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MINUTES OF THE STATE OF IDAHO PROFESSIONAL STANDARDS COMMISSION (PSC) MEETING

THURSDAY, FEBRUARY 3, 2022

Members present: Steve Copmann, Kathy Davis, Kristi Enger, Angela Gillman, Mark Gorton, Chanel Harming, Mike Haynal, Katie Horner, Ramona Lee, Peter McPherson 9:50 AM, Jamee Nixon, Karen Pyron, Lori Sanchez, Marianne Sletteland, Mike Wilkinson, Emma Wood

Members absent: Paula Kellerer, Tate Castleton

Staff present: Bethani Studebaker, Cina Lackey, Helen Henderson, Annette Schwab, Mandy Fulbright, Sandy Bonas, Robert Berry

Kathy Davis called the meeting to order at 9:04 AM.

1. Agenda Review/Approval

M/S (Lee, Copmann)

I move to approve the February 3-4, 2022, agenda as written. Voice vote.

Motion Carries

2. Minutes Review/Approval

M/S (Pyron, Wilkinson)

I move to approve the minutes from the December 2, 2021, meeting. Voice vote.

Motion Carries

3. Consideration of Final Orders/Stipulation Adoptions

Case # 22109 M/S (Enger, Pyron)

In case number 22109, concerning the certificate of George Allen, I move that the Professional Standards Commission accept the proposed stipulation as written and enter the accompanying consent order, which will be effective once signed.

Roll call: Copmann – Yes, Davis – Recused, Enger – Yes, Gillman – Yes, Gorton – Recused, Harming – Yes, Haynal – Yes, Horner – Yes, Lee – Recused, Nixon – Recused, Pyron – Yes, Sanchez – Yes, Sletteland – Yes, Wilkinson – Recused, Wood – Yes.

Motion Carries

Case # 22103 M/S (Copmann, Enger)

In case number 22103, concerning Melissa Young, I move that the Professional Standards Commission accept the proposed stipulation as written and enter the accompanying consent order, which will be effective once signed.

Roll call: Copmann – Yes, Davis – Recused, Enger – Yes, Gillman – Yes, Gorton – Recused, Harming – Yes, Haynal – Yes, Horner – Yes, Lee – Recused, Nixon – Recused, Pyron – Yes,

Sanchez – Yes, Sletteland – Yes, Wilkinson – Recused, Wood – Yes.

Motion Carries

4. Idaho School Boards Association Legislative Agenda (Appendix A)

Karen Pyron provided a report from the Idaho School Boards Association (ISBA).

Kathy Davis adjourned the full Commission meeting at 9:50 AM.

COMMITTEE WORK UPON ADJOURNMENT OF FULL COMISSION

Senate Education Committee Attendance upon adjournment of Committee work

FRIDAY, FEBRUARY 4, 2022

Commission Chair Kathy Davis called the meeting to order at 9:00 AM.

Members present: Steve Copmann, Kathy Davis, Kristi Enger, Angela Gillman, Mark Gorton, Chanel Harming, Mike Haynal, Katie Horner, Paula Kellerer, Ramona Lee, Peter McPherson, Jamee Nixon, Karen Pyron, Lori Sanchez, Marianne Sletteland, Mike Wilkinson, Emma Wood
Members absent: Paula Kellerer, Tate Castleton
Staff present: Bethani Studebaker, Cina Lackey, Helen Henderson, Annette Schwab, Mandy Fulbright, Sandy Bonas, Robert Berry

1. Presentation: When Does an Ethics Complaint Become a Title IX Concern (APPENDIX B) – Information Item

Eric Studebaker, Director of Student Engagement and Safety Coordination, introduced Annie Hightower with Hightower Consulting LLC. Hightower presented on the impacts and effects related to the Title IX attributions and the impacts it has had to K-12 education.

