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

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Minutes
April 8, 2016

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The Board of Educational Examiners (Board or BoEE) held its monthly meeting April 8, 2016. Richard Wortmann, Chair, called the meeting to order. Members attending were Kathy Behrens, Dr. Linda Carroll, Dan Dutcher, Brenda Garcia, Mary K. Overholtzer, Dr. Andy Pattee (left at noon), Dr. Jay Prescott, Erin Schoening, Dr. Anne Sullivan, and Sara Yedlik. Also in attendance was Duane Magee, Executive Director, Darcy Hathaway, Attorney/Investigator, Jim McNellis, Investigator and Renner Walker, Assistant Attorney General. Dr. Larry Hill was unable to attend.

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

Andy Pattee moved, with a second by Dan Dutcher, to approve the consent agenda (February 12, 2016 minutes). **MOTION CARRIED UNANIMOUSLY.**

Jay Prescott moved, with a second by Sara Yedlik, to approve the consent agenda (March 9, 2016 minutes). **MOTION CARRIED UNANIMOUSLY.**

Dan Dutcher moved, with a second by Sara Yedlik, 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; Dutcher – yes; Garcia – yes; Overholtzer – yes; Pattee – yes; Prescott – yes; Schoening – yes; Sullivan – yes; Wortmann – yes; Yedlik – yes. **MOTION CARRIED.**

1 Jay Prescott moved, with a second by Dan Dutcher, that in **case number 15-179**, the
2 Board find probable cause to establish a violation of the following provisions of the
3 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(6)(c) and (d), and
4 order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

5
6 Dan Dutcher moved, with a second by Sara Yedlik, that in **case number 16-02**, the
7 Board find that the evidence gathered in the investigation, including witness
8 statements and the documentary evidence, does not substantiate the allegations in the
9 complaint, and that the Board therefore lacks probable cause to proceed with this
10 matter. **MOTION CARRIED UNANIMOUSLY.**

11
12 Jay Prescott, moved, with a second by Sara Yedlik, that in **case number 16-03**, the
13 Board find that the evidence gathered in the investigation, including witness
14 statements and the documentary evidence, does not substantiate the allegations in the
15 complaint, and that the Board therefore lacks probable cause to proceed with this
16 matter. **MOTION CARRIED UNANIMOUSLY.**

17
18 Jay Prescott moved, with a second by Dan Dutcher, that in **case number 16-10**, 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 – Chapter 25.3(1)(e)(4) and
21 25.3(6)(c) and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

22
23 Sara Yedlik moved, with a second by Jay Prescott, that in **case number 16-11**, the
24 Board find that, although one or more of the allegations in the complaint may be
25 substantiated by the witnesses interviewed in the course of the investigation [and/or]
26 the documents gathered in the course of the investigation, and the allegations may
27 constitute a technical violation of the board’s statute or administrative rules; the
28 evidence before the board indicates that adequate steps have been taken to remedy
29 the violation and to ensure that incidents of a similar nature do not occur in the
30 future. The Board will not pursue formal disciplinary action in this matter. **MOTION**
31 **CARRIED UNANIMOUSLY.**

1 Sara Yedlik moved, with a second by Dan Dutcher, that in **case number 16-22**, the
2 Board find probable cause to establish a violation of the following provisions of the
3 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(b)(2), and order
4 this case set for hearing. **MOTION CARRIED UNANIMOUSLY.** (Duane Magee left the
5 room during the discussion of this case in closed session.)

6

7 Jay Prescott moved, with a second by Dan Dutcher, that in **case number 16-12**, the
8 Board find probable cause to establish a violation of the following provisions of the
9 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(e)(4), 25.3(4)(b),
10 and 25.3(6)(c), and order this case set for hearing. **MOTION CARRIED**
11 **UNANIMOUSLY.**

12

13 Jay Prescott moved, with a second by Sara Yedlik, that in **case number 16-13**, the
14 Board find probable cause to establish a violation of the following provisions of the
15 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(3)(c), 25.3(4)(b), (c),
16 and (e), 25.3(6)(c), and order this case set for hearing. Roll call vote: Behrens – yes;
17 Carroll – yes; Dutcher – recused; Garcia – yes; Overholtzer – yes; Pattee – yes; Prescott
18 – yes; Schoening – yes; Sullivan – yes; Wortmann – yes; Yedlik - yes. **MOTION**
19 **CARRIED.** (Duane Magee left the room during the discussion of this case in closed
20 session.)

