

MINUTES – Board Retreat and Meeting

Thursday, June 6, 2024

CTE Conference Room

The Education Standards and Practices Board (ESPB) retreat was called to order at 8:00am by ESPB Executive Director Becky Pitkin. Board members present were Jenny Bladow, Siri Coleman, Amber Fridley, Dustin Hager, Evan Kritzberger, and Cory Steiner.

Board members Deb Follman, Angela Nagel, Patti Stedman, and Superintendent Kristen Baesler were absent.

Also present were ESPB Executive Director Rebecca Pitkin, Assistant Director Mari Riehl and Amy Bigelow from ESPB, Joe Kolosky from DPI, and Lisa Colon Durham from ETS. Guests who joined later in the morning were Laurie Matzke from DPI, Wayde Sick from CTE, Lonnie Miller from University of Mary, Janet Bassingthwaite and Carly Retterath from Mandan Public Schools, Sarah Reagen, and Jessica Fry.

Introductions were held.

Retreat

Review of purpose, vision, mission, statute – ESPB's mission comes directly from statute. All decisions that are made are framed by these things. Many of ESPB's values and goals have a strong emphasis on ethics. Board members suggested working with ND School Board's Association about integrating ESPB's ethics training into school board member training so school board members are familiar with educator ethics.

Revisit non-negotiables – As a part of the board mission and goals, they have established non-negotiables to keep in mind as decisions are being made.

- We promote excellence in the preparation and practice of North Dakota's licensed education professionals.
- We value and promote equity and quality in standards, programs, practices, people, locations, and the workplace.
- We strive to be proactive, informed, and accountable.
- We value ethical practice, professionalism, and broad collaboration among all stakeholders.
- We do not make decisions based solely on finances.
- We strive to make decisions that are best for North Dakota children.

Sanctions (Review of Ethics Course and Content) – Reviewed sanctions that have been imposed over the past year. Items board members must consider as they impose sanctions include determining how does the sanction align with the offense, which portion of the Educator's Code of Ethics has been violated, and how could the imposed sanction prevent reoffending.

Ethics model legislation discussion – Draft legislation has been provided to the board for review related to grooming. Board members reviewed it by line and made notes to ask Assistant Attorney General Allyson Hicks.

ETS Presentation – Lisa Colon Durham is North Dakota's contact with the Educational Testing Service. She provided updates on tests and products ETS offers.

- ProEthica professional development training that is aligned with Mode Code of Ethics for Educators (MCEE). ProEthica is offered online and is asynchronous. Lisa can share vouchers with the board so they can go through the training themselves, with Becky's permission. A university in Idaho has developed a course based on ProEthica and educators can earn one professional development credit for the course. This is an option that could be explored by North Dakota universities. Board members discussed the option that ProEthica could possibly be added as a requirement for individuals who complete a non-traditional route to licensure. Educator ethics is something that is often not covered through those licensure pathways. The cost for ProEthica is \$35.
- Reading assessments aligned to Science of Reading. Two of the assessments are targeted to elementary level and two for K-12. One of the elementary education Praxis tests now embeds the reading requirements into the test (7001 series) that includes Teaching Reading, Math, Science and Social studies. Since there are four subtests, if an individual doesn't pass one section they can retake just that one subtest. The reading subtest is code 7002.
- ETS has a partnership with Study.com that offers a good refresher course for individuals changing careers who are preparing for testing. They also offer free test prep for Core Academic Skills in reading, writing, and math.
- ETS offers the paraprofessional assessment, with instant retake option coming available in July. This test is being updated soon, which hasn't been done in many years.
- Some tests are being developed with a modular design, such as the elementary math test with three sub-areas. ETS wants to create the test so test-takers can complete those sections individually if they would like. Test-takers could also take test all together, but retake a specific section if needed.
- Alternate passing options are being explored. This would be for candidates that score within one standard error of measurement on a test. ETS will determine area of weakness, then develop a professional development course based on that area of weakness. Once an individual successfully completes the course they would earn a certificate for that section of the test. They could use the test score along with the certificate to meet requirements if their state accepts the alternative passing option. This hasn't been developed yet, but the intent is that the cost would be less than retaking the test. ETS is working hard for testing to not be considered a barrier to licensure.
- Pop-up testing – exploring possibility of developing pop-up testing centers at school districts or other locations.
- Many test regenerations will be forthcoming. ETS looks to see if standards for all content areas have been updated and if test needs to be updated. They will be focusing on elementary education this year.

