

MINUTES – Board Meeting

Thursday, May 11, 2023

CTE Conference Room and Teams Meeting

The Education Standards and Practices Board (ESPB) meeting was called to order at 8:00am by Board Chair Brenda Tufte. Board members present in person were Siri Coleman, Sonya Hansana, Ben Johnson, and Brenda Tufte. Kathy Lentz, Joshua Standing Elk, Patti Stedman, Cory Steiner, and Superintendent Kirsten Baesler joined by video conference.

Board members Andrea Fox and Amber Fridley were absent.

Also present were ESPB Executive Director Rebecca Pitkin, Mari Riehl, and Amy Bigelow from ESPB, Allyson Hicks and Mark Openshaw from Office of the Attorney General, Joe Kolosky from DPI, Nicole Welstad from TGU Granville School, Pam Johnson and Nick Rexine from Mayville State University, Michelle Griffin from UND, Erin Jacobson and Marijke Leibel from Teacher Support System, and other online guests.

Additions/Changes to the Agenda – Additions to the agenda include cases for Marisa McConville, Justin Zenas Hubbard, Brandi Burkes, and Kayla Schmidt, an administrative case for Keith Harris, disability waivers for December Oster, Travis Willberg, Dana Eagon, and Nicole Gabriel, review and approval of the April PAAC minutes, NDACTE proposal for additional PLT options, and discussion items regarding the CAEP agreement, and DPI administrative rules. Cory Steiner made motion to accept the agenda as amended. Motion seconded by Sonya Hansana. All voted in favor, none opposed. Motion carried.

Motion to Ratify April Licensure List – Siri Coleman made motion to ratify the April 2023 licensure list. Motion seconded by Ben Johnson. All voted in favor, none opposed. Motion carried.

CASES

Goertzen, Christine – Ms. Goertzen's file was reviewed at the April meeting after a Request for Inquiry was received from a parent. At that time the Board motioned to table the case and request more information from both the Harvey school district and the special education unit. The requested information has been received.

Ben Johnson made a motion to dismiss the case. Motion seconded by Siri Coleman. Siri stated the school district and special education unit did provide what was requested. Ms. Goertzen is an intern and sought guidance from her superiors and followed the advice given. Ben stated if she's following what supervisors are advising and he doesn't believe any ethics were violated. If the information had been withheld and something did happen, this may be basis to determine that the code of ethics had been violated. Cory Steiner agreed – Ms. Goertzen she asked for advice, followed the given advice, and this

will be a learning experience down the road. He does not believe there's been a violation that's under purview of ESPB's Board. Attorney Allyson Hicks reminded the Board that their job is to enforce the laws and rules and they need to determine if her disclosing information was allowed under law. Administrative Rule 67.1-03-01-02(7) states that the educator "Shall disclose confidential information about individuals, in accordance with state and federal laws, only when a compelling professional purpose is served or when required by law." Ben Johnson reiterated that he believes Ms. Goertzen was acting in accordance with the law.

Board members who voted in favor of dismissing the case were Siri Coleman, Sonya Hansana, Ben Johnson, Kathy Lentz, Joshua Standing Elk, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Joshua Standing Elk left the meeting at 8:27am.

Owan, Danika – Ms. Owan's file was reviewed after it was discovered that she had been substitute teaching with a 30 day restricted interim substitute license for a few years. This was discovered when she called the office and disclosed the information. Kathy Lentz made a motion to fine Ms. Owan \$250 and to file a Request for Inquiry on Ms. Owan's administrator. Motion seconded by Cory Steiner. Kathy said since it was disclosed that Ms. Owan had been substitute teaching in the same classroom for such a significant amount of time, it seems appropriate to fine the maximum amount allowed. Cory agreed. Patti Stedman asked if the concern was the length of time she had been subbing, since Ms. Owan provided dates for this school year that she had been out of the classroom. It was pointed out that no information had been provided for previous school years or from Ms. Owan's administrator. Board members who voted yes were Siri Coleman, Sonya Hansana, Ben Johnson, Kathy Lentz, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Welstad, Nicole – Ms. Welstad's file was reviewed after a Request for Inquiry was received from a parent. Patti Stedman asked if the parent had addressed this at the local level first. Based on the information submitted in the Request for Inquiry, it does not appear that happened. Patti is concerned this is beyond the board's purview. Kathy Lentz agreed and stated it's not the Board's role to investigate. That would be done at the local level first.

