

MINUTES – Board Meeting

Thursday, May 9, 2019

Fort Totten Room, State Capitol, Bismarck

The Education Standards and Practices Board (ESPB) meeting was called to order at 9:04am by Acting Chair Mike McNeff. Board members present were Mike McNeff, Jessica Rush, Bob Toso, Kathy Lentz, Kim Belgarde, Andrea Fox, Dinah Goldenberg, and Superintendent Kirsten Baesler. Carly Retterath joined the meeting at 9:10am.

Board members Ben Johnson and Brenda Tufte were absent.

Also present were ESPB Executive Director Rebecca Pitkin and Amy Folkestad from ESPB, Amy Flicek and Patty Barrette from NDUnited, Gail Schauer from DPI, Lisa Johnson from North Dakota University System, Erin Jacobson and Marijke Leibel from Teacher Support System, Ashley Krinke from Northern Cass, Allyson Hicks from Attorney General's Office, and Trey Magnani.

Introductions were held.

Additions/Changes to the Agenda – Additions to the agenda include a recommendation from the budget subcommittee, case for Sarah Richardson, and discussion item regarding Troy Walters. Board attorney Allyson Hicks will address the Board regarding member terms and has also requested to add a discussion item regarding Kelsie Schmidt to the agenda. Kim Belgarde made motion to approve the agenda with additions. Motion seconded by Andrea Fox. All voted in favor, none opposed. Motion carried.

April Minutes, License, and Financial Report – The April 2019 financial report showed \$49,966.69 in total income received, \$61,536.01 in total expenses, with a net income of minus \$11,569.32. The April 2019 licensure report showed 716 total licenses issued. All voted in favor of accepting the April minutes, license, and financial report. None opposed. Motion carried.

Becky included the audit report with the Board materials. She noted there were no findings in the report, but there was a recommendation about insurance on accounts. Since that time, all accounts have been moved to Gate City Bank with appropriate insurance on funds. This will satisfy the audit recommendations in advance of the necessary date. Switching banks will also result in some savings on credit card processing fees.

Becky reviewed budget items from the past year, pointing out the savings of moving to an electronic license instead of printed licenses. The office has recently learned there will be an increase in premium for employee health insurance. NDTeach programming that needs to be completed to prepare for the implementation of HB 1287 and HB 1531 will cost approximately \$7000. Office rent has also increased a bit.

Budget Subcommittee Meeting/Recommendation – The budget subcommittee met before regular Board meeting today. Becky noted that license fees have not been increased since approximately 2002. Dinah Goldenberg reported that the budget subcommittee is recommending that an administrative/maintenance fee of \$5 is added to every application (license or endorsement). This will help offset some of the expenses for new programming that is needed because of legislative bills. The small fee

increase will be spread across the board so it's fair to all. Motion seconded by Bob Toso. Board members who voted in favor were Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, and Bob Toso. None opposed. Motion carried.

First Reading Policy – The Board reviewed a policy outlining what types of offenses the Executive Director can approve for licensure without further Board review. Board members requested wording changes and elimination of redundancies. Becky will make edits and bring back to the Board for another first reading.

Litigation Reserve – Per former Attorney Edward Erickson, money was set aside for litigation. Since accounts have all been moved to Gate City, all dollars have become part of one account. Dinah Goldenberg made a motion that \$10,000 is reserved in the account for litigation costs incurred by ESPB in the case of a lawsuit. The account balance for account number 1504000 shall not go below this number at any time. Motion seconded by Bob Toso. Board members who voted in favor were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, and Bob Toso. None opposed. Motion carried.

Director's Report – ETS will be at NDSU on May 16th to host a math standards review. ETS has changed the math section of the Core Academic Skills for Educators test. Meetings have taken place with CTE and TFFR regarding the implications of the new laws. Along with this, we have learned that the final estimate for programming for NDTeach for the implementation of the new laws will be approximately \$7000.

ESPB has been selected for the first round of BCI/FBI audits to ensure that we are in compliance with regulations. The audit and all supporting materials must be submitted within two weeks of audit assignment.

Board retreat and meeting is scheduled for August 7 and 8 in Jamestown.

Teacher Support System – Teacher Support System (TSS) was funded \$2,125,764 for the 2019-2021 biennium, which is an increase of \$75,764 from last biennium. Erin Jacobson was able to share data with both the House and the Senate over the course of the legislative session and received very positive feedback from both. TSS is now working on developing mentoring standards that will be used to align professional development for mentors and allow them to choose from a menu of professional development opportunities. This will help to allow mentors more of a choice in the professional development they complete to increase ability to be effective and engaging.

