

MINUTES – Board Meeting
Thursday, October 10, 2024
Teams

The Education Standards and Practices Board (ESPB) meeting was called to order at 8:02am by Board Chair Cory Steiner. Board members present by video conference were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, Sheila Schlafmann, Patti Stedman, Cory Steiner, and Superintendent Kirsten Baesler.

Amber Fridley and Siri Coleman were absent.

Also present were ESPB Executive Director Rebecca Pitkin, Mari Riehl, and Amy Bigelow from ESPB, Erin Jacobson and Marijke Leibel from ND RISE, Allyson Hicks, Mark Openshaw, and Annique Lockard from Office of Attorney General, Amy Flicek from NDUnited, Michelle Griffin from UND, Joe Kolosky from DPI, Ross Nilson, Robert Lukens, and other online guests.

Attorney Allyson Hicks will be phasing out as ESPB general counsel. Mark Openshaw, who has been working as Allyson's intern, will be taking over as general counsel. Allyson will be co-counsel as needed and stay with the board through legislative session. For three of the cases today, both Mark and Allyson have a conflict of interest and Assistant Attorney General Annique Lockard will be consulting on those cases.

Introductions were held.

Motion to Include Additional Agenda Items – Additions to the agenda include a disability waiver request from Nicholas Rexine and the executive director evaluation. Patti Stedman made motion to accept the agenda as amended. Seconded by Evan Kritzberger. Board members who voted yes were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, Sheila Schlafmann, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Motion to Ratify September Licensure List – Patti Stedman made a motion to ratify the September licensure list. Motion seconded by Sheila Schlafmann. Board members who voted in favor were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, Sheila Schlafmann, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

CASES

Before discussion on cases began, Board Chair Cory Steiner reminded meeting guests that discussion is limited to board members, staff, and general counsel.

Graalum, Jackson – Mr. Graalum's file is being reviewed by the board after he self-disclosed background offenses on his application for an interim substitute license. The most recent offense occurred in October 2019. Patti Stedman made a motion to grant Mr. Graalum's license. Seconded by Sarah Lerud. Patti said it's been a number of years since the charges occurred and Mr. Graalum was forthcoming about the offenses. Board members who voted in favor were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, Sheila Schlafmann, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Adams, Luke – At the August 2024 meeting the board passed a motion to request

additional information from Mr. Adams. Mr. Adams currently has a 40-day provisional license. The requested information has been received and provided to the board for review. Patti Stedman made a motion to grant the license to Mr. Adams. Motion seconded by Evan Kritzberger.

Patti said there was a lot of information, and it looks like Mr. Adams has done the work and provided information needed. It's been quite a few years since his offenses occurred. Evan agreed and said based on the letters of recommendation from the community and his supervisors, it seems appropriate to issue a license, since those people who provided letters of recommendation know him best. Board members who voted yes were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, Sheila Schlafmann, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Heard, Reagan – At the September 2024 meeting the board passed a motion to request an additional response from Ms. Heard, which has now been received. Patti Stedman made a motion to grant Ms. Heard's license with the requirement that she self-disclose any future offenses. Motion seconded by Dustin Hager. Patti said one of the questions the board had was why Ms. Heard didn't originally disclose some offenses. That has been answered. Board members who voted yes were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, Sheila Schlafmann, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Perttunen, Katherine – Ms. Perttunen's application is being reviewed because she self-disclosed offenses on her application for licensure. Attorney Mark Openshaw reminded the board that it's been more than 5 years since the offenses occurred. In order for these offenses to stand in the way of Ms. Perttunen obtaining a license, the board would need to show evidence that they believe she's not been sufficiently rehabilitated. Evan Kritzberger made a motion to grant the license. Seconded by Sheila Schlafmann. Evan believes Ms. Perttunen did a good job explaining what happened and there have been no offenses since. He stated it seemed to be an unfortunate series of events. Sheila agrees. Board members who voted in favor were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, Sheila Schlafmann, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Before discussion began on the next three cases, Cory asked Allyson to clarify her memo from 2019 about breach of contract. Allyson deferred to Mark. Mark reviewed the memo and what the board needs to look at. Was there a breach? Was the breach completed legally? Did a contract exist? What are the board's options? Warning, reprimand, suspension, or revocation. In determining a sanction, the board should look at public harm.

