

1 Brenda Garcia-Van Auken moved, with a second by Tammy Duehr, that in **case**
2 **number 12-112**, the Board find probable cause to establish a violation of the following
3 provisions of the Code of Professional Conduct and Ethics, 282 IAC –Chapter
4 25.3(1)(b)(1), and order this case set for hearing. Roll call vote: Duehr – yes; Dutcher –
5 absent; Garcia-Van Auken – yes; Hill – yes; Lebo – recused; Overholtzer – yes; Pattee –
6 yes; Prescott – yes; Sullivan – absent. **MOTION CARRIED.**

7
8 Brenda Garcia-Van Auken moved, with a second by Tammy Duehr, that in **case**
9 **number 13-06**, the Board find probable cause to establish a violation of the following
10 provisions of the Code of Professional Conduct and Ethics, 282 IAC –Chapter 25.3(3)(e)
11 and order this case set for hearing. Roll call vote: Duehr – yes; Dutcher – absent;
12 Garcia-Van Auken – no; Hill – yes; Lebo – yes; Overholtzer – no; Pattee – yes; Prescott –
13 yes; Sullivan – absent. **MOTION CARRIED.**

14
15 Tammy Duehr moved, with a second by Ann Lebo, that in **case number 13-64**, the
16 Board find that, although one or more of the allegations in the complaint may be
17 substantiated by the witnesses interviewed in the course of the investigation [and/or]
18 the documents gathered in the course of the investigation, and the allegations may
19 constitute a technical violation of the Board’s statute or administrative rules; the
20 evidence before the Board indicates that the alleged violation was an isolated incident;
21 and, adequate steps have been taken to remedy the violation and to ensure that
22 incidents of a similar nature do not occur in the future. The Board will not pursue
23 formal disciplinary action in this matter. **MOTION CARRIED UNANIMOUSLY.**

24
25 Ann Lebo moved, with a second by Brenda Garcia-Van Auken, that in **case number**
26 **13-65**, the Board finds that the evidence gathered in the investigation, including
27 witness statements and the documentary evidence, does not substantiate the
28 allegations in the complaint, and that the Board therefore lacks probable cause to
29 proceed with this matter. **MOTION CARRIED UNANIMOUSLY.**

30
31 Ann Lebo moved, with a second by Brenda Garcia-Van Auken, that in **case number**
32 **13-66**, the Board finds that the evidence gathered in the investigation, including
33 witness statements and the documentary evidence, does not substantiate the

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

3
4 Tammy Duehr moved, with a second by Ann Lebo, that in **case number 13-67**, the
5 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 Tammy Duehr moved, with a second by Ann Lebo, that in **case number 13-68**, the
11 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. Roll call vote: Duehr – yes; Dutcher – absent; Garcia-Van Auken – no; Hill –
15 no; Lebo – yes; Overholtzer – no; Pattee – yes; Prescott – yes; Sullivan – absent.

16 **MOTION CARRIED.**

17
18 Ann Lebo moved, with a second by Tammy Duehr, that in **case number 13-71**, the
19 Board find that, although one or more of the allegations in the complaint may be
20 substantiated by the witnesses interviewed in the course of the investigation [and/or]
21 the documents gathered in the course of the investigation, and the allegations may
22 constitute a technical violation of the Board’s statute or administrative rules; the
23 evidence before the Board indicates that the alleged violation was an isolated incident;
24 and, adequate steps have been taken to remedy the violation and to ensure that
25 incidents of a similar nature do not occur in the future. The Board will not pursue
26 formal disciplinary action in this matter. Roll call vote: Duehr – yes; Dutcher – absent;
27 Garcia-Van Auken – yes; Hill – yes; Lebo – yes; Overholtzer – recused; Pattee – yes;
28 Prescott – yes; Sullivan – absent. **MOTION CARRIED.**

29
30 Ann Lebo moved, with a second by Brenda Garcia-Van Auken, that in **case number**
31 **13-40**, the Board finds that the evidence gathered in the investigation, including
32 witness statements and the documentary evidence, does not substantiate the