2. Administrative Report (APPENDIX C) – Information Item

Bethani Studebaker, Chief Certification Officer, provided the Administrative Report. Studebaker encouraged the members to subscribe to the minutes and recordings email notifications from the House Education Committee and Senate Education Committee meetings in an effort to stay informed regarding upcoming changes.

Northwest Nazarene University's Full State and CAEP Review will take place March 13-16, 2022.

Helen Henderson, PSC Coordinator, will soon begin recruiting efforts for the Idaho State University- Full State & CAEP review taking place October 16-18, 2022.

3. Office of the State Board of Education Report – Information Item

Nate Dean, Educator Effectiveness Program Manager, provided a report from the Office of the State Board of Education (OSBE). The OSBE is waiting to see what the legislature will conclude on administrative rules and standards. Dean shared his participation with the Standards Committee of the Professional Standards Commission to move forward performance measures for educator preparation programs and potential changes and improvements to the program review process following upcoming statutory changes.

4. Nominating Body Reports – Information Item

Kathy Davis provided a report from the Idaho Education Association (IEA). The IEA continues to be involved in the funding for all day kindergarten time and self-directed learning bill. The IEA is having discussion regarding standardized testing and how the information can be used by the IEA to provide better service to educators. There are concerns regarding rumors of nearly 50 percent of Idaho educators considering resignation. The IEA is preparing for the spring assembly meeting.

Ramona Lee provided a report from the Idaho Association of Special Education Administrators. Directors are reporting that staff are unavailable to work due to childcare issues. Childcare funding for special educators would have a positive impact and would make staff more available. Lee also brought awareness and clarification to the misunderstanding and assumption that special education may be fully federally funded and isn't impacted by state funding.

Chanel Harming provided a report from the Indian Education Committee (IIEC). The IIEC will hold their annual spring meeting on March 4, 2022. Agenda items will include: Newly appointed members, revision of current Idaho Indian Education strategic plan to add a goal for career & college readiness, and IIEC recently added a subgroup of subject matter experts to assist with identified committee work.

The Idaho Indian Education Summit will be held locally, (TBD) on August 15-16, 2022. The goal of the summit is to provide current best practices, resources, and information for educators and educator preparation programs to fully engage American Indian students in the educational landscape of opportunity and access. Plans to include a Tribal Leaders Roundtable this year are being discussed. State Board Member Linda Clark has requested a presentation on the impressive work of University of Idaho's Indigenous Knowledge for Effective Education Program (IKEEP). The goal of IKEEP is to recruit, prepare, certify and place culturally responsive American Indian educators into teaching positions in schools with high populations of American Indian students. IKEEP is funded through a competitive Indian Education Professional Development grant through the Office of Elementary & Secondary Education.

Steve Copmann provided a report from the Idaho Association of Secondary School Principals. Self-care is being encouraged for all staff. Concerns about the teacher shortage are affecting all staff.

Karen Pyron provided a report from the Idaho School Boards Association. Content Standards changes could negatively impact districts and provide additional stress for teachers. The Idaho Rural Education Association has good support practices and services that can help districts through some of the difficulties and challenges.

5. Operations Committee Report (APPENDIX D) – Information Item

Kathy Davis provided the Operations Committee report.

6. Authorizations Committee Report (APPENDIX E) – Information Item

Karen Pyron provided the Authorizations Committee report.

7. Executive Committee Report (APPENDIX F) – Information Item

Kathy Davis provided the Executive Committee report.

The Executive Committee reviewed 9 cases with the following outcomes:

- No probable cause was found in 3 cases.
- Probable cause was found in 5 cases with the following discipline:
 - 2 letters of reprimand

- 3 suspensions
- Additional investigation was requested for 1 case.

8. Standards Committee Report (APPENDIX G)

Kristi Enger provided the Standards Committee report.

MEETING ADJOURNMENT

M/S (Copmann, Sletteland)

I move that we adjourn. Voice vote.