Marijke Leibel presented the findings of a three-year retention study recently completed by TSS. Through the study, it was found that if the 901 first-year teachers who were not mentored would have been retained at the rate of mentored teachers, 89 teachers

would not have left teaching. At the average cost of \$20,000 for recruitment, hiring, and training a new teacher, retaining those 89 teachers would have yielded a savings to North Dakota schools of approximately \$1.78 million dollars over the past 3 years.

Board Education: Gold Star Standard – Ashley Krinke from Northern Cass Public School presented The Gold Standard Co-Teaching Field Experience. Development began in 2016 by a group of educators from Northern Cass completing NDSU's Teacher Leadership program and with Bush Grant funds. The intent of the program is to make practicum and field experiences meaningful and authentic. Currently, they have university partnerships with North Dakota State University, Mayville State University, and Valley City State University.

Legislative Session – Becky gave update on final versions of HB 1287 and HB 1531.

HB 1531 – House Bill 1531 was signed by the Governor, but the final version of some sections of the bill are included in SB 2015.

A person may be issued a permit if they have a high school diploma and have 4000 hours over 5 years of relevant work experience in the subject area to be taught or hold certificate in the subject area to be taught. Participation in Teacher Support System mentoring at district expense was included. In TSS law, it says that a person must have a teaching license. Becky is working with attorney Allyson Hicks to see how this should be dealt with. The permit must be requested in writing by an administrator of a school district which indicates the administrator is unable to locate a qualified applicant for the position.

Based on this idea, Becky asked the Board if ESPB be willing to allow a licensed teacher an endorsement to teach "out-of-field" for 1 year at a time at the request of a local administrator. This would be under the same idea as 1531, but the person would already be prepared as an educator. Board will discuss further at the June meeting.

Per Allyson, Board does have option to write rules that would improve the quality of instruction (student performance). If the Board decided to do that and include caveat that a report needs to be submitted of how this is improving education/instruction, they could. Allyson recommended that ESPB develop a form for administrators to fill out to report on this.

Kim Belgarde made a motion to charge \$150 for a permit. Motion seconded by Kathy Lentz. Board members who voted yes were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, and Bob Toso. None opposed. Motion carried.

HB 1287 – American Board. All requirements are laid out in the law. It will need to be made clear to applicants that once they complete American Board tests, they must

obtain a North Dakota teaching license in order for them to legally teach. Additional requirements must be completed within a person's first two years of teaching. Once all requirements are completed, this will lead them to a regular license. Something for the Board to consider for the future – regularly licensed educators are allowed to test into new content areas with the Praxis.

Board Education: Board Terms – Board attorney Allyson Hicks briefed Board members on terms and those that will be ending soon. For those whose terms are ending, they may continue to serve until the Governor appoints a new member.

CASES

Clark, Harry – Mr. Clark's file was reviewed by the Board after a Request for Inquiry was received. Mike McNeff made a motion to dismiss. Motion seconded by Kathy Lentz. Board members who voted yes were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, and Bob Toso. None opposed. Motion carried.

Magnani, Trey – Mr. Magnani's file was reviewed by the Board at the August 2018 meeting due to his background offenses. At that time, Mr. Magnani's license was denied with the option to reapply in Spring 2019 if he could demonstrate that he had not reoffended and had complied with court-ordered evaluations.

Mr. Magnani has reapplied for his license and submitted documentation of evaluations with no new offenses. Bob Toso made motion to approve Mr. Magnani's application for licensure. Motion seconded by Kim Belgarde. Board members who voted yes were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, and Bob Toso. None opposed. Motion carried.

Thomas, Harold – Mr. Thomas's file was reviewed by the Board because of his self-disclosed background offenses. Bob Toso made a motion to issue an interim substitute license to Mr. Thomas with the condition that he self-report any subsequent offenses and that he complete a background check in two years when he renews/reapplies. Motion seconded by Andrea Fox. Board members who voted in favor were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, and Bob Toso. None opposed. Motion carried.

Krueger, Melissa – Ms. Krueger's file was reviewed by the Board after a Request for Inquiry was received from Fargo Public School District. Dinah Goldenberg made a motion to dismiss. Motion seconded by Kathy Lentz. Board members who voted yes were Kim Belgarde, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, and Bob Toso. Andrea Fox voted no. Motion carried.

Board members questioned why this was reported to ESPB, as Ms. Krueger resigned her position with Fargo Public Schools at the conclusion of their investigation. Allyson Hicks pointed out that under Principle 1.4 of the Code of Professional Conduct for

Educators – Commitment to the Student – physical abuse shall be reported to ESPB.