Patti Stedman asked what the board's role is in a breach? Allyson and Mark both said it's not the board's job to enforce a contract. If there are liquidated damages and those

are paid, that is not considered a breach since the rules of breaking the contract have been met. Not all districts include liquidated damages in their contracts. The contract is not the board's contract – it's a private contract, and not up to the board to force the cure of the contract. ESPB is not a collection agency, so it's up to the parties of the contract to work that out. It's inappropriate for the board to mandate how independent parties behave in an independent contract relationship.

Because of their work with various boards in the state, both attorneys Mark Openshaw and Allyson Hicks have a conflict of interest in the next three cases, so Assistant Attorney General Annique Lockard will be advising the board.

Kinzel, Desiree – Reviewed due to a Request for Inquiry was received from West Fargo Public Schools for breach of contract. Patti Stedman disclosed that she has a conflict of interest because she is president of West Fargo school board, and this Request for Inquiry was filed by her district. Patti is requesting to be recused from this case. Jenny Bladow made a motion to allow Patti Stedman to be recused from this case. Seconded by Evan Kritzberger. Board members who voted yes were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, Sheila Schlafmann, and Cory Steiner. None opposed. Motion carried.

Cory Steiner asked general counsel Annique Lockard to review the options. The board could dismiss the case, issue a letter of warning, a letter of reprimand that would be entered into the NASDTEC clearinghouse, issue a license suspension or revocation. Becky added other options would be one of the ethics courses or a fine.

Evan Kritzberger made a motion to issue Ms. Kinzel a letter of reprimand. Motion seconded by Jenny Bladow. Evan said looking at Ms. Kinzel's letter, he understands where she's coming from. He doesn't know if it was the most appropriate way or time to resign or break her contract. He also said he doesn't know that he feels the resignation was done appropriately. Cory Steiner said he believes the letter issued to Ms. Kinzel needs to be more formal than just a warning.

Annique reminded the board of Allyson's memo of things to consider – one of the factors was if the position was able to be filled. Evan said that was one of his questions also. Based on Ms. Kinzel's letter of explanation, it sounds like the position was filled by the time the West Fargo school board reviewed the request for release of contract. Cory reminded the board it's possible that specific position was filled, but it doesn't mean that there wasn't another position in the district that went unfilled because of the resignation. The Request for Inquiry states there were 8.5 unfilled special education positions in the district.

Annique recommended the board focus on each case, determining if a breach occurred, and taking appropriate action as needed.

Board members who voted in favor of issuing a letter of reprimand were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, and Cory Steiner. Motion carried.

Pokornowski, Isaac – Reviewed due to a Request for Inquiry was received from West Fargo Public Schools for breach of contract. Patti Stedman disclosed that she has a conflict of interest because she is president of West Fargo school board, and this Request for Inquiry was filed by her district. Patti is requesting to be recused from this case. Angela Nagel made a motion to allow Patti Stedman to be recused from this case. Seconded by Sheila Schlafmann. Board members who voted yes were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, Sheila Schlafmann, and Cory Steiner. None opposed. Motion carried.

Angela Nagel made a motion to issue Mr. Pokornowski a letter of reprimand. Seconded by Evan Kritzberger. Angela stated the situation is very similar to the discussion held on the last case. Board members who voted in favor of issuing a letter of reprimand were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, Sheila Schlafmann, and Cory Steiner. Motion carried.

Thorson, Troy – Reviewed due to a Request for Inquiry was received from West Fargo Public Schools for breach of contract. Patti Stedman disclosed that she has a conflict of interest because she is president of West Fargo school board, and this Request for Inquiry was filed by her district. Patti is requesting to be recused from this case. Sheila Schlafmann made a motion to allow Patti Stedman to be recused from this case. Seconded by Dustin Hager. Board members who voted yes were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, Sheila Schlafmann, and Cory Steiner. None opposed. Motion carried.

