agreement. Patti later withdrew her motion.

Patti Stedman made a new motion to send letter of reprimand to Mr. Raaen and to require completion of an ethics/boundaries course prior to his renewal in 2022. Motion seconded by Andrea Fox. Board members who voted in favor were Andrea Fox, Ben Johnson, Kathy Lentz, Carly Retterath, Jessica Rush, and Patti Stedman. None opposed, motion carried.

**Massingill, Jasmine** – Ms. Massingill’s file was reviewed by the Board after she self-disclosed background offenses on her application for renewal. Patti Stedman made a motion to approve 2-year renewal for Ms. Massingill. Motion seconded by Kathy Lentz. Board members who voted yes were Andrea Fox, Ben Johnson, Kathy Lentz, Carly Retterath, Jessica Rush, and Patti Stedman. None opposed. Motion carried.

The regular ESPB meeting was recessed at 9:08am.

Ben Johnson, Administrative Subcommittee Chair, called the meeting of the Administrative Subcommittee to order at 9:09am.

**ADMINISTRATIVE CASES** – Reviewed by the Administrative Subcommittee of the Education Standards and Practices Board. Administrative Subcommittee members present were Kathy Lentz, Carly Retterath, Patti Stedman, and Ben Johnson.

**Bussman, D’Aulan** – Ms. Bussman’s file was reviewed by the Administrative Subcommittee after a Request for Inquiry was received. Kathy Lentz motioned to dismiss the case. Motion seconded by Patti Stedman. Administrative Subcommittee members who voted in favor were Ben Johnson, Kathy Lentz, Carly Retterath, and Patti Stedman. None opposed. Motion carried.

The Administrative Subcommittee adjourned, and the regular ESPB meeting was resumed.

**Board Education** – Attorney Allyson Hicks reminded the Board that when they make a motion regarding a case, they must provide evidentiary statements and reason for their motion. She must have this information for basis of settlement agreements.

**Director’s Report** – ESPB will hold a face-to-face meeting in August. Standards reviews are being completed this summer for physical education and special education. ESPB is hosting the Joint Boards meeting this year with CTE and DPI.

**Transition to Teaching** – Amber Ussatis Aberle, Director of Transition to Teaching at Valley City State University, presented a program explanation of Transition to Teaching. This program is required for individuals who are licensed through the Career and Technical Education route, and is also available to those on an alternate access license at the secondary level.

**Administrative Rules** – ESPB’s administrative rule hearing will be held on July 8, 2021. Information on proposed rule changes has been sent to stakeholder groups for review.

**ETS Updates** – Praxis testing fees are being increased by \$10 for first time in 9 years.

Going forward, test takers will have free access to practice tests. Responses to at-home testing has been favorable.

**Education Commission of the States Report** – One big takeaway that Becky pointed out to the Board is that ESPB does not have anything in place to honor work experience. This may want to be looked at going forward.

**National Council on Teacher Quality** – Nearly all states require applicants to pass licensing exams in order to qualify for licensure. Until now, pass rate information has not been widely utilized. National Council on Teacher quality is now publishing data on pass rates in hopes that states will begin using and publishing their own pass rate information. North Dakota has provided full data to National Council on Teacher Quality to include in their analysis.

**May Minutes, Special Meeting Minutes, License, and Financial Reports** – The May 2021 financial report showed \$66,445.24 in total income received, \$68,292.92 in total expenses, with a net income of minus \$1,847.68. The May 2021 licensure report documented 847 items issued. This number includes background checks, endorsements, late fees, and application fees.

Patti Stedman moved to accept the May minutes with correction to the day of future meetings, special meeting minutes, license, and financial reports. Seconded by Jessica Rush. All voted in favor, none opposed. Motion carried.

Income at 91% expenditures at 83%. This year, we have seen increased programming costs.

**Budget** – Committee met last month. No major increases, aside from ITD and administrative rules. Kathy Lentz made a motion to accept the 21-22 budget as presented. Motion seconded by Ben Johnson. Board members who voted yes were Andrea Fox, Ben Johnson, Kathy Lentz, Carly Retterath, Jessica Rush, and Patti Stedman. None opposed. Motion carried.

**Disability Waiver Requests** – The Board reviewed disability waiver requests for Morgan Heidrich, Maureen Larson, Amanda Starr, Ryan Peters, Justin Boles, and Seina Freidig. Patti Stedman motioned to approve all waiver requests reviewed by the Board today. Motion seconded by Andrea Fox. Board members who voted in favor were Andrea Fox, Ben Johnson, Kathy Lentz, Carly Retterath, Jessica Rush, and Patti Stedman. None opposed. Motion carried.

**Credit Waiver for Joel Zenker** – Mr. Zenker and his administrator have submitted a request for Mr. Zenker's re-education credit requirement to be waived and that he be granted a life license. Ben Johnson made a motion to deny life license request but grant a waiver of Mr. Zenker's probationary credit requirement and issue 5-year license

renewal (with normal credit requirement). Each case is evaluated on an individual basis, and based on circumstances, he is willing to waive the credit requirement at this time. Kathy Lentz seconded the motion. Board members who voted yes were Andrea Fox, Ben Johnson, Kathy Lentz, Carly Retterath, Jessica Rush, and Patti Stedman. None opposed. Motion carried.

**VCSU Student PLT Request** – Andrea Fox moved to grant VCSU student Jami Gutknecht’s request to use PLT: Grades K-6 in place of PLT: Grades 7-12. Seconded by Patti Stedman. Board members who voted yes were Andrea Fox, Ben Johnson, Kathy Lentz, Carly Retterath, Jessica Rush, and Patti Stedman. None opposed. Motion carried. Motion carried.

### **Board Member Reports**

**NDACTE** – NDACTE does not meet over the summer, so nothing new to report.

**Association of Non-Public Schools** – Nothing to report. This will be Jessica’s last meeting representing non-public school teachers.

**Association of School Administrators** – ESSER fund utilization is in the works. Administrators are working to navigate what ND legislature requested to look at for the coming years.

**School Boards** – Nothing to report.

**NDUnited** – Nothing to report.

**DPI** – DPI is working to implement their plan for ESSER funding. Governor’s Summit on Innovative Education conference and Ignite conference will be held this summer at BSC.

The meeting was adjourned at adjourned at 10:11am.

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Chair

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Secretary/Executive Director