

**STATE OF IOWA  
BOARD OF EDUCATIONAL EXAMINERS  
December 13, 2013**

**2013-2014 BOEE Goals**

- Goal 1: The Board will develop rules for practitioner licensure that maintain high standards, are research based, and provide flexibility in attainment.
- Goal 2: The Board will develop a communication plan for the dissemination of information to its constituent groups, the Governor's office, and the legislature.
- Goal 3: The board will develop a plan to align BOEE goals with the Iowa Department of Education and Iowa colleges of education.

Telephonic Meeting  
Grimes State Office Building – 400 E.14th St.  
Des Moines, IA 50319-0147  
3<sup>rd</sup> Floor – BOEE Conference Room (3SW)

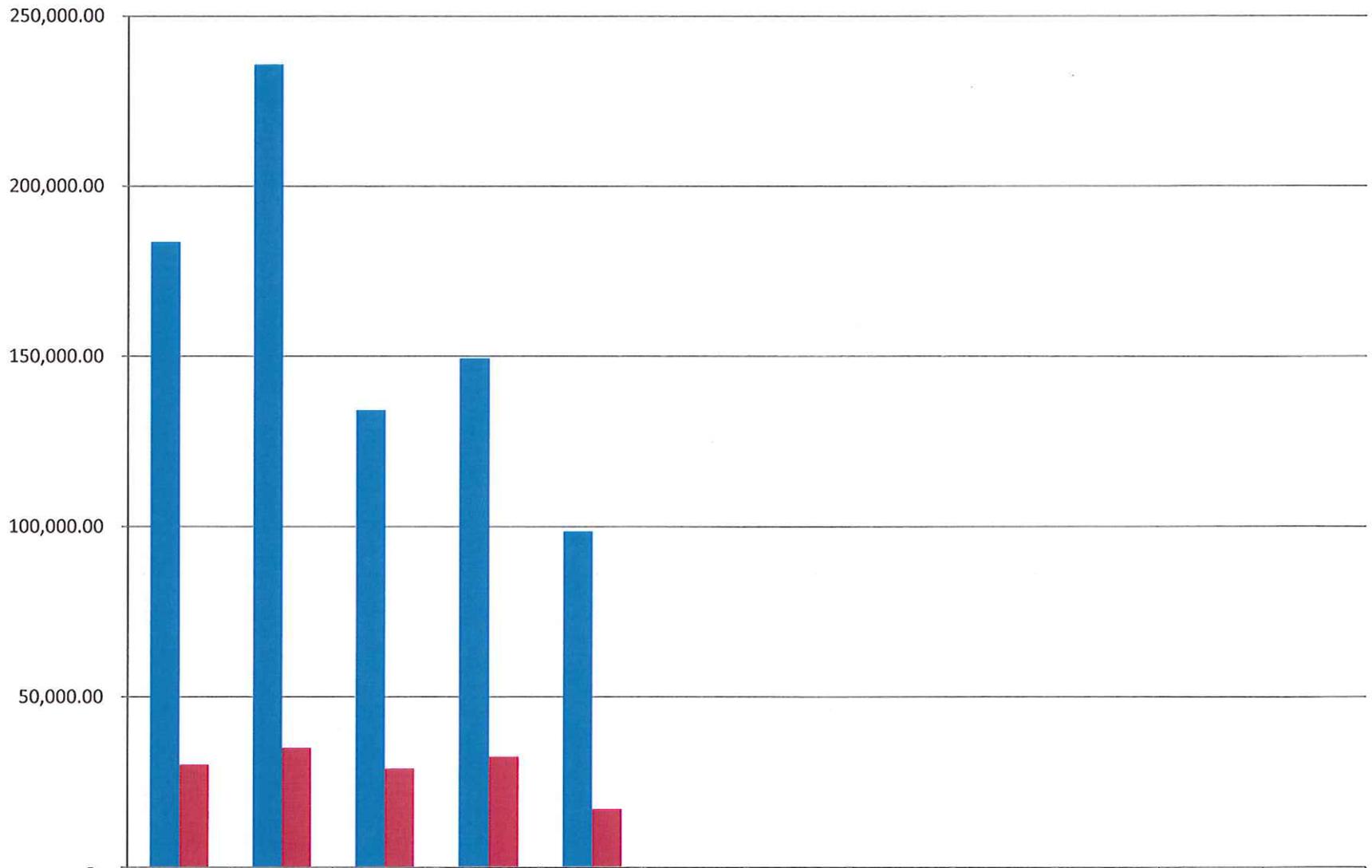
**AGENDA**

*Times are approximate*

- 4:00 p.m. Call Meeting to Order**
- Approve the Agenda** **Tab A**
- Professional Practices - Licensee Discipline – Closed Session –  
Board Members Only (roll call)**
- Open Session** – Results of closed session announced
- Communication from the Public**
- Board Communications**
- a. Board Member Reports
  - b. Executive Director's Report
  - 1. Financial update **Tab B**
- Waivers**
- 1. PFW 13-15 Kym Stein **Tab C**
- 4:30 p.m. Adjourn**