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

3

4 Tammy Duehr moved, with a second by Ann Lebo, that in **case number 13-61**, the
5 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 Brenda Garcia-Van Auken moved, with a second by Ann Lebo, that in **case number**
11 **13-43**, the Board finds that the evidence gathered in the investigation, including
12 witness statements and the documentary evidence, does not substantiate the
13 allegations in the complaint, and that the Board therefore lacks probable cause to
14 proceed with this matter. **MOTION CARRIED UNANIMOUSLY.**

15

16 Brenda Garcia-Van Auken moved, with a second by Ann Lebo, that in **case number**
17 **13-44**, the Board finds that the evidence gathered in the investigation, including
18 witness statements and the documentary evidence, does not substantiate the
19 allegations in the complaint, and that the Board therefore lacks probable cause to
20 proceed with this matter. **MOTION CARRIED UNANIMOUSLY.**

21

22 Brenda Garcia-Van Auken moved, with a second by Ann Lebo, that in **case number**
23 **13-45**, the Board finds that the evidence gathered in the investigation, including
24 witness statements and the documentary evidence, does not substantiate the
25 allegations in the complaint, and that the Board therefore lacks probable cause to
26 proceed with this matter. **MOTION CARRIED UNANIMOUSLY.**

27

28 Brenda Garcia-Van Auken moved, with a second by Ann Lebo, that in **case number**
29 **13-46**, the Board finds that the evidence gathered in the investigation, including
30 witness statements and the documentary evidence, does not substantiate the

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

3
4 Tammy Duehr moved, with a second by Brenda Garcia-Van Auken, that in **case**
5 **number 13-62**, the Board find probable cause to establish a violation of the following
6 provisions of the Code of Professional Conduct and Ethics, 282 IAC – Chapter
7 25.3(6)(o), and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**
8 (Duane Magee left the room during the discussion of this case in closed session.)

9
10 Ann Lebo moved, with a second by Brenda Garcia-Van Auken, that in **case number**
11 **13-77**, the Board find that, although one or more of the allegations in the complaint
12 may be substantiated by the witnesses interviewed in the course of the investigation
13 [and/or] the documents gathered in the course of the investigation, and the allegations
14 may constitute a technical violation of the board’s statute or administrative rules; the
15 evidence before the board indicates that the allegations have been addressed in a
16 previous settlement. The Board will not pursue formal disciplinary action in this
17 matter. **MOTION CARRIED UNANIMOUSLY.**

18
19 Brenda Garcia-Van Auken moved, with a second by Tammy Duehr, that in **case**
20 **number 13-78**, the Board find probable cause to establish a violation of the following
21 provisions of the Code of Professional Conduct and Ethics, 282 IAC – Chapter
22 25.3(1)(e)(4) and 25.3(6)(c) and (d), and order this case set for hearing. **MOTION**
23 **CARRIED UNANIMOUSLY.**

24
25 Tammy Duehr moved, with a second by Brenda Garcia-Van Auken, that in **case**
26 **number 13-79**, the Board find that, although one or more of the allegations in the
27 complaint may be substantiated by the witnesses interviewed in the course of the
28 investigation [and/or] the documents gathered in the course of the investigation, and
29 the allegations may constitute a technical violation of the Board’s statute or
30 administrative rules; the evidence before the Board indicates that the alleged violation
31 was an isolated incident; and, adequate steps have been taken to remedy the violation
32 and to ensure that incidents of a similar nature do not occur in the future. The Board

1 will not pursue formal disciplinary action in this matter. **MOTION CARRIED**
2 **UNANIMOUSLY.**

3
4 Tammy Duehr moved, with a second by Ann Lebo, that in **case numbers 12-118 and**
5 **12-124**, the Board accept the Respondent's waiver of hearing and voluntary surrender
6 and that the Board issue an order permanently revoking the Respondent's license with
7 no possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

8
9 Ann Lebo moved, with a second by Tammy Duehr, that in **case number 13-72**, the
10 Board accept the Respondent's waiver of hearing and voluntary surrender and that the
11 Board issue an order permanently revoking the Respondent's license with no
12 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

