

## **MINUTES**

**Thursday, May 11, 2017**

Liberty/Manhattan Room, Radisson Hotel, Bismarck

The Education Standards and Practices Board (ESPB) meeting was called to order at 10:05am by Board chair Mary Eldredge-Sandbo. Board members present were Gary Thompson, Carly Retterath, Mary Eldredge-Sandbo, Bob Toso, Kim Belgarde, Mike McNeff, Amy Mann, Dinah Goldenberg, and Paul Stremick.

Board members absent were Karen Christensen and Superintendent Kirsten Baesler. Mike McNeff left at 1pm. Kim Belgarde left at 1:15pm.

Also present were Patty Barrette from NDUnited, Gwyn Marback from DPI, and Rebecca Pitkin and Amy Folkestad from ESPB. Edward Erickson joined for the cases.

**Additions to the Agenda** – Board cases Bryan Moore, Ariane Moore, Ben Chambers, Anne Chambers, Randy Loing, and Lucas Kostelecky were proposed to be added to the agenda. Attorney Edward Erickson will provide an informational update on the Charles Morin case. Paul Stremick also added alternate access licenses, administrative rules, and board retreat. Mary Eldredge-Sandbo added TSS coordinator position. Kim Belgarde made a motion to accept the additions to the agenda. Seconded by Bob Toso. All board members voted in favor, none opposed. Motion carried.

**April Minutes, License, and Financial Report** – Dinah Goldenberg made a motion to accept the April 2017 minutes. Motion seconded by Gary Thompson. All voted in favor, none opposed. Motion carried.

The April 2017 financial report showed \$45,460.57 in total income received, \$64,379.39 in total expenses, with a net income of minus \$18,918.82. The April 2017 licensure report showed 675 total licenses issued. Becky brought forward budget numbers from 16-17 to see what the end of this fiscal year may look like. Dinah Goldenberg made a motion to accept the April 2017 license and financial reports. Seconded by Kim Belgarde. All board members voted in favor, none opposed. Motion carried.

**Critical Shortage Administrators** – Becky passed out a copy of the law that shows that ESPB determines critical shortage areas for teaching, as well as a copy of the TFFR form ESPB must sign to allow retirees to return to teaching in shortage areas. ESPB does not hold the data for administrators, so Becky contacted Superintendent Baesler for more information regarding administration as a critical shortage area. The data received from Superintendent Baesler and DPI shows that administration is not considered a critical shortage area. TFFR is asking for a statement on this.

Carly Retterath made a motion that we issue a statement about administration not being a critical shortage area. Motion seconded by Gary Thompson. Board members who voted in favor were Mary Eldredge-Sandbo, Gary Thompson, Carly Retterath, Bob Toso, Kim Belgarde, Amy Mann, Dinah Goldenberg, and Paul Stremick. Mike McNeff opposed.

Motion carried.

**First Reading Policy –**

**PAAC** – Board members would like it specifically stated that the Program Approval Advisory Committee (PAAC) include more ESPB members and questioned if a school board member should be included with PAAC. It was decided that a school board member should be included in PAAC membership. PAAC members should also be limited to 2 3-year terms. The statement in PAAC policy, “as a standing committee of the whole,” will be removed. PAAC policy will be edited and come back for reading 2<sup>nd</sup> reading in June.

**ED Evaluation Policy** – A copy of the evaluation will be provided to the director, with another copy placed in their personnel file. A hard copy of personnel file will be kept in the ESPB office and an electronic copy will be maintained by the board president. Language that says the survey will be included with the director’s personnel file will be removed. Becky will clean up with changes and bring back to the board in June for 2<sup>nd</sup> reading.

**ED Evaluation Procedure** – Rubric needs to be developed, so after that’s done, ED Evaluation Procedure will come back for first reading. Procedure will be edited in accordance with the changes that were made on the ED Evaluation Policy. Becky will clean up redundancies and send to Dinah Goldenberg for review.

**Second Reading Policy** –Paul Stremick made a motion to approve second reading as submitted. Motion seconded by Bob Toso. All voted in favor, none opposed. Motion carried. Policies this covers are social media, abstention votes, form of agenda, system of accounts, and audits.

**2017-2018 Budget** – The budget/policy subcommittee will hold a meeting on Monday, May 15<sup>th</sup>, where Becky will bring a proposed 2017-2018 budget to the committee so recommendations can be made at the next full board meeting.

**Teacher Support System** – TSS Coordinator Laurie Stenehjem has already sent information to school districts on what TSS will look like for next year, based on budget cuts. At a conference Laurie and Becky attended in Chicago, they met with mentoring coordinators from Hawaii and Alaska to examine the budget. They compared our budget in ND to Alaska and Hawaii and what it will look like, since our geographic makeup is similar to theirs.

There will be no reimbursement for substitute teachers for the upcoming biennium. This change makes the most impact with the budget. The TSS budget will be adopted when full Board budget is reviewed.