Evan Kritzberger made a motion to issue Mr. Thorson a letter of reprimand. Motion seconded by Dustin Hager. Evan said the sticking point for him was that the other cases reviewed were going to other districts to continue serving students. Mr. Thorson has decided to pursue a position outside of teaching. Waiting until August seems late in the game to do that. Dustin agrees, but also respects the fact that Mr. Thorson identified that he needed to step away and acknowledges the the board is reviewing a breach of contract instead of a professional practices case for Mr. Thorson for not serving the students appropriately. Board members who voted yes were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, and Sheila Schlafmann. Cory Steiner voted no. Motion carried.

The regular meeting was recessed at 9:10am.

Administrative Subcommittee – Called to order at 9:10am by Administrative Subcommittee Chair Cory Steiner. Reviewed by Administrative Subcommittee of the Education Standards and Practices Board. Administrative Subcommittee members

present were Dustin Hager, Sarah Lerud, Shiela Schlafmann, Patti Stedman, and Cory Steiner.

Lukens, Robert – Mr. Lukens's file is being reviewed after a Request for Inquiry was received. Patti Stedman pointed out that it seems some things are related to Mr. Lukens, the superintendent, and some seem to be related to the school board. Cory Steiner made a motion to table the case until November and would like additional information in relation to the part of the Request for Inquiry that alleges a potential violation of mandated reporting. He would like to know what procedures were followed and if the incident was appropriately reported to social services. Motion seconded by Patti Stedman. Administrative subcommittee members who voted yes were Dustin Hager, Sarah Lerud, Sheila Schlafmann, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

McCann, Laura – Ms. McCann's file is being reviewed after a Request for Inquiry was received for signing a teacher's name on a re-written incident report. Patti Stedman made a motion to dismiss. Seconded by Sheila Schlafmann. Patti said this case seems very messy. One of the incidents referenced in the RFI is from 2022 and she's wondering why it's coming up now.

Is it a legal problem if the original document was appropriately signed, then when the paperwork was edited to remove a student's name, the original signature was not obtained again? Based on the documents, the original was destroyed when the information was updated to remove the student's name. Also included in the documents is that the district investigated, and disciplinary action was taken at the district level.

Attorney Mark Openshaw reminded the subcommittee that they need to determine if ESPB laws and rules were violated. Administrative code 67.1-03-01-03(6) states an educator shall present complete and accurate information a document related to their professional responsibilities. NDCC 15.1-13-25(j) could also apply. Cory Steiner said he does see this as a forged document and can't find a reason for signing one of his educator's names to a document. He believes there is something here that violates ethical principles. Patti Stedman rescinded her motion, with Sheila's agreement, and made a new motion to send Ms. McCann a letter of warning and a settlement agreement to require completion of the NASDTEC ethics course with essay at her own cost. Motion seconded by Sheila Schlafmann. Administrative subcommittee members who voted yes were Dustin Hager, Sarah Lerud, Sheila Schlafmann, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Holecek, Tony – Board had requested an administrator's response after Ms. Heidi Whitney's file was reviewed by the board at the August meeting for teaching without a valid license. Mr. Holecek responded that the Grenora School District had partnered with the Regional Education Association for counseling services during the 23-24 school year. Patti Stedman asked if the district had a contract with the REA, is it the

responsibility of the REA or the school administrator to ensure that the individual is appropriately licensed? Sheila agreed and said her district works with their REA frequently and put their trust in the REA that the people the REA is hiring to put in their buildings are appropriately licensed. Allyson Hicks said it's correct that it's the individual educators and the district administrators responsibility to ensure an individual is appropriately licensed. She said the REAs should also be checking to be sure the people they are having work with districts are licensed.

Allyson said that a letter could be sent to the REA asking for response to placing unlicensed individuals in schools.