Motion Carries

Meeting Adjourned at 10:33 AM

Idaho school Boards Association Legislative Agenda Presentation to Professional Standards Commission February 3-4, 2022- APPENDIX-A

- I. 2021 and 2022 Resolutions (attached)
 - a. Resolutions remain in effect for 2 years; resolutions that do not advance are reviewed for continued merit or their relationship to ISBA's "guiding principles"
 - b. Bills must have a sponsor; ISBA position: support, neutral, opposed (non-ISBA bills); GAC
 - c. ISBA's four priority resolutions (legislative agenda items):
 - i. Full-funding of all-day kindergarten
 - ii. Salary-based apportionment for classified employees
 - iii. Career-ladder placement for out-of-state teachers and administrators
 - iv. Hiring flexibility for licensed counselors
 - d. 2022 session: expectation of being a contentious session: need to play defense: elections and re-districting; political hardliners, posturing, and fall-out
- II. Beliefs: LOCAL CONTROL & STUDENT ACHIEVEMENT; "STAND UP 4 IDAHO Public Schools"
 - a. See "Guiding Principles for ISBA's Advocacy", bottom of 2022 Resolutions' page
 - b. "Take back the narrative" from political hardliners & those trying to "defund public schools; reclaim the focus on what's best for our kids! Beware! Intentional efforts to dismantle public education and school boards—"Gunning for Idaho Public Schools" (Jim Jones, Idaho Education News 1-25-22)
- III. ISBA playing "defense" or "negotiator" on some current / developing legislation
 - a. Some "parent rights bills" as they surface; vary in content and purpose (ISBA not opposed to "parent rights"—it's how it's "dressed")
 - i. Attempted Durst/Zito Parent Rights Bill; twists & turns and others surfacing = confusion
 - ii. "vouchers" under a different name
 - b. Common Core
 - c. CRT / Indoctrination "platforms"; "Covid precautions" & schools
 - d. Bills not yet surfaced, but rumblings. . . . (remember last year?)
- IV. Current Critical bills affecting education / ISBA Platform
 - a. HB 443: State Insurance Pool / Insurance Fund
 - b. HB 437 & HB 27: Content Standards- 27 rejects current content standards and 437 replaces them with new standards that have been prepared by 2020-21 content standards review committees
 - c. SB 1242 "Empowering Parents Program" (grant). ISBA has been instrumental in the discussions and crafting of the legislation "Strong Families, "Strong Students" (last year was HB 294) (Gov. Office)
 - d. S1238: Self-Directed Learning
 - e. Classified Salaries: CEC—Change in Employee Compensation Committee
 - f. Kindergarten / Early Literacy
- V. Applaud the Governor's Budget – Increase of \$300 million
Career Ladder, Classified Staff \$\$, Literacy/Kindergarten, Health Insurance (certified and classified), Empowering Parents Grants (this will be a balancing act)

APPENDIX B

WHEN DOES AN ETHICS COMPLAINT INTERSECT WITH TITLE IX?

Annie Hightower, Hightower Consulting, LLC

February 2022

Annie Hightower: Hightowerconsultingllc@gmail.com



Who am I?



What is Title IX?

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

IF DISCRIMINATION IS CONSIDERED SEXUAL HARASSMENT:

- ▶ Schools must comply with new(ish) regulations that mandate a very specific grievance process
- ▶ Have the force and effect of law
 - ▶ Outlined processes schools are required to follow for certain complaints
- ▶ Changes coming with current administration

MAJOR REQUIREMENTS

1. Policy of non-discrimination and notice of policy
2. Title IX Coordinator – identify and inform
3. Title IX sexual harassment grievance procedures reflecting new rules – adopt and publish
4. Title IX team – designate and train
5. All K12 employees – mandatory reporters



WHEN DOES TITLE IX APPLY TO A COMPLAINT?

A school with actual knowledge of sexual harassment in an education program or activity ... against a person ..., must respond promptly in a manner that is not deliberately indifferent.

- If met, must follow required processes BEFORE any disciplinary measures can be taken (except admin leave).
- If not met, may apply alternative employee/student processes.

