

**STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS**

Grimes State Office Building – 400 E.14th St.
Second Floor State Board Room
Des Moines, IA 50319-0147

January 19, 2012

**AGENDA
Times are approximate**

Legislative Reception – Capitol Rotunda (7:30 a.m. – 9:00 a.m.)

- 9:30 a.m.** **1. Call Meeting to Order**
- 9:35 a.m.** **2. Approve the Agenda (Tab 1)**
- 9:40 a.m.** **3. Consent Agenda**
- Minutes of November 18, 2011 Board Meeting (Tab 2)
 - Adopt Rules [Iowa Administrative Code – Chapter 282 (272)]
 - 1. 282— Amend Chapter 25 Human Trafficking (Tab 3)
 - 2. 282—Clean up (Tab 4)
- 9:45 a.m.** **4. Professional Practices - Licensee Discipline – Closed Session – Board members only**
- 10:30 a.m.** **5. Open Session – Results of closed session announced**
- a. Closed session minutes
- 10:45 a.m.** **6. Communications**
- a. Board Reports
 - b. Public Comment
 - c. Executive Director’s Report
- 11:00 a.m.** **7. Rules [Iowa Administrative Code – Chapter 282 (272)]**
- a. Adopt [None]
 - b. Notice [None]
 - c. Items for Discussion
 - 1. Definition of a Student (Tab 5)
- 11:15 a.m.** **8. Waiver(s) (Tab 6)**
- 1. 11-26 David Pickering (Tab A)
 - 2. 12-01 Arthur Tate (Tab B)
 - 3. 12-03 Kathi Berry (Tab C)
- 11:30 a.m.** **9. Lunch for Board Members -- Room 3 North**

- 12:15 p.m.** **10. Reports / Approvals (Tab 7)**
1. Legislative Reception Review
 2. Legislative Update
 3. Technology update
 - a. Web page
 - b. Licensing program (new)
 4. Executive Director Interview questions
 5. HQT “Highly Qualified” teacher and Teacher of Record
 6. Board Orientation in June
 7. Clarify Waiver process
- 1:30 p.m.** **11. Adjournment**

1 position is at step 40 which is the current range. The resolution that the Board
2 passed at the October meeting has not been implemented.

3
4 Tammy Duehr moved, with a second by Julio Almanza, that the Board go into closed
5 session for the purposes of discussing whether to initiate licensee disciplinary
6 proceedings and discussing the decision to be rendered in a contested case, pursuant
7 to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). **MOTION CARRIED UNANIMOUSLY.**

8
9 Julio Almanza moved, with a second by Tammy Duehr, that in **case number 11-63**,
10 the Board finds that, although one or more of the allegations in the complaint may be
11 substantiated by the witnesses interviewed in the course of the investigation [and/or]
12 the documents gathered in the course of the investigation, and the allegations may
13 constitute a technical violation of the Board's statute or administrative rules; the
14 evidence before the board indicates that adequate steps have been taken to remedy
15 the violation and to ensure that incidents of a similar nature do not occur in the
16 future. The Board will not pursue formal disciplinary action in this matter. **MOTION**
17 **CARRIED UNANIMOUSLY.**

18
19 Tammy Duehr moved, with a second by Julio Almanza, that in **case number 11-70**,
20 the Board finds that the allegations primarily involve employment or personnel issues,
21 which are generally better resolved through direct interaction between the licensee and
22 the employer or through personnel or grievance procedures. The investigation in this
23 matter did not establish violations which appear to rise to the level of unethical,
24 discriminatory or harassing conduct necessary to support disciplinary action by the
25 Board. The Board will not pursue formal disciplinary action in this matter. **MOTION**
26 **CARRIED UNANIMOUSLY.**

27
28 Julio Almanza moved, with a second by Tammy Duehr, that in **case number 11-73**,
29 the Board finds that the evidence gathered in the investigation, including witness
30 statements and the documentary evidence, does not substantiate the allegations in the

1 complaint, and that the Board therefore lacks probable cause to proceed with this
2 matter. **MOTION CARRIED UNANIMOUSLY.**

3

4 Julio Almanza moved, with a second by Tammy Duehr, that in **case number 11-74**,
5 the Board finds that the evidence gathered in the investigation, including witness
6 statements and the documentary evidence, does not substantiate the allegations in the
7 complaint, and that the Board therefore lacks probable cause to proceed with this
8 matter. **MOTION CARRIED UNANIMOUSLY.**

9

10 Julio Almanza moved, with a second by Tammy Duehr, that in **case number 11-75**,
11 the Board finds that the evidence gathered in the investigation, including witness
12 statements and the documentary evidence, does not substantiate the allegations in the
13 complaint, and that the Board therefore lacks probable cause to proceed with this
14 matter. **MOTION CARRIED UNANIMOUSLY.**

15

16 Tammy Duehr moved, with a second by Julio Almanza, that in **case number 11-77**,
17 the Board finds that, although one or more of the allegations in the complaint may be
18 substantiated by the witnesses interviewed in the course of the investigation [and/or]
19 the documents gathered in the course of the investigation, and the allegations may
20 constitute a technical violation of the board's statute or administrative rules; the
21 evidence before the board indicates that the violation does not rise to the level
22 necessary for a hearing. **MOTION CARRIED UNANIMOUSLY.**

23

24 Julio Almanza moved, with a second by Tammy Duehr, that in **case number 11-78**,
25 the Board finds that the evidence gathered in the investigation, including witness
26 statements and the documentary evidence, does not substantiate the allegations in the
27 complaint, and that the Board therefore lacks probable cause to proceed with this
28 matter. **MOTION CARRIED UNANIMOUSLY.**

29

30 Tammy Duehr moved, with a second by Laura Stevens, that in **case number 11-79**,
31 the Board finds probable cause to establish a violation of the following provisions of
32 the Code of Professional Conduct and Ethics, 282 IAC 25.3(1) e (4), and order this