CTE Presentation – Wayde Sick from Career and Technical Education shared with the board. For the 22-23 school year, 74% of all North Dakota high school students were enrolled in at least one CTE course. 28% of all high school students were CTE

concentrators, meaning they've completed at least two CTE courses in the same program of study. Concentrator data also shows that the high school graduation rate of CTE concentrators is 97.9% and the Native American student graduation rate for CTE concentrators is 87.6%, as opposed to the statewide graduation rate for Native American students at 65%. CTE is proposing a new funding policy that would be based on items such as active student organization chapters, concentrator attainment, and work-based learning attainment.

K-8 Licensure Perspective from the Field – Dr. Carly Retterath and Janet Bassingthwaite from Mandan Public Schools presented to the Board. Kelly Odden from Mayville State University had also presented to the board about early childhood education at the April meeting.

Board Reflections/Discussion – Options for kindergarten may come back to the board to brainstorm.

Apprenticeship Update – Laurie Matzke from DPI. There are currently four Grow Your Own programs active in North Dakota. ESSER funded programs end September 30, 2024. A total of 157 teacher candidates went through programs with Minot State University, Valley City State University, University of Mary and Western Governors University using ESSER funds. Additional funds have been appropriated to DPI for para-to-teacher programs. Registered apprenticeships program applications are due for round 3 of funding today. Board Chair Cory Steiner went with a team with Opportunity Culture to Midland, TX to learn about the model they are currently using.

Higher Education Update on the Science of Reading – Lonnie Miller from University of Mary shared what EPPs are doing to address HB 1231 – ensuring that an elementary, early childhood, or special education licensed individual demonstrates competencies in beginning reading instruction based on scientifically and researched-based best practices. Lonnie talked about the steps the group has taken to “ensure” competencies. Teaching is based on understanding the brain, sound formation, multisensory instruction, and the book Uncovering the Logic of English.

The retreat was adjourned at 12:17pm.

Board Meeting

The board meeting called to order at 1:06pm by Board Chair Cory Steiner. Introductions were held. Board members present were Jenny Bladow, Siri Coleman, Amber Fridley, Dustin Hager, Evan Kritzberger, Angela Nagel, and Cory Steiner.

Deb Follman, Patti Stedman, and Superintendent Kristen Baesler were absent.

Also present were ESPB Executive Director Rebecca Pitkin, Assistant Director Mari Riehl and Amy Bigelow from ESPB, Joe Kolosky from DPI, Allyson Hicks from Office of

Attorney General, Amy Flicek from NDUnited, and Marijke Leibel with NDRISE.

Motion to Include Additional Agenda Items – Additions to the agenda include cases for Daniel Knudson and Rhawnie Marcellais, Vice Chair nomination, and a credit waiver request. Evan Kritzberge made a motion to accept the agenda as amended. Seconded by Siri Coleman. Board members who voted in favor were Jenny Bladow, Siri Coleman, Amber Fridley, Dustin Hager, Evan Kritzberger, Angela Nagel, and Cory Steiner. None opposed. Motion carried.

Motion to Ratify May Licensure List and Settlement Agreements – Siri Coleman made a motion to ratify the May licensure list. There were no settlement agreements. Motion seconded by Angela Nagel. Board members who voted in favor were Jenny Bladow, Siri Coleman, Amber Fridley, Dustin Hager, Evan Kritzberger, Angela Nagel, and Cory Steiner. None opposed. Motion carried.

