

1
2
3
4
5
6
7
8

STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

9
10
11
12
13
14
15
16

Minutes
April 7, 2017

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

The Board of Educational Examiners (Board or BoEE) held its monthly meeting on April 7, 2017. Dr. Andy Pattee, Board Chair, called the meeting to order. Members attending were Kathy Behrens, Dr. Linda Carroll, Dr. Larry Hill, Mary K. Overholtzer, Dr. Jay Prescott (left at 11:30 a.m.), Katherine Schmidt, Erin Schoening, Dr. Anne Sullivan, and Sara Yedlik. Also in attendance was Dr. Ann Lebo, Executive Director, Darcy Hathaway, Attorney/Investigator, Jim McNellis, Investigator and Jordan Esbrook, Assistant Attorney General. Dan Dutcher was unable to attend.

Larry Hill moved, with a second by Sara Yedlik, to approve the agenda. **MOTION CARRIED UNANIMOUSLY.**

Katherine Schmidt moved, with a second by Mary K. Overholtzer, to approve the consent agenda (February 10, 2017 and March 8, 2017 minutes). **MOTION CARRIED UNANIMOUSLY.**

Jay Prescott moved, with a second by Erin Schoening, that the Board go into closed session for the purpose of discussing mental health information pertaining to a licensee, whether to initiate licensee disciplinary proceedings, and the decision to be rendered in a contested case, pursuant to Iowa Code sections 21.5(a), (d), and (f).

Roll call vote: Behrens – yes; Carroll – yes; Hill – yes; Overholtzer – yes; Pattee – yes; Prescott – yes; Schmidt – yes; Schoening – yes; Sullivan – yes; Yedlik – yes. **MOTION CARRIED.**

Jay Prescott moved, with a second by Kathy Behrens that in **case number 16-145**, the Board find probable cause to establish a violation of the following provisions of the

1 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(1)(b)(2) and 25.3(4)(b),
2 and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

3
4 Erin Schoening moved, with a second by Kathy Behrens, that in **case number 16-**
5 **174**, the Board find probable cause to establish a violation of the following provisions
6 of the Code of Professional Conduct and Ethics, 282 IAC rule 25.3(3)(e) and order this
7 case set for hearing. Roll call vote: Behrens – yes; Carroll – yes; Hill – yes; Overholtzer
8 – yes; Pattee – yes; Prescott – yes; Schmidt – yes; Schoening – yes; Sullivan – recused;
9 Yedlik – yes. **MOTION CARRIED.**

10
11 Kathy Behrens moved, with a second by Jay Prescott, that in **case number 16-177**,
12 the Board find probable cause to establish a violation of the following provisions of the
13 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(3)(e), and order this case
14 set for hearing. Roll call vote: Behrens – yes; Carroll – yes; Hill – yes; Overholtzer –
15 yes; Pattee – yes; Prescott – yes; Schmidt – yes; Schoening – yes; Sullivan – recused;
16 Yedlik – no. **MOTION CARRIED.**

17
18 Erin Schoening moved, with a second by Jay Prescott, that in **case number 17-06**, the
19 Board find probable cause to establish a violation of the following provisions of the
20 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(4)(a), (b), (c), (d), and (e),
21 and order this case set for hearing. Roll call vote: Behrens – yes; Carroll – yes; Hill –
22 yes; Overholtzer – yes; Pattee – yes; Prescott – yes; Schmidt – yes; Schoening – yes;
23 Sullivan – recused; Yedlik – yes. **MOTION CARRIED.**

24
25 Kathy Behrens moved, with a second by Erin Schoening, that in **case number 16-**
26 **105**, the Board find probable cause to establish a violation of the following provisions
27 of the Code of Professional Conduct and Ethics, 282 IAC rules 25.3(1)(b)(1), 25.3(1)(c),
28 25.3(1)(d), and 25.3(1)(e)(3) and (4), and order this case set for hearing. Roll call vote:
29 Behrens – yes; Carroll – yes; Hill – yes; Overholtzer – yes; Pattee – yes; Prescott – yes;
30 Schmidt – yes; Schoening – yes; Sullivan – yes; Yedlik – recused. **MOTION CARRIED.**

31
32 Jay Prescott moved, with a second by Kathy Behrens, that in **case number 16-184**,
33 the Board find probable cause to establish a violation of the following provisions of the