1 case set for hearing. Roll call vote: Almanza – recused; Duehr – yes; Johnson – yes;
2 Mickelson – yes; Ortiz – yes; Smith – yes; Stevens – yes; Trueg – yes. **MOTION**
3 **CARRIED.**

4 Julio Almanza moved, with a second by Tammy Duehr, that in **case number 11-84**,
5 the Board finds that, although one or more of the allegations in the complaint may be
6 substantiated by the witnesses interviewed in the course of the investigation [and/or]
7 the documents gathered in the course of the investigation, and the allegations may
8 constitute a technical violation of the board’s statute or administrative rules; the
9 evidence before the board indicates that adequate steps have been taken to remedy
10 the violation and to ensure that incidents of a similar nature do not occur in the
11 future. The Board will not pursue formal disciplinary action in this matter. Roll call
12 vote: Almanza – yes; Duehr – yes; Johnson – recused; Mickelson – yes; Ortiz – yes;
13 Smith – yes; Stevens – yes; Trueg – yes. **MOTION CARRIED.**

14
15 Tammy Duehr moved, with a second by Julio Almanza, that the Board not initiate
16 review of the proposed decision in **case number 10-43, In the Matter of Suzette**
17 **Reed**, and allow the proposed decision to become the final decision of the Board
18 unless an appeal is taken by one of the parties within the time allowed by rule.
19 **MOTION CARRIED UNANIMOUSLY.** (Julie Bussanmas, Assistant Attorney General,
20 and Jim McNellis, Investigator, left the room and were not present during the
21 discussion of this case.)

22
23 Julio Almanza moved, with a second by Tammy Duehr, that in **case number 10-19**,
24 the Board accept the stipulation and settlement submitted by the parties, and issue
25 an Order incorporating the agreement of the parties and imposing the agreed upon
26 sanction. **MOTION CARRIED UNANIMOUSLY.**

27
28 Tammy Duehr moved, with a second by Julio Almanza, that in **case number 10-32**,
29 the Board accept the stipulation and settlement submitted by the parties, and issue
30 an Order incorporating the agreement of the parties and imposing the agreed upon
31 sanction. **MOTION CARRIED UNANIMOUSLY.**

32

1 Julio Almanza moved, with a second by Tammy Duehr, that in **case number 11-09**,
2 the Board accept the stipulation and settlement submitted by the parties, and issue
3 an Order incorporating the agreement of the parties and imposing the agreed upon
4 sanction. **MOTION CARRIED UNANIMOUSLY.**

5 Tammy Duehr moved, with a second by Julio Almanza, that in **case number 11-10**,
6 the Board accept the stipulation and settlement submitted by the parties, and issue
7 an Order incorporating the agreement of the parties and imposing the agreed upon
8 sanction. **MOTION CARRIED UNANIMOUSLY.**

9
10 Julio Almanza moved, with a second by Tammy Duehr, to extend the 180-day deadline
11 for issuance of the final decision in **case numbers 11-45, 11-48, 11-49, 11-51 and**
12 **11-58**, based upon the extraordinary amount of time needed to schedule the hearing,
13 allow review of the proposed decision, and issue a final decision. **MOTION CARRIED**
14 **UNANIMOUSLY.**

15
16 Tammy Duehr moved, with a second by Julio Almanza, to approve the closed session
17 minutes of October 7 and November 8. **MOTION CARRIED UNANIMOUSLY.**

18
19 **Board Reports:**

20 Tammy Duehr and Larry Hill took the ethics course which was offered in Dubuque.
21 Tammy Duehr felt it was a great class and encouraged others to take it. It was
22 interesting and full of great discussions. It contained a lot of information on how to
23 make those little decisions.

24
25 **Public Comment:**

26 Kris Kilibarda, Department Chair of the Education Department at Central College,
27 representing IACTE, addressed the Board regarding the pre file legislation (program
28 approval) regarding teacher preparation programs. IACTE is anxious to hear more
29 information about the proposal and what the proposal means to IACTE. IACTE would
30 like to be involved in the process as much as possible. Ms. Kilibarda also agrees and
31 supports the claims of Dr. Hutchings regarding his ethics presentation/ethical

1 decisions made by teachers. IACTE would also like to be involved in the design of the
2 ethics component that would be involved with teacher preparation.

3
4 **Executive Director's Report:**

5 Dr. Maurer reviewed the financial report.

6
7 **Rules:**

8 Carol Trueg moved, with a second by Merle Johnson, to adopt the proposed changes to
9 Chapter 13.9 Teacher Intern License. **MOTION CARRIED UNANIMOUSLY.**

10
11 Laura Stevens moved, with a second by Marianne Mickelson, to file under Notice of
12 Intended Action, the proposed changes to Chapter 11.35 Application Denial and
13 Appeal and Chapter 25 Human Trafficking. **MOTION CARRIED UNANIMOUSLY.**

14
15 Marianne Mickelson moved, with a second by Merle Johnson, to file under Notice of
16 Intended Action, the proposed changes to various chapters (clean up). **MOTION**
17 **CARRIED UNANIMOUSLY.**

18
19 **Items for Discussion:**

20 There were no discussion items.

21
22 **Petitions for Waiver:**

23 Merle Johnson moved, with a second by Marianne Mickelson, that in **PFW 11-21**,
24 Martha Veronica Limon, the Board deny the Petition for Waiver. Reasons for denial:
25 Ms. Limon has not passed the test required for the college official from William Penn
26 University to recommend Ms. Limon for Iowa licensure as a teacher. The Board does
27 not have the authority to allow a person to obtain a substitute teaching license if the
28 person has not passed the Praxis test which is a Highly Qualified Teacher federal
29 requirement. Individuals who hold the substitute authorization may substitute in
30 grade 5 if the 5th grade is designated as a middle school setting. The Board indicated
31 that the designation of the school is set by the school and not by the Board. Thus if
32 the 5th grade is in an elementary school, the substitute authorization is not valid for
33 substituting there. Ms. Limon did not provide documentation on how the 5th grade