Cory Steiner made a motion to dismiss. Seconded by Ben Johnson. Cory believes this should have been investigated at the district level first. It appears to be a he-said-she-said situation and Cory sees no ethical violation. Ben Johnson agreed. Patti Stedman asked how this is communicated back to the parent. Becky contacts the person who filed the Request for Inquiry to let them know the outcome of the complaint with a recommendation they call the office if they have further questions. She does not recommend their next steps. Board members who voted in favor of dismissing the case were Siri Coleman, Sonya Hansana, Ben Johnson, Kathy Lentz, Patti Stedman, Cory

Steiner, and Brenda Tufte. None opposed. Motion carried.

Leal, Kathryn – Ms. Leal's file was reviewed after an incident at her school district was reported in the news. Information about the incident has been received from Ray Public School and Ms. Leal. Ms. Leal was placed on administrative leave, and she later resigned. Patti Stedman asked if the Board has had cases like this previously and what action has been taken. Becky can not recall a past case like this and believes it's always been handled at the district level. Information submitted shows this was investigated and resolved at the district level. Allyson Hicks reminded the Board they need to focus on determining if the information provided rises to the level that the Board wants to initiate a complaint.

Cory Steiner made a motion to not initiate a complaint. He later rescinded his motion.

After further discussion, Sonya Hansana made a motion to not initiate any complaint. Ms. Leal is moving on and the situation was handled at the district level. Motion seconded by Ben Johnson. Patti Stedman stated she agreed with Sonya, but doesn't think Board should make decisions based on Ms. Leal's statement that she's leaving the state. Brenda Tufte believes that the district did a thorough investigation and based on the discussion there appears to be some violation of responsibility to students. The district recognized Ms. Leal could not continue and pulled her from the classroom. Board members who voted in favor of not initiating a complaint were Siri Coleman, Sonya Hansana, Ben Johnson, Kathy Lentz, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Burkes, Brandi – Ms. Burkes's file was reviewed by the Board after she self-disclosed background offenses on her application for an interim substitute license. Per Board policy, the offenses need to be reviewed. Ms. Burkes has had no violations after 2010. Kathy Lentz made a motion to issue the license. Motion seconded by Patti Stedman. Kathy stated it's been a number of years since the offenses occurred and we all make mistakes and grow up. Board members who voted yes were Siri Coleman, Sonya Hansana, Ben Johnson, Kathy Lentz, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

McConville, Marisa – Ms. McConville had a license that had lapsed for a number of months. Siri Coleman said she appreciated information included in the file about how this was discovered and how quickly staff took care of things after the necessary information was received.

Siri Coleman made a motion to fine \$250 Ms. McConville for teaching without a license and to send a Request for Inquiry to Ms. McConville's administrator. Motion seconded by Ben Johnson. Patti Stedman agreed that sending a Request for Inquiry to the administrator is wise, as it sounds like their processes are not consistent and it will be beneficial to get their response. Board members who voted yes were Siri Coleman,

Sonya Hansana, Ben Johnson, Kathy Lentz, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Schmidt, Kayla – Ms. Schmidt’s file was reviewed due to self-disclosed background offenses on her application for an interim substitute license. All offenses were a number of years ago. Ben Johnson asked attorney Allyson Hicks to clarify information on the Class C felony and deferred imposition of sentence. He wondered if the offense level impacted anything. Allyson clarified that with a deferred imposition of sentence, after all requirements are completed, the guilty plea is withdrawn and the charge is dismissed. Because of that, Allyson believes it would be perfectly fine to move forward.

Patti Stedman made a motion to grant Ms Schmidt’s application for licensure. Motion seconded by Sonya Hansana. Both Patti and Sonya said Allyson’s explanation helped and Ms. Schmidt was very remorseful and forthcoming in her letter of explanation. It has also been a significant amount of time since charges occurred. Board members who voted yes were Siri Coleman, Sonya Hansana, Ben Johnson, Kathy Lentz, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Hubbard, Justin Zenas – Mr. Hubbard has applied for renewal of his interim substitute license. It was found during a search of the NASDTEC Clearinghouse that Mr. Hubbard had a license that was suspended in Texas. Mr. Hubbard has provided his response. Becky did reach out to the Texas licensure agency and did not receive a response. She also researched and found that a number of Texas educator’s licenses are being suspended due to leaving mid-school year. Siri Coleman made a motion to grant Mr. Hubbard’s renewal application. Motion seconded by Ben Johnson. Siri said Mr. Hubbard provided a response and due to medical issues, he resigned. Board members who voted yes were Siri Coleman, Sonya Hansana, Ben Johnson, Kathy Lentz, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Tarno, Amy – This item must be discussed in executive session. Legal authority for closing this portion of the meeting is NDCC 44-04-19.2(1). The topic or purpose of this executive session is consideration or discussion of confidential records. Executive session began at 9:06am and was attended by Board members Siri Coleman, Sonya Hansana, Ben Johnson, Kathy Lentz, Patti Stedman, Cory Steiner, Superintendent Kirsten Baesler and Brenda Tufte, ESPB staff Becky Pitkin, Mari Riehl, and Amy Bigelow, Allyson Hicks and Mark Openshaw from Office of the Attorney General, and Amy Tarno. Executive session ended at 9:36am.