13
14 Brenda Garcia-Van Auken moved, with a second by Ann Lebo, that in **case number**
15 **12-81**, the Board accept the stipulation and settlement submitted by the parties, and
16 issue an Order incorporating the agreement of the parties and imposing the agreed
17 upon sanction. **MOTION CARRIED UNANIMOUSLY.**

18
19 Tammy Duehr moved, with a second by Brenda Garcia-Van Auken, to extend the 180-
20 day deadline for issuance of the final decision in **case number 13-35**, based upon the
21 amount of time needed to complete the investigation due to pending criminal charges.
22 Roll call vote: Duehr – yes; Dutcher – absent; Garcia-Van Auken – yes; Hill – yes; Lebo
23 – yes; Overholtzer – yes; Pattee – recused; Prescott – yes; Sullivan – absent. **MOTION**
24 **CARRIED.**

25
26 Andy Pattee moved, with a second by Ann Lebo, to approve the closed session minutes
27 of June 21, 2013. **MOTION CARRIED UNANIMOUSLY.**

28
29 Board Reports:

30 Tammy Duehr reported that she will be giving an ethics presentation to 50 new
31 teachers in her district – Dubuque Community Schools.

1 Mary K. Overholtzer presented to approximately 80 teachers at Professional Educators
2 of Iowa at their leadership conference. She shared with them what she has learned on
3 the board reviewing ethics violations and for teachers to document in order to protect
4 themselves and for communication purposes.

5
6 Andy Pattee complimented Mr. Magee for his presentation at the School
7 Administrators of Iowa (SAI) conference.

8
9 Executive Director's Report:

10 Duane Magee reviewed the financial report.

11
12 Digitizing professional practices packets: The Board really likes reviewing cases on the
13 iPads v. the large paper packets – it's a tremendous move. At times, there are some
14 connectivity issues but we continue to work through them. Digitizing has also saved
15 time with not having to make copies, collating, etc. and it adds to our efficiency.

16
17 Teach Iowa update: On August 5, the state launched a new online education job
18 posting system. It simplifies the search for education jobs and employees, expands the
19 pool of job candidates statewide, and makes hiring and applying for jobs more
20 efficient. The system is provided at no charge to employers and applicants.

21
22 Staffing update: Dave Wempfen has joined the BOEE as the newest consultant. We
23 have now returned to a full staff. The staff is doing a tremendous job as it relates to
24 getting through the volume of work that's hitting us right now.

25
26 The 2012-13 accomplishments were reviewed. Some of the highlights include: The
27 Teach Iowa system which is one of the most important things we have done this year;
28 rolling over the board with the number of new members we have; and, making it
29 through the first year under the new system with the executive director's position
30 being appointed by the governor.

31
32 Duane Magee recognized Joanne Tubbs, BOEE Consultant, and Darcy Lane, BOEE
33 Attorney/Investigator, for their presentation at SAI which was well attended. Some

1 questions the attendees had regarding the presentation included ethics, contract
2 complaints and the praxis exam.

3
4 Mr. Magee also spoke at the SAI conference, along with Dr. Brad Buck, newly
5 appointed director of the DE. It was a “red letter” day and a unique experience.

6
7 Public Comment:

8 None.

9
10 Rules:

11 Adopt:

12 Larry Hill moved, with a second by Andy Pattee, to adopt the proposed changes to
13 chapter 13.28(8) Health, 13.28(14) Physical Education and 13.28(13) Music. **MOTION**
14 **CARRIED UNANIMOUSLY.**

15
16 Notice:

17 Ann Lebo moved, with a second by Jay Prescott, to file under notice of intended action,
18 the proposed changes to chapter 18.10 (1) and (3) Superintendent/AEA Administrator.
19 Roll call vote: Duehr – no; Dutcher – yes; Garcia-Van Auken – yes; Hill – no; Lebo –
20 yes; Overholtzer – yes; Pattee – absent; Prescott – yes; Sullivan – absent. **MOTION**
21 **CARRIED.**