1 classroom setting would be the equivalent of a middle school classroom so the Board
2 did not have any evidence to support the request for the waiver to be granted in this
3 setting. It would be prejudicial to other holders of the substitute authorization to
4 allow Ms. Limon to substitute in the 5th grade elementary classroom when others have
5 been informed that they may not substitute on the elementary level. The Board
6 discussed that if Ms. Limon is allowed to substitute in this classroom, she would be
7 substituting for a substitute. To protect the welfare of the students, it would be
8 beneficial to hire a properly licensed teacher who can demonstrate proficiency in all
9 four core content areas. Roll call vote: Almanza – no; Duehr – yes; Johnson – yes;
10 Mickelson – yes; Ortiz – no; Smith – yes; Stevens – yes; Trueg – yes. **MOTION**
11 **CARRIED.**

12

13 Tammy Duehr moved, with a second by Carol Trueg, that in **PFW 11-22**, Margie
14 Hansen, the Board grant the Petition for Waiver. Reasons for granting: The Board
15 noted that Ms. Hansen was not timely with completing the deficiencies for the Spanish
16 endorsement. She had the two years of the Class B conditional license to complete the
17 course work but she is working on course work for the ESL endorsement instead.
18 However, they did review the letter from Ms. Hansen’s principal with his evaluation of
19 her teaching. They also reviewed her course work in linguistics, English as a Second
20 Language and her observations in other Spanish classrooms. The Board has accepted
21 waivers of methods classes for other individuals who have filed petitions for waiver
22 and substantiated their competencies in methodology. The Board agreed that the
23 public health, safety, and welfare will not be substantially compromised or placed at
24 risk as a result of the Board’s granting of a waiver in this case. Ms. Hansen has
25 served successfully as a secondary Spanish teacher under the term of the Class B
26 license. **MOTION CARRIED UNANIMOUSLY.**

27

28 Carol Trueg moved, with a second by Julio Almanza, that in **PFW 11-23**, Ashley
29 Hansen, the Board grant the Petition for Waiver. Reasons for granting: The Board
30 indicated that since business is not a shortage areas that it would be difficult to find
31 an internship possibility in this endorsement area. The Board has filed for notice
32 rules that will allow the option of substitute teaching and co-teaching for individuals

1 who are not able to find an internship through the teacher intern program. The
2 hearing was held and the Board voted for adoption of the rules in November.
3 Approving the waiver will provide the same option that will be in effect once the rules
4 are adopted. This waiver will include the option for forty days of paid substitute
5 teaching and forty consecutive days of co-teaching with a master teacher in lieu of the
6 internship. The Board agreed that the public health, safety, and welfare will not be
7 substantially compromised or placed at risk as a result of the Board's granting of a
8 waiver in this case. Ms. Hansen has held a substitute authorization and coaching
9 authorization so she has completed the background check information and has
10 worked with students in this capacity. The college supervisor and co-teacher will also
11 provide for the public health, safety and welfare of the students. **MOTION CARRIED**
12 **UNANIMOUSLY.**

13

14 Carol Trueg moved, with a second by Marianne Mickelson, that in **PFW 11-24**, Brenda
15 Hillman, the Board grant the Petition for Waiver. Reasons for granting: The Board
16 reviewed the teaching experience that Ms. Hillman had completed on the K-12 level
17 and the post secondary level. The Board has denied several petitions for a waiver for
18 individuals who did not have the three years of teaching experience necessary for the
19 principal endorsement. The Board had approved one waiver for an individual who had
20 experience teaching religion in schools which did not require licensure. The Board's
21 discussion included a review of the teaching experience Ms. Hillman had completed on
22 the post secondary level which included teaching student teachers and working with
23 the student teachers in the K-12 classrooms. The Board determined that this
24 experience was unique and influential to the granting of the waiver. The Board agreed
25 that the public health, safety, and welfare will not be substantially compromised or
26 placed at risk as a result of the Board's granting of a waiver in this case. They also
27 noted that granting of the waiver is only granting a waiver of the requirements for
28 three years of K-12 teaching experience necessary for the principal endorsement. Ms.
29 Hillman will still need to complete the other requirements in order to obtain full
30 administrative licensure in Iowa before she is authorized to serve as an administrator
31 in an Iowa school. Roll call vote: Almanza – no; Duehr – yes; Johnson – no; Mickelson
32 – yes; Ortiz – yes; Smith – no; Stevens – yes; Trueg – yes. **MOTION CARRIED.**

1 Julio Almanza moved, with a second by Carol Trueg, that in **PFW 11-25**, Patrick
2 Beyer, the Board grant the Petition for Waiver. Reasons for granting: The Board
3 indicated that since social studies is not a shortage area that it would be difficult to
4 find an internship possibility in this endorsement area. The Board has filed for notice
5 rules that will allow the option of substitute teaching and co-teaching for individuals
6 who are not able to find an internship through the teacher intern program. The
7 hearing was held and the Board moved for adoption of the rules in November.
8 Approving the waiver will provide the same option that will be in effect once the rules
9 are adopted. This waiver will include the option for forty days of paid substitute
10 teaching and forty consecutive days of co-teaching with a master teacher in lieu of the
11 internship. The Board agreed that the public health, safety, and welfare will not be
12 substantially compromised or placed at risk as a result of the Board's granting of a
13 waiver in this case. Mr. Beyer has held a substitute authorization so he has
14 completed the background check information and has worked with students in this
15 capacity. The college supervisor and co-teacher will also provide for the public health,
16 safety and welfare of the students. **MOTION CARRIED UNANIMOUSLY.**

17
18 **Reports/Approvals**

19 Legislative Report: Dr. Maurer reviewed the legislative report of the pre-filed bills.

20
21 Annual Administrative Rules Review Report: Dr. Maurer reviewed the Annual
22 Administrative Rules Review Report. By statute, the report will be submitted to the
23 chairpersons and ranking members of the senate and house standing committees on
24 education and the joint appropriations subcommittee on education by January 15,
25 2012.

