

**MINUTES – Board Meeting**  
**Thursday, October 13, 2022**  
Teams Meeting

The Education Standards and Practices Board (ESPB) meeting was called to order at 8:02am by Chair Brenda Tufte. Board members present were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Amber Fridley, Joshua Standing Elk, Patti Stedman, and Brenda Tufte.

Board Chair Brenda Tufte welcomed new Board member Amber Fridley, who will be representing public school teachers. She also thanked past member Carly Retterath for her years serving on the Board.

Board members Ben Johnson, Cory Steiner, and Superintendent Kirsten Baesler were absent.

Also present were ESPB Executive Director Rebecca Pitkin and Amy Bigelow from ESPB, Allyson Hick from Office of the Attorney General, Erin Jacobson and Marijke Leibel from Teacher Support System, Stacy Duffield from NDSU, Jen Wallender from Western Governor's University, Michelle Griffin from UND, Matt Liebel, and other online guests.

**Additions/Changes to the Agenda** – Addition to the agenda include a case regarding Ashley Smalley and a disability waiver request. Siri Coleman moved to accept the agenda as amended. Motion seconded by Patti Stedman. All voted in favor, none opposed. Motion carried.

**Motion to Ratify September Licensure List** – Kathy Lentz made motion to ratify the September 2022 licensure list. Seconded by Sonya Hansana. All voted in favor, none opposed. Motion carried.

**CASES**

**Lunday, Loren** – Mr. Lunday's file was reviewed by the Board after he self-disclosed background offenses on his application for licensure. All stipulations set forth by the court have been resolved, with no outstanding probationary terms. Andrea Fox made a motion to grant Mr. Lunday a license for one year. He must reapply in one year and self-disclose any new offenses. Motion seconded by Patti Stedman. Board members who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Amber Fridley, Joshua Standing Elk, Patti Stedman, and Brenda Tufte. None opposed. Motion carried.

**Dugan-Dibble, Raquel** – Ms. Dugan-Dibble's file was reviewed after a Request for Inquiry was received from Rolette Public School for breach of contract. Attorney Allyson Hicks requested that in the future, a copy of the contract be obtained, as it will help inform the Board when they make their decision. Becky also notified the Board that three additional personal letters of reference for Ms. Dugan-Dibble had been received from an individual received yesterday.

Board members expressed concern that it's difficult to make a determination without a copy of the contract, when it's references a number of times in the information submitted. Allyson reminded the Board they can continue this case until next month, and request a copy of the contract.

Siri Coleman made a motion to table until the next meeting and to request a copy of Ms. Dugan-Dibble's contract. Motion seconded by Andrea Fox. Much further discussion by the Board about if the contract is needed and if it would answer any additional questions. Board member who voted yes to requesting a copy of the contract were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Amber Fridley, Patti Stedman, and Brenda Tufte. None opposed. Motion carried.

**Moen, Austin** – Mr. Moen's file was reviewed by the Board after he self-disclosed background offenses on his application for licensure. Kathy Lentz moved to grant a license for one year, with the requirement that Mr. Moen self-report any subsequent offenses. Motion seconded by Siri Coleman. Board member who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Amber Fridley, Patti Stedman, and Brenda Tufte Motion carried.

**Smalley, Ashley** – Before discussion on this case began, Patti Stedman disclosed that she has a conflict of interest with this case, and she does not feel she can be impartial, so she would like to be recused.

Under Ethics Commission rules, Board cases are considered quasi-judicial.. Additional steps are now required to remediate the conflict. Allyson would like the Board as the neutral reviewer to affirm Patti's recusal from the case, that she would have bias if she would continue to participate in case. A potential conflict of interest could occur if someone has received a gift from the one of the parties involved, has a significant financial interest, or a relationship in a private capacity with one of the parties (ND Administrative Rule 115-05-01-02(5)).

Patti Stedman made a request to the neutral reviewer to be recused, as she is a member of the West Fargo School Board, where Ms. Smalley was employed. Patti would need to abstain from discussion or voting. Board members who voted yes to Patti Stedman being recused from this case were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Amber Fridley, and Brenda Tufte. None opposed. Motion carried. Patti Stedman is now recused from participating in discussion or voting on this case.

Andrea Fox disclosed that she knows all parties related to the case, has knowledge of the events, but no bias and feels she can vote impartially. Andrea stated she has no business connection and no family connection to Ms. Smalley. Attorney Allyson Hicks asked if Andrea would like to make the decision herself or if she would like neutral board to vote. Andrea stated she would like neutral board to vote, for the purpose of consistency. No board members had any questions for Andrea.

Sonya Hansana made a motion to allow Andrea Fox to participate and vote in the case regarding Ms. Smalley. Motion seconded by Kathy Lentz. Kathy stated she believes

Andrea would be able to vote impartially. Siri Coleman agreed that Andrea would be able to look at the case without bias, as she did not identify with any of the three items listed by Allyson that would take away her ability to do that. Board members who voted in agreement were Siri Coleman, Sonya Hansana, Kathy Lentz, Amber Fridley, and Brenda Tufte. None opposed. Motion carried.