21

22 Jay Prescott moved, with a second by Dan Dutcher, that in **case number 16-29**, the
23 Board find probable cause to establish a violation of the following provisions of the
24 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(2)(b), and order this
25 case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

26

27 Sara Yedlik moved, with a second by Dan Dutcher, that in **case number 16-31**, the
28 Board find probable cause to establish a violation of the following provisions of the
29 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(5)(a)(3), and order
30 this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

31

32 Jay Prescott moved, with a second by Dan Dutcher, that in **case number 16-17**, the
33 Board find probable cause to establish a violation of the following provisions of the

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

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

10
11 Sara Yedlik moved, with a second by Dan Dutcher, that in **case number 16-37**, the
12 Board find probable cause to establish a violation of the following provisions of the
13 Code of Professional Conduct and Ethics, 282 IAC – Chapter 25.3(1)(e)(3) and (4),
14 25.3(6)(c) and 25.3(8)(a) and order this case set for hearing. **MOTION CARRIED**
15 **UNANIMOUSLY.** (Darcy Hathaway left the room during the discussion of this case in
16 closed session.)

17
18 Jay Prescott moved, with a second by Sara Yedlik, that in **case number 15-160**, the
19 Board accept the agreement submitted by the parties, and issue an Order
20 incorporating the agreement of the parties and imposing the agreed upon sanction.
21 **MOTION CARRIED UNANIMOUSLY.**

22
23 Dan Dutcher moved, with a second by Sara Yedlik, that in **case number 15-123**, the
24 Board accept the agreement submitted by the parties, and issue an Order
25 incorporating the agreement of the parties and imposing the agreed upon sanction.
26 **MOTION CARRIED UNANIMOUSLY.**

27
28 Sara Yedlik moved, with a second by Jay Prescott, that in **case number 15-162**, the
29 Board accept the agreement submitted by the parties, and issue an Order
30 incorporating the agreement of the parties and imposing the agreed upon sanction.
31 **MOTION CARRIED UNANIMOUSLY.**

1 Dan Dutcher moved, with a second by Sara Yedlik, that in **case number 15-35**, the
2 Board accept the agreement submitted by the parties, and issue an Order
3 incorporating the agreement of the parties and imposing the agreed upon sanction.

4 **MOTION CARRIED UNANIMOUSLY.**

5

6 Jay Prescott moved, with a second by Sara Yedlik, that the Board not initiate review of
7 the proposed decision in **case number 15-23**, In the Matter of Chris Eckrich, and
8 allow the proposed decision to become the final decision of the Board unless an appeal
9 is taken by one of the parties within the time allowed by rule. Roll call vote: Behrens –
10 yes; Carroll – yes; Dutcher – yes; Garcia – yes; Overholtzer – recused; Pattee – yes;
11 Prescott – yes; Schoening – yes; Sullivan – yes; Wortmann – yes; Yedlik - yes.

12 **MOTION CARRIED.** (Renner Walker left the room during the discussion of this case
13 in closed session.)

14

15 Sara Yedlik moved, with a second by Dan Dutcher, to extend the 180-day deadline for
16 issuance of the final decision in **case number 15-152**, based upon the need to
17 schedule the hearing and the need to review the proposed decision. **MOTION**
18 **CARRIED UNANIMOUSLY.**

19

20 Dan Dutcher moved, with a second by Jay Prescott, to extend the 180-day deadline for
21 issuance of the final decision in **case number 15-161**, based upon the need to
22 schedule the hearing and the need to review the proposed decision. **MOTION**
23 **CARRIED UNANIMOUSLY.**

24

25 Jay Prescott moved, with a second by Sara Yedlik, to extend the 180-day deadline for
26 issuance of the final decision in **case number 15-163**, based upon the need to
27 schedule the hearing and the need to review the proposed decision. **MOTION**
28 **CARRIED UNANIMOUSLY.**