22
23 Larry Hill moved, with a second by Dan Dutcher, to file under notice of intended
24 action, the proposed changes to chapter 13.8 Specific requirements for a master
25 educator’s license. **MOTION CARRIED UNANIMOUSLY.**

26
27 Jay Prescott moved, with a second by Brenda Garcia-Van Auken, to file under notice
28 of intended action, the proposed changes to chapter 25.3(1)(e) Student Abuse.
29 **MOTION CARRIED UNANIMOUSLY.**

30
31 Larry Hill moved, with a second by Jay Prescott, to file under notice of intended action,
32 the proposed changes to chapter 13.28(31) STEM endorsements; 13.28(30) -

1 Engineering; 17.1(3) – Career and Technical License. **MOTION CARRIED**
2 **UNANIMOUSLY.**

3

4 Items for Discussion:

5 A new certifications proposal was reviewed. Discussion will continue at future
6 meetings regarding new areas of certification.

7

8 The proposed changes to chapter 22.6 iJAG Authorization were discussed and will be
9 brought back for notice at a future meeting.

10

11 The proposed change to chapter 13.9(3) Teacher Intern License Requirements were
12 discussed and will be brought back for notice at a future meeting.

13

14 The proposed change to chapter 13.16(1) Requirements for a Substitute Teacher
15 License were discussed and will be brought back for notice at a future meeting.

16

17 The proposed change to chapter 13.17(3) International Exchange License was
18 discussed and will be brought back for notice at a future meeting.

19

20 Mr. Magee discussed Peace Officer Driver’s Education Classroom Instruction. A rule
21 will be drafted and returned to the board for their review.

22

23 Petitions for Waiver:

24 Ann Lebo moved, with a second by Anne Sullivan, that in **PFW 13-08 Allison**
25 **Anderson**, the Board deny the Petition for Waiver. (Allison Anderson was present and
26 did address the Board.) Reasons for denying: Ms. Anderson has communicated with
27 Board staff about possible options for obtaining Iowa licensure. She believes these
28 options would create an undue hardship in terms of time, travel, and expense.
29 However, these are hardships all candidates for licensure face, and therefore the
30 Board did not feel they were undue. Board staff remains willing to work with
31 Anderson to explore alternative paths to licensure within the rules. Having reviewed
32 similar past waivers, the Board concluded granting Anderson’s Petition could cause

1 prejudice to others who are required to complete a teacher preparation program in
2 order to obtain Iowa licensure. **MOTION CARRIED UNANIMOUSLY.**

3
4 Jay Prescott moved, with a second by Ann Lebo, that in **PFW 13-09 Wen Zhao Wang**,
5 the Board grant the Petition for Waiver. Reasons for granting: Ms. Wang does not
6 currently hold an Iowa teaching license. She is a participant in the Teachers of
7 Critical Languages Program (TCLP) administered by the U.S. State Department.
8 Previously, the Board has issued these teachers a regional exchange license. However,
9 applicants must now successfully complete content and pedagogy Praxis exams to
10 receive this license. Ms. Wang's Petition requested a waiver of the rule that states that
11 in order to receive an international exchange license (which does not require testing);
12 the applicant must be a participant in an exchange program administered by the Iowa
13 Department of Education. The Board found it would be an undue hardship to require
14 Ms. Wang to complete the Praxis exams to obtain a Regional Exchange License,
15 because other international teachers are able to obtain an International Exchange
16 License as long as they are coming to the state through a program administered by the
17 Iowa Department of Education. Ms. Wang is coming to the state through a successful
18 and established program administered by the U.S. State Department. The Board
19 granted waiver requests 10-33, 10-34, 10-35, and 10-36, all with the condition that
20 the applicant in question would submit a credential evaluation report verifying the
21 completion of a teacher preparation program. The applicants in all of these requests
22 were coming to the United States through international programs administered by
23 entities other than the Iowa Department of Education. The Board found granting the
24 Petition would not cause prejudice to the rights of others. Wang is a qualified,
25 Chinese-licensed teacher evaluated and selected by the State Department. Having
26 reviewed the materials submitted, the Board found granting the waiver and issuing an
27 international exchange license would not compromise the protection of public health,
28 safety, and welfare in any way. Roll call vote: Duehr – yes; Dutcher – yes; Garcia-Van
29 Auken – yes; Hill – absent; Lebo – yes; Overholtzer – yes; Pattee – absent; Prescott –
30 yes; Sullivan – recused. **MOTION CARRIED.**