At a February 2023 special meeting, the Board voted to revoke Ms. Tarno’s license for a period of two years if she was found guilty of any of the offenses she’d been charged with. As of now, Ms. Tarno has not signed the settlement agreement. Since that time the case has been settled through the court system. Ms. Tarno has pled guilty to three charges and the others have been dismissed.

Sonya Hansana asked if the Board would suspend and then Ms. Tarno would then renew, would that ever be reported back to the Board? It would be reported to the office, as each renewal would be reviewed, but would only come back to the Board if that was stipulated. Kathy Lentz asked what the suspension date would be. The date of suspension is based on the date the settlement agreement was signed. Kathy was considering if a person would be looking for a job, that jobs open in February, not necessarily May.

After lengthy discussion, Kathy Lentz made a motion that Ms. Tarno's license be suspended until February 1, 2024. Ms. Tarno must complete a drug and alcohol evaluation, complete any recommended treatment plan and report this to the Board. Motion seconded by Sonya Hansana. Kathy stated if this was an alcohol offense the Board would be having a different discussion and would have no way of knowing if the person was continuing to use alcohol. Sonya said she seconded for discussion, but doesn't feel a suspension until February 1, 2024 is long enough. She feels there needs to be more teeth in it, as there are children Ms. Tarno is interacting with. Patti Stedman said she would like to see at least one drug test before Ms. Tarno's license is reinstated. Brenda Tufte agreed that a one year suspension doesn't seem like enough time and she would like to see more than one drug test – perhaps every three or six months.

Cory Steiner said he wouldn't be supportive of exiting motion, as he doesn't feel like it's enough time. He'd like to see suspension through at least the end of next school year. He believes the Board needs to stick to their non-negotiables.

Patti Stedman asked how long drugs stay in the system and if that will even be beneficial if testing is done every three or six months. Allyson Hicks said there are different types of testing, and a hair follicle test would give a more accurate indicator of the last time drugs were used. Sonya Hansana asked if a drug test would show as positive if there could be a stipulation? Allyson said the settlement agreement would include a statement that the drug test must be successfully completed, meaning it would need to be a clean drug test. If the drug test would not come back clean there would be subsequent possible Board actions.

Kathy Lentz amended her motion to suspend until Feb 1, 2025, and to include requirements 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 show rehabilitation has been successful and no drug use prior to working with children. Sonya continued to second.

The final motion made by Kathy Lentz was 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. Seconded by

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Sonya Hansana. Board members who voted in favor of the motion were Siri Coleman, Sonya Hansana, Ben Johnson, Kathy Lentz, Patti Stedman, Cory Steiner, and Brenda Tufte. None opposed. Motion carried.

Siri Coleman and Cory Steiner left the meeting at 10:01am.

Board Education: Policy – In the past, the Board has tried their best to be consistent in terms of disciplinary actions. The question today is if the Board wants to consider each case separately.

Attorney Allyson Hicks said recently there has been some pushback if the Board has been enforcing the portion of the Code of Ethics that states that an administrator “willingly allowed” someone to teach without a valid license. Is it the teacher’s responsibility to monitor their license expiration date or is it the administrator’s responsibility? At the April meeting there was much discussion that situations should be treated differently if an administrator purposely has someone teach without a valid license or if they were unaware that a license had expired. Does the Board want to keep doing what they have been doing, or do they want to look at it more closely as each case comes up?

Ben Johnson believes that each situation does need to be looked at differently. Depending on the district, there may be a person who tracks license expiration dates. Ben believes the responsibility should be on the teacher, as it’s their license. The consensus of the Board is that cases be considered individually, with the individual facts. Allyson reminded the Board they can continue to issue fines and file Requests for Inquiry on administrators if they choose.

