

Board Members Present: Nancy Antoine , Mary Frances Clardy, Jill Lofald, Drew Hildenbrand, Christine Osorio, Melissa Schaller, Tracy Reimer, Scott Wallner, Jinger Gustafson

Board Members Excused: Louise Sundin

Staff: Dr. Tony Kinkel, Executive Director,
Marquetta Stokes, Administrative Assistant
Dr. Bill Bjorum, Administrative Specialist for out-of-state candidates

Public Guest: Allen Barr, Rich Westgard, Bob Driver, Bob Meyer, KARE 11, Kiya Edwards, Karen Millar, Cherly Persagel, guest within the audience

CONVENE: MEETING WAS CALLED TO ORDER BY Chair, Nancy Antoine at 11:04 a.m.

APPROVAL OF 9/27/2021 AGENDA: Name: Jill Lofald, MOVED to approve the agenda. Name: Drew Hildenbrand, SECOND. MOTION CARRIED. Roll Call Taken

Antoine	Aye	Clardy	Aye	Schaller	Aye	Sundin	Absent
Lofald	Aye	Wallner	Aye	Gustafson	Aye		
Osorio	Aye	Reimer	Aye	Hildenbrand	Aye		

APPROVAL OF 7/26/2021 MINUTES: Name: Melissa Schaffer, MOVED to approve the minutes. Name: Jinger Gustafson, SECOND. MOTION CARRIED. Roll Call Taken

Antoine	Aye	Clardy	Aye	Schaller	Aye	Sundin	Absent
Lofald	Aye	Wallner	Aye	Gustafson	Aye		
Osorio	Aye	Reimer	Aye	Hildenbrand	Aye		

MOTION made by Nancy Antoine to amend the agenda and move item 12 to item 8. Motion accepted, by board member **Mary Frances Clardy, SECOND MOTION, Jill Lofald**

The board heard Bob Driver, the new executive director of the Minnesota Association of Secondary School Principals. He relayed issues and concerns brought to his attention in-district CEU's; ELN Webinars; Annual Fee notification.

The board heard from Bob Meyer, executive director of the Minnesota Community Education Association. Mr. Meyer reviewed issues associated with directors of community education.

Executive Director's Report

A. Discussion of contracting with a private vendor to administer the automated fee payment system. The board heard a presentation from Rich Westgard from MNIT.

B. Discussion of next steps for districts not responding to the notice of a non-licensed Dean of Students

MOTION made by the Board for the executive director to call the superintendent of the schools on the list to discuss their non-licensed Dean of Students and update the board on the progress. **MOTION CARRIED.** Roll Call Taken

Antoine	Aye	Clardy	Aye	Schaller	Aye	Sundin	Absent
Lofald	Aye	Wallner	Aye	Gustafson	Aye		
Osorio	Aye	Reimer	Aye	Hildenbrand	Aye		

C. Adoption of BOSA Data Practices Policies

MOTION made by the board to add the data practice policies *to the website.* **MOTION CARRIED.** Roll Call Taken

Antoine	Aye	Clardy	Aye	Schaller	Aye	Sundin	Absent
Lofald	Aye	Wallner	Aye	Gustafson	Aye		
Osorio	Aye	Reimer	Aye	Hildenbrand	Aye		

D. Review of the PELSB Report the Hiring Non-Licensed Individuals (see attachments) as of April 12, 2021. Top six violators below:

St. Paul	43 violations
Minneapolis	37 violations
Roseville	36 violations

St. Cloud 24 violations
S. Washington 12 violations
Cass Lake-Bena 10 violations

MOTION made by the board to ask PELSB to give a report on the hiring non-licensed individuals after November 8th. **MOTION CARRIED.** Roll Call Taken.

Antoine	Aye	Clardy	Aye	Schaller	Aye	Sundin	Absent
Lofald	Aye	Wallner	Aye	Gustafson	Aye		
Osorio	Aye	Reimer	Aye	Hildenbrand	Aye		

E. Policy question—*how does the board want to interpret the law regarding requiring licensure for superintendent and principals at education districts?* See Attorney General’s opinion below.