CASES

Brandt, Evan – Mr. Brandt's file was reviewed after a Request for Inquiry was filed by his school district after they learned he had been charged with a recent offense of possession of marijuana. Board members questioned if marijuana has been legalized in North Dakota. Attorney Allyson Hicks said it has not been legalized but has been decriminalized. The penalties and classifications have been lowered/reduced. The penalties can be increased depending on factors such as the amount, where you have it, if there is intent to distribute, ect. Mr. Brandt's file was previously reviewed in October 2023 for a past offense that was included in the submitted Request for Inquiry. A settlement agreement was issued in October 2023 and signed with requirement to complete ETS ethics course. That settlement agreement was satisfied. Even though this new charge was an infraction, it's still a conviction. It's up to the board to decide if they believe Mr. Brandt is in violation of NDCC 15.1-13-25(d) or (e) and if they want to take disciplinary action. Board members called to attention statements in Mr. Brandt's letter that they questioned.

Evan Kritzberger made a motion to require Mr. Brandt to complete quarterly marijuana drug tests for the next year in addition to a chemical abuse evaluation within 30 days and complete any recommended treatment at his expense for being in violation of NDCC 15.1-13-25(1)(e). It doesn't appear that sufficient rehabilitation has occurred due to Mr. Brandt's letter referencing recreational marijuana usage. Motion seconded by Siri Coleman. Board members expressed concern that even though the penalties have been reduced in relation to marijuana, it's still illegal. There is no guarantee that he will continue to follow the laws of North Dakota. Allyson clarified that if Mr. Brandt's drug test would come back positive the case would come back to the board for further review.

Board members who voted in favor were Jenny Bladow, Siri Coleman, Amber Fridley,

Dustin Hager, Evan Kritzberger, Angela Nagel, and Cory Steiner. None opposed. Motion carried.

Knudson, Daniel – Before discussion began Evan Kritzberger disclosed that he may have a possible conflict of interest, as he has family members that attend the school where Mr. Knudson is employed. Evan does not have personal knowledge of this situation or individual. Amber Fridley motioned to allow Evan to participate in discussion and voting on this case. Motion seconded by Jenny Bladow. Board members who voted yes were Jenny Bladow, Siri Coleman, Amber Fridley, Dustin Hager, Angela Nagel, and Cory Steiner. None opposed. Motion carried.

Mr. Knudson has been teaching Spanish at Oak Grove since September 2022. He was issued an interim substitute license in March 2023 and stated that he cannot be teacher of record on MIS03 and cannot sign a teaching contract.

Cory Steiner made a motion to fine Mr. Knudson \$250, to send a letter to Mr. Knudson about importance of being licensed, and to send a very strongly worded letter to the Oak Grove school board about the importance of educator's having a valid license. Seconded by Amber Fridley. Board members who voted in favor were Jenny Bladow, Siri Coleman, Amber Fridley, Dustin Hager, Evan Kritzberger, Angela Nagel, and Cory Steiner. None opposed. Motion carried.

Marcellais, Rhawnie – Assistant Attorney General Allyson Hicks provided an update on the case. Ms. Marcellais had been charged in federal court with child abuse. At the March 2024 meeting the board voted to issue a settlement agreement to suspend Ms. Marcellais's license until outcome of her trial, with revocation if she's convicted of any crime based on the details of the case. The Attorney General's office has attempted to serve her with the settlement agreement a number of times using various methods including by mail, law enforcement personally serving, contact with her attorney, and contact with her federal parole and probation officer. Allyson has asked the board what kind of action they would like to take so the case can move to litigation and a default judgement by publication.

Evan Kritzberger made a motion to move to litigation to revoke Ms. Marcellais's license. Motion seconded by Angela Nagel. Board members who voted in favor were Jenny Bladow, Siri Coleman, Amber Fridley, Dustin Hager, Evan Kritzberger, Angela Nagel, and Cory Steiner. None opposed. Motion carried.

Regular meeting recessed at 1:54pm.

Administrative Subcommittee – Called to order by Administrative Subcommittee Chair Cory Steiner at 1:55pm. Reviewed by Administrative Subcommittee of the Education Standards and Practices Board. Administrative Subcommittee members present were Amber Fridley, Dustin Hager, and Cory Steiner.

