

## **MINUTES – Board Meeting**

**Thursday, June 8, 2023**

Teams Meeting

The Education Standards and Practices Board (ESPB) meeting was called to order at 8:00am by Board Vice Chair Andrea Fox. Board members present by video conference were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, and Patti Stedman. Cory Steiner joined the meeting at 8:37am.

Board members Ben Johnson, Brenda Tufte, and Superintendent Kirsten Baesler were absent.

Also present were ESPB Assistant Director Mari Riehl and Amy Bigelow from ESPB, Allyson Hicks and Mark Openshaw from Office of the Attorney General, Jen Wallender from Western Governors University, Jenny Bladow and Michelle Griffin from UND, and other online guests.

**Additions/Changes to the Agenda** – Additions to the agenda include Amy Tarno and a disability waiver request for Jacob Jeannotte. Sonya Hansana made a motion to approve agenda as amended. Motion seconded by Patti Stedman. All voted in favor, none opposed. Motion carried.

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

### **CASES**

**Thrash, Megan** – Ms. Thrash's file is being reviewed by the Board after it was determined that she's been teaching the majority of the school year with an interim substitute license.

Her interim substitute license had a 30 day restriction and showed that she could not be the teacher of record. Patti Stedman made a motion to fine Ms. Thrash \$250 for teaching without a valid license and to file a Request for Inquiry on her administrator, Leandra Ostrom. Motion seconded by Sonya Hansana. During further discussion, Sonya wondered if there is confusion about the transition from Minnesota to North Dakota, since Ms. Thrash graduated from a university in Minnesota. Kathy Lentz asked about Ms. Thrash being reported on the MIS03 and how that is possible. Since Ms. Thrash had a license number, she was able to be added to that report. Kathy asked if filing the Request for Inquiry on the administrator is wasting time, if the same information that's later submitted is the same that's already been received. Sonya stated she believes the Board needs to be consistent in what it's doing for cases like this one.

Attorney Allyson Hicks reminded the Board that if they feel the circumstances of this case are different, they can decide to forgo the Request for Inquiry. Each situation should be taken on a case-by-case basis. If Board members feel there is no basis for a Request for Inquiry, they don't have to do it.

After further discussion, Board members felt there was sufficient information received from administrator that a Request for Inquiry was not necessary, and Patti amended her motion to remove the RFI. Sonya continued to second the motion.

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Board members who voted in favor of fining Ms. Thrash \$250 were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, and Patti Stedman. None opposed. Motion carried.

**Miller, Bobbi Kay** – Ms. Miller has applied for a re-entry license and was required to complete a background check as part of that process. She disclosed background offenses that occurred in 2019 and had a deferred imposition of sentence. As a part of her deferred imposition of sentence her guilty plea is withdrawn, the case is dismissed, and records are sealed. Often times, attorneys recommend to clients that they do not need to disclose, but it's still to be disclosed on applications for licensure. Information has been received from the court system showing there are no longer records on file.

Allyson reminded the Board of things to consider – that the offense was not originally disclosed, the actual offense, and if it disqualifies Ms. Miller from licensure. Andrea Fox asked for additional information on the charges. Ultimately there were four final charges. Since the case is now sealed, Allyson cannot see factual basis of the charges. Based on the final charges it can be determined that Ms. Miller was in a position of public service. Siri Coleman asked if all requirements set forth by the court had been completed, and they have been. This is why the deferred imposition of sentence was issued and the case was sealed. Ms. Miller did provide the information once it was requested.

Andrea Fox said that in the past when the Board was concerned about issuing a license, they've issued a one-year license with the requirement that she self-disclose any future offenses, or even a two-year license with the requirement to self-disclose any future offenses. Ms. Miller's offenses did not involve children, but there does seem to be a few instances of dishonesty which may be important for a school administrator or board that's hiring her to know.

Kathy Lentz made a motion to issue two-year license with mandatory reporting of any offenses. Motion seconded by Siri Coleman. Patti Stedman asked if a one-year license should be issued instead of the two-year license. After further discussion, the motion stood. Board members who voted yes were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, and Patti Stedman. None opposed. Motion carried.