Tony,

You are correct that intermediate districts and cooperative centers are required to meet the licensure requirements.

I think you are also correct as to education districts, though that answer is less clear. Education districts are “governed, unless specifically provided otherwise, by laws applicable to independent school districts.” Minn. Stat. § 123A.17, subd. 4 (2020). Those laws would generally require the hiring of a superintendent and that the district *may* assign principals to each building. *Id.* §§ 123B.143, subd. 1, 123B.147, subd. 1 (2020). But then the education-district-specific statutes say that education districts “*may* contract with the education district to obtain the services of a superintendent,” Minn. Stat. § 123A.17, subd. 2 (2020), which suggests that the requirement to hire a superintendent is not mandatory for education districts. And because the principal-license requirement seems to be specific to principals of districts with superintendents, *see* Minn. Stat. § 123B.147, subd. 1 (discussing assignment of principals based upon “recommendation of the superintendent”), because licensed superintendents are not mandatory for education districts, it would be somewhat incongruous to say licensed principals are.

It is possible to read the statute to require licenses for superintendents and principals. One could take a narrow reading of “unless specifically provided otherwise,” and interpret it to mean that merely saying the districts “*may*” hire a superintendent is not enough to relieve them of the obligation under the laws governing independent school districts to do so. But the fact that section 123A.17, subd. 2 (regarding hiring a superintendent), goes on to give some detail about

who may be a superintendent, makes this interpretation weaker, though still reasonable.

Finally, I was not able to find statutes specific to “collaborative” districts. They do not appear to be listed as a type of district in MDE’s statistics summary (<https://public.education.mn.gov/MDEAnalytics/Summary.jsp>) as a type of district. Are you referring to family services and community-based collaboratives under Minn. Stat. 124D.23? If so, do such collaboratives have schools other than the schools belonging to its constituent districts? Based on my read of the statute, if the only schools in the collaborative are schools belonging to member districts, then the license requirements applicable to the member district would govern, as opposed to any discrete requirements arising from the collaborative arrangement.

Allen Cook Barr, Assistant Attorney General

Retirement Celebration for Karen Millar. Lunch will be served.

RECESS: Meeting was called to break for lunch by Chair, Nancy Antoine at 12:07

CONVENE: Meeting was called to order by Chair, Nancy Antoine at 12:31

F. Data on districts reporting a non-licensed community education directors

G. Decision on when to use new Census Data when determining whether a district needs a licensed director of community education

Current state law on licensure for directors of community education says the following:
(c) A board of a district with a total population of 6,000 or less may identify an employee who holds a valid superintendent license under Minnesota Rules, chapter 3512, to serve as director of community education. To be eligible for an exception under this paragraph, the board shall certify in writing to the commissioner that the district has not placed a licensed director of community education on unrequested leave. A principal serving as a community education director under this paragraph on June 1, 2011, may continue to serve in that capacity.

The law does not address when the 6,000 is counted.

Policy question----For the 2021-22 school year, should districts use the new census data to determine the 6,000 population threshold for requiring a license for director of community education?

Motion made by the board to utilize the population numbers used by the school board when certifying their special education levy each school. **Drew Hildenbrand** moved to approve, **Melissa Schaller, SECOND MOTION CARRIED. Roll Call Taken.**

Antoine	Aye	Clardy	Aye	Schaller	Aye	Sundin	Absent
Lofald	Aye	Wallner	Aye	Gustafson	Aye		
Osorio	Aye	Reimer	Aye	Hildenbrand	Aye		

Marquette Stokes Report

Dr. Bill Bjorum's Report

Christine Osorio, MOVED to approve a non-licensed principal variance extension for Hana Storm, in Brooklyn Center Community Schools ISD #286 District. **Jill Lofald, SECOND. MOTION CARRIED. Roll Call Taken.**

Antoine	Aye	Clardy	Aye	Schaller	Aye	Sundin	Absent
Lofald	Aye	Wallner	Aye	Gustafson	Aye		
Osorio	Aye	Reimer	Aye	Hildenbrand	Aye		

