

Missouri State Board of Education

P. O. Box 480, Jefferson City, Missouri 65102-0480 • Phone 573-751-3563 • Fax 573-751-1179

MINUTES OF THE MEETING OF THE STATE BOARD OF EDUCATION May 12, 2020

The Missouri State Board of Education met on May 12, 2020, in Jefferson City, Missouri.

Present: Charlie Shields, St. Joseph, President
 Vic Lenz, St. Louis, Vice President
 Don Claycomb, Linn, Member
 Carol Hallquist, Kansas City, Member
 Peter Herschend, Branson, Member
 Mary Schrag, West Plains, Member
 Pamela Westbrook-Hodge, St. Louis, Member
 Margie Vandeven, Commissioner of Education
 Lisa Gerling, Executive Assistant
 Assistant Commissioners Stephen Barr, Blaine Henningsen,
 Paul Katnik, Chris Neale, and Tim Gaines; Jeff Falter, Chief
 Data Officer; Robin Coffman, Chief of Staff; Shari LePage,
 Chief Operating Officer; Peggy Landwehr, Chief Counsel;
 Mike Harris, Chief of Governmental Relations; Pam
 Thomas, Chief of Strategic Initiatives and Talent
 Development; and Mallory McGowin, Communications
 Coordinator

No. 14361
 Call to Order
 (05/12/2020)

President Shields called the regular business meeting of the State Board of Education to order at 10:02 a.m. on Tuesday, May 12, 2020. The meeting was held in the State Board of Education meeting room on the first floor of the Jefferson State Office Building, in Jefferson City, Missouri.

No. 14362
Roll Call

The roll was called. Those present were President Shields, Vice President Lenz, Dr. Claycomb, Ms. Hallquist, Mr. Herschend, Ms. Schrag, and Ms. Westbrook-Hodge.

No. 14363
Agenda

It was moved by Dr. Claycomb, seconded by Dr. Lenz, to approve the agenda for the May 12, 2020, meeting of the State Board of Education, as presented.

Motion carried. (Yes: 7)

No. 14364
Minutes

It was moved by Dr. Lenz, seconded by Ms. Schrag, to approve the minutes of the March 11, 2020, and April 27, 2020, State Board of Education meetings, as presented.

Motion carried. (Yes: 7)

No. 14365
President's Report

President Shields acknowledged that Dr. Lenz was awarded Outstanding Emeritus Educator, Greater St. Louis District by The Missouri Association of School Administrators (MASA). A plaque was sent by MASA and given to Dr. Lenz.

Ms. Hallquist reported that she has attended conference calls with principals in the Kansas City area.

Dr. Claycomb reported that he attended a National Association of State Boards of Education (NASBE) meeting, and a meeting on May 11, 2020, with the superintendent of the Jefferson City School District.

Ms. Westbrook-Hodge reported that she met with her immediate predecessor for the State Board of Education. She attended three area

No. 14365
President's Report
(cont.)
(05/12/2020)

regional superintendent meetings. She also attended two local meetings with Jennings School District and Normandy Schools Collaborative.

Mr. Herschend reported that he has had several conversations with superintendents and principals with concerns on the quality of education delivered to students through remote learning.

Ms. Schrag reported that she has had several calls with local school board members and teachers. Several schools are doing well, lunches are being delivered and educators are checking on high risk students. Virtual learning has been difficult in the area and most districts are providing packets to students. School officials have indicated they are concerned that since grades are not being counted, it is hard to get students motivated.

Dr. Lenz reported that he attended the following meetings associated with St. Louis Public Schools (SLPS): two Board of Education meetings and a SLPS Board of Education Workshop Meeting. He also attended three St. Louis area Superintendents meetings. He attended two meetings of officers and executive directors of Missouri School Boards' Association (MSBA) and MASA with Commissioner Vandeven. He attended the Normandy Schools Collaborative Joint Executive Governing Board meeting. All meetings were conducted virtually.

No. 14366
National
Association of
State Boards of
Education (NASBE)
Report
(05/12/2020)

Dr. Lenz reported that the National Association of State Boards of Education (NASBE) Legislative Conference scheduled March 22-24, 2020 was cancelled. The New Member Conference is scheduled for June 5-6, in Washington, D.C., and the Fall Conference is scheduled for October 21-24, in Phoenix. The decision on holding these conferences has not yet been made and will depend on the COVID-19 situation.

The NASBE board is meeting this afternoon. It is possible decisions on the two conferences will be updated during the meeting.