Patti Stedman made a motion to send a reminder letter to Mr. Holecek and the REA about the importance of all educators holding a valid license. Seconded by Sarah Lerud. Administrative subcommittee members who voted yes were Dustin Hager, Sarah Lerud, Sheila Schlafmann, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Administrative Subcommittee was adjourned at 9:48am and the regular meeting resumed at 9:55am.

ND RISE – There are 712 beginning teachers enrolled in ND RISE for the 24-25 school year. This includes first and second year teachers. 221 are being mentored by an advanced mentor, which means they've mentored three or more times. Enrollment remains open for additional enrollment. ND RISE is working to develop multicultural mentoring with Sashay Schettler from DPI to identify a cohort of mentors who will work with para educators who are working to complete their teacher education degree. These individuals will receive mentoring through their education and into their first and second years of teaching.

ND RISE is collaborating with a group of Native American Education Leadership Program (NAELP) Scholars to provide induction support. Two areas identified as challenges to the group were trauma and challenges in leadership. ND RISE has partnered with the American Foundation of Suicide Prevention to offer "Talk Saves Lives" in October, January, or May. Also facilitating a book study that will focus on the challenges of being new in a leadership role, especially in a Native community.

The Teacher Retention and Recruitment Task Force has recommended the legislature fund graduated mentorship from ND RISE for teachers in the first three years in a new position.

Cory suggested ND RISE begin to think about what their proposal will be for the legislature for continued funding. Erin finished her funding proposal just yesterday and shared with the board. This reflects the recommendation for three years of mentoring from the Retention and Recruitment Task Force.

Director's Report – Joint Boards meeting will be held face-to-face on October 29th. All ESPB board members are invited to attend. Licensing information will be shared next month after information has been analyzed and Becky and Mari meet with DPI. There has been feedback from the field that the rules for the teaching authorization be permanently added to administrative rule. There are 20 teaching authorization holders so far this semester. Becky would like to develop a subcommittee to look at the rules for the teaching authorization and the components that need to be included. It's been found that support is key in helping those individuals be successful.

Jenny spoke in support of continuing the teaching authorization and developing components to help individuals be successful as they go through the process.

NDACTE Core Waiver – Minor edits have been made to the basic skills menu used by universities in place of the Praxis Core. NDACTE is in the middle of a 2-year pilot study and continue to track the data. This will be EPP specific and statewide. There has been discussion wondering if two years is enough time to track individuals from acceptance to the teacher education program into their years of teaching.

Interstate Compact Letter has been sent to Lt Colonel Sheldon and he will be moving forward with the bill. He does have a bill carrier.

Data is required to be submitted by EPPs by the end of October indicating where in their instruction reading competencies are being implemented. EPPs must upload syllabi for their courses and indicate the level where each literacy standard is being taught – Level 1: topic is explored, Level 2: topic is explored in depth, Level 3: topic is practiced in a field experience.

In a recent survey of NASDTEC, it was found that 83% of states that answered the survey (24) require re-education for licensure.

Administrative Rules – Does the board want to draft rules to review to put the teaching authorization into place? Evan Kritzberger made a motion to work with Becky to draft administrative rules regarding teaching authorizations. Seconded by Jenny Bladow. Board members who voted in favor were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, Sheila Schlafmann, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

At a past meeting Cory Steiner had mentioned possible rule or policy that individuals need to self-report offenses between license periods as they occur. Becky asked board members to think about this and Cory asked if this could come back at the November meeting.

Licensure Report – Information will be shared next month after Becky and Mari meet with DPI.

September Meeting Minutes and Financial Reports – Dustin Hager made a motion to approve the September meeting minutes. Seconded by Angela Nagel. Board members who voted yes were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, Sheila Schlafmann, and Cory Steiner. None opposed. Motion carried.

Evan Kritzberger made a motion to approve the September financial report. Seconded by Sheila Schlafmann. Board members who voted yes were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, Sheila Schlafmann, and Cory Steiner. None opposed. Motion carried.