**Legislative Reception and Next Meeting – Thursday, January 16, 2014**

### Receipts July 2012-June 2013



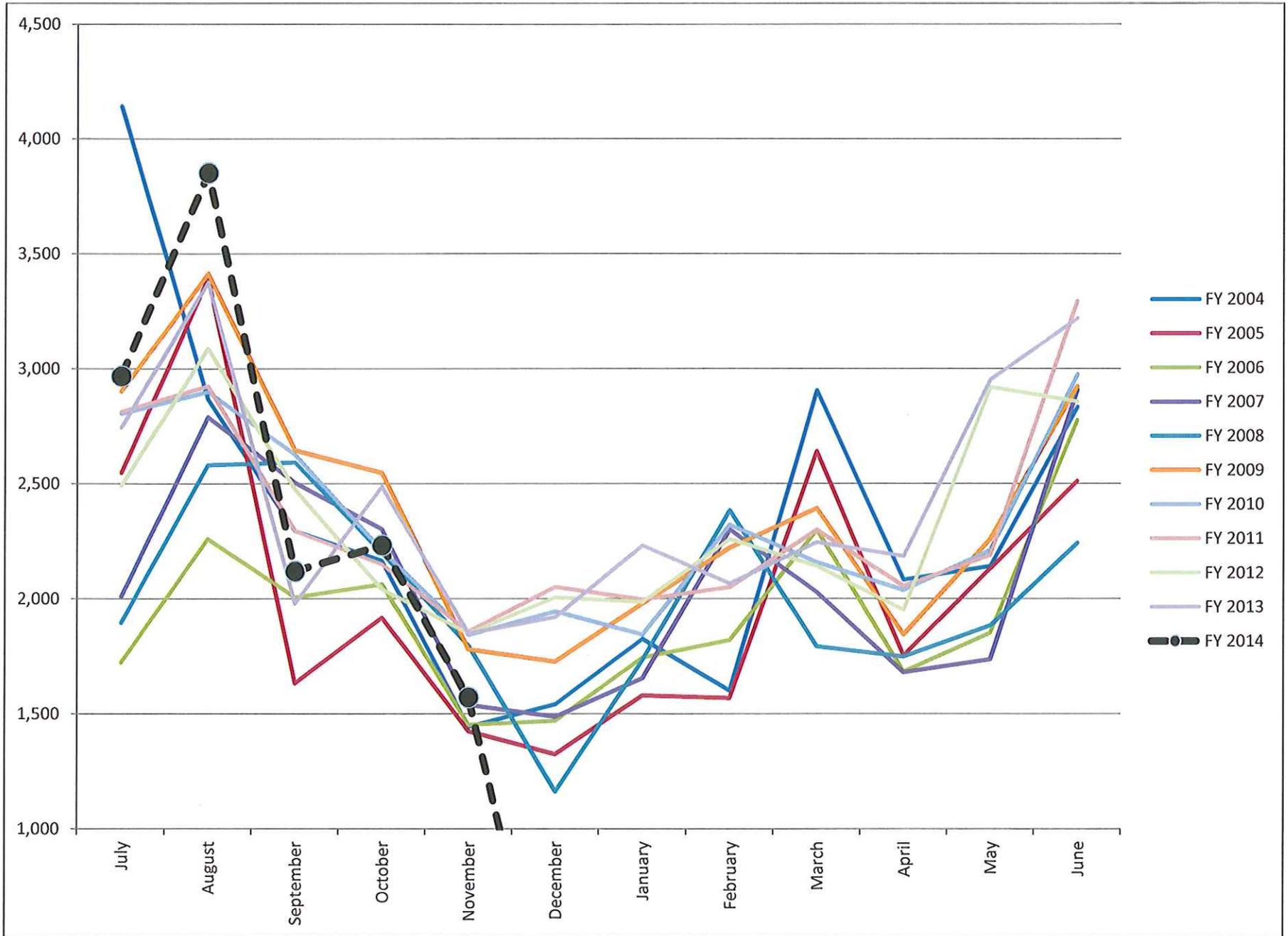
	July 13	Aug 13	Sept 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14	Mar 14	Apr 14	May 14	Jun 14
Licensure Fees	183,580.	235,752.	134,187.	149,360.	98,513.2							
DCI Check Fee	30,056.0	35,009.0	28,847.0	32,344.0	16,952.0							