No. 14367
Consent Agenda

It was moved by Mr. Herschend, seconded by Dr. Lenz, to approve the consent agenda as follows:

Consideration of Personnel Report (Exhibit 1)

Consideration of Fiscal Year 2020 Financial Summary (Exhibit 2)

Consideration of Investment Transactions by Central Bank for Trust Funds (Exhibit 3)

Consideration of Fiscal Year 2021 Trust Fund Budgets for the State Board-Operated Schools (Exhibit 4)

Consideration of an Appointment to the Missouri Advisory Council of Certification for Educators (MACCE) (Exhibit 5)

Motion carried. (Yes: 7)

No. 14368
 Consideration of a
 Notice of Proposed
 Rulemaking to
 Rescind Rule 5 CSR
 20-400.160,
 Application for
 Certificate of
 License to Teach
 for Administrators

It was moved by Dr. Claycomb, seconded by Mr. Herschend, to authorize publication in the *Missouri Register* of a notice of proposed rulemaking to rescind Rule 5 CSR 20-400.160, Application for Certification of License to Teach for Administrators, and that the State Board finds this proposed rescission necessary to carry out the purposes of Sections 168.011, 168.405, 168.409, 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo.

Motion carried. (Yes: 7) (Exhibit 6)

No. 14369
 Consideration of a
 Notice of Proposed
 Rulemaking to
 Rescind Rule 5 CSR
 20-400.170,
 Application for a
 Student Services
 Certificate of
 License to Teach
 (05/12/2020)

It was moved by Dr. Lenz, seconded by Ms. Hallquist, to authorize publication in the *Missouri Register* of a notice of proposed rulemaking to rescind Rule 5 CSR 20-400.170, Application for a Student Services Certificate of License to Teach, and that the State Board finds the proposed rescission necessary to carry out the purposes of Sections 161.011, 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo.

Motion carried. (Yes: 7) (Exhibit 7)

No. 14370
 Consideration of a
 Notice of Proposed
 Rulemaking to
 Rescind Rule 5 CSR
 20-400.190,
 Application for a
 Career Education
 Certificate of
 License to Teach

It was moved by Dr. Claycomb, seconded by Mr. Herschend, to authorize publication in the *Missouri Register* of a notice of proposed rulemaking to rescind Rule 5 CSR 20-400.190, Application for a Career Education Certificate of License to Teach, and that the State Board finds the proposed rescission necessary to carry out the purposes of Sections 168.011, 161.092, 168.021, 168.071, and 168.081, RSMo.

Motion carried. (Yes: 7) (Exhibit 8)

No. 14374
 Consideration of
 Recertification of
 Joint Executive
 Governing Board
 Members for the
 Normandy Schools
 Collaborative
 (05/12/2020)

It was moved by Dr. Lenz, seconded by Ms. Schrag, to recertify the Normandy Schools Collaborative Joint Executive Governing Board for an additional three-year period, effective July 1, 2020, and that the State Board re-appoint the designated individuals to serve on the Joint Executive Governing Board for the Normandy Schools Collaborative effective immediately through June 30, 2023, as presented in the Recertification Proclamation.

Motion carried. (Yes: 7) (Exhibit 12)

No. 14375
 Consideration of
 School Calendar
 Exemption

It was moved by Ms. Hallquist, seconded by Ms. Westbrook-Hodge, to grant an exemption to the opening start date for the 2020-21 school year for any local school district that applies to the Commissioner of Education with assurances that the local board has held a public hearing, the instructional impact was documented, and how the exemption will support minimizing COVID-19.

Motion carried. (Yes: 7) (Exhibit 13)

No. 14376
 Emergency Rule 5
 CSR 30-4.050 Local
 School District
 Application for
 Exemption Under
 the School Start
 Date Law

It was moved by Ms. Hallquist, seconded by Dr. Claycomb, as advised by legal counsel, to authorize Emergency Rule 5 CSR 30-4.050, Local School District Application for Exemption Under the School Start Date Law, to allow any local school district that wishes to apply to the State Board for a waiver to Section 171.031, RSMo, which will be valid for the 2020-21 school year. The school district must provide the following information to the Department of Elementary and Secondary Education via

No. 14376
Emergency Rule 5
CSR 30-4.050 Local
School District
Application for
Exemption Under
the School Start
Date Law (cont.)
(05/12/2020)

online submission:

- (a) how the local school district garnered local input before submitting the request for exemption, which must include but not limited to, a public hearing;
- (b) how the exemption will benefit the local school district's students and their learning; and
- (c) how the exemption will minimize the transmission of COVID-19.