29

30 Sara Yedlik moved, with a second by Dan Dutcher, to extend the 180-day deadline for
31 issuance of the final decision in **case number 15-164**, based upon the need to
32 schedule the hearing and the need to review the proposed decision. **MOTION**
33 **CARRIED UNANIMOUSLY.**

1 The following cases were discussed in open session only.

2

3 Dan Dutcher moved, with a second by Sara Yedlik, to extend the 180-day deadline for
4 issuance of the final decision in **case number 15-151**, based upon the need to
5 conduct the hearing and the need to review the proposed decision. **MOTION**
6 **CARRIED UNANIMOUSLY.** (This is a contract case being prosecuted by the local
7 district. Hearing in this case is set for April 26, 2016.)

8

9 Jay Prescott moved, with a second by Sara Yedlik, to extend the 180-day deadline for
10 issuance of the final decision in **case number 15-153**, based upon the need to
11 conduct the hearing and the need to review the proposed decision. **MOTION**
12 **CARRIED UNANIMOUSLY.** (Hearing in this case is set for June 23, 2016.)

13

14 Sara Yedlik moved, with a second by Jay Prescott, to extend the 180-day deadline for
15 issuance of the final decision in **case number 15-154**, based upon the need to
16 conduct the hearing and the need to review the proposed decision. **MOTION**
17 **CARRIED UNANIMOUSLY.** (Hearing in this case is set for April 14, 2016.)

18

19 Dan Dutcher moved, with a second by Jay Prescott, to extend the 180-day deadline for
20 issuance of the final decision in **case number 15-169**, based upon the need to
21 conduct the hearing and the need to review the proposed decision. Roll call vote:
22 Behrens – yes; Carroll – yes; Dutcher – yes; Garcia – yes; Overholtzer – yes; Pattee –
23 yes; Prescott – yes; Schoening – yes; Sullivan – recused; Wortmann – yes; Yedlik - yes.
24 **MOTION CARRIED.** (This is a contract case being prosecuted by the local district.
25 Hearing in this case is set for April 12, 2016.)

26

27 Sara Yedlik moved, with a second by Dan Dutcher, that in **case number 11-71**, the
28 Board grant the Respondent’s request for reinstatement and issue an order stating the
29 basis for the suspension no longer exists and it will be in the public interest for the
30 license to be reinstated. **MOTION CARRIED UNANIMOUSLY.** (Background:
31 Respondent was suspended for three years following a complaint that she engaged in
32 an inappropriate relationship with a student. She was also ordered to complete an

1 ethics course, and has submitted a transcript showing she has satisfied this
2 requirement. She also submitted an application for reinstatement.)

3
4 Dan Dutcher moved, with a second by Sara Yedlik, that in **case number 10-21**, the
5 Board grant the Respondent's request for reinstatement and issue an order stating the
6 basis for the suspension no longer exists and it will be in the public interest for the
7 license to be reinstated. **MOTION CARRIED UNANIMOUSLY.** (Background:
8 Respondent was suspended for five years following a complaint that he engaged in
9 inappropriate contact and exchanged inappropriate emails with a student. He was
10 also ordered to complete a mental health evaluation. He also submitted an application
11 for reinstatement.)

12
13 Dan Dutcher moved, with a second by Jay Prescott, that the Board approve the closed
14 session minutes for February 12, 2016 and March 9, 2016. **MOTION CARRIED**
15 **UNANIMOUSLY.**

16
17 Board Member Reports

18 The Board thanked Richard Wortmann for his service on the board. This is Mr.
19 Wortmann's last meeting as his second term will end on April 30, 2016.

20
21 Legislative Update

22 Duane Magee provided the legislative update to the Board since Phil Wise was not
23 available.

24
25 Executive Director's Report

26 Executive Director Magee reviewed the financial report.

27
28 Licensing System Update: New features continue to be introduced. Both staff and
29 applicants are getting used to working with the new system. We will continue to add
30 applications – renewals and new graduates will be the last to be introduced sometime
31 in the fall.