1 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(6)(m) and 25.3(8)(a), and
2 order this case set for hearing. Roll call vote: Behrens – yes; Carroll – yes; Hill – yes;
3 Overholtzer – no; Pattee – yes; Prescott – yes; Schmidt – yes; Schoening – yes; Sullivan
4 – no; Yedlik – no. **MOTION CARRIED.**

5
6 Kathy Behrens moved, with a second by Erin Schoening, that in **case number 17-07**,
7 the Board find probable cause to establish a violation of the following provisions of the
8 Code of Professional Conduct and Ethics, 282 IAC rules 25.3(1)(b)(1), 25.3(1)(c),
9 25.3(1)(d), and 25.3(1)(e)(3) and (4), and order this case set for hearing. **MOTION**
10 **CARRIED UNANIMOUSLY.**

11
12 Jay Prescott moved, with a second by Erin Schoening, that in **case number 17-26**, the
13 Board find probable cause to establish a violation of the following provisions of the
14 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(5)(a)(3), and order this
15 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

16
17 Kathy Behrens moved, with a second by Jay Prescott, that in **case number 17-38**, the
18 Board find probable cause to establish a violation of the following provisions of the
19 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(5)(a)(3), and order this
20 case set for hearing. Roll call vote: Behrens – yes; Carroll – yes; Hill – yes; Overholtzer
21 – recused; Pattee – yes; Prescott – yes; Schmidt – yes; Schoening – yes; Sullivan – yes;
22 Yedlik – yes. **MOTION CARRIED.**

23
24 Erin Schoening moved, with a second by Kathy Behrens, that in **case number 17-39**,
25 the Board find probable cause to establish a violation of the following provisions of the
26 Code of Professional Conduct and Ethics, 282 IAC rule 25.3(5)(a)(3), and order this
27 case set for hearing. Roll call vote: Behrens – yes; Carroll – yes; Hill – yes; Overholtzer
28 – recused; Pattee – yes; Prescott – yes; Schmidt – yes; Schoening – yes; Sullivan – yes;
29 Yedlik – yes. **MOTION CARRIED.**

30
31 Jay Prescott moved, with a second by Kathy Behrens, that in **case number 16-10**, the
32 Board accept the agreement submitted by the parties, and issue an Order

1 incorporating the agreement of the parties and imposing the agreed upon sanction.

2 **MOTION CARRIED UNANIMOUSLY.**

3

4 Kathy Behrens moved, with a second by Jay Prescott, that in **case number 16-113**,
5 the Board accept the agreement submitted by the parties, and issue an Order

6 incorporating the agreement of the parties and imposing the agreed upon sanction.

7 Roll call vote: Behrens – yes; Carroll – yes; Hill – no; Overholtzer – yes; Pattee – no;

8 Prescott – yes; Schmidt – yes; Schoening – recused; Sullivan – no; Yedlik – yes.

9 **MOTION CARRIED.**

10

11 Kathy Behrens moved, with a second by Jay Prescott, that in **case number 16-40**, the
12 Board accept the agreement submitted by the parties, and issue an Order

13 incorporating the agreement of the parties and imposing the agreed upon sanction.

14 Roll call vote: Behrens – yes; Carroll – yes; Hill – yes; Overholtzer – yes; Pattee –

15 recused; Prescott – yes; Schmidt – no; Schoening – yes; Sullivan – yes; Yedlik – yes.

16 **MOTION CARRIED.**

17

18 Jay Prescott moved, with a second by Kathy Behrens, that the Board not initiate
19 review of the proposed decision in **case number 16-76, In the Matter of Ryan**

20 **Epperson**, and allow the proposed decision to become the final decision of the Board
21 unless an appeal is taken by one of the parties within the time allowed by rule. Roll

22 call vote: Behrens – yes; Carroll – yes; Hill – yes; Overholtzer – yes; Pattee – yes;

23 Prescott – yes; Schmidt – yes; Schoening – recused; Sullivan – yes; Yedlik – yes.

24 **MOTION CARRIED.** (Jordan Esbrook left the room during the discussion of this case
25 in closed session.)