Motion carried. (Yes: 7) (Exhibit 14)

No. 14377
Consideration of
Summer School
120-Hour
Requirement

It was moved by Dr. Lenz, seconded by Mr. Herschend, to waive the minimum 120-hour requirement in Rule 5 CSR 20-100.160(1) for summer school held in the summer of 2020 for any local education agency that applies to the Commissioner of Education and demonstrates that this waiver is necessary to better serve students.

Motion carried. (Yes: 7) (Exhibit 15)

No. 14378
Consideration to
Discipline the
License to Teach of
Elizabeth Giesler,
Case # HR 20-007

It was moved by Mr. Herschend, seconded by Dr. Claycomb, to accept Ms. Giesler's statement of surrender and revoke her Missouri teaching certificate.

Motion carried. (Yes: 7) (Exhibit 16)

No. 14379
 Consideration to
 Discipline the
 License to Teach of
 Melissa Ann
 Lambert, Case # HR
 18-008
 (05/12/2020)

It was moved by Dr. Claycomb, seconded by Mr. Herschend, to approve the settlement agreement as written.

Motion carried. (Yes: 7) (Exhibit 17)

No. 14380
 Consideration to
 Discipline the
 License to Teach of
 Robert S. Rusert,
 Case # HR 20-011

It was moved by Mr. Herschend, seconded by Dr. Lenz, to approve the settlement agreement and revoke Mr. Rusert's Missouri certificate pursuant to its authority under Section 168.071, RSMo.

Motion carried. (Yes: 7) (Exhibit 18)

No. 14381
 Consideration to
 Discipline the
 License to Teach of
 Rodney David
 Thomas, Case # HR
 20-014

It was moved by Dr. Claycomb, seconded by Mr. Herschend, to approve the settlement agreement and revoke Mr. Thomas' Missouri certificate pursuant to its authority under Section 168.071, RSMo.

Motion carried. (Yes: 7) (Exhibit 19)

No. 14382
 Consideration to
 Discipline the
 License to Teach of
 Amy Hass Zelaya,
 Case # HR 20-006

It was moved by Dr. Claycomb, seconded by Dr. Lenz, to approve the settlement agreement and revoke Ms. Zelaya's Missouri certificate pursuant to its authority under Section 168.071, RSMo.

Motion carried. (Yes: 7) (Exhibit 20)

No. 14383
 Consideration to
 Discipline the
 License to Teach of
 Sarah Lynn Bruce,
 Case # HR 19-019

It was moved by Ms. Schrag, seconded by Ms. Westbrooks-Hodge, to suspend Ms. Bruce's Missouri certificate or claim of certification pursuant to its authority under Section 168.071, RSMo, for six months, commencing the date this decision receives State Board approval.

Motion carried. (Yes: 7) (Exhibit 21)

- No. 14384
Consideration to
Discipline the
License to Teach of
Jerrett A. Morris,
Case # HR 19-012
- It was moved by Dr. Lenz, seconded by Ms. Westbrooks-Hodge, to revoke Mr. Morris' Missouri certificates pursuant to its authority under Section 168.071, RSMo.
- Motion carried. (Yes: 7) (Exhibit 22)
- No. 14385
Consideration of
Application of
Attorney's Fees
- It was moved by Dr. Claycomb, seconded by Dr. Lenz, to deny Ms. Wilcox's Application for Attorney' Fees under Sections 36.050 and 536.087, RSMo.
- Motion carried. (Yes: 7) (Exhibit 23)
- No. 14386
Reports
- The following reports were presented to the State Board of Education on May 12, 2020:
- Fiscal Year 2021 Budget Report (Exhibit 24)
- Governmental Affairs Report (Exhibit 25)
- Report on Education Stabilization Funds Under the CARES Act (Exhibit 26)
- No. 14386
Reports (cont.)
(05/12/2020)
- Report on Internet Connectivity Survey (Exhibit 27)
- Report on COVID-19 Response (Exhibit 28)
- Agenda Items for Two Months in Advance of Current Meeting (Exhibit 29)
- No. 14387
Closed Session
Motion and
Adjournment
(05/12/2020)
- At 2:14 p.m., it was moved by Dr. Lenz, seconded by Ms. Westbrooks-Hodge, to adjourn and move into closed session, as posted by the executive assistant, to consider the following:
- 1) Legal actions, causes of action, litigation, or legal work product relating to the State Board of Education and the Department of Elementary and Secondary Education, as well as any confidential or privileged communications between those entities and legal

counsel;

- 2) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment; and

A roll call vote was called.

Vote: Yes Herschend, Hallquist, Westbrooks-Hodge, Lenz,
 Claycomb, Schrag, Shields

Motion carried.

The next regular meeting will take place in Jefferson City on
June 9, 2020.

President

Executive Assistant