Eckart, Christopher – Mr. Eckart's file was reviewed due to a Request for Inquiry filed against his license by Hillsboro Public Schools. Bob Toso made a motion to suspend Mr. Eckart's license for one year and to require him to complete ethics training. Motion seconded by Kim Belgarde. Board members who voted yes were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, and Bob Toso. None opposed. Motion carried.

Oucharek, Anthony – Mr. Oucharek is employed by Dakota Adventist Academy and his file is being reviewed by the Board because he was engaged in the profession of teaching without a valid license. Kim Belgarde moved to fine Mr. Oucharek \$250. Motion seconded by Bob Toso. Board members who voted in favor were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Jessica Rush, and Bob Toso. Carly Retterath voted no. Motion carried.

Morris, Jason – At the March 2019 meeting, the Board voted to initiate a Request for Inquiry against Mr. Morris's license. His case has been completed through the judicial system. Since his charges fall under NDCC 12.1-20-05, NDCC 15.1-13-26 states "...board shall immediately revoke the teaching license of an individual who has been found guilty of a crime against a child or a sexual offense." Mike McNeff made a motion to revoke Mr. Morris's interim substitute license. Motion seconded by Andrea Fox. Board members who voted yes were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, and Bob Toso. None opposed. Motion carried.

Richardson, Sarah – The next item on the agenda is the file for Sarah Richardson. This item must be discussed in executive session. Legal authority for closing this portion of the meeting is NDCC 15.1-13-14. The topic or purpose of this executive session is criminal history record check. Dinah Goldenberg made a motion to move into executive session. Motion seconded by Jessica Rush. Board members who voted yes were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, and Bob Toso. None opposed. Motion carried. Executive session began at 12:06pm and adjourned at 12:09pm.

Ms. Richardson disclosed a background offense and has provided court documentation related to the offense, though she had originally answered no on the application when asked if she had ever been arrested, charged, or convicted of a misdemeanor or felony other than a minor traffic offense. Mike McNeff made a motion to ask Ms. Richardson for a letter of explanation as to why she did not originally disclose offense on her application for an interim substitute license. Seconded by Andrea Fox. Board members who voted in favor were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, and Bob Toso. None opposed. Motion carried.

Schmidt, Kelsie – At the February 2019 meeting, the board voted to initiate a Request for Inquiry against Ms. Schmidt’s license, due to offenses she’s been charged with that have been in the news. Allyson asked the Board if they have ever considered taking disciplinary action against a license, then contacting the prosecuting attorney to ask if the Board’s disciplinary action decision could be included in the person’s plea agreement. In the past, the Board has always waited until the court case has been resolved before taking action. Allyson would like Board members to consider this as an option in the future.

Walters, Troy – Through daily work in the office, it was brought to the Board’s attention that a teacher who is no longer with the district was listed on the MIS03 as teaching Family and Consumer Science (FACS) for Grenora Public Schools. Kim Belgarde made a motion to initiate a Request for Inquiry against Mr. Walters’s license. Seconded by Bob Toso. Board members who voted in favor were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, and Bob Toso. None opposed. Motion carried.

Mike McNeff made a motion to initiate Request for Inquiry against the Megan Muse, the substitute teacher who has been teaching FACS at Grenora for the 2018-2019 school year. Seconded by Kim Belgarde. Board members who voted in favor were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, and Bob Toso. None opposed. Motion carried.

After further discussion, Dinah Goldenberg made a motion to withdraw the previous motion to initiate a Request for Inquiry against Megan Muse. Motion seconded by Bob Toso. Board members who voted yes were Kim Belgarde, Andrea Fox, Dinah Goldenberg, Kathy Lentz, Mike McNeff, Carly Retterath, Jessica Rush, and Bob Toso. None opposed. Motion carried.

Board Member Reports

NDACTE – Not present.

Association of Non-Public Schools – Nothing to report.

School Administrators – Nothing to report.

School Boards Association – Nothing to report.

NDUnited – NDUnited’s Professional Growth Institute will be held June 10 to 12 in Bismarck.

DPI – Title I credentials have been reinstated in SB 2265. Title I was part of NCLB so no longer required and feedback from administrators was that it should be eliminated. At that time, administrative rules for Title I credentials were repealed. Administrative rules will be adopted again, with the Title I credential being an option, but not required. Teacher Loan Forgiveness program has been sunsetted with no renewal option. DPI will continue to honor the 4 year promise to districts and teachers who continue to fulfill

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their contracts to their district, but after that, the program will be eliminated.

Meeting was adjourned at 12:36pm.

Chair

Secretary/Executive Director