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**Alternate Access Licenses** – Currently, an applicant needs to have completed a minimum of a bachelor's degree in the content area they will be teaching. ESPB then requires the applicant to work with a college or university to complete the teacher education portion. Paul Stremick would like to see that for the content area only, applicants would just need to take the Praxis test to show content knowledge. They would still need to complete transition to teaching/professional core/pedagogy.

Dinah Goldenberg would like us to move ahead with Administrative Rules as they have been submitted to Attorney General's office, then talk more about what the Board can do within that. Becky will send out official AG version of rules in their entirety for the Board to review and it will be on the agenda for June.

### **Board Member Reports**

**NDACTE** – Nothing new to report. NDACTE will be meeting May 19<sup>th</sup>.

**Non-public Schools** – Nothing new to report.

**School Administrators** – Administrators had their legislative update. All mental health training has been consolidated and is now 8 hours every 2 years. Becky met with Aimee Copas regarding Model Code of Ethics and she would like ESPB to present at the Fall NDCEL conference in October. Becky will be sharing the Model Code of Ethics as a possibility, not as something ESPB has decided on.

**School Boards Association** – Director's position application window has closed. Will be holding interviews.

**ND United** – NDUnited is moving forward with ethics trainings – they will be hosting 7 classes in June 2017. Because of the ethics trainings, NDU has been receiving national attention and 15 states have indicated interest in seeing what NDUnited is doing with this in July. Let Patty Barrette know if anyone from ESPB is interested in ethics training.

**DPI** – DPI is currently heavy into ESSA trainings. They are working on organizing summer and fall conferences.

### **Committee Reports**

**Evaluation** – Nothing to add. Have already discussed in policy portion of meeting.

**Policy/Budget** – Becky is reaching out to Board Attorney Edward Erickson to discuss Administrative Rules and Century Code. Paul Stremick asked about having a legislator request an AG opinion about what rules and century code ESPB needs to follow. Policy manual is being developed and updated as new policies are approved. The Board will be looking at trending data regarding the budget. At their next subcommittee meeting, the group will be looking at licensure fees to help project 17-18 budget.

**Director's Report** – Printed licenses have been updated to reflect our new logo. Every

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educator's licensure pages now accurately reflect what they are qualified to teach under the new law. The work for this was completed in a week, as promised to the field. Assistant Director Mari Fridgen is working on updates to the DPI MIS03 code manual and is almost finished. Credential group met on May 2<sup>nd</sup> and a lot of understanding was established on DPI's process versus our process and how we work together and overlap with credentials and licensure.

Bob Toso suggested that we schedule meetings for the year, then cancel if necessary, as agenda items cannot be added to special meetings (per Robert's Rules of Order).

**Update from Legal Counsel Regarding Policies** – Board Attorney Edward Erickson provided an update on questions surrounding ESPB's status as a state agency. ESPB is a state agency, as the Board is appointed by the Governor to carry out state business for state government. Because ESPB is a state agency, employees are automatically PERS members and are eligible for state retirement. ESPB has some flexibility because as a licensure board, we do not have to work through OMB to handle finances. Any exceptions to our policies or ESPB being a state agency need to be found in the law. He indicated that in contrast, a school board is a quasi-independent entity and still has to follow legislative rules.

Paul Stremick asked Edward Erickson for a list of exemptions that apply to ESPB so we know where our freedoms are. Edward will work on compiling this for the board.

## **CASES**

**Eric Standing** – Mr. Standing's file was reviewed by the board due to a breach of contract with Mandaree Schools. To date, he has not paid liquidated damages to be released from his contract. Carly Retterath made a motion that a letter be sent to Mr. Standing telling him that he will need to either pay liquidated damages to district, or work toward an agreement with Mandaree Schools to set up a payment plan, by the June ESPB meeting date. If this is not arranged by the June meeting date, the Board will proceed with a settlement agreement and Mr. Standing's license will be suspended. Motion seconded by Paul Stremick. Board members who voted in favor were Kim Belgarde, Mary Eldredge-Sandbo, Dinah Goldenberg, Amy Mann, Carly Retterath, Paul Stremick, Gary Thompson, and Bob Toso. Motion carried.

**Anne Marie Maylath** – Ms. Maylath was teaching with an expired license and expired kindergarten endorsement. She had a plan-on-file for both her license and her endorsement and has made no progress toward either plan. Ms. Maylath indicated that she would only be teaching in North Dakota through the end of the 2016-2017 school year and her license has been renewed through the end of May. Kim Belgarde made a motion to

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dismiss the case. Motion seconded by Paul Stremick. Board members who voted in favor were Kim Belgarde, Mary Eldredge-Sandbo, Dinah Goldenberg, Amy Mann, Carly Retterath, Paul Stremick, Gary Thompson, and Bob Toso. Motion carried.

**Ben Chambers** – Amy Mann recused herself from the discussion of the case regarding Mr. Chambers. Case was tabled at the April meeting, pending receiving additional information from Light of Christ Catholic Schools. Information received shows that Mr. Chambers is on an improvement plan with school district. Bob Toso made a motion to dismiss the case. Seconded by Carly Retterath. Board members who voted in favor were Kim Belgarde, Mary Eldredge-Sandbo, Dinah Goldenberg, Carly Retterath, Paul Stremick, Gary Thompson, and Bob Toso. Motion carried.