Cory Steiner joined at 8:37am.

**Ray, Dakota** – Ms. Ray's file was reviewed by the Board after a Request for Inquiry was filed by a parent. Responses were received from Ms. Ray and her administrator, Katie Heger. The administrator stated that Ms. Ray was working with students as part of a pull-out group to provide additional support to students that needed it, and all direct instruction and plans were provided by the regular classroom teacher. Cory Steiner said this is frequently done by school districts and seems like a very good use of staff.

Kathy Lentz made a motion to dismiss the case. Motion seconded by Amber Fridley. Sonya Hansana asked how the complainant is notified of Board's decision. Becky communicates the outcome of the Board review to both the person who filed the Request for Inquiry and the affected educator. Patti Stedman asked that the parent is notified that Ms. Ray is not teacher of record and not on the MIS03. Board members who voted yes were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

**Davis, Nancy** – The file for Ms. Davis was reviewed after a Request for Inquiry was received from Bismarck Public Schools. Ms. Davis holds a life license and was working as a substitute teacher. There is no specified Century Code or Administrative Code violations outlined in the Request for Inquiry. This would still fall under a code of ethics violation or physical abuse of a child. Ms. Davis stated that she doesn't plan to substitute teach for Bismarck Public Schools going forward. The complaint also does not disclose that a formal investigation took place.

Attorney Allyson Hicks said there's not a requirement that a formal investigation take place and sounds like the issue was resolved when the district and Ms. Davis parted ways. Board members asked if there was a response from the assistant principal and it doesn't appear that there is.

The Board would like clarification about what the school district felt was inappropriate about how the child was handled and a response from assistant principal who reviewed video to determine if inappropriate action occurred. They would also like to know what information was reported to parents of student from district.

Cory Steiner made a motion to obtain additional information as discussed. Motion seconded by Patti Stedman. Board members who voted yes were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

**Nieuwsma, Sarah** – Ms. Nieuwsma has applied for an interim substitute license and self-disclosed on her application that she had a retroactive suspension of her social work license after she disclosed a relationship with a former client who was an adult, which violated the social work code of ethics. She had a license at the time the offense occurred, so that's why it was retroactive. It does not appear she holds a current social work license or that the suspension involved children.

Siri Coleman stated she appreciates that Ms. Nieuwsma self-reported her offense and was very forthcoming and that she also was the one to self-report this to the social work board. Cory Steiner agreed.

Cory Steiner made motion to approve Ms. Nieuwsma's application for an interim substitute license. Seconded by Siri Coleman. Cory said we ask people to report and be

honest and she's done that. It was clear the incident was with an adult and has no bearing on children. Board members who voted in favor were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

**Raknerud, Heather** – This case was originally brought to the Board's attention after it appeared in the news, but later information was submitted from Minot Public Schools after Ms. Raknerud was given option to be discharged for conduct unbecoming a teacher or to resign. She has resigned.

Social services completed an investigation and did find cause for services required. Will be on child abuse and neglect index. Ms. Raknerud has indicated intent to appeal finding.

Allyson reviewed items to consider in this case, including looking to see if the facts of the case have any bearing on Ms. Raknerud's ability to teach. The Board should also consider that she's been added to child abuse and neglect index, though she is appealing. There's no indication that she has a teaching position for the upcoming year. If Board chooses to act on child abuse and neglect index, Allyson advises the Board wait to take action until that appeal has been resolved, as it is important for the Board to discuss. They could take action and would need to address the sections of Century Code or Administrative Code that have been violated.

Cory Steiner made a motion to issue a Request for Inquiry to Ms. Reknerud. Motion seconded by Kathy Lentz. Board members who voted in favor were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

**Tarno, Amy** – At the last meeting, the Board voted to offer Ms. Tarno a settlement agreement to complete a drug and alcohol evaluation, complete any recommended treatment plan and report to the Board, to suspend her license until February 1, 2025, to require that Ms. Tarno complete an approved one credit course on addiction, and to require a drug test in 2024 and one in 2025. She must document that rehabilitation has been successful and she's had no drug use prior to working with children.