Brenner, Jeremy – A large amount of information has been submitted by Mr. Brenner

in response to the board-initiated Request for Inquiry. Attorney Allyson Hicks reminded the board it's not their job to decide if the investigative report is correct, actions the school board took are correct, or to enforce district policy. It's the subcommittee's job to look at NDCC 15.1-13 and Administrative Rule 67.1-03 to see if a violation of those laws and/or rules occurred.

The DPI Institutional CPS team did an assessment of this case and found they were in violation of breaking restraint and seclusion policy to indicate the school for child abuse and neglect. The school district has written and submitted an action plan. Becky asked a clarifying question to Joe Kolosky from DPI if the complaint named the district or the individuals. The assessment and finding were written in regard to the individuals who did not follow the policy and procedure of the school. The 960 report is typically written against the individual and Mr. Brenner and teacher, Ms. Hurley, were named in those reports. Allyson asked the subcommittee if they need additional follow-up information to make a decision.

Cory Steiner believes Mr. Brenner is in violation of NDCC 15.1-13-25(1)(f) and Administrative Rule 67.1-03-01-02(3) and made a motion to suspend his license until he's completed an ethics course with reflective essay. Motion seconded by Dustin Hager. Dustin questioned if there is additional mandated reporter training or child abuse training that could be required. Amber Fridley asked if Mr. Brenner had the support he needed to work with these students. There is documentation that he asked for assistance with unanswered emails and an unclear chain of command. Dustin also asked if complaint stops at the principal or if it can continue with additional administrators.

Administrative subcommittee members who voted in favor were Cory Steiner and Dustin Hager. Amber Fridley voted no. Motion carried.

Administrative Subcommittee was adjourned at 2:21pm and the regular meeting was resumed.

Administrative Rules – Becky asked Allyson to review the proposed Administrative Rules changes to Code of Professional Conduct for Educators related to grooming. Board members asked Allyson their questions and gave feedback. This will be looked into further at the August meeting.

Allyson has also provided proposed legislation that would amend Century Code 15.1-13-26. Currently Century Code only cites state law. These amendments would add language that would include federal law or local ordinances. This would cover federal sexual offenses or offenses such as child abuse on an Indian reservation that would be a federal charge. Allyson collected feedback.

Evan Kritzberger made a motion to propose the bill as amended. Seconded by Angela Nagel. Board members who voted yes were Jenny Bladow, Siri Coleman, Amber

Fridley, Dustin Hager, Evan Kritzberger, Angela Nagel, and Cory Steiner. None opposed. Motion carried.

ND RISE – Marijke Leibel shared some of the reports and data NDRISE is able to collect with Kickup surveys. Enrollment is open for first- and second-year mentor pairs. To date, there are 210 mentoring pairs enrolled. New name has been launched and NDRISE is working to update their materials with their new name and logo. Have had positive feedback.

Director's Report – Joint Boards will be held at the end of September, but a specific date has not been determined. Board meeting dates for the next year have been posted on ESPB's website. Assistant Director Mari Riehl provided information about how an elementary licensed teacher can obtain a kindergarten endorsement, either as a plan-on-file for two years or permanently add to their license.

Cory Steiner asked the board if members would be interested in forming a subcommittee to look at possibilities for the life license. They can come up with some ideas and bring back to the full board for review. Cory had stated at the April meeting that he feels the authorization should continue. Emergency administrative rule allowed it to continue through the end of the 24-25 school year. The office continues to receive inquiries about the authorization option.

Becky provided a draft of ideas for a possible Adjunct or Emeritus license for individuals who meet certain requirements. This would be geared toward those who have worked in higher education and want to teach in a K-12 setting. Becky is looking toward drafting language on this to develop a new license type.

Siri Coleman made a motion to allow Becky to draft language related to a Adjunct/Emeritus license. Seconded by Jenny Bladow. Board members who voted yes were Jenny Bladow, Siri Coleman, Amber Fridley, Dustin Hager, Evan Kritzberger, and Cory Steiner. None opposed. Motion carried.