**Anne Chambers** – Amy Mann recused herself from the discussion of the case regarding Ms. Chambers. Case was tabled at the April meeting, pending the receipt of additional information from Light of Christ Catholic Schools. Bob Toso made a motion to dismiss the case. Seconded by Carly Retterath. Board members who voted in favor were Kim Belgarde, Mary Eldredge-Sandbo, Dinah Goldenberg, Carly Retterath, Paul Stremick, Gary Thompson, and Bob Toso. Motion carried.

**Lukas Kostelecky** – Paul Stremick made motion to table until Mr. Kostelecky's court proceedings are complete . Seconded by Amy Mann. Board members who voted in favor were Kim Belgarde, Mary Eldredge-Sandbo, Dinah Goldenberg, Amy Mann, Carly Retterath, Paul Stremick, Gary Thompson, and Bob Toso. Motion carried. Mr. Kostelecky's file was reviewed due to a new background check offense that has been in the media.

**Della No Heart** – Dinah Goldenberg made a motion to table until outcome of Ms. No Heart's court proceedings are complete. Motion seconded by Bob Toso. Board members who voted in favor were Kim Belgarde, Mary Eldredge-Sandbo, Dinah Goldenberg, Amy Mann, Carly Retterath, Paul Stremick, Gary Thompson, and Bob Toso. Motion carried. Ms. No Heart's file was reviewed due to a background check offense she disclosed on her renewal application.

**Bryan Moore** – Mr. Moore's file was reviewed by the board due to his background check offenses. Dinah Goldenberg made motion to issue Mr. Moore a license and require that he self-report any background check offenses that may occur in the future. Motion seconded by Bob Toso. Board members who voted in favor were Kim Belgarde, Mary Eldredge-Sandbo, Dinah Goldenberg, Amy Mann, Carly Retterath, Paul Stremick, Gary Thompson, and Bob Toso. Motion carried.

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**Ariane Moore** – Carly Retterath made motion to a settlement agreement and to fine Ms. Moore \$100. Motion seconded by Dinah Goldenberg. Board members who voted in favor were Kim Belgarde, Mary Eldredge-Sandbo, Dinah Goldenberg, Amy Mann, Carly Retterath, Paul Stremick, Gary Thompson, and Bob Toso. Motion carried. Ms. Moore's file was reviewed for teaching without a valid license.

### **ADMINISTRATIVE CASES**

**Susan Gunderson** – Ms. Gunderson's file was reviewed by the Board for placing a teacher in a classroom who did not hold a valid license. Carly Retterath made a motion to offer a settlement agreement and to fine Ms. Gunderson \$250. Seconded by Dinah Goldenberg. Administrative Board members who voted yes were Dinah Goldenberg, Mike McNeff, Carly Retterath, Paul Stremick, and Bob Toso. Motion carried.

**Randy Loing** – Mr. Loing's file is being reviewed by the Administrative Board, as he has been working as an administrator for 2 ½ years without a valid license. Dinah Goldenberg made a motion to offer a settlement agreement of \$1000 fine. Seconded by Carly Retterath. Dinah withdrew her motion due to Administrative Rules stating that the maximum fine that can be imposed is \$250. Carly Retterath then made a motion to offer a settlement agreement of \$250 fine and to suspend Mr. Loing's license for 5 days once he renews. A letter will also be sent to Mr. Loing's superintendent and school board notifying them of situation. Motion seconded by Dinah Goldenberg. Administrative Board members who voted yes were Dinah Goldenberg, Mike McNeff, Carly Retterath, Paul Stremick, and Bob Toso. Motion carried.

Paul Stremick made a motion to initiate a complaint against Mr. Loing's superintendent. Seconded by Bob Toso. Administrative Board members who voted yes were Dinah Goldenberg, Mike McNeff, Carly Retterath, Paul Stremick, and Bob Toso. Motion carried.

**Charles Morin (Information Only)** – Edward Erickson has learned that the Department of Human Services has authority to investigate anything that is happening at BIA Circle of Nations school. They can work in conjunction with BIA to look at documents. Edward recommended ESPB coordinate with DHS on their investigation – once we have their findings, the Board can proceed.

**TSS Coordinator Position** – A subcommittee interviewed 5 applicants for the TSS Coordinator position and gives the recommendation to the Board to offer the position to Erin Jacobson. Carly Retterath made a motion to offer the 12-month position to Erin Jacobson. Motion seconded by Dinah Goldenberg. Board member who voted in favor were Mary Eldredge-Sandbo, Dinah Goldenberg, Amy Mann, Carly Retterath, Paul Stremick, Gary Thompson, and Bob Toso. Motion carried.

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The board meeting was adjourned at 1:45pm.

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Chair

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Secretary/Executive Director