Allyson received a call from Ms. Tarno's attorney, Mark Friese, and he felt the proposed settlement agreement was punitive more than rehabilitative. He's proposed a counter offer he would like the Board to consider that Ms. Tarno would voluntarily surrender her license, execute releases to provide information from her therapists or counselors, and the Board would return her license when she would complete treatment, random testing recommended by her provider, continue aftercare, complete counseling and treatment recommended by her grief counselor, and provide proof of completion of these terms. The Board would be able to contact Ms. Tarno's providers for verification of completing of the terms. For a period of 12 months after the return of her license if she's employed

in a position requiring her to hold a teaching license, she would submit to random 6-panel urine testing at the direction of the Board.

The Board needs to decide if they would like to accept the counteroffer, proceed to administrative hearing, or another option. Allyson said it is common for attorneys to negotiate a settlement agreement. Patti Stedman said most of the points Mr. Friese addresses covers the concerns the Board discussed. Sonya Hansana is concerned with the terminology that states Ms. Tarno voluntarily surrenders her license makes it sound like it's her decision. With the information included in the attorney's proposal, it would essentially be a license suspension. Allyson said the big difference is that the Board suspended the license for a set amount of time. The proposal from Mr. Friesel is saying leave it to the experts (counselors) to determine and provide recommendations when Ms. Tarno been sufficiently rehabilitated.

Cory Steiner made a motion to accept a counteroffer but also require Ms. Tarno to reapply with a new background check when she's met the conditions. Seconded by Patti Stedman. Cory said having her reapply gives the Board the opportunity to double check everything and that her file will need to go in front of the Board again.

Patti asked if the Board has ever required drug testing for another applicant in the past. Allyson said she doesn't believe so, but believes the Board required that due to how recent the charges were.

Cory Steiner also said he would like to require Ms. Tarno to self-report any new offenses. He made an amendment to his motion to accept the counteroffer for Ms. Tarno to either have license suspended (reinstate) or to surrender license with reapplication for a 2-year license, complete a new fingerprint background check, and self-report any new offenses. Patti Stedman continued to second the motion. Board members who voted yes were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

**Administrative Cases** – Reviewed by the Administrative Subcommittee of the Education Standards and Practices Board. Committee meeting was led by Cory Steiner and commenced at 9:40am. Administrative Subcommittee members present were Amber Fridley, Sonya Hansana, Kathy Lentz, Patti Stedman, and Cory Steiner. Ben Johnson was absent.

**Faul, Scott** – At the May 2023 meeting, the Board voted to issue a Request for Inquiry to Mr. Faul for having a teacher teach without a valid license. Patti Stedman made a motion to send letter to Mr. Faul to remind him of the importance of having licensed teachers. Motion seconded by Kathy Lentz. Patti said it's important that schools understand their teachers need to be properly licensed. Administrative Subcommittee members who voted yes were Amber Fridley, Sonya Hansana, Kathy Lentz, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

**Greg Lang Discussion: Led by Allyson Hicks from Office of Attorney General –**

In January 2022, the Board considered a Request for Inquiry on Aimee Zachrison filed by Mr. Lang and it was dismissed. Another Request for Inquiry was filed against Ms. Zachrison by a different complainant in March 2022 and a letter of reprimand was issued with additional coursework and training requirements.

Mr. Lang has submitted a new Request for Inquiry against Ms. Zachrison and included more information on the same event. This includes a BCI report and a decline to charge memo from Cass County. Typically, cases are not considered again unless additional/new information is provided. Attorney Allyson Hicks will leave it up to the Board to determine if the new information submitted rises to level to reopen (complaint to file mandatory report) and if any additional facts included that would change the Board's mind.