26
27 Fees Report: The Fees Report was also reviewed and, by statute, will be submitted to
28 the chairpersons and ranking members of the joint appropriations subcommittee on
29 education and the legislative services agency by January 1, 2012.

30
31 Legislative Reception: Dr. Maurer updated the Board on the legislative reception
32 which is scheduled for Thursday, January 19, 2012, 7:30-9 a.m., at the Capitol 1st
33 floor rotunda (east wing) with the board meeting to follow at 9:30 a.m. in the State

1 Board Room of the Grimes Building. The Board will have a dinner meeting at 6:30
2 p.m. on Wednesday, January 18, to review the agenda/talking points for the legislative
3 reception. The Professional Practices Committee will meet at 5 p.m. on Wednesday
4 prior to the dinner meeting.

5
6 NASDTEC Report: Beth Myers reported on the NASDTEC Professional Practices
7 Institute which she and board member, Marianne Mickelson, attended on
8 October 19-21, 2011, in Little Rock, Arkansas.

9
10 Technology Update: Dr. Maurer would like to purchase iPads for the consultants for
11 them to take to the various meetings, presentations they attend. We are working with
12 DAS on this since there is an issue regarding security.

13
14 We would like to get the recommendations from the colleges online for endorsements
15 as well as the recommendations for coaches, paraprofessionals, etc. We would like to
16 do more online applications. Do we do this with our current program or purchase a
17 new program? We would like to have the ability for credit card transactions for use in
18 our office as well as when we do fingerprinting at the various colleges. Dr. Maurer
19 stated that he would like us to be a paperless environment similar to licensing boards
20 in other states.

21
22 Dr. Maurer updated the Board regarding the redesign of our website. It should be
23 completed within a month or two.

24
25 ISEA Presentation: Wayne Bauman and Bob Brown, ISEA UniServ Directors, were
26 present to discuss the “Ethics for Educators” course offered by ISEA. They are both
27 instructors within the ethics program class that has been developed. They provided
28 the Board a summary of information regarding the class.

29
30 Reflection-Dr. Hutchings Presentation: Dr. Maurer reviewed the staff
31 recommendations for developing a framework as a guide to developing a continuum for
32 ethics and license programs for pre-service to in-service for teachers and
33 administrators.

1 There being no further business, Bev Smith asked for a motion to adjourn the
2 meeting. Merle Johnson moved, with a second by Marianne Mickelson to adjourn the
3 meeting. **MOTION CARRIED UNANIMOUSLY.** The meeting was adjourned at 2:07
4 p.m.

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MEMO

Date: January 19, 2012

To: Board Members

From: George J. Maurer, Ed.D., Executive Director

RE: Amend IAC 282 Chapter 11.35 Application Denial and appeal and Chapter 25.3(1) Standard I—conviction of crimes, sexual or other immoral conduct with or toward a student, and child and dependent adult abuse – Adopt

The enclosed noticed rules were filed under Notice of Intended Action and published as ARC 9923B on December 14, 2011.

A public hearing was held Wednesday, January 4, 2012, with written comment accepted until 4 p.m. Friday, January 06, 2012.

The proposed rules were available electronically on the Board's website and available through the Administrative Rules Bulletin both electronically and in hard copy.

No one attended the public hearing. No written comment was received

I recommend that the proposed rule to amend 282 – Chapter 11.35 Application Denial and appeal and Chapter 25.3(1) Standard I—conviction of crimes, sexual or other immoral conduct with or toward a student, and child and dependent adult abuse be Adopted and Filed with no changes.

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 11, "Complaints, Investigations, Contested Case Hearings," and Chapter 25, "Code of Professional Conduct and Ethics," Iowa Administrative Code.

The proposed amendments update the rules pertaining to disqualifying criminal convictions to reflect 2011 Iowa Acts, Senate File 120.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, January 4, 2012, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

Any interested person may make written comments or suggestions on the proposed amendments before 4 p.m. on Friday, January 6, 2012. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, at the above address, or sent by E-mail to kim.cunningham@iowa.gov, or by fax to (515)281-7669.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 272.2(14)"b"(1) as amended by 2011 Iowa Acts, Senate File 120.

The following amendments are proposed.

ITEM 1. Amend paragraph 11.35(2)"a" as follows:

a. Disqualifying criminal convictions. The board shall deny an application for licensure if the applicant or licensee has been convicted, has pled guilty to, or has been found guilty of the following criminal offenses, regardless of whether the judgment of conviction or sentence was deferred:

(1) Any of the following forcible felonies included in Iowa Code section 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;

(2) Any of the following criminal sexual offenses, as provided in Iowa Code chapter 709, involving a child:

1. First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18;

2. Lascivious acts with a child;

3. Assault with intent to commit sexual abuse;

4. Indecent contact with a child;

5. Sexual exploitation by a counselor; or

6. Lascivious conduct with a minor;

7. Enticing a minor under Iowa Code section 710.10; or

8. Human trafficking under Iowa Code section 710A.2;

- (3) Incest involving a child as prohibited by Iowa Code section 726.2;
- (4) Dissemination and exhibition of obscene material to minors as prohibited by Iowa Code section 728.2; ~~or~~
- (5) Telephone dissemination of obscene material to minors as prohibited by Iowa Code section 728.15; ~~or~~
- (6) Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in paragraph 11.35(2) "a";
- or
- (7) Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in paragraph 11.35(2) "a."

ITEM 2. Amend paragraph 25.3(1)"b" as follows:

b. Criminal convictions. The commission of or conviction for a criminal offense as defined by Iowa law ~~or the laws of any other state or of the United States~~, provided that the offense is relevant to or affects teaching or administrative performance.