Allyson reminded the Board to weigh mitigating factors, effects on students, ect. Ms. Smalley's district asked her to wait to leave until after her school board had approved her resignation, however that did not happen. The time frame to breach a contract and pay liquidated damages had already passed, so that was not an available option.

Board members expressed that this case feels different from the previous one, as the facts and situation surrounding it are different. Allyson reviewed options the Board has including but not limited to dismissal of the case, conditional dismissal if the Board wants to assess coursework or other requirements. Neither of those options would be reported to the NASDTEC Clearinghouse. Another option is a letter of reprimand, which is reported to the clearinghouse. The Board could issue a settlement agreement and impose a fine, suspension, revocation, and/or coursework required. If Board issues ones of those options and Ms. Smalley doesn't agree, it could move forward to Administrative Law Judge.

After much discussion, Siri Coleman made a motion to issue Ms. Smalley a letter of reprimand. Motion seconded by Sonya Hansana. Board further discussed the motion and felt this action would be appropriate. Board members who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Amber Fridley, and Brenda Tufte. None opposed. Motion carried.

**Schmidt, Kelsie** – The board has received the Administrative Law Judge's issued proposed findings. The findings state Board did not consider rehabilitative actions Ms. Schmidt has taken between time that her license was suspended and when she re-applied. Attorney Allyson Hicks stated Executive Session is not required for discussion, but is an option. The Board is not able to go into Executive Session to discuss options of the next steps that can be taken – if the Board would move into Executive Session for this, it would all need to be disclosed in the open meeting. This has changed due to a new Supreme Court decision. Board cannot discuss in executive session.

Andrea Fox stated she appreciated reading the comments about the case and at the March 2022 meeting, the Board talked about how long is long enough for license to be suspended. She also stated the Board can continue to consider all Ms. Schmidt has done since her license was suspended, but questioned what is needed to keep kids safe.

Allyson reviewed the option the Board has in regard to the order – any time there are proposed Administrative Law Judge findings, it's proposed and not a final order. Three

options: 1. Accept and sign proposed order. This would mean the Board doesn't just agree with the final outcome, but that they agree with everything (facts, findings of law, ect). 2. Agree to remand case back to the Board. Each of the facts and conclusions of law would need to be evaluated and the Board can choose to remove or modify any part, but need to be very specific. 3. Board doesn't agree with any of the order and wishes to modify. The modifications would need to be extremely specific.

Board needs to decide if they agree with Administrative Law Judge outcome, then move on to deciding if they agree to facts that support it. If Board would choose option 2, they would essentially need reconsider the full case and all facts, including rehabilitation. For example, the Board could state that all information was considered, document what they believe is missing and the reasoning why the Board feels a license cannot be issued.

Andrea Fox made a motion that the Board did consider all submitted information. They discussed that Ms. Schmidt is currently a paraprofessional in the classroom, and how there is someone there to oversee her interactions. Motion did not receive a second and failed.

Allyson believes the Board could rephrase the order and state that all information was considered. The Administrative Law Judge is asking the Board to review again and consider the information and talk about what Ms. Schmidt has done since her license was suspended, what expectations are, and if what she's done is not enough, why it was not enough. Board can modify findings – in paragraph 21 on page 6 – Board minutes are referenced, then Becky's testimony. The Board can strike language at the end of the paragraph and replace with what the order says. This may be a favorable alternative instead of fighting the result, which could end in appeal to the Supreme Court. The Administrative Law Judge says the Board may end up denying the license, but at least it was considered.

Andrea Fox made a motion to accept the order with modifications to findings, specifically striking language in paragraph 21, then reconsider Ms. Schmidt's case based on information the Board has. Motion seconded by Patti Stedman. Board members who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Amber Fridley, Patti Stedman, and Brenda Tufte. None opposed. Motion carried.

Allyson will modify, then will need a special meeting for Board to approve modifications. Ms. Schmidt and her attorney can appeal the modification within a certain amount of time and then it will come back to the Board for new consideration.

The regular ESPB meeting was recessed at 9:23am and the Administrative Subcommittee meeting was called to order by acting Administrative Subcommittee Chair Patti Stedman.

**Administrative Cases** – Reviewed by the Administrative Subcommittee of the

Education Standards and Practices Board. Administrative Subcommittee members present were Sonya Hansana, Kathy Lentz, Amber Fridley, and Patti Stedman.

**Faidley, Richard** – Mr. Faidley's file was reviewed after a Request for Inquiry was received from a now former principal in his district. Sonya Hansana and Kathy Lentz stated they didn't see any evidence of wrongdoing by Mr. Faidley. Sonya Hansana made motion to dismiss the case. Motion seconded by Kathy Lentz. Kathy stated it's part of a superintendent's job to reprimand a principal who is acting inappropriately. Administrative Subcommittee members who voted in favor of dismissing the case were Sonya Hansana, Kathy Lentz, Amber Fridley, and Patti Stedman. None opposed. Motion carried.

The Administrative Subcommittee meeting ended at 9:26am and the regular ESPB meeting resumed.