Board members stated they believe this has been reviewed. It seems it's the same information, just in a different format. Patti Stedman pointed out that the BCI and State's Attorney report talks about mandatory reporting, which Ms. Zachrison was required to complete training in as part of the settlement agreement and letter of reprimand in March 2022.

Cory Steiner said he appreciates that it seems that some of the information was clarified. He says there are new things the Board has received, but doesn't know if it's necessarily new information. Patti Stedman said that she doesn't feel like this rises to the level of taking someone's license and she hopes that training has been completed so this conversation doesn't need to happen again.

Allyson did say the Board cannot continue reexamining the case with the same information.

Patti Stedman made a motion to deny Mr. Lang's request to reopen the case against Ms. Zachrison. Seconded by Kathy Lentz. Patti said she appreciates Mr. Lang advocating for his kids. Ms. Zachrison completed everything set forth by the Board and she doesn't feel there is enough new information to reopen the case. Kathy agreed and said information presented didn't change Ms. Zachrison's role in the situation, and the Board did their due diligence. Cory agreed and said it seems that the Oak Grove Board needs to be addressing some things on their end. He appreciates all the work they've put in. Administrative Subcommittee members who voted yes were Amber Fridley, Sonya Hansana, Kathy Lentz, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

The Administrative Subcommittee meeting ended at 8:56am and the regular ESPB meeting resumed.

**May Minutes, License and Financial Reports and Disability Waivers –**

The May 2023 financial report showed \$73,009.74 in total income received, \$76,986.60 in total expenses, with a net income of minus \$3,976.86. The May 2023 licensure report documented 957 items issued. This number includes background checks, endorsements, late fees, and application fees.

Cory Steiner moved to accept the May minutes, license, and financial reports. Motion seconded by Siri Coleman. All voted in favor, none opposed. Motion carried.

**Disability Waiver Requests from Jacob Jeannotte and Jamie Holzer –**

- **Holzer, Jamie** – Ms. Holzer has submitted a request for waiver of test code 5017. Patti Stedman made motion to approve. Seconded by Amber Fridley. Board members who voted yes were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, Patti Stedman, and Cory Steiner. None opposed. Motion carried.
- **Jeannotte, Jacob** – Mr. Jeannotte has submitted a request for a waiver of PLT test code 5622. Sonya Hansana made a motion to approve. Seconded by Cory Steiner. Board members who voted yes were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

**Director's Report** – Becky will be attending the NASDTEC Annual Conference June 11-13. This conference is for state directors of licensure and accreditation. This conference will be Becky's last as NASDTEC president and PESBA chair.

**Board Retreat** – The retreat will be in Valley City and begin on August 2<sup>nd</sup> with the regular Board meeting scheduled for the morning of August 3<sup>rd</sup>. If you have not already, please make your hotel reservations.

**Administrative Rules** – Becky has provided a copy of the chart outlining the administrative rules changes. Cory Steiner made a motion to approve the proposed admin rules changes. Seconded by Siri Coleman. Board members who voted yes were Siri Coleman, Andrea Fox, Amber Fridley, Sonya Hansana, Kathy Lentz, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Notices to adopt/update Administrative Rules will be posted in all county newspapers so the process can be completed.

**Board Member Reports**

**NDACTE** – Not present.

**Association of Non-Public Schools** – Nothing new to report.

**Association of School Administrators** – Waiting for information from School Board Association about new policies that need to be addressed. Conference is coming up later in June and at that time Cory will have more information to share.

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**School Board Association** – Working on new policies. Sonya Hansana let the Board know that she's no longer on the school board, but will be able to serve with ESPB until a replacement is found. Andrea Fox and Mari Riehl thanked Sonya and her willingness to stay on the Board until someone is named.

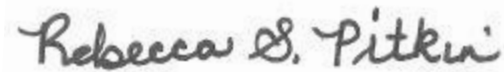
**NDUnited** – Not present.

**DPI** – Not present.

The meeting was adjourned at 10:11am.

A stylized, cursive handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end.

Chair

A handwritten signature in black ink that reads "Rebecca S. Pitkin" in a cursive script.

Secretary/Executive Director