Driver Education Request – Brock Nagel has applied for a driver education endorsement and has three moving violations in the past 36 months, which is allowed under Administrative Rule. He has a 4th violation and after much research and contact with DOT and the law enforcement center that issued the ticket, it cannot be determined if it's a moving violation. This 4th violation will become more than 36 months old in mid-July 2024, and at that point would allow Mr. Nagel to be eligible for his driver education endorsement. He and his administrator have asked the board to consider allowing Mr. Nagel to begin teaching driver education in June, before that violation is more than 36 months old.

Evan Kritzberger made a motion to notify Mr. Nagel that the board will not waive

administrative rule for the driver education endorsement. Seconded by Siri Coleman. Board members who voted in favor of the motion were Jenny Bladow, Siri Coleman, Amber Fridley, Dustin Hager, Evan Kritzberger, and Cory Steiner. None opposed. Motion carried.

Credit Wavier Request – A request was received from Karen Saari asking the board to accept professional development that she's completed for higher education in place of re-education credits to renew her license. Her license expires July 19, 2024. Cory Steiner made a motion to deny the request for waiver of four credits. Seconded by Jenny Bladow. Board members who voted in favor of the motion were Jenny Bladow, Siri Coleman, Amber Fridley, Dustin Hager, Evan Kritzberger, and Cory Steiner. None opposed. Motion carried.

Vice Chair Nomination – Evan Kritzberger volunteered to serve as Vice Chair. Jenny Bladow made a motion to nominate Evan Kritzberger as Vice Chair. Seconded by Siri Coleman. Board members who voted in favor were Jenny Bladow, Siri Coleman, Amber Fridley, Dustin Hager, Evan Kritzberger, and Cory Steiner. None opposed. Motion carried.

May Meeting Minutes, License, and Financial Reports – The May 2024 financial report showed \$70,551.11 in total income received, \$73,432.87 in total expenses, with a net income of minus \$2,881.76. The May 2024 licensure report documented 787 items issued. This number includes background checks, endorsements, late fees, and application fees.

Dustin Hager made motion to approve the May minutes, license, and financial reports. Seconded by Amber Fridley. Board members who voted in favor were Jenny Bladow, Siri Coleman, Amber Fridley, Dustin Hager, Evan Kritzberger, and Cory Steiner. None opposed. Motion carried.

Disability Waiver Request:

- **Hannah Tangen** – Request for exemption from 5017 test. Jenny Bladow made a motion to approve the disability waiver request from Hannah Tangen. Motion seconded by Evan Kritzberger. Board members who voted in favor were Jenny Bladow, Siri Coleman, Amber Fridley, Dustin Hager, Evan Kritzberger, and Cory Steiner. None opposed. Motion carried.
- **Jenna Biggers** – Request for exemption from 5017 and 5622 tests. Siri Coleman made motion to grant the disability waiver request from Jenna Biggers. Motion seconded by Evan Kritzberger. Board members who voted in favor were Jenny Bladow, Siri Coleman, Amber Fridley, Dustin Hager, Evan Kritzberger, and Cory Steiner. None opposed. Motion carried.
- **Victoria Ostwald** – Request for exemption from Core Academic Skills and Special Education Praxis II. Amber Fridley made a motion to grant the waiver request from Victoria Ostwald, seconded by Siri Coleman. Board members who

voted in favor were Jenny Bladow, Siri Coleman, Amber Fridley, Dustin Hager, Evan Kritzberger, and Cory Steiner. None opposed. Motion carried.

Board Member Reports

NDACTE – Jenny Bladow provided information on the Governor’s Task Force on Teacher Retention. She will report more at the August meeting after they meet again this summer.

Association of Non-Public Schools – Nothing to report.

Association of School Administrators – School Choice meetings held yesterday and today.

School Boards Association – Nothing to report.

NDUnited – Not present.

DPI – Not present.

Meeting adjourned at 4:18pm.

Chair

Secretary/Executive Director