### Total # Licenses Issued FY14



	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Total # Licenses Issued	2,968	3,852	2,119	2,232	1,571	-	-	-	-	-	-	-



Board of Education Examiners SFY 14 Financial Reporting by Orgn/Month

FY 14 Balance Sheet / Cashflow Chart

Licensure Fees (orgn 9397)	July 13	Aug 13	Sept 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14	Mar 14	Apr 14	May 14	Jun 14	Jun+30	Jun+60	Total
<b>Receipts</b>															
Brought Fwd from 13	100,000.00	1,056,232.35	-	-	-	-	-	-	-	-	-	-	-	-	1,156,232
Carry Fwd to 15															-
401 Licensure Fees	183,580.50	235,752.00	134,187.75	149,360.75	98,513.25										801,394
704 DCI Check Fee	30,056.00	35,009.00	28,847.00	32,344.00	16,952.00										143,208
BoEE Total Receipts	313,636.50	1,326,993.35	163,034.75	181,704.75	115,465.25	-	-	-	-	-	-	-	-	-	2,100,835
401 Licensure Fees (GenFund)	60,611.50	77,714.00	44,376.25	49,123.25	32,530.75	-	-	-	-	-	-	-	-	-	264,356
<b>Expenditures</b>															
101 Personal Services	68,492.36	109,738.61	126,668.44	177,243.52	99,304.41										581,647
202 In-State Travel	54.12	13.13	1,528.23	2,141.83	3,468.83										7,206
203 Assigned Vehicle	-	287.51	523.09	1,022.91	534.61										2,368
204 Vehicle Depreciation	-	360.00	360.00	360.00	360.00										1,440
205 Out-of-State Travel	-	-	-	3,341.00	1,900.72										5,242
301 Office Supplies	5,573.85	291.14	370.12	150.85	1,490.35										7,876
309 Printing & Binding	-	256.20	5,544.59	415.00	1,633.00										7,849
313 Postage	-	3,000.53	3,671.38	2,639.90	2,179.57										11,491
401 Communications	73.85	704.78	930.89	656.09	691.85										3,057
402 Rentals	615.00	283.02	891.70	70.00	274.86										2,135
405 Professional Services	-	-	200.00	350.00	564.61										1,115
406 Outside Services	48.60	28.44	78.18	20.60	44.96										221
407 Intra-State Transfers	-	-	-	52.43	-										52
408 Advertising	-	-	56.84	191.84	-										248
409 Outside Repairs/Services	1.00	181.75	-	-	-										183
414 Other Agency Reimb	-	298.32	1,079.82	300.32	300.32										1,979
416 ITE Reimbursement	54.60	1,589.72	2,241.08	2,765.79	3,948.44										10,600
418 IT Contracted Services	-	-	40,205.60	-	-										40,206
432 Gov Trfr Attorney Gen	-	-	6,666.66	3,349.16	3,376.91										13,393
433 Gov Trfr Auditor	-	-	-	-	-										-
434 Gov Trfr Other Agencies	-	-	54,212.00	22,695.00	26,226.00										103,133
502 Office Equipment	-	-	-	-	-										-
503 Equipment Non-Inventory	-	844.80	-	-	-										845
510 IT Equipment & Software	11,305.00	-	339.31	522.45	-										12,167
602 SWICAP/Other Expense	-	-	759.86	12,705.15	445.92										13,911
Total Expenditures	86,218.38	117,877.95	246,527.79	230,993.64	146,745.36	-	-	-	-	-	-	-	-	-	828,363
Excess (Deficiency) of Revenue over Expenditures	127,418.12	152,883.05	(83,493.04)	(49,288.89)	(31,280.11)	-	-	-	-	-	-	-	-	-	116,239
Beginning Cash Balance	100,000.00	227,418.12	1,436,533.52	1,353,040.48	1,303,751.59	1,272,471.48	1,272,471.48	1,272,471.48	1,272,471.48	1,272,471.48	1,272,471.48	1,272,471.48	1,272,471.48	-	1,272,471
Ending Cash Balance	227,418.12	1,436,533.52	1,353,040.48	1,303,751.59	1,272,471.48	1,272,471.48	1,272,471.48	1,272,471.48	1,272,471.48	1,272,471.48	1,272,471.48	1,272,471.48	1,272,471.48	-	1,272,471