IMPORTANT DEFINITIONS

- ▶ **Actual knowledge** - Notice of sexual harassment or allegations there of to the TIX Coordinator OR to ANY employee of an elementary or secondary school
- ▶ **Education program or activity** – Includes ALL operations of a local educational agency (all incidents that occur on LEA property)
 - ▶ Also includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs

IMPORTANT DEFINITIONS

- ▶ **Sexual Harassment** – conduct on the basis of sex that is:
 - ▶ An employee conditioning of a benefit, help, etc. on participation in sexual contact; OR
 - ▶ Unwelcome conduct that is so severe, pervasive and objectively offensive that it effectively denies access; OR
 - ▶ Sexual assault – forcible or nonforcible sex offense; OR
 - ▶ Rape, sodomy, sexual assault w/an object, fondling
 - ▶ Incest, statutory rape

IMPORTANT DEFINITIONS

- ▶ **Sexual Harassment** (con't)– conduct on the basis of sex that is:
 - ▶ Dating violence – violence committed within an intimate or romantic relationship; OR
 - ▶ Domestic violence - misdemeanor or felony crime; OR
 - ▶ Stalking – a course of conduct directed at a specific person that would cause a reasonable person fear for their safety or other's safety or to suffer substantial emotional distress.

WHEN DOES TITLE IX APPLY TO A COMPLAINT?

A school with actual knowledge of sexual harassment in an education program or activity of the recipient ...

- If met:
 - And there is a formal complaint, must process per required grievance procedures before any disciplinary measures (except admin leave or emergency removal).
 - And there is no formal complaint, there can be no disciplinary measures (except look at interplay with Title VII).
- If not met, may apply alternative employee/student processes.

QUESTIONS?

Annie Hightower, JD

hightowerconsultingllc@gmail.com

(208) 389-8050



Professional Standards Commission - APPENDIX-C

Administrative Report – February 4, 2022

IDAPA 08.02.02, Rules Governing Uniformity

- Professional Standards Commission proposed IDAPA 08.02.02, Rules Governing Uniformity
- IDAPA 08.02.02- Rules Governing Uniformity
- Idaho Standards for Initial Certification of Professional School Personnel

Educator Preparation Program Reviews

- Northwest Nazarene University – Full State & CAEP: *March 13-16, 2022*
- Idaho State University- Full State & CAEP: *October 16-18, 2022*

National Educator Shortage Summit

- Conference focuses on PK-12 and higher education stakeholders to address the challenges of the national shortage of educators and the educator pipeline to share ways to replicate practices via a national strategy.
- Cina Lackey will report back at the April meeting.



Operations Committee Meeting-APPENDIX D

Physical Location: 650 W State Street, Boise; Executive Conference Room, Second Floor

February 3, 2022

Members present: Kathy Davis, Steve Copmann, Kristi Enger, Karen Pyron, Mark Gorton
Staff present: Helen Henderson, Bethani Studebaker

Committee brought to order at 8:02 a.m.

1. Agenda Review

Motion for Full PSC: I move to approve the February 3-4, 2022, agenda as written.

Minutes Review

Motion for full PSC: I move to approve the minutes of the December 2, 2021, meeting as presented.

2. FY22 Income and Expenditures Update – Information Item

November 2021

Revenue: \$27,645

Expenditures: \$34,756

Transactions balanced; expenditures exceeded revenue by \$7,111

December 2021

Revenue: 18,355

Expenditures: \$35,534

Transactions balanced, expenditures exceeded revenue by \$17,179

The Educator Preparation Program Review scheduled for December was moved to a virtual review, so staff does not anticipate the EPP reviews budget will go over as much, or at all, this FY

As of December 31, 2021, 60% of PSC Spending Authority remains.