The September 2024 financial report showed \$100,242.00 in total income received, \$87,019.78 in total expenses, with a net income of \$13,222.22. The September 2024 licensure report documented 1218 items issued. This number includes background checks, endorsements, late fees, and application fees.

Disability Waiver Request – Nicholas Rexine – Mr. Rexine has requested a waiver of Praxis II elementary and PLT tests. He's passed his Praxis Core. Has attempted 5017 and 5622 tests two times each.

Evan Kritzberger disclosed that he be recused from this case. He attended college at Mayville State with Mr. Rexine and is a personal friend. Jenny Bladow made a motion to allow Evan to be recused from this case. Motion seconded by Sarah Lerud. Board members who voted yes were Jenny Bladow, Dustin Hager, Sarah Lerud, Angela Nagel, Sheila Schlafmann, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Patti Stedman made a motion to grant the request for disability waiver to Mr. Rexine. Seconded by Dustin Hager. Jenny Bladow asked Becky to remind the board what the passing scores are for 5017 and 5622 tests. Mr. Rexine is close to achieving passing scores. Patti said even though he's not attempted each test three times, he is close to passing. Board members who voted yes were Jenny Bladow, Dustin Hager, Sarah Lerud, Angela Nagel, Sheila Schlafmann, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Applicant Requests –

- **Payment of National Board Stipend** – Heidi Rocheleau Eckart is a National Board Certified Teacher who has now moved into an administrative role and is reported as such on the MIS03. Administrative Rules outline requirements that must be met in order for a National Board Certified Teacher to receive the state-paid stipend.
 - Evan Kritzberger asked to be recused from this case. He is a personal friend of Ms. Rocheleau Eckart. Patti Stedman made motion to recuse Evan Kritzberger from this case. Motion seconded by Angela Nagel. Board

members who voted yes were Jenny Bladow, Dustin Hager, Sarah Lerud, Angela Nagel, Sheila Schlafmann, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

- The board discussed the request extensively. Patti Stedman made a motion to deny the request for payment of National Board stipend from Ms. Rocheleau Eckart. Seconded by Sarah Lerud. Board members who voted yes were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, Shiela Schlafmann, Patti Stedman, and Cory Steiner. None opposed. Motion carried.
- **Waiver of Late Fee** – Jacob Schmuck has requested a waiver of his late fee that was assessed due to a lapsed license. Evan Kritzberger made a motion to deny the request. Motion seconded by Jenny Bladow. Evan said he keeps coming back to the idea of elevating the profession. If an individual wants to take it seriously it's important to take licensure seriously. Board members who voted in favor of the motion were Jenny Bladow, Dustin Hager, Evan Kritzberger, Sarah Lerud, Angela Nagel, Shiela Schlafmann, Patti Stedman, and Cory Steiner. None opposed. Motion carried.

Executive Director Evaluation – Cory Steiner will be sending links to the board to gather feedback for Becky's evaluation. He asked board members to be diligent about sharing feedback. After the surveys are completed, he will compile information.

Board Member Reports

NDACTE – NDACTE is forming a subcommittee that they are calling "second student teaching experiences" that is geared toward people who need to student teach at two different grade levels, such as elementary and secondary or elementary and kindergarten. Jenny Bladow will keep the board posted.

Association of Non-Public Schools – Not present.

Association of School Administrators – Many big conversations regarding Measure 4. Administrators are being careful to share factual information to help inform voters.


School Boards Association – Convention coming up, so will have more to share after that.

NDUnited – Sarah Lerud did not have anything to share at this time.

DPI – Superintendent Baesler has spent time this week with high school students committed to entering teacher education. UND campus to visit with students committed to teacher education. Registered Apprenticeship Programs for Teachers (RAPT) – 6 EPPs have applied for funding. DPI is anticipating another 3 million dollars in funding and application will be open in February 2025 for para-to-teacher funding. Looking at possible cohorts of Native American teachers to complete National Board. A group has approached ESPB and DPI about asking for additional appropriation for this.

Meeting adjourned at 11:00am.

October 2024


Chair


Secretary/Executive Director