Licensure Fee Receipts by Accounting Source and Month SFY 14

Acct	Class	Description	July 13	Aug 13	Sept 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14	Mar 14	Apr 14	May 14	Jun 14	Jun+30	Jun+60	Total
		Brought Fwd not included															
154	401	Licensure Fees %	183,580.50	235,752.00	134,187.75	149,360.75	98,513.25	-	-	-	-	-	-	-	-	-	801,394.25
154	704	DCI Check Fee	30,056.00	35,009.00	28,847.00	32,344.00	16,952.00	-	-	-	-	-	-	-	-	-	143,208.00
Gen Fund	401	Licensure Fees	60,611.50	77,714.00	44,376.25	49,123.25	32,530.75	-	-	-	-	-	-	-	-	-	264,355.75
		Net Receipts	<u>274,248.00</u>	<u>348,475.00</u>	<u>207,411.00</u>	<u>230,828.00</u>	<u>147,996.00</u>	-	-	-	-	-	-	-	-	-	<u>1,208,958.00</u>
0914	401	Refunds	50.00	375.00	968.00	1,510.00	688.00										3,591.00

Number of Licenses Issued by Month

Record Year in Green

	July	August	September	October	November	December	January	February	March	April	May	June	Total number of Licenses Issued
FY 2014 Actual	2,968	3,852	2,119	2,232	1,571	0	0	0	0	0	0	0	12,742
Running Total	2,968	6,820	8,939	11,171	12,742	12,742	12,742	12,742	12,742	12,742	12,742	12,742	
FY 2013 Actual	2,744	3,375	1,978	2,487	1,848	1,919	2,231	2,065	2,245	2,185	2,953	3,218	29,248
Running Total	2,744	6,119	8,097	10,584	12,432	14,351	16,582	18,647	20,892	23,077	26,030	29,248	
FY 2012 Actual	2,490	3,087	2,475	2,041	1,849	2,005	1,985	2,259	2,141	1,951	2,920	2,857	28,060
Running Total	2,490	5,577	8,052	10,093	11,942	13,947	15,932	18,191	20,332	22,283	25,203	28,060	
FY 2011 Actual	2,812	2,923	2,294	2,149	1,857	2,051	1,996	2,050	2,299	2,055	2,189	3,293	27,968
Running Total	2,812	5,735	8,029	10,178	12,035	14,086	16,082	18,132	20,431	22,486	24,675	27,968	
FY 2010 Actual	2,804	2,899	2,626	2,210	1,842	1,944	1,843	2,321	2,158	2,037	2,211	2,976	27,871
Running Total	2,804	5,703	8,329	10,539	12,381	14,325	16,168	18,489	20,647	22,684	24,895	27,871	
FY 2009 Actual	2,902	3,413	2,644	2,547	1,779	1,726	1,979	2,221	2,393	1,844	2,259	2,923	28,630
Running Total	2,902	6,315	8,959	11,506	13,285	15,011	16,990	19,211	21,604	23,448	25,707	28,630	
FY 2008 Actual	1,895	2,580	2,592	2,199	1,795	1,161	1,733	2,384	1,792	1,748	1,883	2,242	27,344
Running Total	1,895	4,475	7,067	9,266	11,061	12,222	13,955	16,339	18,131	19,879	21,762	24,004	
FY 2007 Actual	2,008	2,788	2,503	2,302	1,538	1,486	1,654	2,300	2,028	1,680	1,736	2,910	26,747
Running Total	2,008	4,796	7,299	9,601	11,139	12,625	14,279	16,579	18,607	20,287	22,023	24,933	
FY 2006 Actual	1,722	2,259	2,005	2,062	1,452	1,469	1,744	1,820	2,299	1,683	1,851	2,776	23,142
Running Total	1,722	3,981	5,986	8,048	9,500	10,969	12,713	14,533	16,832	18,515	20,366	23,142	
FY 2005	2,547	3,394	1,631	1,916	1,423	1,324	1,579	1,567	2,640	1,753	2,130	2,511	24,415
Running Total	2,547	5,941	7,572	9,488	10,911	12,235	13,814	15,381	18,021	19,774	21,904	24,415	
FY 2004	4,142	2,867	2,293	2,164	1,443	1,541	1,825	1,600	2,906	2,082	2,141	2,834	27,838
Running Total	4,142	7,009	9,302	11,466	12,909	14,450	16,275	17,875	20,781	22,863	25,004	27,838	
Proj FY14 for Budget	2,436	2,959	2,304	2,208	1,683	1,663	1,857	2,059	2,290	1,902	2,227	2,854	27,126
Running Total	2,436	5,395	7,699	9,906	11,589	13,252	15,108	17,167	19,457	21,359	23,586	26,440	