Christine Osorio, MOVED to approve a non-licensed principal variance for Bruce Lingen, in Roseau School District #682. **Jill Lofald, SECOND. MOTION CARRIED. Roll Call Taken.**

Antoine	Aye	Clardy	Aye	Schaller	Absent	Sundin	Absent
Lofald	Aye	Wallner	Aye	Gustafson	Aye		
Osorio	Aye	Reimer	Aye	Hildenbrand	Aye		

Jill Lofald, MOVED to approve a non-licensed director of community education variance extension for Joell Tvedt, in Pequot Lakes School District #186. **Scott Wallner, SECOND. MOTION CARRIED. Roll Call Taken.**

Antoine	Aye	Clardy	Aye	Schaller	Absent	Sundin	Absent
Lofald	Aye	Wallner	Aye	Gustafson	Aye		
Osorio	Absent	Reimer	Aye	Hildenbrand	Aye		

Jill Lofald, MOVED to approve the Review Committee's approval of a superintendent licensure for Eric Moore. **Christine Osorio, SECOND. MOTION CARRIED. Roll Call Taken.**

Antoine	Aye	Clardy	Aye	Schaller	Absent	Sundin	Absent
Lofald	Aye	Wallner	Aye	Gustafson	Aye		
Osorio	Absent	Reimer	Aye	Hildenbrand	Aye		

Jill Lofald, MOVED to deny a Burnsville High School Activity Director Waiver for Guillaume Paek, in Burnsville Senior High School District. **Christine Osirio, SECOND. MOTION CARRIED. Roll Call Taken.**

Antoine	Aye	Clardy	Aye	Schaller	Absent	Sundin	Absent
Lofald	Aye	Wallner	Aye	Gustafson	Aye		
Osorio	Absent	Reimer	Aye	Hildenbrand	Aye		

- a. Ethics Committee: 2 cases
 - 1. conduct reviews: 4 cases dismissed
 - 2. total cases: 2
 - 3. Revocation Hearing:
- b. Communication/Legislative: None
- c. Professional Development/Program Review of Capella University

After consulting with the state-wide professional associations, Dr. Kinkel appointed a Review Team for review Capella University. The Capella University Review Team consisted of:

Dr. Melissa Schaller, state board member, director of special education, Intermediate District 917, Rosemount, MN

Sarah Johansen, treasurer, Wayzata School Board, former adjunct faculty in social work, Augsburg University

Bob Indihar, executive director, Minnesota Rural Education Association, former superintendent of Moose Lake Public Schools

Dr. Gloria Kumagai, academic coordinator, Walden University

Sam Court, principal, John Clark Elementary, Rocori School District, Cold Spring, MN

Dena Hagan, director of special education, Northern Lights Special Education Coop, Esko, MN

The board approved the recommendation from the Professional Development and Program Review Committee to accept the recommendations from the Capella University Review Team. The Review is contained in Form E.

Tracy Reimer, MOVED to approve Form E, for the Capella State University Review, which occurred August 2021. **Jinger Gustafson, SECOND. MOTION CARRIED. Roll Call Taken,**

Antoine	Aye	Clardy	Aye	Schaller	Absent	Sundin	Absent
Lofald	Aye	Wallner	Aye	Gustafson	Aye		
Osorio	Absent	Reimer	Aye	Hildenbrand	Aye		

MDE Report: None

Public Comments: Cheryl Persigehl, regarding South High Principal Mr. Brett Stringer

New Business: None

Old Business: None

Adjournment

Drew Hildenbrand, MOVED to adjourn. Jill Lofald, SECOND. MOTION CARRIED. Roll Call taken,

Antoine	Aye	Clardy	Aye	Schaller	Absent	Sundin	Absent
Lofald	Aye	Wallner	Aye	Gustafson	Aye		
Osorio	Absent	Reimer	Aye	Hildenbrand	Aye		

Meeting adjourned at 2:05 p.m.

Next Meeting – October 25, 2021

Respectfully submitted by Marquetta Stokes, Administrative Assistant