Becky will draft a policy based on what the Board has stated and will bring it back to the Board for review.

The regular board meeting recessed at 10:17am and Administrative Subcommittee meeting was called to order at 10:17am.

Administrative Cases – Reviewed by the Administrative Subcommittee of the Education Standards and Practices Board. Committee meeting was led by Ben Johnson and commenced at 10:18am. Administrative Subcommittee members present were Sonya Hansana, Ben Johnson, Kathy Lentz, and Patti Stedman.

Franklin, Bradley – This case was originally reviewed at the April 2023 meeting. At that time, the Administrative Subcommittee passed a motion to table the case until the next meeting to allow more time to seek information from Fargo Public Schools about whose responsibility it is to ensure that educators have a valid license. Additional information has been received. Kathy Lentz said this goes back to the discussion about who’s

responsibility it is to make sure there's a licensed teacher in the classroom.

Patti Stedman made a motion to send a letter to Mr. Franklin's school district reminding them that all North Dakota teachers need to be licensed in North Dakota. Seconded by Kathy Lentz. Allyson will send letter, but this is not a formal disciplinary action. Administrative Subcommittee members who voted yes were Sonya Hansana, Ben Johnson, Kathy Lentz, and Patti Stedman. None opposed. Motion carried.

Harris, Keith – At the April meeting, the Board voted to send Mr. Harris a Request for Inquiry due to having two teachers with 30 day restricted interim substitute licenses in classrooms full-time. Sonya Hansana made a motion to fine Mr. Harris \$250 with letter requiring him to have qualified teachers in the classroom. Seconded by Patti Stedman. There was much further discussion regarding if this was truly the responsibility of Mr. Harris. Looking back at the two cases from last meeting, Mr. Harris had sent a response with each case, so that was why the Request for Inquiry forms were issued to him. Ben Johnson is wondering if action should be taken at this time or if there needs to be more information to find out who's responsibility it truly was to make the decision to place 30-day restricted interim substitute licensed teachers in the classroom full-time. Sonya Hansana and Kathy Lentz voted yes. Ben Johnson and Patti Stedman voted no. Tie vote, so motion failed.

Patti Stedman motioned to table the case and request further information regarding who is the responsible decision maker in this situation. Motion seconded by Sonya Hansana. Administrative Subcommittee members who voted yes were Sonya Hansana, Ben Johnson, Kathy Lentz, and Patti Stedman. None opposed. Motion carried.

The Administrative Subcommittee meeting ended at 10:42am and the regular ESPB meeting resumed at 10:49am. Board members present were Sonya Hansana, Brenda Tufte, Ben Johnson, Patti Stedman, Kathy Lentz, and Superintendent Baesler. Cory Steiner joined the meeting again at 11:17am.

Becky thanked Dr. Tufte, Dr. Johnson, Dr. Fox for their time on the Board, as their terms are ending after the June meeting. Becky also received notification from Joshua Standing Elk that he's resigning from the Board. He's accepted a new position with Bismarck Public Schools as an indigenous curriculum specialist. She will continue to work with the Governor's Office to find new Board members.

April Minutes, License and Financial Reports and Disability Waivers –

The April 2023 financial report showed \$55,593.57 in total income received, \$60,654.62 in total expenses, with a net income of minus \$5,061.05. The April 2023 licensure report documented 708 items issued. This number includes background checks, endorsements, late fees, and application fees.

Ben Johnson moved to accept the April minutes, license, and financial reports and

disability waiver requests for December Oster, Travis Willberg, Dana Eagon, Nicole Gabriel, and Jordan Young. Motion seconded by Sonya Hansana. All voted in favor, none opposed. Motion carried.

Ben Johnson left after this portion of the meeting. Board members present for voting the remainder of the meeting were Cory Steiner, Patti Stedman, Sonya Hansana, Brenda Tufte, and Kathy Lentz.

Director's Report – One audit has been finished and the rest are being completed. The backlog is promised to be completed by the auditors by the end of this year.

CAEP agreement has been updated and that's been provided to the Board.

- Letter from Jean Frueh – she has asked that the Board revisit the re-education credit requirement. The Board has visited about this in the past and took no action.
- Letter from Kathy Zahn – Ms. Zahn has asked if the Board would consider issuing a life license as she stated she didn't realize she needed to apply for the life license and thought it would be automatic. She's been a licensed teacher in North Dakota for over 40 years and is asking if the Board would honor the credits she's done over the past 10 years. Patti Stedman made a motion to allow Kathy Zahn to apply a life license without new credits. Motion seconded by Cory Steiner. Cory and Patti felt she's already gone above and beyond and has met her re-education requirement. All voted in favor, none opposed. Motion carried.