**Obligations vs. Budget Report**  
**Budget Fiscal Year: 2014**

	Total Obligations FY-To-Date	SY 14 Spending Plan	Budget Balance	Percent of Budget Received /Spent
<b>Resources:</b>				
Balance Forward	\$ 100,000	\$ -		
Receipts				
Salary adj				
401 Fees, Lic. & Permits	\$ 801,394	\$ 1,739,848		
704 Other	\$ 143,208	\$ 360,000		
<b>Total Resources:</b>	<b>\$ 1,044,602</b>	<b>\$ 2,099,848</b>	<b>\$ 1,155,246</b>	<b>44.98%</b>
<i>(Total Revenue)</i>	<u><u>\$ 944,602</u></u>			
<b>Expenditures:</b>				
101 Personal Services	\$ 581,647	\$ 1,547,226	\$ 965,579	37.59%
202 In-State Travel	\$ 7,206	\$ 25,000	\$ 17,794	28.82%
203 Assigned Vehicle	\$ 2,368	\$ 4,000	\$ 1,632	59.20%
204 Vehicle Depreciation	\$ 1,440	\$ 3,000	\$ 1,560	48.00%
205 Out-of-State Travel	\$ 5,242	\$ 20,000	\$ 14,758	26.21%
301 Office supplies	\$ 7,876	\$ 10,000	\$ 2,124	78.76%
309 Printing & Binding	\$ 7,849	\$ 15,000	\$ 7,151	52.33%
313 Postage	\$ 11,491	\$ 40,000	\$ 28,509	28.73%
401 ICN/Communications	\$ 3,057	\$ 15,000	\$ 11,943	20.38%
402 Rentals	\$ 2,135	\$ 3,500	\$ 1,365	60.99%
405 Professional Services	\$ 1,115	\$ 20,000	\$ 18,885	5.57%
406 Outside Services	\$ 221	\$ 5,000	\$ 4,779	4.42%
407 Trans to Other agency	\$ 52	\$ -	\$ (52)	#DIV/0!
408 Advertising	\$ 248	\$ 3,000	\$ 2,752	8.28%
409 Outside Repairs/Ser	\$ 183	\$ 5,000	\$ 4,817	3.66%
414 Other Agency Reimb	\$ 1,979	\$ 15,000	\$ 13,021	13.19%
416 ITD Reimbursement	\$ 10,600	\$ 20,000	\$ 9,400	53.00%
418 IT Contracted services	\$ 40,206	\$ 400,000	\$ 359,794	10.05%
432 Gov Transfer AG	\$ 13,393	\$ 35,000	\$ 21,607	38.26%
433 Gov Transfer Auditor	\$ -	\$ 10,000	\$ 10,000	0.00%
434 Gov Trans Other Agency	\$ 103,133	\$ 300,000	\$ 196,867	34.38%
502 Equipment Inventory	\$ -	\$ 5,000	\$ 5,000	0.00%
503 Equipment Non-Inven	\$ 845	\$ 3,000	\$ 2,155	28.16%
510 IT Equipment	\$ 12,167	\$ 60,000	\$ 47,833	20.28%
602 SWICAP	\$ 13,911	\$ 30,000	\$ 16,089	46.37%
705 Refunds	\$ 3,591	\$ 5,000	\$ 1,409	71.82%
<b>Carryover</b>		\$ -		
<b>Expenditure Subtotal</b>	<b>\$ 831,954</b>	<b>\$ 2,598,726</b>	<b>\$ 1,766,772</b>	<b>32.01%</b>
<i>Revenue Less Expenditures</i>	<u><u>\$ 112,648</u></u>			

(off from Finance report by \$5,000+ due to inclusion of refunds)