**September Minutes, Special Meeting Minutes, License, and Financial Reports** – Financial and licensure reports not available at this time. Siri Coleman moved to accept the September minutes and special meeting minutes. Motion seconded by Sonya Hansana. Board members who voted in favor were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Amber Fridley, Patti Stedman, and Brenda Tufte. None opposed. Motion carried.

**Disability Waiver Request – Jennifer Dobitz** – Sonya Hansana made a motion to approve the request for a disability waiver. Motion seconded by Patti Stedman. All voted in favor, none opposed. Motion carried.

**National Board Request** – A request was received from Martha Nelson to receive back-pay of the National Board stipend from 2014 to 2020. Ms. Nelson is a National Board Certified Teacher (NBCT), but was not registered as teaching in North Dakota with National Board until 2021. A report is pulled from National Board each year of ND NBCTs and that information is used to pay stipends. Andrea Fox stated she doesn't know that it's on this Board to be responsible for being sure someone registers their state, as it really lies on the individual. She isn't sure the Board wants to go there. It was pointed out that Ms. Nelson's district pays a stipend to NBCTs as well. Kathy Lentz agreed that the responsibility falls on the applicant. Patti Stedman asked if we need to post online that we do not pay retroactively. In the future, the Board will discuss adding this to our policy and procedure.

Patti Stedman made a motion to deny Ms. Nelson's request for retroactive payment of the National Board stipend. Motion seconded by Sonya Hansana. Board members who voted yes were Siri Coleman, Andrea Fox, Sonya Hansana, Kathy Lentz, Amber Fridley, Patti Stedman, and Brenda Tufte. None opposed. Motion carried.

**Director's Report** – Formative feedback evaluations have been completed for office staff. Another part-time person has been hired to help with additional tasks in the office, as we have additional work with apprenticeships and The Hunt Institute. New administrative rules went into effect October 1. Frontline training has had a positive response. Becky will be going to Idaho next week for NASDTEC conference, as she is the current NASDTEC president. NASDTEC will also be hiring a new executive director at that time. Valley City State University's site visit begins this Sunday, where Brenda Tufte will serve as the state representative. University of North Dakota's visit will occur at the beginning of November.

**Board Retreat Recommendations** – One of the things the Board talked about at the August retreat was the Montana Model. Becky and Brenda have met with some individuals from Montana and have presented the information they've learned to NDACTE. It seems to be consensus that North Dakota cannot completely get rid of the Praxis, but there appears to be some momentum for alternatives to Praxis. Researching how this could effect Title II reporting, CAEP accreditation, ect.

**Teacher Support System** – Teacher Support System is celebrating the one year anniversary of receiving GEER II funding. A few things this has allowed TSS to do are create a 2<sup>nd</sup> year mentoring program, double their beginning teacher enrollment, and recreate mentor professional development choices. TSS continues to think forward and plan for the future, when GEER II funding has been used. New mentor trainings continue, both online and in person. Six trainings have been offered since July.

**North Dakota Teacher Shortage Survey** – Stacy Duffield from NDSU shared results from Transition to Teaching survey, given to teachers the Spring semester after their program completion. They try to catch all completers, but sometimes they are hard to find. Individuals who are not teaching in North Dakota are less represented in the sample, as they sometimes cannot be contacted. Information shared today is survey data collected related to teacher shortage.

**Accreditation Update** – As part of Becky's evaluation, she is required to provide information to the Board each month, with this month being accreditation. Accreditation is used by all IHE's for continuous improvement. ND uses CAEP standards, and all state-approved teacher preparation programs meet the same requirements. Every 7 years, a school is revisited. Program review reports are completed, then content expert reports, then self-study reports. After a site visit, there are different outcomes, and those outcomes tell a IHE what they need to work on. Possible outcomes include areas for improvement, stipulations, ect. Upcoming reviews will be taking place at VCSU, UND, and Sitting Bull College.

**Model Code of Educator Ethics (MCEE)** – Model Code of Ethics for Educators reviews commitment to profession, students, the community, ect. A large part of the

MCEE talks about the “grey area” of education. Becky presents the Model Code of Ethics for Educators to teachers in districts, and it’s also integrated in to teacher preparation programs. NASDTEC has updated the model code for clarity and to eliminate repetition, and it’s currently out for public comment.

Becky asked Board members to review and let her know if there are any areas they would like her to include with our public comments. Also provided for the Board is an essay from someone who was required to complete the NASDTEC Prevention and Correction course, which is based on the MCEE.

**Board Member Reports**

**NDACTE** – NDACTE has not met since the last ESPB meeting. A subgroup has been researching possible alternatives to the Praxis Core.

**Association of Non-Public Schools** – Siri Coleman visited with Erin Jacobson from TSS this past month to learn about what things non-public schools can use at no cost and what’s available on the TSS website. She continues to work to help non-public schools know what resources are available to them.

**Association of School Administrators** – Not present.

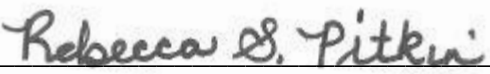
**School Boards Association** – Nothing to report. Upcoming convention, so will have more information next month.

**NDUnited** – Not present.

**DPI** – Not present.

The meeting was adjourned at 10:32am.

  
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Chair

  
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Secretary/Executive Director