26

27 Erin Schoening moved, with a second by Jay Prescott, to extend the 180-day deadline
28 for issuance of the final decision in **case number 16-147**, based upon the need to

29 schedule the hearing and the need to review the proposed decision. **MOTION**

30 **CARRIED UNANIMOUSLY.**

31

1 Jay Prescott moved, with a second by Erin Schoening, to extend the 180-day deadline
2 for issuance of the final decision in **case number 16-157**, based upon the amount of
3 time needed to complete the investigation. **MOTION CARRIED UNANIMOUSLY.**

4
5 Kathy Behrens moved, with a second by Erin Schoening, to extend the 180-day
6 deadline for issuance of the final decision in **case number 16-162**, based upon the
7 amount of time needed to complete the investigation. **MOTION CARRIED**
8 **UNANIMOUSLY.**

9
10 Anne Sullivan moved, with a second by Sara Yedlik, that the Board approve the closed
11 session minutes for February 10, 2017 and March 8, 2017. **MOTION CARRIED**
12 **UNANIMOUSLY.**

13
14 The following cases were discussed in open session.

15 Erin Schoening moved, with a second by Kathy Behrens, to extend the 180-day
16 deadline for issuance of the final decision in **case number 16-160**, based upon the
17 need to conduct the hearing set for June 7, 2017, and the need to review the proposed
18 decision. Roll call vote: Behrens – yes; Carroll – yes; Hill – yes; Overholtzer – yes;
19 Pattee – yes; Prescott – yes; Schmidt – yes; Schoening – yes; Sullivan – recused; Yedlik
20 – yes. **MOTION CARRIED.**

21
22 Kathy Behrens moved, with a second by Erin Schoening, that in **case number 15-**
23 **115**, that the Board grant the Respondent’s request for reinstatement and issue an
24 order stating the basis for the suspension no longer exists and it will be in the public
25 interest for the license to be reinstated. Background/Discussion: Jennifer Rich was
26 suspended for two years after a complaint alleged she was intoxicated and in
27 possession of alcohol while teaching. She has submitted an application for
28 reinstatement, including documentation of the ethics course and a substance abuse
29 treatment program. **MOTION CARRIED UNANIMOUSLY.**

30
31 Communication from the Public

32 None.

1 Board Member Reports

2 None.

3

4 Legislative Update

5 Phil Wise provide a legislative update to the board.

6

7 Executive Director's Report

8 Licensing System Update: Most applications are now online. We are continuing to
9 work out the kinks and doing trials with new Iowa graduates (from Grand View
10 University and Iowa State). A special thank you to Jeff DeBruin, BoEE IT Specialist,
11 and Mike Cavin, BoEE Consultant, for taking on additional responsibility regarding
12 the new system as well as training the staff. We are still transitioning through the
13 workflow process and the addition of the temp. has helped tremendously. We are
14 reiterating the 6-8 week timeline for application processing due to the processing of
15 the licensee's background check which is beyond our control.

16

17 Dr. Lebo informed the board that we are in the process of purchasing additional
18 fingerprint machines to take out for remote fingerprinting. We will begin to go out to
19 various "regions" in the fall.

20

21 Dr. Lebo reviewed the financial report.

22

23 Board Meeting and Retreat – June 15-16, 2017: Possible agenda items for the retreat:
24 Chapter 20 language regarding collective bargaining regarding the BoEE;
25 communication we received from the Office of the Ombudsman regarding a special
26 report of Iowa's professional licensing boards; discussion of possible presenters for FY
27 18 board meetings.

28

29 Board Operating Guidelines: Additional revisions were made and reviewed. This will
30 come back to the board in May for final approval.

31

32 Karen Strohmeier, Assistant Professor of Education, Dept. Chair, Exceptional Student
33 Services and Instruction (Special Education) from Buena Vista University, has

1 contacted our office requesting to present to the board. The board requested that we
2 invite other universities to participate as well and have more of a panel discussion.
3 Dr. Lebo will make contact to obtain more specifics regarding the discussion topics. It
4 was also recommended to check with Larry Bice and Carole Richardson from the DE
5 regarding the approved programs.

6

7 Dr. Lebo received a request on options for licensees who have a PhD in terms of
8 licensure renewal. The board recommended gathering information from other states
9 to see what they are doing and then bring the information back to the board.

10

11 Dr. Lebo will be conducting more ethics training/presentations to the field.

12

13 The board was made aware of security concerns in our building. We have a lack of
14 staff (due to budget reductions); our cubicles are arranged in such a way that we
15 cannot see all visitors coming to our office; individuals have just walked into Dr.
16 Lebo's office unannounced. Dr. Lebo will bring this up at the DE Management Council
17 meeting and advocate for changes (restructuring what we look like; how we are set up;
18 relocation of our office). Dr. Lebo will craft a statement to the board for their approval
19 of addressing this issue.