FY 2014 Actual Revenue for each License Issued

**FY 2014 Actual Number of Licenses Issued per Month**

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Total Issued
Duplicate Lic - Online	23	48	18	21	17								127
Late Fees - online	40	39	12	13	6								109
Master Ed - Online	162	155	81	87	90								575
Prof Adm - Online	19	15	13	19	10								76
Prof Service License	0	10	5	7	4								26
Standard Lic - Online	312	325	169	181	165								1,152
<b>Background</b>	<b>321</b>	<b>408</b>	<b>396</b>	<b>431</b>	<b>211</b>								<b>1,767</b>
Background in Office	132	138	44	57	43								414
Initial Teacher lic	149	238	305	359	127								1,178
Extended initial	18	22	12	22	15								89
Standard License	282	410	177	195	127								1,191
Master Ed	223	293	169	166	144								995
Professional Adm	117	79	102	86	63								447
Coach Authorization	280	442	216	246	265								1,449
Substitute License	168	236	131	149	99								783
Substitute Auth	61	91	69	90	58								369
Endorsement	169	322	115	99	51								756
Duplicate Lic	24	36	17	16	7								100
Tx Evaluation	194	221	80	74	48								617
Late Payment	108	210	139	336	129								922
Out-of-state T or A	149	171	81	64	39								504
Out-of-country	1	1	9	0	0								11
BTW Driving Instr	11	6	5	4	20								46
Class A	140	105	100	103	93								541
Class B	199	323	90	132	34								778
Class E	38	48	23	18	11								138
Class G	4	2	0	1	1								8
Coach Auth Extend	11	18	6	7	8								50
Evaluator (New)	4	4	0	2	0								10
Initial Admn Lic	3	20	6	1	1								31
Extended initial Adm	0	0	0	0	0								0
Career & Tech	3	5	6	0	1								16
Paraeducator	117	138	69	45	45								414
Para Add Con	19	7	9	3	7								45
Orientation & Mobility	1	0	0	0	0								1
SPR	29	32	21	25	11								118
Teacher Intern Lic	5	3	0	2	0								10
Initial Prof Service	15	9	4	0	0								28
Professional Service	13	10	10	6	7								46
PSL - Class A	3	6	0	0	0								9
PSL - Class B	0	0	0	0	0								0
IPREP-Portfolio Review	0	0	0	0	1								1
SBO	2	1	1	2	2								8
Native Language Authorization	0	0	1	0	0								1
Over Payment	10	4	3	9	7								33
<b>Total # Licenses Issued</b>	<b>2,968</b>	<b>3,862</b>	<b>2,119</b>	<b>2,232</b>	<b>1,571</b>	<b>-</b>	<b>12,742</b>						
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Total Issued