Teacher Support System – TSS has been told to open enrollment for both 1st and 2nd years of mentoring and that funding will be found. Erin Jacobson shared a response that she received from one mentor in support of the mentoring program and the positives she's seen as a result of the program. TSS is working to open enrollments, process spring stipends, has been preparing for their mentor training retreat and new mentor trainings. They will be revamping their Coaches Academy to purposefully bring administrators into the work that is being done. TSS is also working with Nexus Innovations to streamline the stipend process and make it less cumbersome.

Legislative Update – House Bill 1231, the reading bill, has been amended to apply to early childhood, elementary education, and special education teachers. The bill from the 2021 session said it applied to all teachers, K-12. This change aligns to work being done with The Hunt Institute. Senate Bill 2070, the permit bill, was extended and this has been communicated to administrators.

NDACTE Proposal for Additional PLT Options – In the past, candidates applying for K-12 licensure were required to complete the Principles of Learning and Teaching (PLT) Grades 7-12 test. ETS now has a K-12 PLT. NDACTE has proposed that individuals seeking K-12 licensure have the option of completing either the PLT: K-6 (5622), PLT: 7-12 (5624), or PLT: K-12 (5625). Sonya Hansana moved to approve the proposal by NDACTE. Motion seconded by Patti Stedman. All voted in favor, none opposed. Motion carried.

Administrative Rules (Special Education Law, Special Education Minor Equivalency, minor changes)

– Currently, a licensed individual can teach special education in North Dakota with a minor. At this time there is no minor equivalency option for general special education. We see a number of applicants for licensure who have completed many credits in special education, but it's not in a specific special education area. A focus group met to recommend what coursework requirements for the minor equivalency endorsement should be and the information has been provided to the Board. Sonya Hansana motioned to approve minor equivalency in special education. Seconded by Cory Steiner. Both believed this is a great idea. All voted in favor, none opposed. Motion carried.

Request from Minot State University – Minot State University has submitted a proposal to remove the Core Academic Skills test requirement for graduate level licensure programs. Brenda Tufte said the accreditation for graduate level programs falls under initial licensure. NDACTE currently has a proposal to use other criteria in place of the Praxis Core and since these are initial licensure programs it could apply to their graduate level program as well. No action taken.

DPI Administrative Rules – DPI's proposed administrative rule changes have been submitted to the Board for review. The public comment period for the proposed changes ends on Monday, June 19, 2023.

Board Member Reports

NDACTE –

- Mayville state hosted our state conference in April.
- EPP's continue to participate in monthly Thursday a.m. meetings with Dr. Lynn Hammonds and working with Asst. Supt. Laurie Matzke and Lisa Johnson for guidance with the possible apprenticeship programs (teachers grow you own and principal apprenticeship also).
- NDACTE continues to be involved with Hunt Institute: Science of Reading legislation & potential framework
- NDACTE met on May 5th. The group voted to bring forward 2 proposals to NDESPB:

Proposal 1 Candidates seeking licensure in K12 content areas may choose to complete the PLT PreK12 (5625) as an option

Proposal 2: Candidates seeking licensure in K-12 Content areas such as PE, Art, Music may choose to complete the PLT K-6 (5622) PLT 7-12 (5624) or the PLT PreK-12 (5625)

Considerations: Candidates with a double major that includes K12 could be required to take up to 4 exams equaling approximately \$500. Also not a hefty requirement for out of state applicants who need to pass these exams.

NDACTE voted to allow these new options and seek approval from NDESPB.

Association of Non-Public Schools – Not present.

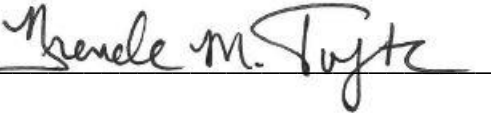
Association of School Administrators – Met with NDCEL - figuring out how to implement new laws from session. This is a negotiations year.

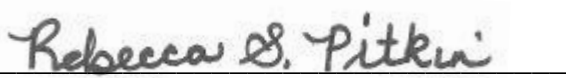
School Boards Association – Nothing to report.

NDUnited – Not present.

DPI – Not present.

The meeting was adjourned at 11:31am.


Chair


Secretary/Executive Director