(1) Disqualifying criminal convictions. The board shall deny an application for licensure and shall revoke a previously issued license if the applicant or licensee has, on or after July 1, 2002, been convicted of, has pled guilty to, or has been found guilty of the following criminal offenses, regardless of whether the judgment of conviction or sentence was deferred:

1. Any of the following forcible felonies included in Iowa Code section 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;

2. Any of the following criminal sexual offenses, as provided in Iowa Code chapter 709, involving a child:

- First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18;

- Lascivious acts with a child;
- Assault with intent to commit sexual abuse;
- Indecent contact with a child;
- Sexual exploitation by a counselor;
- Lascivious conduct with a minor; ~~or~~
- Sexual exploitation by a school employee;
- Enticing a minor under Iowa Code section 710.10; or
- Human trafficking under Iowa Code section 710A.2;

3. Incest involving a child as prohibited by Iowa Code section 726.2;

4. Dissemination and exhibition of obscene material to minors as prohibited by Iowa Code section 728.2; ~~or~~

5. Telephone dissemination of obscene material to minors as prohibited by Iowa Code section 728.15; ~~or~~

6. Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1)"b"(1); or

7. Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1)"b"(1).

(2) No change.

MEMO

Date: January 19, 2012

To: Board Members

From: George J. Maurer, Ed.D., Executive Director

RE: Amend IAC 282 Various Chapters – Adopt

The enclosed noticed rules were filed under Notice of Intended Action and published as ARC 9924B on December 14, 2011.

A public hearing was held Wednesday, January 4, 2012, with written comment accepted until 4 p.m. Friday, January 06, 2012.

The proposed rules were available electronically on the Board's website and available through the Administrative Rules Bulletin both electronically and in hard copy.

No one attended the public hearing. No written comment was received

I recommend that the proposed rule to amend 282 – Various Chapters be Adopted and Filed with no changes.

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 1, “General,” Chapter 3, “Declaratory Orders,” Chapter 5, “Public Records and Fair Information Practices,” Chapter 10, “Child Support Noncompliance,” Chapter 11, “Complaints, Investigations, Contested Case Hearings,” Chapter 13, “Issuance of Teacher Licenses and Endorsements,” Chapter 15, “Special Education Support Personnel Authorizations,” Chapter 17, “Career and Technical Endorsements and Licenses,” Chapter 20, “Renewals,” and Chapter 25, “Code of Professional Conduct and Ethics,” Iowa Administrative Code.

These amendments clean up language, Iowa Code citations and administrative rule citations in the administrative rules of the Board of Educational Examiners. During the 2002 legislative session, changes were made to the numbering and language of the Iowa Rules of Civil Procedure (Iowa R.C.P.). The references to the Iowa R.C.P. in the Board’s current rules do not reflect the changes and must be amended to reference the correct Iowa R.C.P. section. In 2002, Iowa Code section 272.6 was repealed; the Board’s rules still reference this section. The information on fraudulent applications is referenced in Iowa Code 272.2, subsection 14, paragraph “b,” subparagraph (3), and the Board’s rules therefore should be amended to reference this Iowa Code section. During the 2009 legislative session, 2009 Iowa Acts, Senate File 340, repealed Iowa Code section 692A.13 and created Iowa Code section 692A.121. The Board’s rules reference a repealed Iowa Code section and therefore must be amended to reference the new Iowa Code section. In 2008, the Board renumbered several chapters of its rules and changed the references to these renumbered chapters in its rules as necessary; several old references remain in the rules that need to reference the 2008 changes. The Board has made necessary changes to references to the Iowa Code as the Iowa legislature has amended Iowa Code sections affecting the Board. The changes to the Board’s rules have referenced the location of the amended Iowa Code in the Iowa Acts or the Supplement to the Iowa Code. These amendments are now codified in the Iowa Code, and the Board’s rules should cite the correct Iowa Code reference. Additional cleanup of the Board’s rules corrects citations to the Iowa Code and revises unclear and confusing language.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, January 4, 2012, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

Any interested person may make written comments or suggestions on the proposed amendments before 4 p.m. on Friday, January 6, 2012. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, at the above address, or sent by E-mail to kim.cunningham@iowa.gov, or by fax to (515)281-7669.

After analysis and review of this rule making, no adverse impact on jobs has been found. These amendments clean up outdated language.

These amendments are intended to implement Iowa Code chapter 272.

The following amendments are proposed.

ITEM 1. Amend subrule 1.2(2) as follows:

1.2(2) Composition. The composition of the board is defined in Iowa Code section 272.3 as amended by 2007 Iowa Acts, House File 615, section 1.

ITEM 2. Amend ~~282—Chapter 3~~, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 17A.9 as amended by 1998 Iowa Acts, chapter 1202.

ITEM 3. Amend paragraph **5.13(2)“g”** as follows:

g. Records which constitute attorney work product, attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa R.C.P. 122(e) R. Civ. P. 1.503, Fed. R. Civ. P. 26(b)(3), and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.

ITEM 4. Amend ~~282—Chapter 10~~ as follows:

CHAPTER 10
CHILD SUPPORT NONCOMPLIANCE

~~282—10.1(272,252J)~~ **Issuance or renewal of a license—denial.** The board shall deny the issuance or renewal of a license upon the receipt of a certificate of noncompliance from the child support recovery unit of the department of human services according to the procedures in Iowa Code Supplement chapter 252J. In addition to the procedures set forth in Iowa Code Supplement chapter 252J, the following shall apply.

10.1(1) The notice required by Iowa Code Supplement section 252J.8 shall be served upon the applicant or licensee by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rules Rule of Civil Procedure ~~56.1~~ 1.305. Alternatively, the applicant or licensee may accept service personally or through authorized counsel.

10.1(2) The effective date of the denial of the issuance or renewal of a license, as specified in the notice required by Iowa Code Supplement section 252J.8, shall be 60 days following service of the notice upon the applicant or licensee.