**FY 2014 Actual Revenue for each License Issued**

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Total Rev
Duplicate Lic - Online	\$ 414	\$ 864	\$ 324	\$ 378	\$ 306								\$ 2,286
Late Fees - online	\$ 1,700	\$ 2,200	\$ 875	\$ 875	\$ 150								\$ 5,800
Master Ed - Online	\$ 14,256	\$ 13,640	\$ 7,128	\$ 7,656	\$ 7,920								\$ 50,600
Prof Adm - Online	\$ 1,672	\$ 1,320	\$ 1,144	\$ 1,672	\$ 880								\$ 6,688
Prof Service License		\$ 880	\$ 440	\$ 616	\$ 352								\$ 2,288
Standard Lic - Online	\$ 27,456	\$ 28,600	\$ 14,872	\$ 15,928	\$ 14,520								\$ 101,376
Background	\$ 20,852.00	\$ 26,520.00	\$ 25,727.00	\$ 28,015.00	\$ 13,889								\$ 114,803
Background in Office	\$ 6,864.00	\$ 7,176.00	\$ 2,288.00	\$ 2,964.00	\$ 2,236								\$ 21,528
Initial Teacher lic	\$ 12,630.00	\$ 20,235.00	\$ 25,900.00	\$ 30,515.00	\$ 10,770								\$ 100,050
Extended initial	\$ 450.00	\$ 550.00	\$ 300.00	\$ 550.00	\$ 375								\$ 2,225
Standard License	\$ 23,935.00	\$ 34,885.00	\$ 15,045.00	\$ 16,575.00	\$ 10,785								\$ 101,225
Master Ed	\$ 18,955.00	\$ 24,905.00	\$ 14,365.00	\$ 14,110.00	\$ 12,240								\$ 84,575
Professional Adm	\$ 9,935.00	\$ 6,715.00	\$ 8,670.00	\$ 7,345.00	\$ 5,355								\$ 38,020
Coach Authorization	\$ 23,800.00	\$ 37,565.00	\$ 18,348.00	\$ 20,890.00	\$ 22,500								\$ 123,103
Substitute License	\$ 14,280.00	\$ 20,060.00	\$ 11,135.00	\$ 12,665.00	\$ 8,415								\$ 66,555
Substitute Auth	\$ 5,185.00	\$ 7,735.00	\$ 5,865.00	\$ 7,650.00	\$ 4,930								\$ 31,365
Endorsement	\$ 8,445.00	\$ 16,110.00	\$ 5,750.00	\$ 4,950.00	\$ 2,550								\$ 37,805
Duplicate Lic	\$ 360.00	\$ 540.00	\$ 255.00	\$ 240.00	\$ 105								\$ 1,500
Tx Evaluation	\$ 11,640.00	\$ 13,260.00	\$ 4,800.00	\$ 4,430.00	\$ 2,880								\$ 37,010
Late Payment	\$ 2,710.00	\$ 5,250.00	\$ 3,485.00	\$ 8,405.00	\$ 3,215								\$ 23,065
Out-of-state T or A	\$ 12,665.00	\$ 14,535.00	\$ 6,885.00	\$ 5,440.00	\$ 3,315								\$ 42,840
Out-of-country	\$ 85.00	\$ 85.00	\$ 765.00	\$ -	\$ -								\$ 935
BTW Driving Instr	\$ 440.00	\$ 240.00	\$ 200.00	\$ 160.00	\$ 800								\$ 1,840
Class A	\$ 11,900.00	\$ 8,925.00	\$ 8,500.00	\$ 8,755.00	\$ 7,905								\$ 45,985
Class B	\$ 16,950.00	\$ 27,490.00	\$ 7,680.00	\$ 11,255.00	\$ 2,890								\$ 66,265
Class E	\$ 5,715.00	\$ 7,164.00	\$ 3,490.00	\$ 2,746.00	\$ 1,715								\$ 20,830
Class G	\$ 340.00	\$ 170.00	\$ -	\$ 85.00	\$ 85								\$ 680
Coach Auth Extend	\$ 440.00	\$ 720.00	\$ 240.00	\$ 280.00	\$ 320								\$ 2,000
Evaluator (New)	\$ 315.00	\$ 340.00	\$ -	\$ 170.00	\$ -								\$ 825
Initial Admn Lic	\$ 290.00	\$ 1,735.00	\$ 510.00	\$ 85.00	\$ 85								\$ 2,705
Extended initial Adm	\$ -	\$ -	\$ -	\$ -	\$ -								\$ -
Career & Tech	\$ 255.00	\$ 425.00	\$ 510.00	\$ -	\$ 85								\$ 1,275
Paraeducator	\$ 4,680.00	\$ 5,520.00	\$ 2,760.00	\$ 1,800.00	\$ 1,800								\$ 16,560
Para Add Con	\$ 475.00	\$ 175.00	\$ 225.00	\$ 75.00	\$ 175								\$ 1,125
Orientation & Mobility	\$ 85.00	\$ -	\$ -	\$ -	\$ -								\$ 85
SPR	\$ 2,465.00	\$ 2,720.00	\$ 1,785.00	\$ 2,125.00	\$ 935								\$ 10,030
Teacher Intern Lic	\$ 625.00	\$ 370.00	\$ -	\$ 250.00	\$ -								\$ 1,245
Initial Prof Service	\$ 1,275.00	\$ 765.00	\$ 340.00	\$ -	\$ -								\$ 2,380
Professional Service	\$ 1,105.00	\$ 850.00	\$ 850.00	\$ 510.00	\$ 595								\$ 3,910
PSL- Class A	\$ 255.00	\$ 510.00	\$ -	\$ -	\$ -								\$ 765
PSL- Class B	\$ -	\$ -	\$ -	\$ -	\$ -								\$ -
IPREP-Portfolio Review	\$ -	\$ -	\$ -	\$ -	\$ 500								\$ 500
SBO	\$ 170.00	\$ 85.00	\$ 85.00	\$ 170.00	\$ 170								\$ 680
Native Language Authorization	\$ -	\$ -	\$ 85.00	\$ -	\$ -								\$ 85
Over Payment	\$ 154.00	\$ 93.00	\$ 73.00	\$ 410.00	\$ 373.00								\$ 1,103.00
Grand Total	\$ 266,223	\$ 341,927	\$ 201,699	\$ 220,745	\$ 145,921	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,176,515
Background Total	\$ 27,716	\$ 33,696	\$ 28,015	\$ 30,979	\$ 15,925	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 136,331
BoEE Revenue	\$ 178,880	\$ 231,173	\$ 130,263	\$ 142,325	\$ 97,497	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 780,138
General Fund Total	\$ 59,627	\$ 77,058	\$ 43,421	\$ 47,442	\$ 32,499	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 260,046
BoEE+GenFund	\$ 238,507	\$ 308,231	\$ 173,684	\$ 189,766	\$ 129,996	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,040,184
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Total Issued

Date: December 13, 2013

To: Board Members

From: Darcy Lane

Re: Reminders regarding petitions for waiver

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The administrative rule that sets forth the criteria you must consider in deciding whether to grant a petition for waiver is as follows:

**282—6.4(17A) Criteria for waiver or variance.** In response to a petition completed pursuant to rule 6.6(17A), the board may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the board finds, based on clear and convincing evidence, all of the following:

1. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
2. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
3. The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and
4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

The Board must find **all four factors** exist in a given case in order to grant the petition for waiver. Therefore, discussion of the petition should focus on the four factors listed in the rule, address them individually, and conclude with a finding on each one.