31
32 Jay Prescott moved, with a second by Dan Dutcher, that in **PFW 13-10 David Larson**,
33 the Board grant the Petition for Waiver. Reasons for granting: Mr. Larson holds a

1 Professional Administrator License with an expiration date of January 31, 2018. His
2 application to add the superintendent endorsement was denied on July 8, 2013.
3 Mr. Larson is currently a principal in the Bennett Community School District (BCSD).
4 He has completed 85% of his superintendent coursework through the University of
5 Northern Iowa. He requested a waiver of the rule requiring three years of
6 administrative experience prior to obtaining the superintendent endorsement. He has
7 two years of administrative experience, and the BCSD board would like him to become
8 the district's superintendent for the upcoming 2013-2014 school year. Requiring Mr.
9 Larson to complete one additional year as an administrator would cause him to miss
10 out on the opportunity to transition to the superintendent position in the district
11 where he currently works. Combining the superintendent position with Mr. Larson's
12 principal position would reduce costs for the district. The Board found requiring Mr.
13 Larson to complete an additional year of administrative experience before obtaining
14 the superintendent endorsement would create an undue hardship under these
15 circumstances. The Board has previously considered three requests for waiver of this
16 rule. Having considered these past requests, the Board found Mr. Larson's situation
17 was substantially similar to those of previous petitioners who had received waivers of
18 the rule in question, and granting the request would not prejudice the rights of others.
19 Mr. Larson has completed the majority of the coursework required to obtain the
20 superintendent endorsement and has been very involved in the BCSD administrative
21 team for two years. He believes granting the waiver would not compromise public
22 health, safety, and welfare. The president of the BCSD board submitted a letter in
23 support of the petition for waiver stating that Mr. Larson is the best possible candidate
24 for the combined principal/superintendent position. Roll call vote: Duehr – yes;
25 Dutcher – yes; Garcia-Van Auken – yes; Hill – absent; Lebo – yes; Overholtzer – yes;
26 Pattee – absent; Prescott – yes; Sullivan – no. **MOTION CARRIED.**

27

28 Reports/Approvals

29 Phil Wise provided the Board with a legislative update - the legislature is not in
30 session but the Board needs to consider items for the upcoming legislative session.

31

32 Data was reviewed by the Board regarding 2012-13 Endorsement Recommendations,
33 2013-14 Projected Endorsement Recommendations and 2012-13 Teacher Candidates

1 by Endorsements. The data helps drive the conversations regarding some of the
2 shortage areas around the state.

3

4 The 2012-13 Ethics and Licensure Presentations were reviewed.

5

6 License Renewal Annual Reports were reviewed.

7

8 The Waiver Summary Report was reviewed. The report is prepared semi-annually by
9 Darcy Lane.

10

11 Ethics training: At the board retreat there was a conversation on how to proceed with
12 ethics training for pre-service teachers (student teachers) and in-service practitioners
13 (practicing teachers, administrators and other practitioners covered by our licensure
14 requirements). Joanne Tubbs is going to put together the next steps. She is tasked
15 with putting a group together to devise some rule revisions for the Board's
16 consideration.

17

18 Mr. Magee asked the Board to think about when to hold the board retreat for 2014.
19 Some possibilities to consider: Have it in June like we did this year? Move it to July
20 and not have an August meeting? Move August meeting to later in the month? Keep
21 September for a telephonic meeting?

22

23 There being no further business, Anne Sullivan moved, with a second by Ann Lebo to
24 adjourn the meeting. Meeting adjourned at 1:34 p.m.

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