3. PSC Discussion – Work session

- Commission Appointments
 - Seven (7) open positions
 - Nominations for (1) position so far (IASSP)
- April Meeting Tasks
 - Set next FY meeting schedule
 - Review/amend new FY working plan
 - Review/amend Procedures Manual
- Commission Member Benefit
 - Computer Bags - still relevant?
 - Other ideas?
- 2022-2023 Focus



Authorizations Committee Meeting- APPENDIX E

650 W State Street, Boise; Barbara Morgan Conference Room, Second Floor

Thursday, February 3, 2022

Members present: Karen Pyron, Steve Copmann, Marianne Sletteland, Angela Gillman

Members absent: Paula Kellerer

Staff present: Mandy Fulbright, Cina Lackey

1. PSC Staff Issuance Report – Information Item

- PSC Staff submitted 26 Emergency Provisional Applications to be reviewed at the February 16, 2022 meeting of the State Board of Education.
- PSC Staff approved 73 completed Alternative Authorizations.

Alternative Authorization Type	Applications Approved
Content Specialist	31
Teacher to New Certificate	3
Teacher to New Endorsement	29
Pupil Service Staff	6
CTE-Content Specialist	1
CTE – Teacher to New Certificate	1
CTE – Teacher to New Endorsement	2
Totals	73

2. Review/Approval Determination of Atypical Alternative Authorizations Applications Received by the State Department of Education – Action Items.

- The Authorizations Committee reviewed 10 atypical Alternative Authorizations applications.

Alternative Authorization Type	Applications Approved	Applications Not Approved	Applications Moved to Next Meeting	Total Applications Reviewed
Content Specialist	6			6
Teacher to New Certificate	0			0
Teacher to New Endorsement	3			3
Pupil Service Staff				
CTE-Content Specialist	1			1
CTE – Teacher to New Certificate				
CTE – Teacher to New Endorsement				
Totals	10			10

3. Committee Work Discussions.

- Suggestion to organize an outside work group containing educational organizations to discuss best practices:
 - What recruitment efforts and/or tactics for hiring qualified individuals can be utilized
 - Retention and district support amongst school staff



Executive Committee Meeting-APPENDIX F

650 W State Street, Boise; Lewis & Clark Conference Room, Second Floor

Thursday, February 3, 2022

Members present: Kathy Davis, Mark Gorton, Chanel Harming, Ramona Lee, Peter McPherson, Jamee Nixon, Mike Wilkinson

Staff present: Annette Schwab and Robert Berry

M/S (MW/RL): Under Idaho Code 74-206 (1)(d), to move the Executive Committee into Executive Session to consider investigatory records exempt from disclosure under Chapter 1 of Title 74, Idaho Code. (10:04 AM) Davis – Yes, Gorton – Yes, Harming – Yes, Lee –Yes, McPherson – Yes, Nixon – Yes, Wilkinson – Yes

M/S (RL/JN): The Executive Committee of the Professional Standards Commission was called into Open Session, after entering Executive Session to consider investigatory records exempt from the disclosure under Chapter 1 of Title 74 Idaho Code. (11:39 AM) Davis – Yes, Gorton – Yes, Harming – Yes, Lee –Yes, McPherson – Yes, Nixon – Yes, Wilkinson – Yes

M/S (MW/MG): Under Idaho Code 74-206 (1)(d), to move the Executive Committee into Executive Session to consider investigatory records exempt from disclosure under Chapter 1 of Title 74, Idaho Code. (12:11 PM) Davis – Yes, Gorton – Yes, Harming – Yes, Lee –Yes, McPherson – Yes, Nixon – Yes, Wilkinson – Yes

M/S (MG/MW): The Executive Committee of the Professional Standards Commission was called into Open Session, after entering Executive Session to consider investigatory records exempt from the disclosure under Chapter 1 of Title 74 Idaho Code. (12:45 PM) Davis – Yes, Gorton – Yes, Harming – Yes, Lee –Yes, McPherson – Yes, Nixon – Yes, Wilkinson – Yes

M/S (RL/MW): In case number 22106, I move that the Executive Committee not find probable cause. Motion carried by majority.

M/S (MW/JN): In case number 22107, I move that the Executive Committee find probable cause and recommend an indefinite suspension with conditions. Motion carried by majority.