The attached summary has been prepared by Board staff to aid in your discussion, and any recommendations it may contain are not binding.

## Petition for Waiver

**Name:** Kym Stein

**License:** Folder # 236807

Stein holds a Master Educator License and a Professional Administrator License with the following endorsements: PK-8 Principal, 5-12 Principal, and Evaluator.

**Reason for Waiver:** Stein is seeking the superintendent endorsement, but does not have the required three years of administrative experience. She was a dean of students and release principal for six years in the Des Moines Public Schools, but at that time DMPS did not list those positions as administrative positions on BEDS. Stein was on a teaching contract while she held these positions in Des Moines. Stein also has one year of experience as a principal in Newton (which was listed as administrative experience on BEDS).

**Rule Citation:**

**282—18.10(272) Superintendent/AEA administrator**

...

**18.10(3) Administrative experience.**

- a. The applicant must have had three years of experience as a building principal.
- b. Other administrative experience. PK-12 or area education agency administrative experience is acceptable if the applicant acquires the three years' experience while holding a valid administrator license.

NOTE: Stein cites the experience requirements for the Class B license in her petition. However, except for the experience requirement she meets all requirements for the full superintendent endorsement.

**Rationale:** The positions Stein held at DMPS are apparently now listed as administrative positions. Stein would like to apply for superintendent positions for the 2014-2015 school year.

**Hardship:** The petition states it would be an undue hardship to not award Stein the required three years of administrative experience because she performed administrative duties while serving as a dean of students and release principal, and Des Moines now classifies those positions as administrative positions.

**Prejudice to Others:** Stein believes there would be no prejudice to the rights of others. She believes granting the waiver would not have widespread ramifications for others because most districts consider dean of students and release principal to be administrative positions.

**Safety and welfare of others:** Stein believes she has the appropriate experience to become a superintendent, and granting the waiver would benefit students by giving her the opportunity to become an effective district leader.

**Staff recommendation:** The staff recommendation, based on past practice and the fact that Stein was not on an administrative contract while at DMPS, is to deny the waiver. However, the Board must ultimately determine whether the unique circumstances of Stein's work experience warrant a waiver of the experience requirement.

**Rationale:** Stein was not on an administrative contract while at DMPS, and she was not listed as an administrator on BEDS.

**Hardship:** Denying the waiver would create a hardship in that Stein would possibly be unable to take advantage of current job opportunities as a superintendent. Note that the Board has adopted a rule change to the superintendent/AEA administrator experience requirement that would resolve Stein's dilemma. This rule will face one more review by the Administrative Rules Review Committee. If the committee does not take action to delay the rule, it will be effective on December 18, 2013.

**Prejudice to Others:** In her petition, Stein lists previous petitions on the experience requirement for the Class B License. The petitions noted below are a sample of previous Board rulings on the experience requirement for the full superintendent endorsement:

- 11-17: Denied. The petitioner had worked as Coordinator of Digital Learning Technology at Grant Wood AEA. At the time of the petition he was Lead Administrator and K-8 principal in a small district with an interim superintendent. He did not have three years of administrative experience where he was listed on BEDS as an administrator and on an administrative contract.
- 10-05: Denied. The petitioner had been a consultant, policy liaison, and CFO for the Iowa Department of Education. He had not served as a school principal.
- 08-12: Denied. The petitioner had two years of administrative experience. He did not cite any undue hardship in his petition.
- 05-03: Granted. The petitioner had been Director of Curriculum and Technology for six years. He did not have three years of administrative experience as a licensed administrator, but the Board found he had held a district-wide administrative position for six years.
- 04-07: Granted. The petitioner fell one year short of the experience requirement for the superintendent endorsement because he was not properly endorsed as a principal for a portion of one of the years he served as a principal. The Board found the petitioner should not be penalized when his employing district was partially at fault for this error.

**Safety and welfare of others:** Board staff does not have reason to believe that granting the waiver would compromise protection of public health, safety, or welfare.