1 Board Retreat: The retreat and meeting will take place in Waukee at the Waukee City
2 Hall on June 16-17, 2016. Board members were asked to continue sending agenda
3 items to Mr. Magee as well as future presenters/presentations. Or, if they would like
4 less presentations or to discontinue them all together. Mr. Magee and Dan Dutcher
5 will be meeting with the Waukee superintendent within the week to discuss
6 presentation topics.

7
8 Board Operating Guidelines: A few minor updates have been made: 1) clarification
9 regarding board members recusing themselves and leaving the room during closed
10 session and, 2) updating the list of board members due outgoing/incoming board
11 members. A final version will come before the Board for approval at the June meeting.

12
13 Additional Expenditure Reductions: These will be discussed in further detail at the
14 May and/or June meetings. Discussion will include: reducing staff; approaching
15 work with fewer staff; how long phones will remain open; level of service; stop printing
16 licenses as of July 1, 2016 – push for going paperless; reducing staff travel.

17
18 Executive Director Magee thanked Richard Wortmann for his years of service on the
19 board. Mr. Wortmann's second term ends April 30, 2016. He was presented with a
20 certificate of service as well as a plaque for his year of serving as the board chair.

21
22 Brenda Garcia, current vice chair, will be acting chair at the May and June meetings.
23 A new chair and vice chair will be selected at the June meeting.

24
25 Thomas Buckman, a teacher from Burlington Community Schools, will be replacing
26 Mr. Wortmann. Mr. Buckman's board orientation will be in the coming week. His first
27 board meeting will be May 13, 2016.

28
29 Executive Director Magee also thanked Assistant Attorney General (AAG) Renner
30 Walker for his time working with our board – AAG Walker will be moving out of state.
31 The Attorney General's Office will be assigning another AAG to work with our board.

32

1 Executive Director Magee congratulated board member, Andy Pattee, Superintendent
2 of the Cedar Falls Community School District – they passed a bond issue.

3
4 Status of Executive Director Magee’s Replacement: The Governor’s office is in the
5 process of appointing a replacement. (Mr. Magee will be the superintendent of
6 Norwalk Community School District effective July 1, 2016.)

7
8 Communication from the Public

9 None.

10
11 Stakeholder Presentation

12 Clemencia Spizzirri, 2015 Iowa Teacher of the Year, and Isbelia Arzola, Department of
13 Education (DE) Consultant with the Bureau of Educator Quality, provided a
14 presentation to the board. Ms. Spizzirri shared her experiences as Teacher of the Year
15 and Ms. Arzola explained the application and selection process for the Teacher of the
16 Year.

17
18 Rules

19 Adopt:

20 Mary K. Overholtzer moved, with a second by Sara Yedlik, to adopt the proposed
21 changes to IAC 282 Chapter 13.26 – Early childhood. **MOTION CARRIED**
22 **UNANIMOUSLY.**

23
24 Mary K. Overholtzer moved, with a second by Anne Sullivan, to adopt the proposed
25 changes to IAC 282 Chapter 22 – Paraeducator substitute authorization. **MOTION**
26 **CARRIED UNANIMOUSLY.**

27
28 Anne Sullivan moved, with a second by Dan Dutcher, to adopt the proposed changes
29 to IAC 282 Chapter 24 – Paraeducator area of concentration. **MOTION CARRIED**
30 **UNANIMOUSLY.**

1 ARRC Review Pending

2 IAC 282 Chapter 12 – Fee increase, ARC 2229C – Session Delay ([SJR 2007](#) nullified
3 this IAC change)

4 IAC 282 Chapter 14 K-12 Special education endorsement; specializations, ARC 1884C
5 – Session Delay ([SJR 2006](#) nullified this IAC change)

6 IAC 282 Chapter 18 – Administrator temporary permits and administrator experience,
7 ARC 2454C

8 IAC 282 Chapter 13 – Out-of-state teaching assessment requirements, elementary
9 education endorsement field experiences, minimum grade requirements for adding
10 endorsements, ARC 2453C