10.1(3) The board's administrator is authorized to prepare and serve the notice required by Iowa Code Supplement section 252J.8 upon the applicant or licensee.

10.1(4) Applicants and licensees shall keep the board informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code Supplement chapter 252J and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code Supplement section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

10.1(5) All board fees required for application, license renewal, or license reinstatement must be paid by applicants or licensees before a license will be issued, renewed, or reinstated after the board has denied the issuance or renewal of a license pursuant to Iowa Code Supplement chapter 252J.

10.1(6) In the event an applicant or licensee files a timely district court action following service of a board notice pursuant to Iowa Code Supplement sections 252J.8 and 252J.9, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a license, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

10.1(7) No change.

282—10.2(252J) Suspension or revocation of a license. The board shall suspend or revoke a license upon the receipt of a certificate of noncompliance from the child support recovery unit of the department of human services according to the procedures set forth in Iowa Code Supplement chapter 252J. In addition to the procedures set forth in Iowa Code Supplement chapter 252J, the following shall apply.

10.2(1) The notice required by Iowa Code Supplement section 252J.8 shall be served upon the licensee by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rules Rule of Civil Procedure ~~56-~~ 1.305. Alternatively, the licensee may accept service personally or through authorized counsel.

10.2(2) The effective date of the suspension or revocation of a license, as specified in the notice required by Iowa Code Supplement section 252J.8, shall be 60 days following service of the notice upon the licensee.

10.2(3) The board's administrator is authorized to prepare and serve the notice required by Iowa Code Supplement section 252J.8 and is directed to notify the licensee that the license will be suspended unless the license is already suspended on other grounds. In the event that the license is on suspension, the administrator shall notify the licensee of the board's intention to continue the suspension.

10.2(4) The licensee shall keep the board informed of all court actions, and all child support recovery unit action taken under or in connection with Iowa Code Supplement chapter 252J and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code Supplement section 252J.9, all court orders entered in such actions and withdrawals of certificates of noncompliance by the child support recovery unit.

10.2(5) All board fees required for license renewal or license reinstatement must be paid by licensees before a license will be reinstated after the board has suspended or revoked a license pursuant to Iowa Code Supplement chapter 252J.

10.2(6) In the event a licensee files a district court action following service of a board notice pursuant to Iowa Code Supplement sections 252J.8 and 252J.9, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the suspension or revocation, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

10.2(7) No change.

282—10.3(17A,22,252J) Sharing of information. Notwithstanding any statutory confidentiality provision, the board may share information with the child support recovery unit of the department of human services through manual or automated means for the sole purpose of identifying applicants or licensees subject to enforcement under Iowa Code Supplement chapter 252J or 598.

These rules are intended to implement Iowa Code Supplement chapter 252J.

ITEM 5. Amend rule **282—11.2(17A)**, definition of "Contested case," as follows:

"*Contested case*" means a proceeding defined by Iowa Code section 17A.2(5) and includes any matter defined as a no factual dispute contested case under ~~1998 Iowa Acts, chapter 1202, section 14~~ Iowa Code section 17A.10A.

ITEM 6. Amend numbered paragraph **11.4(1)"d"(1)"3"** as follows:

3. Has not met a reporting requirement stipulated by Iowa Code section 272.15 ~~as amended by 2007 Iowa Acts, Senate File 588, section 33, Iowa Code section 279.43, 281—subrule 102.11(2), 282—Chapter 11, or 282—Chapter 25; or~~

ITEM 7. Amend subrule 11.11(2) as follows:

11.11(2) The term "personally investigated" means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term "personally investigated" does not include general direction and supervision of assigned investigators, unsolicited receipt of information which is relayed to assigned investigators, review of another person's investigative work product in the course of determining whether there is probable cause to initiate a proceeding, or exposure to factual

information while performing other agency functions, including fact gathering for purposes other than investigation of the matter which culminates in a contested case. Factual information relevant to the merits of a contested case received by a person who later serves as presiding officer in that case shall be disclosed if required by Iowa Code section 17A.17 as amended by 1998 Iowa Acts, chapter 1202, section 19, and subrules 11.11(3) and 11.24(9).

ITEM 8. Amend subrule 11.11(4), introductory paragraph, as follows:

11.11(4) If a party asserts disqualification on any appropriate ground, including those listed in subrule 11.11(1), the party shall file a motion supported by an affidavit pursuant to ~~1998 Iowa Acts, chapter 1202, section 19(7)~~ Iowa Code section 17A.17(7). The motion must be filed as soon as practicable after the reason alleged in the motion becomes known to the party.

ITEM 9. Amend subrule 11.23(6) as follows:

11.23(6) "Good cause" for purposes of this rule shall have the same meaning as "good cause" for setting aside a default judgment under Iowa Rule of Civil Procedure ~~236~~ 1.977.

ITEM 10. Amend subrule 11.30(2) as follows:

11.30(2) *When granted*. In determining whether to grant a stay, the executive director or presiding officer shall consider the factors listed in ~~1998 Iowa Acts, chapter 1202, section 23(5e)~~ Iowa Code section 17A.19(5).

ITEM 11. Amend subrule 11.35(3) as follows:

11.35(3) *Fraudulent applications*. An application shall be considered fraudulent pursuant to Iowa Code section ~~272.6(4)~~ 272.2(14) "b"(3) if it contains any false representation of a material fact or any omission of a material fact which should have been disclosed at the time of application for licensure or is submitted with a false or forged diploma, certificate, affidavit, identification, or other document material to the applicant's qualification for licensure or material to any of the grounds for denial set forth in Iowa Code sections section 272.2(14) and 272.6.

ITEM 12. Amend subrule 11.38(1) as follows:

11.38(1) *Method of reporting*. A report of misconduct made by the director, pursuant to Iowa Code Supplement section ~~256.9(56)~~ 256.9(52), or made by an employee of the department of education, pursuant to Iowa Code Supplement section 272.15(2), shall comply with the requirements of subrule 11.37(1).

