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EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINERS
MAY 30 2019

BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA

In the matter of:	)	BOEE Case No. 18-185
	)	Folder No. 362130
MICHAEL E. OLESON, JR.,	)	
	)	**SETTLEMENT AGREEMENT**
Respondent.	)	**AND FINAL ORDER**
	)	

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 IAC 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

NOTICE OF HEARING

A hearing in this matter will not be held, as the State and Respondent have entered into the following consent agreement in lieu of scheduling a contested case hearing. If the Board does not accept this Settlement Agreement and Final Order, the matter may be set for hearing in accordance with 282 Iowa Administrative Code rule 11.7.

STIPULATIONS

1. Respondent holds a PROFESSIONAL SERVICE LICENSE (FOLDER # 362130) with the following endorsements: Professional School Counselor K-8, Professional School Counselor 5-12. Respondent's license is current and will expire on December 31, 2021.

2. During the relevant facts of this matter, Respondent was employed with the Roland-Story Community School District.

3. On December 4, 2018, the Board of Educational Examiners received a

complaint against Respondent alleging a violation of the Code of Ethics.

4. On April 12, 2019, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph 6 below. A hearing in this matter is currently scheduled for July 30, 2019.

5. Respondent was charged with soliciting or encouraging an otherwise inappropriate relationship with a student, in violation of 282 Iowa Administrative Code rule 25.3(1)(e)(4), and failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning, in violation of 282 Iowa Administrative Code rule 25.3(6)(c).

6. Investigation revealed that in during the 2018-2019 school year, Respondent solicited a personal and inappropriate relationship with a student. Respondent communicated with the student through social media about his desire to have physical contact with her.

7. Respondent acknowledges unprofessional social media communication with a student but denies any intent to solicit a romantic relationship.

SETTLEMENT AGREEMENT

8. This Settlement Agreement and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

9. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

a. Respondent accepts a WRITTEN REPRIMAND.

b. Respondent agrees his license will be SUSPENDED for a minimum period of THREE YEARS. Respondent agrees he bears the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code rule 11.34 and the burden of proving the basis for his suspension no longer exists and that it will be in the public interest to reinstate his license. Additionally, Respondent agrees he is not eligible for reinstatement until he satisfactorily completes the requirements of subparagraphs (c) and (d) below.

c. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators," which is offered by the ISEA, or "Ethical Educators," which is offered by the PEI. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course prior to seeking reinstatement.

d. Respondent agrees to undergo a mental health evaluation that includes an assessment of his ability to establish and maintain appropriate teacher-student boundaries. This evaluation shall be performed by a licensed professional selected by Respondent, with prior approval by the Board's Executive Director. Respondent shall provide the professional a copy of this Settlement and Final Order prior to the mental health evaluation. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the mental health evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation and must successfully complete any recommended boundaries counseling. Respondent is responsible for all costs of the evaluation and any treatment and training. Respondent is not eligible for reinstatement until the Board determines he has satisfactorily completed this requirement.

LICENSEE DECLARATION

I understand that this Settlement Agreement and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand State's counsel will present this Settlement Agreement and Final Order to the Board *ex parte*.

I agree to comply with the requirements set forth in the stipulations and requirements of this Settlement Agreement and Final Order and understand that my failure to do so can result in additional discipline of my license.

I understand that this Settlement Agreement and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

5/30/19
Date

Michael Oleson, Jr.
Michael Oleson, Jr., Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

2. Respondent's license will be SUSPENDED for a minimum period of THREE YEARS. Respondent bears the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code rule 11.34 and the burden of proving the basis for his suspension no longer exists and that it will be in the public interest to reinstate his license. Additionally, Respondent is not eligible for reinstatement until he satisfactorily completes the requirements of paragraphs 3 and 4 below.

3. Respondent shall successfully complete at least fifteen in-person contact hours in "Ethics for Educators" or "Ethical Educators." Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course prior to seeking reinstatement.

4. Respondent shall undergo a mental health evaluation that includes an assessment of his ability to establish and maintain appropriate teacher-student boundaries. This evaluation shall be performed by a licensed professional selected by Respondent, with prior approval by the Board's Executive Director. Respondent shall provide the professional a copy of this Settlement Agreement and Final Order prior to the mental health evaluation. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the mental health evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation and must successfully complete any recommended boundaries counseling. Respondent is responsible for all costs of the evaluation and any treatment and training. Respondent is not eligible for reinstatement until the Board determines he has satisfactorily completed this requirement.

5. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 21st day of June, 2019.

Ann Lebo, Executive Director
Iowa Board of Educational Examiners

Copies to:

Michael Oleson, Jr.
RESPONDENT

Nathan Arnold
ATTORNEY FOR RESPONDENT

Allison Schmidt
ATTORNEY FOR THE STATE

BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA

In the matter of	)	Case No. 18-185
	)	Folder No. 362130
MICHAEL E. OLESON, JR.,	)	
	)	**NOTICE OF HEARING**
Respondent.	)	**AND STATEMENT OF CHARGES**

YOU ARE HEREBY NOTIFIED that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing will be held on Tuesday, July 30, 2019, before Administrative Law Judge Rachel D. Morgan, acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 9:00 a.m. in Department of Inspections and Appeals, Wallace State Office Bldg, Third Floor, 502 E. 9th Street (East 9th and Grand Avenue), Des Moines, Iowa. You should report to the third floor Iowa Department of Inspections and Appeals' (DIA) receptionist prior to 9:00 a.m. to obtain the room assignment.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 Iowa Administrative Code rule 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any

resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 Iowa Administrative Code rule 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Allison Schmidt
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319
Telephone (515) 281-3395

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Ann Lebo, the Board's Executive Director, at (515) 281-5849 or to Assistant Attorney General Schmidt at (515) 281-3395.

B. SECTIONS OF STATUES AND RULES INVOLVED

Count I

7. Respondent is charged with soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student, in violation of 282 Iowa Administrative Code rule 25.3(1)(e)(4).

Count II

8. Respondent is charged with failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning, in violation of 282 Iowa Administrative Code rule 25.3(6)(c).

C. JURISDICTION AND LEGAL AUTHORITY

9. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Administrative Code chapter 11.

D. FACTUAL CIRCUMSTANCES

10. Respondent holds a PROFESSIONAL SERVICE LICENSE (FOLDER # 362130) with the following endorsements: Professional School Counselor K-8, Professional School Counselor 5-12. Respondent's license is current and will expire on December 31, 2021.

11. During all material events of this case, Respondent was employed as a counselor by Roland-Story Community School District.

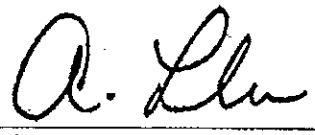
12. On December 4, 2018, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On April 12, 2019, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

13. Investigation revealed that during the 2018-2019 school year, Respondent solicited a personal and inappropriate relationship with a student. Respondent communicated with the student through social media about his desire to have physical contact with her.

E. SETTLEMENT

14. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code rule 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 8th day of May, 2019.



Ann Lebo, Executive Director
Iowa Board of Educational Examiners

Copies to:

Michael Oleson, Jr. (first-class mail and restricted certified mail)
RESPONDENT

Allison Schmidt (electronic mail)
ATTORNEY FOR STATE