11 IAC 282 Chapter 20 – Administrator and teacher renewal units, ARC 2452C

12 IAC 282 Chapter 13 – Reading endorsements, ARC 2450C

13 IAC 282 Chapter 22 – Coaching authorization minimum education attainment
14 requirement, ARC 2445C

15
16 Notice:

17 None.

18
19 Items for Discussion

20 IAC 282 Chapter 25 – Misrepresentation, falsification of information. In light of the
21 judicial review ruling in case number 13-76 regarding Standard III of the Code of
22 Professional Conduct and Ethics, the board has directed its counsel to draft a
23 potential revision to that standard such that copying of identified test items would
24 clearly be an ethical violation. This will move forward to Notice at an upcoming
25 meeting.

26
27 IAC 282 Chapters 13, 22, and 27 – Ethics training as a requirement for standard
28 license. One of the paramount goals of the Board is to create clear guidelines and
29 expectations for code of conduct and ethics education for educators. This series of
30 revised changes will allow educators to complete current and relevant training as a
31 condition of transitioning from an initial to a standard license or authorization.
32 Authorizations not listed below already include ethics training as a requirement.
33 Chapter 272.2 also states that the board shall provide this training to any person who

1 holds a license, certificate, authorization, or statement of professional recognition.
2 Discussion on this item will continue.

3

4 Petitions for Waiver

5 Dan Dutcher moved, with a second by Mary K. Overholtzer, that in **PFW 16-02**

6 **Jeffrey Miller**, the Board grant the waiver. Reasons for granting: Mr. Miller holds a
7 teaching license in the state of New York and has taught in New York for 26 years.

8 The alternative teacher preparation program he completed is no longer in existence.

9 Mr. Miller has attempted since November to obtain verification of his teacher

10 preparation program from New York, but their office has been unresponsive. Inquiries

11 from board staff went unanswered for weeks. Ultimately, the New York State

12 Education Department responded that they did not verify the completion of Mr.

13 Miller's particular teacher preparation program, and it would have to be verified by a

14 particular school district. However, the board's rules require verification from the

15 institution that administered the program, which in this case was the New York State

16 Education Department. Mr. Miller states in his petition that denial of the waiver

17 would impose an undue hardship because he would be unable to earn income as a

18 teacher in Iowa. Based on information gathered by the board staff, the board is

19 confident that Mr. Miller has completed an alternative teacher preparation program

20 sponsored by the state of New York. He has been put in a difficult position by the lack

21 of response from New York state education officials. The board has previously denied

22 a request to waive this rule in PFW 15-17. The petitioner in 15-17 was unable to

23 obtain a recommendation and verification that he had completed his out-of-state

24 teacher preparation program because he had not successfully passed the state's

25 required assessment. In contrast, Mr. Miller has passed the required assessments

26 and completed all requirements for licensure in New York. He has 26 years of

27 experience as a licensed teacher. His sole barrier to Iowa licensure is the lack of

28 response from education officials in New York. The petition argues public health,

29 safety, and welfare would not be compromised if a waiver were granted. The board

30 agrees. **MOTION CARRIED UNANIMOUSLY.**

31

32

33

1 Reports/Approvals

2 BoEE Communication Plan: The Board reviewed the communication plan. The BoEE
3 will utilize all available communication methodologies to increase the Board’s
4 communication efforts including, but not limited to, “Zoom” meetings (or other online
5 meeting tools), email, Twitter, Facebook, blogging, website/Internet, in-person
6 meetings, landline telephones, cell phones, attendance at relevant conferences and
7 meetings, and U.S. mail. Anne Sullivan moved, with a second by Brenda Garcia, to
8 approve the BoEE Communication Plan. **MOTION CARRIED UNANIMOUSLY.**

9
10 FY17 Board Meeting Dates: The Board was asked to review a *draft* of the FY17 board
11 meeting dates. Approval of these dates will take place at the May or June meeting.

12
13 There being no further business, Anne Sullivan moved, with a second by Richard
14 Wortmann to adjourn the meeting. Meeting adjourned at 1:15 p.m. **MOTION**
15 **CARRIED UNANIMOUSLY.**