M/S (MW/MG): In case number 22108, I move that the Executive Committee not find probable cause. Motion carried by majority.

M/S (MW/JN): In case number 22110, I move that the Executive Committee find probable cause and recommend a letter of reprimand with conditions. Motion carried by majority.

M/S (MW/MG): In case number 22111, I move that the Executive Committee find probable cause and recommend a letter of reprimand with conditions. Motion carried by majority.

M/S (MW/JN): In case number 22112, I move that the Executive Committee not find probable cause. Motion carried by majority.

M/S (MW/CH): In case number 22113, I move that the Executive Committee hold case for additional investigation. Motion carried by majority.

M/S (MW/MG): In case number 22115, I move that the Executive Committee find probable cause and recommend a 1-year suspension of their right to apply for certification. Motion carried by majority.

M/S (MG/MW): In case number 22116, I move that the Executive Committee find probable cause and recommend a fixed suspension of 1-year. Motion carried by majority.



Standards Committee Meeting-APPENDIX G

Physical Location: 650 W State Street, Boise; Executive Conference Room, Second Floor

February 3, 2022

Members present: Kristi Enger, Mark Haynal, Katie Horner, Lori Sanchez, Emma Wood

Members absent: Tate Castleton

PSC staff present: Helen Henderson, Bethani Studebaker, Cina Lackey

Others: Nathan Dean

Committee called to order at 10:08 a.m.

Praxis Updates

In accordance with IDAPA 08.02.02.017.01, State Board of Education approved content, pedagogy and performance area assessments shall be used in the state of Idaho to ensure qualified teachers are employed in Idaho’s classrooms. The Professional Standards Commission shall recommend assessments and qualifying scores to the State Board of Education for approval.

The following Praxis II Assessments have been regenerated and issued with new multi-state cut scores: Biology, Chemistry, Earth and Space Science, Elementary Education: Math Specialist, Physics, School Librarian, and Special Education – Early Childhood.

A Praxis II assessment for General Science has been regenerated, and the multi-state cut score will not be available until late February, 2022. Once a multi-state cut score is set, it cannot be changed at the state level. Therefore, the Standards Committee finds it reasonable to recommend the assessment and cut score for General Science for approval now, in order to meet state approval timelines.

I move to recommend the following updated Praxis II assessments and cut scores to the State Board of Education for approval: Biology, Chemistry, Earth and Space Science, Elementary Education: Math Specialist, General Science, Physics, School Librarian, and Special Education – Early Childhood.

Moved by _____ Seconded by _____ Carried: Yes No

Work Session – EPP Performance Measures

Nate Dean, State Board Office, provided the FY22 Educator Preparation Program (EPP) Performance Measures Report to the Standards Committee. These performance measures were drafted in 2018, but no report was generated until this year. Since 2018, changes have been made to statute that make many of these currently approved measures difficult for all EPPs to provide. Also, systems may not be in place to provide the data to show those measures are met. The Performance Measures report has been created and will be presented to the State Board of Education at their February meeting; the motion to the Board will be twofold: first, to accept the report as is and, secondly, to request the Board to direct the revision of these EPP performance measures for future reports.

Should the latter receive approval, Nate will seek the assistance of stakeholder groups to identify meaningful measures supported by valid data. In consideration of those measures, robust discussion with Nate and the Standards Committee reinforced or surfaced the following guidance in moving forward:

- The identified measures need to be valid for all EPPs.
- Measures will need to allow for a fair comparison between programs that are structured differently.
- Can the Tripod survey – student perception of teacher performance--be used in some way?
- Can national accreditation of the preparation program serve as meeting one or more performance measures?
- Is there a way to identify and omit Idaho EPP program completers who come from out of state and leave the state after graduation so that those completers aren't counted against EPPs?

Nate may request additional work sessions with the Standards Committee as he works on the development of new performance measures.

Committee adjourned at 2:35 p.m.