ITEM 13. Amend subrule 13.21(3) as follows:

13.21(3) Credit for the human relations requirement shall be given for licensed persons who can give evidence that they have completed a human relations program which meets board of educational examiners criteria (see rule ~~282—13.24(272)~~ 13.22(272)).

ITEM 14. Amend paragraph 15.7(6)"a" as follows:

a. Authorization. The holder of this license is authorized to teach pupils with a visual impairment (see Iowa Code section ~~256B.8~~ 256B.2), including those pupils who are deaf-blind.

ITEM 15. Amend paragraph 17.2(2)"f" as follows:

f. An approved human relations course as described in rule ~~282—13.26(272)~~ 13.22(272).

ITEM 16. Amend subrule 20.3(3) as follows:

20.3(3) *Background check*. Every renewal applicant is required to submit a completed application form with the applicant's signature to facilitate a check of the sex offender registry information under Iowa Code section ~~692A.13~~ 692A.121, the central registry for child abuse information established under Iowa Code chapter 235A, and the dependent adult abuse records maintained under Iowa Code chapter 235B. The board may assess the applicant a fee no greater than the costs associated with obtaining and evaluating the background check.

ITEM 17. Amend paragraph 25.3(3)"d" as follows:

d. Falsifying any records or information submitted to the board in compliance with the license renewal requirements imposed under ~~282—Chapter 17~~ 20.

MEMO

Date: January 19, 2012

To: Board Members

From: George J. Maurer, Ed.D., Executive Director

RE: Definition of a Student - Discussion

After researching the definition of students in other states it was determined that most states don't even have as solid a definition as our criminal code provides. The states that responded to our inquiry stated that they were successful in taking licensure action against educators that had a sexual relationship while the student was enrolled in the K-12 system. Several responses echoed the information Dr. Hutchings shared that in their state other professions such as psychologists and counselors prohibited relationships with clients for two years. Most states focus on the actions that took place leading up to the sexual relationship (grooming) in order to take licensure action.

Petition for Waiver

Name: David Pickering

Folder: 1001775

Applied for substitute authorization but was denied.

Reason for Waiver: Mr. Pickering completed a baccalaureate degree from Columbia Southern University. Columbia Southern University is not accredited by a regionally accrediting agency. The Veterans' Administration recognized Columbia Southern University. Mr. Pickering completed this degree program after retiring from the United States Guard.

Rule Citation for substitute authorization:

282—22.2(272) Substitute authorization. A substitute authorization allows an individual to substitute in a middle school, junior high school, or high school for no more than five consecutive days in one job assignment.

282—22.2(272) Substitute authorization.

22.2(1)*Application process.*

(2) Degree or certificate. Applicants must have achieved at least one of the following:

1. Hold a baccalaureate degree from a regionally accredited institution.

Hardship: Mr. Pickering would not be allowed to substitute teach.

Prejudice to others:

No

Safety and welfare of others:

Mr. Pickering would be allowed to substitute teach. He is a disabled veteran.

Recommendation: Approve the waiver.

Columbia Southern University is an accredited member of the Distance Education and Training Council which is listed by the U.S. Department of Education as a nationally recognized accrediting agency. All CSU programs have been reviewed and approved by DETC. Additionally, the Accrediting Commission of the DETC is a recognized member of the Council for Higher Education Accreditation. CHEA is a nonprofit organization serving as the national advocate for self-regulation through accreditation. Institutional membership is limited to nationally or regionally accredited colleges or university.

Hardship: Mr. Pickering completed a Bachelor of Science degree in occupational safety and health. He completed an associate's degree from Iowa Western Community College. It would be a financial hardship to complete additional course work through a regionally accredited institution in order to substitute teach.

Prejudice to others:

Other Board petitions:

06-01 Gayle Casel. GRANTED: Completed degree in health services management from CA College for Health Services, accredited by Accrediting Commission of Distance Education Training Council which is listed by USDE as nationally recognized accrediting agency and member of Council for Higher Education Accreditation.

07-18 Michael Fox. DENIED: Holds a Doctorate of Chiropractic. Does not have a baccalaureate degree.

10-28 Douglas Durre. GRANTED: Completed degree through Nebraska Christian College which is accredited by the Association for Biblical Higher Education, USDE and Council for Higher Education Accreditation.

11-01 Donna DeBoef. GRANTED: Completed degree from Zion Bible College which is accredited with the Association of Biblical Higher Education, USDE and Council for Higher Education Accreditation.

11-02 Brian Nelson. GRANTED: Completed Simpson College baccalaureate degree but could not obtain transcripts due to loan default. Provided transcripts from juris doctorate degree from Drake University.

Safety and welfare of others:

Mr. Pickering has completed a background check.

Petition for Waiver

Name: Arthur Tate

Folder: 998209

Holds a Class A license with the superintendent endorsement.

Reason for Waiver: Mr. Tate received a letter indicating he needed to complete course work in “knowledge of current issues in special education administration.” Mr. Tate has 15 years of superintendent experience in four states. He was the director of special education from 1992-93 in New Hampshire. The director of special education worked directly for Mr. Tate when he was serving as superintendent. Thus he has knowledge of current special education issues. Mr. Tate has visited special education classrooms every day. He would like to waive the requirement on the basis of his experience.

Rule Citation 282—18.10(272)Superintendent/AEA administrator.

18.10(2)Program requirements.

Content. Through completion of a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements, the administrator has knowledge and understanding of:

- (1)Models, theories, and practices that provide the basis for leading educational systems toward improving student performance.
- (2)Federal, state and local fiscal policies related to education.
- (3)Human resources management, including recruitment, personnel assistance and development, evaluation and negotiations.
- (4)Current legal issues in general and special education.
- (5)Noninstructional support services management including but not limited to transportation, nutrition and facilities.