20

21 Weekly Updates: Anything more Dr. Lebo should include? More and/or different
22 information? The board suggested including them in the information that the BoEE
23 sends out for the superintendent meetings. Joanne Tubbs will include board
24 members in her distribution list to receive this information.

25

26 Stakeholder Presentations:

27 The board heard from first and second year teachers Satara Fairweather, Rosa Bonilla,
28 Ann Krois and Bill Bird, Mentor Facilitator, from West Des Moines Community School
29 District. They discussed their pathway to licensure, preparation, licensure issues and
30 ethics.

31

1 The board also heard from Scott Slechta, 2016 Iowa teacher of the year. Mr. Slechta
2 teaches language arts at Fairfield High School. He shared his experiences being
3 teacher of the year as well as his plans for the future.

4
5 Rules

6 Adopt:

7 None.

8
9 ARRC Review Pending

10 IAC Chapters 1, 12, 13, 20, 22 – Code clean up.

11 IAC 282 Chapters 13, 24 – Elementary Ed., multioccupations, CTE authorization,
12 paraeducator, autism.

13
14 Notice:

15 None.

16
17 Items for Discussion

18 IAC 282 Chapters 13, 22, and 27 – Ethics training as a requirement for standard
19 license. One of the paramount goals of the Board is to create clear guidelines and
20 expectations for code of conduct and ethics education for educators. This series of
21 revised changes will allow educators to complete current and relevant training as a
22 condition of transitioning from an initial to a standard license or authorization. Some
23 authorizations already include ethics training as a requirement. Chapter 272.2 also
24 states that the board shall provide this training to any person who holds a license,
25 certificate, authorization, or statement of professional recognition. Discussion will
26 continue.

27
28 Petitions for Waiver

29 Larry Hill moved, with a second by Anne Sullivan, that in **PFW 17-02 Eric Nelson**, the
30 Board deny the waiver. **MOTION CARRIED UNANIMOUSLY.** Reasons for denial: The
31 Board received a Petition requesting a waiver of the rule for renewal of a standard
32 teaching license. See 282 IAC 20.5(272). Eric Nelson holds a Class A license that
33 expired on December 31, 2016. He also holds an expired standard teaching license.

1 Mr. Nelson sought renewal of his standard license and was denied because he had not
2 completed the required number of approved renewal credits. The board finds that
3 application of the rule does not pose an undue hardship. The petition states Mr.
4 Nelson is dyslexic and lives abroad and is therefore unable to complete the required
5 number of renewal credits from Board-approved providers. Approved renewal credit
6 providers such as Iowa's Area Education Agencies and the Iowa State Education
7 Association offer accommodations upon request that would assist individuals with
8 dyslexia in completing online courses. The petition does not indicate whether Mr.
9 Nelson contacted any approved renewal credit providers to inquire about available
10 accommodations. Board records indicate he successfully renewed his standard license
11 with six approved credits in 2003. Mr. Nelson would be eligible for a Class E
12 emergency extension license, valid for one year, upon completion of at least one
13 approved online renewal course, with or without these available accommodations. He
14 would then be able to complete the remaining required units. The petition did not cite
15 any similar waivers granted in the past. The board found that granting the waiver
16 could result in substantial prejudice to the legal rights of other licensees who are
17 required to complete approved renewal credits. In two past rulings on petitions for
18 waiver of renewal requirements, PFWs 15-02 and 12-17, the board has denied
19 requests to accept renewal activities that did not meet the requirements in rule.
20 Regarding statutory authority and protection of public health, safety, and welfare, the
21 board did not specifically address these factors, having found the petition did not
22 satisfy the first two required factors.

23
24 Reports/Approvals

25 Katherine Schmidt moved, with a second by Erin Schoening, that the board approve
26 the board meeting calendar for FY 2018. **MOTION CARRIED UNANIMOUSLY.**

27
28 BoEE Communication Plan: The board reviewed the communication plan. The goal of
29 the communication plan is to keep our stakeholders both informed of things and get
30 input from them regarding changes in BoEE processes, licensure, etc. Staff will
31 update as needed and will return it to the board for their approval.

1 Board Member Recognition

2 Andy Pattee's term on the board ends April 30, 2017. Dr. Pattee was recognized for
3 his value and service to the board.

4

5 There being no further business, Andy Pattee adjourned the meeting at 2:10 p.m.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33