Hardship: Mr. Tate would like to use his time and financial resources towards taking a course that would make him a better educational leader. Taking this course would not result in increased knowledge for Mr. Tate.

Prejudice to others:

Mr. Tate believes anyone with experience should have the requirement waived.

Safety and welfare of others:

Providing Mr. Tate with the time to serve as the instructional leader would benefit the students. Mr. Tate would be able to attend night and weekend events. He believes that granting this waiver would be an indicator that the BOEE makes decisions based on logic and not just by written regulation.

Recommendation: Approve the waiver.

The rule states “Through completion of a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements, the administrator has knowledge and understanding of...current legal issues in special education.” It does not state that the person must have a specific course in special education issues. The experience that Mr. Tate has documented indicates that he does meet the requirement for “knowledge and understanding” since he did serve as a special education director.

Hardship: In Davenport, the Director of Exceptional Education (Special Education Director) reports directly to Mr. Tate. They meet concerning special education issues. He also attends the training for special education professionals to keep up to date on issues. This timely information would be beneficial and make the course work requirement moot.

Prejudice to others:

No other Board petitions have been reviewed on this subject. Other applicants for waivers would also have to verify experience as a director of special education in order for the requirement to be waived.

Safety and welfare of others:

Mr. Tate has 15 years of administrative experience which benefits the students and school district. He has worked as a director of special education previously and works with the special education directors currently. The benefits for the school district will be to allow Mr. Tate time to observe classes and attend after school events. The integrity of the licensure standards are upheld because Mr. Tate has verified his experiences have provided him with knowledge and understanding of special education issues.

Petition for Waiver

Name: Kathi Berry

Folder: 1001599

Reason for Waiver: Applied for a substitute authorization but was denied the authorization because she did not complete a baccalaureate degree from a regionally accredited institution.

Rule Citation:

282—22.2(272) Substitute authorization.

22.2(1) Application process...

(2) Degree or certificate. Applicants must have achieved at least one of the following:

1. Hold a baccalaureate degree from a regionally accredited institution.
2. Completed an approved paraeducator certification program and hold a paraeducator certificate.

Rationale: Ms Berry's degree is accredited by the "Association for Biblical Higher Education" which is recognized by the Council for Higher Education Association and the U.S. Department of Education. Thus she would like to have this degree approved for the substitute authorization.

Hardship: Ms. Berry would like to be able to substitute since she has been out of work due to an injury. She has substituted for paraeducators and would like to substitute for teachers also. This is a financial hardship.

Prejudice to others:

Ms. Berry states there would be no prejudice to others nor would there be any ramifications to others if her waiver is granted.

Public health and safety:

Ms. Berry indicates she will bring a wealth of experience and high moral standards to the school since she has served as a pastor for youth and adults. She is a trusted mentor in the community.

Staff Recommendation: *Approve the waiver.*

Rationale:

The college is accredited by the Association for Biblical Higher Education which is a national accrediting agency. This accrediting agency is recognized by the US Department of Education. A substitute authorization can be granted to individuals who have no baccalaureate degree if they have a paraeducator certificate. Having a BA from a college that is approved by another accrediting agency is a step above the requirement of being a paraeducator. Also, we accept equivalent degrees when an out of country applicant submits a credential evaluation report. The credential service

indicates the BA degree is the equivalent of a BA in the US but does not verify if the degree is equivalent to a degree from a regionally accredited college.

Hardship:

The course work for the substitute authorization enables Ms. Berry to substitute short term. The religion degree would have little impact whether it was completed through a regionally accredited institution or an institution accredited by the Association for Biblical Higher Education. It would be a financial hardship since Ms. Berry is injured and is not able to work in other positions.

Prejudice to others:

Similar waiver decisions:

06-01 Gaye Casel - Granted-degree from CA College for Health Services, accredited by Accrediting Commission of Distance Education Training Council. Commission is listed by USDE as a nationally recognized accrediting agency and a member of Council for Higher Education Accreditation.

06-03 JoAnn Fannin -Denied. No BA Degree. Completed Master's in Divinity.

07-18 Michael Fox -Denied- No BA Degree. Completed Doctorate of Chiropractic.

08-35 Gary Forsee-BA from Central Bible College. Handled internally.

(09-15-listed by Ms. Berry but the waiver is alternative prep-not sub auth)

10-28. Douglas Durre. Board granted waiver. College accredited by the Association for Biblical Higher Education.

11-01 Donna DeBoef - Granted-college accredited by Association for Biblical Higher Education.

If the waiver is granted, the information would need to be communicated that this waiver was granted only because the college is accredited. It would not be applicable to other institutions that are not accredited. This waiver would only be for individuals applying for the substitute authorization and would not apply to applicants for teaching licenses.

Public Health & Safety:

There would be no affect on the public health and safety since this college is accredited by the Association for Biblical Higher Education and approved by the United States Department of Education.

MEMO

Date: January 19, 2012

To: Board Members

From: George J. Maurer, Ed.D., Executive Director

RE: Reports and Approvals

1. **Legislative Reception Review** – Board and staff will review the reception and make recommendations for next year.
2. **Legislative Update** – Beth will provide an update on current issues.
3. **Technology update**
 - a. **Web page**
 - b. **Licensing program (new)**Staff will update the Board on the proposed changes to the technology system.
4. **Executive Director Interview questions**

Questions will be provided to the Executive Committee for review.
5. **HQT “Highly Qualified” teacher and Teacher of Record**

Staff will present the latest interpretation of HQT and Teacher of Record at the meeting.
6. **Board Orientation in June**

Since there will be no new members appointed to the Board this year and we have scheduled a day before the Board meeting for orientation, what would you schedule for that day?
7. **Clarify Waiver process**

Since procedural changes have required the Board to address waivers differently, I have asked staff to develop a waiver form that will address some of the issues.